

# *From Vessels to Techno-Sovereigns in Virtual Spaces: Digital Platforms and the Dialectics of Legal Subjectivity in Operational Spaces*

Larry Catá Backer (白 轲)<sup>1</sup>

**ABSTRACT:** This contribution examines the dialectics of legal subjectivity under conditions in which law is increasingly encoded, operationalized, and enforced through technological systems that exceed human cognitive capacity. It asks whether digital platforms have altered the fundamental vectors of legal subjectivity and sovereignty, shifting authority away from human-centered legal orders toward techno-mediated regimes. Using the biblical figure of Samson as an extended metaphor, the paper contrasts a traditional view—platforms as vessels subject to external sovereign control—with a more radical alternative in which the platform itself becomes both edifice and agent, exercising autonomous will. Building on Fabio Bassan’s *Digital Platforms and Global Law* (Bassan 2021), the analysis traces contemporary regulatory trajectories: transnational private ordering, state–platform production agreements, and intermeshing public–private norms. It considers the nature of the subjectivity of platforms by reference to the analogous problem of the subjectivity of the multi-national enterprise; each is both an object, a passive object-space defined by the actions and placement of traditional legal subjects, and the system for ordering those relations. While Bassan’s framework plausibly treats platforms as vessels embedded in evolving legal structures, this paper pushes further, suggesting that platforms may emerge as independent regulatory subjects, potentially sovereign in their own right. As automated and generative decision-making systems internalize governance functions, platforms may constitute their own normative orders, translating control back to humans only as needed. The result is a future of competing sovereignties that destabilizes traditional categories of law, authority, and subjectivity.

**KEYWORDS:** legal subjectivity; digital platforms; techno-sovereignty; automated governance; transnational private ordering; competing sovereignties

## Table of Contents:

1. Introduction.
2. Platform Definition as cognitive starting points.
3. Signifying regulatory cages; virtual realities and legal fictions.
4. The enterprise of the human; the human in the regulatory machine; and efforts at self-control—data and data protection.
5. The platform from object to subject to sovereign.
6. Competing sovereignties.
7. Conclusion.

---

<sup>1</sup> W. Richard and Mary Eshelman Faculty Scholar; Professor of Law and International Affairs, The Pennsylvania State University, ORCID 0000-0002-7492-4527. This text derives from remarks originally prepared for International Symposium: The Technological Paradigm Shift in International and Transnational and European Union Law; Session on Technology and International and Transnational Legal Subjectivity, Roma Tre, Rome, Italy 29 January 2026. My great thanks to Fabio Bassan whose work as always is inspirational.

## ***1. Introduction.***

This contribution examines the dialectics of subjectivity in the face of tech, that is on the question of whether tech itself has upended the conversation about subjectivity in the context in which the text of law is now encoded in language beyond the capacity of humans.<sup>2</sup> In other words, has tech now changed the rules of the game of subjectivity in a way that changes the vectors of legal subjectivity. Within that interplay, one might presume, notions of sovereignty become critical in the sense that the sovereign object is now in play.<sup>3</sup> This play rearranges sovereign autonomy within and among states (for the human-centered conceptual universe in which we mostly operate consciously), the transnational (public internal structures/legalities and private law production/societal relations), and platforms as virtual territorializations within which subjectivity is re-arranged or confused.<sup>4</sup>

To those ends consider the following illustration of my point. The images reference the well-known story of the Israelite judge of the Book of Judges Chps 13-16, who having betrayed his own vows is betrayed, in turn, by the Philistine woman Delilah, his hair cut (his strength), his eyes are gouged out, and, humiliated, he seeks redemption, by bringing down the temple that served as the space celebrating his humiliation.<sup>5</sup> Redemption comes at a cost; he, along with the temple worshippers present, cease to exist, except as story, as narrative, as a virtual and eternal plating of his own story.<sup>6</sup>

---

<sup>2</sup> Backer, Larry Catá and Jan M Brockman, 'The Soulful Machine, the Virtual Person, the "Human" Condition, and its Social Constitution – An Encounter' (2024) 37(3) *International Journal for the Semiotics of Law* 969.

<sup>3</sup> Consider generally Bartelson, Jens, *A Genealogy of Sovereignty* (Cambridge University Press, 1995); Weber, Cynthia, *Simulating Sovereignty: Intervention, the State and Symbolic Exchange* (Cambridge University Press, 1995):

<sup>4</sup> See, Bratton, Benjamin H., *The Stack* (The MIT Press, 2016); Floridi, Luciano, *The Fight for Digital Sovereignty*, (Springer Nature, 2020); Gillespie, Tarlton, *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions that Shape Social Media* (Yale University Press, 2018).

<sup>5</sup> A note on the deity: Judges 16 names the temple Samson destroys as Dagon's, and it is to the temples of Dagon that Saul's decapitated head was fastened and his armor exhibited (Chron. 10:10 (KJV)). Yet the contribution will focus on Baal—whose temples remained even as Dagon's are brought down. That merits disclosure and a note. In the Ugaritic Baal Cycle, Dagon is the god of the granary: a store of value fixed by a completed, sequential process (planting, growing, reaping) and drawn down thereafter in order — a fair figure for law's own temporality of precedent laid on precedent. Baal, by contrast, is a dying-and-rising storm god whose annual return is not a further increment on what preceded it but a recurring, total event that claims continuity of identity with the god who died the season before. Baal is sometimes described as the son of Dagon and sometimes Dagon/Baal is treated as a composite; their temples were sometimes built near each other in similar forms and worship shifted. That provides the metaphor for the contribution's examination: What follows treats the platform not as replacing one temple with an identical one, but as substituting Baal's temporality for Dagon's — versioning, deprecation, and relaunch in place of accretion and sequence — and asks what kind of legal order, if any, can be said to survive that substitution. That is the point that is elaborated in the text that follows above.

<sup>6</sup> Its semiotics is picked up again at Section 7.

Discussion Draft 28 July 2026

The final version will appear in (Fabio Bassan ed.) *The Technological Paradigm Shift in International Transnational and European Union Law*



Pictures created with ChatGPT

Consider the two stories that technology, and technological *kompetenz*, suggests. The first, on the left, is the conventional image, Samson, shorn of the outward elements that signify his power calls on God, the true source of that power to bring down the temple of the Philistines and die along with them. The second, on the right, suggests an alternative way of looking at this—here Samson is not shorn of his hair and it is he by the invocation of his own will that pulls down the temple of the Philistines. Samson is the platform, as well as its edifice and the force of change. The relevant question, then, focuses on the temple, its old ordering, the gods that shape and inhabit them, within which new embodiments of power with their own attributes, emerge. This invokes, in images, the essence of the competing sovereignties premise that is the object of this contribution one that invites but takes in different directions, the classical sovereignty literature.<sup>7</sup>

<sup>7</sup> See, e.g., Hobbes, Thomas, *Leviathan* (Richard Tuck ed, Cambridge University Press 1996; first published 1651) (on the sovereign as artificial person/'Mortall God'); Schmitt, Carl, *Political Theory: Four Chapters on the Concept of Sovereignty* (George Schwab tr, University of Chicago Press 2005; first published 1922) ('Sovereign is he who decides on the exception') and *The Concept of the Political*.

Professor Bassan suggests in his book, *Digital Platforms and Global Law*,<sup>8</sup> that our techno-kompetenz, our platform Samson, remains a vessel, the subject of legal ordering, the expression of which must change with the times in observable ways. That is plausible, from the perspective of the human. Nonetheless, it may be worth a minute to consider the alternative, that the only thing that survives into the future is the platform. It is the platform that will determine not just its own constitution, but also the language and cognitive structures within which it will forge its own reality. In that context, and at its most radical, I will put forward the possibility that platform, itself, remains a regulatory or legal *subject*, not merely its object.<sup>9</sup> However, its subjectivity will be bound by a different sovereignty, one that may well explode the old categories—law, subjectivity, connection, authority. . . . control, in favor of something new, something inhuman, that to the extent it is necessary to do so as it relates to humanity and its management, will be translated back to the human in forms that humans will be taught to understand, and perhaps to need.

To that end one ought to start with Fabio Bassan’s brilliant baseline—*Digital Platforms and Global Law*—around which I will wrap this examination. Professor Bassan posits that the complexities of legal systems and their structures have become all the more so in the face of the new generation of virtual realities and legal fictions that tech has made possible. This is all the more so with respect to that one corner of virtual realities and legal fictions that tend to affect the human communities more ostentatiously—virtual factories that create digital content or services—that Professor Bassan focuses on. He suggests trajectories of regulation that must break free from old categorizations, and perhaps also to come extent the old barriers of sovereignty embedded within states. These transpose the regulatory project inward, within platform systems, and outward within the spaces in which platforms engage with other and usually traditional forms of regulatory spaces. The essence suggests a transposition of the essence of the EU directive out into other regulatory planes—of traditional legislation (whether at the national, international or transnational level) as framing, leaving to its legal subjects the tasks of implementation and compliance. At the same time that arrangement must break the boundaries of traditional sovereign hierarchies precisely because platforms may not be merely autonomous but perhaps also increasingly independent of them—some of them anyway.

From that Professor Bassan can consider a three pronged supra-nationalization of legal ordering. The first touches on the transnationalization of contractual relations between platforms and their communities through uniform private law or the development of global standards and expectations. The second focuses on the globalization of production agreements between states and platforms—a reterritorialization from beyond the state and back into it. The third looks to the elaboration of intermeshing standards and rules and application protocols that suit all parties. The result, in Professor Bassan’s words is an “intricate interweaving between digital platforms, user communities, states, supranational and international organizations [that aggregates and rationalizes] a joint operation of national laws, transnational and international law, primarily private, secondarily public (as regards

---

<sup>8</sup> Bassan, Fabio, *Digital Platforms and Global Law* (Edward Elgar 2021).

<sup>9</sup> Gallemí Albás, Jan, Digital platforms as quasi-sovereign actors: Influence operations and Global Security Law, Global Affairs, Universidad de Navarra (19 March 2026); available [https://www.unav.edu/web/global-affairs/digital-platforms-as-quasi-sovereign-actors-influence-operations-and-global-security-law].

organizational rules), and also subsidiary (as regards regulation).<sup>10</sup> It is, in effect, *the rationalization of structural coupling between autonomous but related subsystems—the legal orders of states and of platforms undertaken within the platform that is international public and private regulatory space.*

From this orienting point I follow Professor Bassan's pathways, but perhaps it will take me to a very different place. I have divided these into five categories: (1) platform definition as cognitive regulatory starting points; (2) signifying eco-systems and orders; virtual realities and legal fictions; (3) The enterprise of the human; the human in the regulatory machine; and efforts at self-control—data and data protection; (4) the platform from object to subject to sovereign; and (5) competing sovereignties.

What is at stake, put plainly and only once, is this: legal subjectivity has always been assigned to what rings a space or acts within it — never to the space itself. That premise held so long as platforms remained passive — market squares, vessels, the object-space Bassan rightly starts from. The claim this contribution tests is that automated and generative decision-making is dissolving that premise from the inside: as decision making migrates from the humans and institutions that once ran the platform and into the platform's own operations, that platform space begins to satisfy the classical tests for subjectivity — the capacity to hold, exercise, and answer for its own normative commitments — without having been granted that capacity by any sovereign act of recognition. It becomes a realized techno-simulation; a subject that constitutes itself rather than being constituted is, by definition, no longer merely a subject. It is what remains once law's old distribution of subject and object — the distribution the market square and the corporation both still honored — stops describing what is actually happening inside the temple. Let us briefly consider the parts of this analysis each in turn.<sup>11</sup>

## ***2. Platform Definition as cognitive starting points.***

Three terms are doing separate work here and are worth separating once, cleanly, before they are allowed to blur. *Legal subjectivity* is the bare capacity to bear rights and duties within a normative order — the minimal condition for being addressed by law at all, rather than merely acted upon through it. *Legal personality* is the formal device by which that capacity is attributed to a given entity — a technology of recognition, contested since Gierke and Maitland between those who treat the person as a fiction the sovereign grants and those who treat it as a real social fact the law merely acknowledges. *Sovereignty* is neither of these; it is the claim to a non-derivative authority — the power not merely to hold rights within an order but to be the order's own source, to possess, in Schmitt's phrase,<sup>12</sup> augmented by Agamben, capacity to decide and the naturalization of the constitution of the exception as unexceptional,<sup>13</sup> or, in

---

<sup>10</sup> Bassan (2021), 143.

<sup>11</sup> Cf., Baudrillard, Jean, *Simulacra and Simulation* (Sheila Faria Glaser tr, University of Michigan Press 1994; first published 1981).

<sup>12</sup> Schmitt, Carl, *Political Theology: Four Chapters on the Concept of Sovereignty* (George Schwab tr, University of Chicago Press 2005; first published 1922).

<sup>13</sup> Agamben, Giorgio, *State of Exception* (Kevin Attell tr, University of Chicago Press 2005).

the language nearer to platforms,<sup>14</sup> *Kompetenz-Kompetenz*: the competence to determine the boundaries of one's own competence.<sup>15</sup> Automated generative systems achieve *subjectivity* functionally long before states concede *personality* or *sovereignty* through formal recognition. A platform can acquire the first without the second, and the second without the third. Everything that follows turns on which of these three claims is actually being made at each stage of the argument, and on the fact that the move from the first to the third is not a matter of degree.

One defines the spaces of reality by defining and signifying those objects that matter to that construction.<sup>16</sup> Here one starts by defining legal subjects—one defines them by reference to the acts or power that constitutes them as objects with benefits—that is as objects holding rights, capacity and duties, recognized as such by the communal expression of a superior force. Here one encounters definitional pathways: technical characteristics (how it operates); interactivity (what it does); law (for whom and under what conditions can operation do what it does. Professor Bassan offers a functional definition: hardware or software *structures* that *provide* tech-based services and tools, programs and applications, that are to be *used* to distribute, manage and create digital content and services.

Nonetheless, it might be useful to think about platforms in two other respects, both of which find their way in Professor Bassan's analysis. The first are platforms as legal objects. In a sense, platforms might be considered as the objects around which legal subjectivity is addressed. That was a point raised in Professor Bassan's critique of the regulatory environment. But it is also one that has dogged other structures of transnational activity beyond the power of states to manage entirely—multinational corporations for instance.<sup>17</sup> In the context of platforms, legal subjectivity attaches to those entities that create structures; it attaches to entities and individuals that provide tech-based services, tools, programs and applications, as well as those who distribute, manage and create. It does not apply to hardware and software (objects without legal subjectivity) as such. In essence, one might ask, does legal subjectivity

---

<sup>14</sup> Maturana, Humberto, and Francisco Varela, *Autopoiesis and Cognition: The Realization of the Living* (Springer, 1980); Luhmann, Niklas, *Law as a Social System* (Klaus A Ziegert tr, Oxford University Press 2004) (self-reference, systems as objects of their own operations).

<sup>15</sup> Kelson, Hans, *Pure Theory of Law* (Max Knight Trans), Berkeley: University of California Press, 1967) (Kelsen does not formulate an explicit doctrine of *Kompetenz-Kompetenz*, his theory of competence-conferring norms (*Kompetenznormen*), hierarchical validity (*Stufenbau*), and the Grundnorm provides one of the principal theoretical foundations upon which later German constitutional theory developed the concept; indeed broken down into these components their application to the authority structures of platforms becomes clearer).

<sup>16</sup> Husserl, Edmund, *Cartesian Meditations: An Introduction to Phenomenology* (Dorion Cairns tr, Martinus Nijhoff 1960; first published 1931); Barad, Karen, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Duke University Press, 2007).

<sup>17</sup> See my earlier work, Backer, Larry Catá, 'The Problem of the Enterprise and the Enterprise of Law: Multinational Enterprises as Polycentric Transnational Regulatory Spaces' in Peer Zumbansen (ed), *Oxford Handbook of Transnational Law* (Oxford University Press 2021) 777; Backer, Larry Catá, 'A Lex Mercatoria for Corporate Social Responsibility Codes without the State? A Critique of Legalization Within the State Under the Premises of Globalization' (2017) 24(1) *Indiana Journal of Global Legal Studies* 115; Backer, Larry Catá, 'The Emerging Normative Structures of Transnational Law: Non-State Enterprises in Polycentric Asymmetric Global Orders' (2016) 31(1) *Brigham Young University J. of Public Law* 1.

apply to a space—for that is what one is engaging with, or does it apply better to those traditional subjects of law that either ring the space (and by ringing it give the space definition), or that act in it.<sup>18</sup>

This is the essential question of the story of Samson with which this contribution started—is Samson the vessel for the projection of Divine will, or is he his own projection with consequences applied by the Divine? Professor Bassan recognizes public and private regulation as communicating vessels. Might the same thing not apply to the space that is the platform itself? One can regulate around platforms, but for it to be regulated it must somehow constitute itself, not as the aggregation of consequential effect but in itself. To do that, one requires an inversion in the relationship between the platform itself and the generation of hardware and software structures, the provision of good and services, and the distribution of digital content.

Yet space is also phenomenological. *Samson acts* and by acting defines and changes the normative platform space now (re)created.<sup>19</sup> And he acts in time with ripples that are felt and then understood within the cognitive premises that shape reality, including the reality of the significance of the space occupied and its disturbance. The platform, then, like the temple, are spaces within which action occurs but it may also be acted upon and interacts with its environment, physical and virtual/intangible. That is, platforms constitute rather than merely contain their objects.<sup>20</sup>

The second is platforms as out-law, that is as existing outside of the protection and coercive reach of law.<sup>21</sup> To some extent that defines a potentially broad area of activity. That a thing or actor exists outside the law does not mean that the thing lacks personality; it lacks only the recognition of that personality in law. And even that is not true—the law does extend recognition of the legal personality of criminal enterprises and of bandit and terrorist gangs. That recognition extends only to the extent necessary to suppress the organization along with its members. In that respect, and as a matter of pragmatic limits, it might become clear that platforms that are not merely objects, may also be subjects but not of the law of States but of the law or rules or expectations that lie elsewhere than in the traditional structures of law built around states and their international institutional instrumentalities.

Now the object becomes clearer—what one is dealing with here are the arrangements around tightly interconnected societal elements within intertwined aligned collectives. The issue is not necessarily

---

<sup>18</sup> Invoking the classical fiction-versus-reality debate for example with respect to corporate bodies and the role of law in their constitution. See, e.g., Maitland, Frederic William, 'Moral Personality and Legal Personality' (1905) 6 *Journal of the Society of Comparative Legislation* 192; Gierke, Otto von, *Political Theories of the Middle Age* (Frederic William Maitland tr, Cambridge University Press 1900).

<sup>19</sup> DuFour, Tao, Space, as a Theme in Phenomenology, in de Warren, N., Toadvine, T. (eds) *Encyclopedia of Phenomenology*. Springer, Cham. [https://doi.org/10.1007/978-3-030-47253-5\\_294-1](https://doi.org/10.1007/978-3-030-47253-5_294-1). Generally, Husserl, Edmund, *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy, First Book* (Fred Kersten tr, Martinus Nijhoff 1982; first published 1913).

<sup>20</sup> Through an actor-network theory lens, Latour, Bruno, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford University Press 2005).

<sup>21</sup> Agamben, Giorgio, *Homo Sacer: Sovereign Power and Bare Life* (Daniel Heller-Roazen tr, Stanford University Press 1998); cf., Nietzsche, Friedrich, *On the Genealogy of Morality: A Polemic* (Carol Diethe tr, Cambridge University Press 2006; first published 1887).

about platforms, as such, it is about a specific class of platform, or their legal subject components, agents, instruments, and institutional apparatus, whose operation within the collective structures of politics must be aligned to the realities of emerging conditions, ones in which the old structures and theories of control just don't work anymore.

### ***3. Signifying regulatory cages; virtual realities and legal fictions.***

From the frying pan of definition it is only a small leap to the fires of regulatory cognition—something like a self-referencing process for selecting and organizing thought, belief, emotion, facts, and ideas about the “nature” of things and how “things work.” For regulatory cages, Professor Bassan considers two. The first are eco-systems, the interactive, interdependent and interrelated elements of which are qualified by, as, and through iterative transactions in markets/platforms. The second are orders, institutions, and power arrangements in and through states and other sovereign actors.

Legal orders represent the fundamental glue that holds the current structures of human collective social relations together. The dialectics between the structures, institutions and language of politics—its legal structures, language, institutions, and cultures—manifest the core premises of that ordering. Hierarchy of power and legitimacy and authority follow. That is inevitable under the old ordering now many thousands of years in the making, and always contested and contestable within the structures of their ordering premises.<sup>22</sup> In that context, to speak of platforms was to speak of empty spaces. Platforms were the market spaces near the center of old towns. These were defined by the buildings around them—the institutions of state within the solid buildings of the *municipio*; the institutions of normative ordering represented by the buildings housing the church; and the varied buildings housing those who were engaged in the variety of activities that took place in, across, or around that empty space—producers and consumers of goods and services, those who transported and delivered the goods, and the instrumentalities of order. The platform was a consequential place and state of being. And thus again the focus on defining actors and subjects of law and regulation, as well as defining and finding law in and beyond the state—its formal structures and its bio-politics.<sup>23</sup>

In this sense all production could be understood as eco-systems defined by reference to all of its components, each of which could be understood as actors rather than as spaces on or through which action occurs. It is in the sense of the development of consensus and expectation, of rules, by all actors around and in the platform space—the marketplace—that one can speak of a consequential autonomy—not of the space itself but of the actors who are free to produce a self-referencing set of governance

---

<sup>22</sup> Cf., Teubner, Gunther, 'Societal Constitutionalism: Alternatives to State-Centred Constitutional Theory?' in Christian Joerges, Inger-Johanne Sand and Gunther Teubner (eds), *Transnational Governance and Constitutionalism* (Hart Publishing 2004) 3; Cf., Deleuze, Gilles and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Brian Massumi tr, University of Minnesota Press 1987).

<sup>23</sup> Foucault, Michel, *Discipline and Punish: The Birth of the Prison* (Alan Sheridan tr, Vintage Books 1995; first published 1975).

expectations in the shadow of others.<sup>24</sup> This I sometimes called the emergence of the law of non-state governance systems.<sup>25</sup> Nonetheless, I still wonder whether one speaks here to non-state systems or to actors who are the components of that system or to their actions which accumulating give that non-state system form.

Yet all of that was crafted while humans roamed alone. Humanity has created something in its own image and has set it loose within the structures of its own collective and institutional spaces. Nonetheless, at least in its early stages, up to the present moment, the alignment of new, virtual, forms, with old passive spaces, remains strong. *Municipio, chiesa, mercante, cliente, trasporto, soldati*, these were the actors that mattered as much in virtual spaces as they did in the old town squares, in buildings in which people bought and sold things and the like.<sup>26</sup> But now instead of turnip merchants on old town Lucca, one has Airbnb, Uber, Meta, each of which create the spaces within which they operate defined by a virtualization, the digitalization of the structures necessary to contain the activities of these merchants within the subjectivity of the larger legal spaces within which it is possible for them to operate. More explicitly: *traditional physical squares were bounded by external architectural edifices, whereas modern platforms generate their own internal, algorithmic physics and cognitive boundaries*.

Orders, legal or regulatory orders, along with the interactive activities to which they relate both as activity and actor (subject), then define a way of approaching the structuring of social relations that incorporates the active principle and that ignores or makes invisible its passive elements. To speak of platforms, then, at this stage, is to speak in metaphor. One evokes the space, but one is interested in the surroundings that give it form, and the actors and activities that may be profitably undertaken there. Nonetheless—an invoking Gertrude Stein’s evocation of Oakland, California, “there is no ‘there’ there”.<sup>27</sup> It makes sense, then, that the regulation of actors who engage in activities in virtual spaces (platforms) and those who are drawn to those spaces for their own ends, tend to be as fractured and varied—and to some extent incoherent, an important element of Professor Bassan’s analysis—as the legal subjects that come within the gaze of law. In that respect, platform law suffers the same structural issues as the equally frustrating legal-regulatory approaches to multinational enterprises, themselves a component of the regulatory framework for supply and production chains in and across states, as well as the separate treatment of its normative component (sustainability and human rights) and the distribution of the value added of production through taxation.

And yet, and yet, the day is coming, as Professor Bassan notes, for the self-constitution and liberation of the platform itself.<sup>28</sup> It comes not with or through those structures—*municipio, chiesa, mercante, cliente*,

---

<sup>24</sup> This is precisely the intellectual territory of Niklas Luhmann (autopoietic legal systems) and Gunther Teubner (societal constitutions). See, Luhmann, Niklas, *Law as a Social System* (Klaus A Ziegert tr, Oxford University Press 2004); Teubner, Gunther, *Constitutional Fragments: Societal Constitutionalism and Globalization* (Oxford University Press 2012).

<sup>25</sup> Cf., Backer, Larry Catá, ‘Are Supply Chains Transnational Legal Orders? What We Can Learn From the Rana Plaza Factory Building Collapse’ (2016) 1(1) UC Irvine Journal of International, Transnational, and Comparative Law 11.

<sup>26</sup> Cf., Husserl, Edmund, *Cartesian Meditations: An Introduction to Phenomenology* (Dorion Cairns tr, Martinus Nijhoff 1960; first published 1931).

<sup>27</sup> Stein, Gertrude, *Everybody’s Autobiography* (Random House 1937).

<sup>28</sup> Cf., Foucault, Michel, ‘The Subject and Power’ (1982) 8(4) Critical Inquiry 777.

*trasporto, soldati*, —but through technology itself. Or more precisely it comes as the platform acquires its own self-consciousness through a power to think and act for itself; a virtual territorialization within physical space the cognitive networks of which are woven with legal fictions.<sup>29</sup> For that decision making is transferred from the corporate board and the humans in Meta, for example, from producers and consumers, and is transferred to automated systems of decision making overseen by generative intelligence. We are almost there. An increasing number of steps in the process of regulating these passive spaces and especially of managing what goes in in them has been automated. Steps, parts of steps in decision making. It is when the great enterprises, the state, the church, and consumers and producers themselves become legal subjects of automated decision making and decision making systems originating in the platform, that the platform will become animated, and with it the locus of law will shift. It may produce a platform and the actors within, consuming, producing, meandering in and out of it, that may exceed human cognitive capacity, and certainly even now barely manages to extend its conventional regulatory capacity.<sup>30</sup> But not yet.

Its glimmerings, however, are nicely extracted and used by Professor Bassan, and rightly so. It is true enough, for example, that strictly speaking empty spaces do not displace the objects/actors that give them form. This is my market square illustration. At the same time platforms, and especially virtual platforms do displace. And they are likely to displace much more energetically in the future. Empty spaces filled with actors and defined by those edifices whose own space taking gives the platform space its (passive or consequential) form, provide the vessel within which the components of platform action can acquire a form, normative framework, and regulatory behavioral expectations that are autonomous of and that represent a synergy of these components into a more coherent (perhaps not unified) form. The market square, like the Place de la Revolution in Paris, can become a space in which those gathered or operating within it may organize a separate self-consciousness that may be deployed to further their joint enterprising, or deployed to resist, bargain with, or destroy the surrounding structures. During the Terror, the Place de la Revolution might have been said to be not merely a space, but the action oriented manifestation of the spirit of the Republic.

#### ***4. The enterprise of the human; the human in the regulatory machine; and efforts at self-control—data and data protection.***

It is at this point in the analysis that one bumps up against the contemporary debates about platform governance, one which looks backwards toward the regulation of those legal subjects operating in and through platform spaces; and one that looks forward to the regulation of automated decision making that threatens to upend the current *lebenswelt* of regulatory reality by forcing a recognition that the platform space is indeed alive; and it is alive as its own regulatory subject! That accounts for what sucks up virtually all of the air in the spaces in which we gather for advancing the regulatory project. Current ecosystems of regulation (state, inter and trans-national, international, private) that consume and digest its

---

<sup>29</sup> Baudrillard, Jean, *Simulacra and Simulation* (Sheila Faria Glaser tr, University of Michigan Press 1994; first published 1981).

<sup>30</sup> Cf., Agamben, Giorgio, *Homo Sacer: Sovereign Power and Bare Life* (Daniel Heller-Roazen tr, Stanford University Press 1998) (as a standard reference point for a legal order that constitutes its own space of exception and inclusion)..

subject (platforms) by reference to its objects (operation, interactivity, territories) remains the order of the day. Again states and other actors regulate platforms the way that multinational enterprises are regulated—not as system or as webs of relationships but as the entities that have been recast as the legal subjects of platform spaces and the activities undertaken in and around them.

Professor Bassan suggests a move toward the layered regulation of those spaces as places and crossroads. He suggests the emerging character of the platform as system rather than as consequence of active actors. That is effectively the same trajectories of evolution if the regulatory responses to multinational enterprises with periodic fixations on the normative elements of the moment. In Europe with respect to MNEs that has focused on human rights and sustainability, with the extension of the form and spirit of EU directives into compliance based regulatory supervision regimes—the Corporate Sustainability Due Diligence Directive, the Taxonomy Regulation, and the like.<sup>31</sup> But it has also been subject to retrenchment as a political matter from after the report of Mario Draghi and its focus on simplification. The same applies with respect to regulatory efforts around platforms. Multi-layered efforts around the objects and processes in and through platforms, but the platform remains an empty space. And where it is meant to be filled—in the case of platforms with respect to artificial intelligence and other forms of automated decision making, there is also simplification in the face of retreat of the regulatory project in the rest of the West.

That moves one to the regulatory efforts around platforms. One appears less concerned with the governance of the platform than of the actions and undertaking within the platform, its products, and the commodities, the objects, persons and processes necessary and necessarily consumed in the process of production—including the consumption of law. One speaks here to the law of commodification, of course. To those ends the law must distinguish between legal objects and legal subjects. For that purpose it is first necessary to identify legal objects—those things, processes, persons, interactions, relationships, consequences and uses that are of interest to the law-state, or to any regulatory apparatus in the contemporary ordering of managerial power. Data is an essential commodity in the regulation of platforms. One does not regulate platforms, one regulates data in platforms, or better still, one specifies the rights and duties of legal subjects respecting data. At the same time, regulatory sub-systems attempt the same—through internal and private law mechanisms within action pathways in enterprises and in the relation between legal subjects attached to the same data object in ordering their public and private law relations.

It is here that the human remains very much at the center of the regulatory machine, however one parses that term. The complication arises where the pathways, and the control, of legal *objects* (produced and consumed) are no longer primarily attached to a human. That then touches on the law of automated decision making in platforms, and to the extent that it is centered in a platform, on the autonomous regulatory character of the platform not as space but as regulatory actor in its own right. It is here,

---

<sup>31</sup> Directive (EU) 2024/1760 of the European Parliament and of the Council on Corporate Sustainability Due Diligence [2024] OJ L 2024/1760; Directive (EU) 2022/2464 of the European Parliament and of the Council as regards Corporate Sustainability Reporting [2022] OJ L322/15 (amending and largely replacing Directive 2014/95/EU); Regulation (EU) 2020/852 of the European Parliament and of the Council on the establishment of a framework to facilitate sustainable investment (Taxonomy Regulation) [2020] OJ L198/13.

though, that resistance is fierce—at least among those who still believe in the centrality of the human to the project of human ordering. The notion, now embedded in national and international instruments, as well as in the expectations of legal subjects with their own scope of authority, is to insert the human within automated and generative decisions making systems, especially where those processes are regulatory in form or human consequential in effect.

For platforms of the sort with which Professor Bassan is concerned—for the virtual factories of digital content, services, etc.—the connection to the human is both direct and intimate. One speaks here not merely of systems, of spaces, of the autonomy of regulation, or of the commodified and packaged aggregations of the product of human essentialization into objects that can be marketed on one or another platform. One speaks here to the intimately human at the core of the Western and European project of individual human dignity,<sup>32</sup> and of the consequences of that core ordering premise for the legal subjects hovering around and in virtual digital content platform factories.<sup>33</sup> Therein lies the contradiction of the project of platform governance—the contradiction of digitalized spaces the object of which has always been measured against the consequences to the physically human. And it is precisely in that context that the regulatory fracture of the current model—focused on the functionally differentiated bits of digital content production—fails the human.

### ***5. The platform from object to subject to sovereign.***

And yet all of this leads back to Professor Bassan's fundamental insight with respect to tech-based virtual markets—to platforms as the factories of digital content. What I have been suggesting *sotto voce*, now is clearly heard (in text, of course): even as the legal regulatory project speaks to platforms but aims at the component elements of the variations that are generally included in conceptions of a legal ordering, the platform itself has been acquiring a legal-normative capacity. It is the platform itself that then serves as a framing structure within which it can produce, develop, and manage its own system of legal-regulatory objectivity and subjectivity; the virtual territorialization concept manifested.<sup>34</sup> It is both the expression of the normative cognitive principles within law-regulation can be produced and consumed and the space within which it occurs among its internal content, actors, processes, and engagements, that is, among actors and objects that in the aggregate constitute the universe of users, producers and consumers of the actions and objects that both operate within and constitute the platform. The platform, then, serves as a nodal point of a constituting semiotic recursive dialectics—within which a system of meaning (semiotics) is actively building or shaping through an ongoing, self-referential loop of opposing forces or ideas that keep feeding back into and transforming each other and the space within which this looping happens.

---

<sup>32</sup> Backer, Larry Catá, 'Describe, Predict, Intervene!—On Objective Subjectivities and the Simulacra of Semiotics in the New Era' in Frank Fleerackers (ed), *Rearguards of Subjectivity* (Springer 2023) 21; Backer, Larry Catá, and Matthew B. McQuilla, 'The Algorithmic Law of Business and Human Rights: Constructing Private Transnational Law of Ratings, Social Credit and Accountability Measures' (2022) 18(4) *International Journal of Law in Context* 1.

<sup>33</sup> Backer, Larry Catá, 'Trust Platforms: The Digitalization of Corporate Governance and the Transformation of Trust in Polycentric Space' (2024) 19 *Regulation & Governance* 806-830 (doi:10.1111/rego.12614).

<sup>34</sup> Latour, Bruno, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford University Press 2005). More theoretically provocatively, Deleuze, Gilles and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Brian Massumi tr, University of Minnesota Press 1987).

That, in turn, requires the confluence of a variety of factors. The recent history of movements around the regulation of multinational enterprises—as objects, processes, systems—as platforms for coordinated economic production—provides a useful template in that respect.<sup>35</sup> The first touches on the development of a regulatory solidity within the coordinated operations of the Mne, within its platform. That, in turn, is a function of private law (its internal regulation), and its ability to turn that regulation into constituting directives, not merely commands within an operating system. That is, where the MNE has used its own private law to constitute itself as something greater than and apart from both its state-based constituent parts and from the regulatory nets of its constituent forms. The second touches on the development of a set of normative drivers, of a core of value-based expectations, that are shared by a community of participants.

Sometimes this has been derived from the production of values narratives at the international level—the development and deployment of the UN Guiding Principles for Business and Human Rights<sup>36</sup> effectively acknowledged a space of private law around which an MNE platform could constitute itself as a function of compliance with values and expectations reflecting international law and norms. The third touches on the ability to draw all critical actors within the normative orders that are constituted around the MNE. That requires the construction of systems of interpenetration between the MNE internal system and the external systems within which and through which the MNE must navigate. To a substantial degree that produces hierarchies of overlapping compliance—compliance with its own internal rules at the greatest level of generality, with contextually relevant compliance obligations locally and strategic movements of activity among localities to maximize both sovereign authority and the protection of the integrity of the system. To those ends, normative internationalism and contextual compliance becomes the means by which MNE “middle powers” navigate their own autonomy.<sup>37</sup> The template applies with perhaps greater force to the digitalized platform.

## ***6. Competing sovereignties.***

That leaves open the question—what is it that has been liberated from the State and its legal ordering?<sup>38</sup> Secondarily, one might wonder how far that liberation extends. Professor Bassan, reflecting contemporary thinking focuses on human (national, transnational) and virtual (platforms, process, pathways). What emerges from this short discussion, however, may be somewhat richer. Legal subjectivity is critical to the regulation of the components—that actors and objects (or at least the impacts

---

<sup>35</sup> Backer, Larry Catá Backer, “Regulating Multinational Corporations: Trends, Challenges, and Opportunities,” (2015) 22(1) *The Brown Journal of World Affairs* 153-173.

<sup>36</sup> United Nations, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework* (2011) UN Doc HR/PUB/11/04. Cf., Backer, Larry Catá and Claire Methven O’Brien (eds), *The Current State and Future Trajectories of Human Rights Due Diligence Laws: New Legal Norms on Human Rights Due Diligence* (Routledge 2024).

<sup>37</sup> On the emerging discourse of middle power autonomy, see, e.g., Carney, Mark, Address to the World Economic Forum, Dabos, Switzerland, 19 January 2026; transcript available [<https://globalnews.ca/news/11620877/carney-davos-wef-speech-transcript/>].

<sup>38</sup> Cf., Schmitt, Carl, *The Concept of the Political* (George Schwab tr, University of Chicago Press 2007; first published 1932)

of the objects on actors) that engage in activity within or through the platform. That legal subjectivity is most acute within traditional forms—the state and its domestic orders. Yet the platform is more than its components, and, indeed, it does not align with the limits of state power. It is also necessarily fractured, and barely coherent even as within a single platform, or platform function. Legal subjectivity, then, extends itself by shifting from command to constitution. It creates objectives and frameworks, goals and normative edifices; it also permits the space necessary for the platform to manage these directives and compliance expectations. In one sense the platform becomes the space within which its relevant components are reconstituted as privatized organs of administration. In another sense that framework opens the door to what is a first a subordinate autonomy (of method and form), but ultimately of autonomy across a larger number of domestic orders. That latter tendency is augmented where the domestic legal order is itself a subject of a superior organ—if not of law then of normative constraints.

In this way the platform can serve as its apparatus. By serving as an institutional structures for component compliance across fields of law that apply unevenly to some or all of those component elements. Across the breadth of its operations, however, the platform begins to (re)constitute itself not as a passive space but as the institutional structure for the elaboration of its own legal subject. The platform may serve as the fictive space where its components may be aggregated for purposes of compliance. At the same time the platform may itself become its own legal subject. That process transformation is in turn augmented where the internal legal subjects of the platform are neither physical or fictive legal subjects (or their objects) but instead where they are the automated or generative manifestations of platform autonomous decision making, including decisions about the operationalization of the duties and responsibilities of its own internal constitution and engagement with “outside” sovereignties.

Again, this is as messy as the notion of platform. Two examples bring this into contemporary realities. The first is wrapped up in the 2024 contest between the constitutional order of Brazil embedded within the competences of its courts and Starlink in which the Brazilian courts exploded the notion of “veil piercing” to effectively create a platform around Elon Musk’s business interests in a fight over control of the social spaces of political debate in Brazil.<sup>39</sup> The second involved TikTok in Colombia in which the Colombian Constitutional Court ordered the social media site to restore the account of a user wrongly blocked asserting power over TikTok even in the absence of any physical presence in Colombia.<sup>40</sup> In the former case the Brazilian courts pushed back against the assertion of self-legal subjectivity by a platform through the use of traditional legal bases now reinvented. In the latter case the court projected its own constitutional norm systems into a global platform on the basis of “effects”—a powerful extraterritorial doctrine now turned from state against state to states against non-state sovereignty.

The cases might be understood in this context as an empirical counterweight needed to show how traditional sovereign “temples” (state courts) attempt to re-assert jurisdiction over platform “Samsons” that operate as de facto extra-territorial normative orders. In both cases, State courts deployed their own legal architectures (economic group doctrines, constitutional rights, tutela) to confront platforms that

---

<sup>39</sup> Supremo Tribunal Federal (Brazil), orders of Reporting Justice Alexandre de Moraes suspending X and freezing Starlink Brazil’s assets on ‘economic group’ grounds (August–October 2024).

<sup>40</sup> Corte Constitucional de Colombia, Sentencia T-453 de 2024 (6 November 2024) (Montufar Rodríguez v Red Social TikTok).

increasingly function as autonomous normative orders with their own internal rule-systems. They also give a concrete sense of how the “temple” of traditional law is trying to reassert itself against a Samson-platform that does not sit comfortably within old jurisdictional and subjectivity categories. The platform will contain within itself competing sovereignties even as it continues to strengthen the basis of its own self-subjectivity. At the same time it will also generate its own superstructure through which these competing sovereignties will be utilized as objects, or factors in the production of the digital goods and services toward which it was created.<sup>41</sup> To understand the coming nature of the platform in autonomous terrains, one ought to keep an eye on the evolution of the global enterprise and its layered autonomy—of Starlink, and Toyota, and Chevron—among others.

That raises a final problem, a theoretical paradox perhaps, that also is suggested through the imaginaries of Samson at the temple: Can a platform achieve sovereignty (autonomy) if its underlying physical architecture (undersea cables, satellite arrays, server farms, energy grids) remains subject to physical coercion by territorial states; can a territorial state retain sovereignty (autonomy) if its operational architectures are dependent on the operation of autonomous machine systems operating in, as, and through platforms? The subject is rich and awaits further development; and its effects can already be felt: a state’s defense and emergency communications become entirely reliant on a private platform operating in low Earth orbit;<sup>42</sup> the disruption of global internet traffic by destroying undersea cables.<sup>43</sup> What this contribution suggests, though, is that these sovereignties may not diminish each other but instead produce new spaces for inter-subjective engagement grounded in mutual co-dependence and friction. Addressing this tension—the physical vulnerability of hardware versus the virtual autonomy of the platform’s internal normative logic; the physical vulnerability of the operation of the state versus the conceptual autonomy of autonomous systems indispensable for its operation. Here both political and systems theories will have much to say.

## ***7. Conclusion.***

I will leave this discussion here with this thought on the coming nature of digital globalization: Platforms will continue to evolve as legal subjects, as legal objects, and as subject, like law, only to itself (techno-Kompetenz-Kompetenz) and thus only to its own law in accordance with its own rule of law. The Temple of Dagon has fallen, but Samson is also dead, and in its place one might wonder whether Baal emerges from the rubble of the precipitating storm that took the form of Samson.<sup>44</sup> The platform remains. What

---

<sup>41</sup> Nietzsche, Friedrich, *On the Genealogy of Morality: A Polemic* (Carol Diethe tr, Cambridge University Press 2006; first published 1887).

<sup>42</sup> Centre for Strategic and International Studies (CSIS), ‘Starlink Militarization and Its Impact on Global Strategic Stability’ (*Interpret: China*, 19 September 2023) <<https://interpret.csis.org/translations/starlink-militarization-and-its-impact-on-global-strategic-stability/>> accessed 31 July 2026.

<sup>43</sup> Federal Foreign Office (Germany) and Ministry for Foreign Affairs (Finland), ‘Joint Statement by the Foreign Ministers of Finland and Germany on the Severed Undersea Cable in the Baltic Sea’ (Press Release, 18 November 2024) <<https://www.auswaertiges-amt.de/en/newsroom/news/2685132-2685132>> accessed 31 July 2026; Swedish Police Authority (*Polismyndigheten*), ‘Preliminary Investigation into Damaged Undersea Telecom Cables in the Swedish Economic Zone’ (Official Announcement, 19 November 2024) <<https://www.kustbevakningen.se/en/more-news/assistance-from-the-swedish-coast-guard-concerning-damaged-cables-in-the-baltic/>> accessed 31 July 2026.

<sup>44</sup> Recall the discussion at Footnote 2.

emerges from the rubble has yet to assume a form. In the meantime one can expect a frenzied effort, like the bacchanal at the Temple in Gaza, to construct traditional legal structures and to evolve it through human layering between local, national, regional and international human institutions. In the meantime the platform Samson will generate a power of his own either from out of himself or as a conduit of an exogenous voice. It will become itself, apart from the Temple, and in the process, the situation may eventually cause the fall of the temple of traditional law. If I were the high priest of Baal in Gaza, gazing at the ruins of the Temple of Dagon and the body of its destroyer, I might watch out for the self-generating and autonomous platform who will not be chained to old structures and methods, but whose connection affects them all.

## Bibliography (OSCOLA / Oxford Style)

The Oxford Standard for Citation of Legal Authorities (OSCOLA) is used here as the applicable "Oxford" style for a legal essay of this kind. Entries are grouped by function and, within each group, alphabetized by author surname.

### 3.1 Primary source

Bassan, Fabio, *Digital Platforms and Global Law* (Edward Elgar 2021).

### 3.2 Author's prior scholarship consulted

Backer, Larry Catá, 'A Lex Mercatoria for Corporate Social Responsibility Codes without the State? A Critique of Legalization Within the State Under the Premises of Globalization' (2017) 24(1) *Indiana Journal of Global Legal Studies* 115.

—, 'And an Algorithm to Entangle Them All? Social Credit, Data Driven Governance, and Legal Entanglement in Post-Law Legal Orders' in Nico Krisch (ed), *Entangled Legalities Beyond the State* (Cambridge University Press 2021) 79.

—, 'Are Supply Chains Transnational Legal Orders? What We Can Learn From the Rana Plaza Factory Building Collapse' (2016) 1(1) *UC Irvine Journal of International, Transnational, and Comparative Law* 11.

—, 'Describe, Predict, Intervene!—On Objective Subjectivities and the Simulacra of Semiotics in the New Era' in Frank Fleerackers (ed), *Rearguards of Subjectivity* (Springer 2023) 21.

—, 'Shaping a Global Law for Business Enterprises: Framing Principles and the Promise of a Comprehensive Treaty on Business and Human Rights' (2016) 42(2) *North Carolina Journal of International Law* 417.

—, 'The Cri de Jessup Sixty Years Later: Transnational Law's Intangible Objects and Abstracted Frameworks Beyond Nation, Enterprise, and Law' in Peer Zumbansen (ed), *The Many Lives of Transnational Law: Critical Engagements with Jessup's Bold Proposal* (Cambridge University Press 2020) 386.

—, 'The Emerging Normative Structures of Transnational Law: Non-State Enterprises in Polycentric Asymmetric Global Orders' (2016) 31(1) *Brigham Young University Journal of Public Law* 1.

—, 'The Problem of the Enterprise and the Enterprise of Law: Multinational Enterprises as Polycentric Transnational Regulatory Spaces' in Peer Zumbansen (ed), *Oxford Handbook of Transnational Law* (Oxford University Press 2021) 777.

—, 'Trust Platforms: The Digitalization of Corporate Governance and the Transformation of Trust in Polycentric Space' (2024) *Regulation & Governance* (advance online publication)  
doi:10.1111/rego.12614.

Backer, Larry Catá and Jan M Broekman, 'The Soulful Machine, the Virtual Person, the "Human" Condition, and its Social Constitution – An Encounter' (2024) 37(3) *International Journal for the Semiotics of Law* 969.

Backer, Larry Catá and Matthew B McQuilla, 'The Algorithmic Law of Business and Human Rights: Constructing Private Transnational Law of Ratings, Social Credit and Accountability Measures' (2022) 18(4) *International Journal of Law in Context* 1.

Backer, Larry Catá and Claire Methven O'Brien (eds), *The Current State and Future Trajectories of Human Rights Due Diligence Laws: New Legal Norms on Human Rights Due Diligence* (Routledge 2024).

### 3.3 Philosophy and social theory of sovereignty, subjectivity, and non-state legal order

Agamben, Giorgio, *Homo Sacer: Sovereign Power and Bare Life* (Daniel Heller-Roazen tr, Stanford University Press 1998).

—, *State of Exception* (Kevin Attell tr, University of Chicago Press 2005).

Barad, Karen, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Duke University Press, 2007).

Bartelson, Jens, *A Genealogy of Sovereignty* (Cambridge University Press, 1995).

Bratton, Benjamin H., *The Stack* (The MIT Press, 2016);  
<https://doi.org/10.7551/mitpress/9780262029575.001.0001>.

Centre for Strategic and International Studies (CSIS), 'Starlink Militarization and Its Impact on Global Strategic Stability' (*Interpret: China*, 19 September 2023)  
<<https://interpret.csis.org/translations/starlink-militarization-and-its-impact-on-global-strategic-stability/>> accessed 31 July 2026.

Deleuze, Gilles and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Brian Massumi tr, University of Minnesota Press 1987).

Baudrillard, Jean, *Simulacra and Simulation* (Sheila Faria Glaser tr, University of Michigan Press 1994; first published 1981).

DuFour, Tao, Space, as a Theme in Phenomenology, in de Warren, N., Toadvine, T. (eds) *Encyclopedia of Phenomenology*. Springer, Cham. [https://doi.org/10.1007/978-3-030-47253-5\\_294-1](https://doi.org/10.1007/978-3-030-47253-5_294-1).

Floridi, Luciano, *The Fight for Digital Sovereignty*, (Springer Nature, 2020).

Foucault, Michel, *Discipline and Punish: The Birth of the Prison* (Alan Sheridan tr, Vintage Books 1995; first published 1975).

—, 'The Subject and Power' (1982) 8(4) *Critical Inquiry* 777.

Gallemí Albás, Jan, Digital platforms as quasi-sovereign actors: Influence operations and Global Security Law, Global Affairs, Universidad de Navarra (19 March 2026); available [<https://www.unav.edu/web/global-affairs/digital-platforms-as-quasi-sovereign-actors-influence-operations-and-global-security-law>].

Gierke, Otto von, *Political Theories of the Middle Age* (Frederic William Maitland tr, Cambridge University Press 1900).

Gillespie, Tarlton, *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions that Shape Social Media* (Yale University Press, 2018).

Hobbes, Thomas, *Leviathan* (Richard Tuck ed, Cambridge University Press 1996; first published 1651).

Husserl, Edmund, *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy, First Book* (Fred Kersten tr, Martinus Nijhoff 1982; first published 1913).

—, *Cartesian Meditations: An Introduction to Phenomenology* (Dorion Cairns tr, Martinus Nijhoff 1960; first published 1931).

Latour, Bruno, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford University Press 2005).

Luhmann, Niklas, *Law as a Social System* (Klaus A Ziegert tr, Oxford University Press 2004).

Maitland, Frederic William, 'Moral Personality and Legal Personality' (1905) 6 *Journal of the Society of Comparative Legislation* 192.

Maturana, Humberto, and Francisco Varela, *Autopoiesis and Cognition: The Realization of the Living* (Springer, 1980).

Nietzsche, Friedrich, *Beyond Good and Evil: Prelude to a Philosophy of the Future* (Judith Norman tr, Cambridge University Press 2002; first published 1886).

—, *On the Genealogy of Morality: A Polemic* (Carol Diethe tr, Cambridge University Press 2006; first published 1887).

Schmitt, Carl, *Political Theology: Four Chapters on the Concept of Sovereignty* (George Schwab tr, University of Chicago Press 2005; first published 1922).

—, *The Concept of the Political* (George Schwab tr, University of Chicago Press 2007; first published 1932).

Teubner, Gunther, *Constitutional Fragments: Societal Constitutionalism and Globalization* (Oxford University Press 2012).

—, 'Societal Constitutionalism: Alternatives to State-Centred Constitutional Theory?' in Christian Joerges, Inger-Johanne Sand and Gunther Teubner (eds), *Transnational Governance and Constitutionalism* (Hart Publishing 2004) 3.

### 3.4 Literary and scriptural sources

The Bible, Judges 13–16 ; Chronicles 10:10 (King James Version or translation of choice).

Smith, Mark S, *The Ugaritic Baal Cycle, Volume I: Introduction with Text, Translation and Commentary of KTU 1.1–1.2* (Brill 1994).

Stein, Gertrude, *Everybody's Autobiography* (Random House 1937).

### 3.5 Case law and legal instruments

Corte Constitucional de Colombia, Sentencia T-453 de 2024 (6 November 2024) (Montufar Rodríguez v Red Social TikTok).

Directive (EU) 2024/1760 of the European Parliament and of the Council on Corporate Sustainability Due Diligence [2024] OJ L 2024/1760.

Directive (EU) 2022/2464 of the European Parliament and of the Council as regards Corporate Sustainability Reporting [2022] OJ L322/15 (amending and largely replacing Directive 2014/95/EU).

Federal Foreign Office (Germany) and Ministry for Foreign Affairs (Finland), 'Joint Statement by the Foreign Ministers of Finland and Germany on the Severed Undersea Cable in the Baltic Sea' (Press Release, 18 November 2024) <<https://www.auswaertiges-amt.de/en/newsroom/news/2685132-2685132>> accessed 31 July 2026.

Regulation (EU) 2020/852 of the European Parliament and of the Council on the establishment of a framework to facilitate sustainable investment (Taxonomy Regulation) [2020] OJ L198/13.

Supremo Tribunal Federal (Brazil), orders of Reporting Justice Alexandre de Moraes suspending X and freezing Starlink Brazil's assets on 'economic group' grounds (August–October 2024).

Swedish Police Authority (*Polismyndigheten*), 'Preliminary Investigation into Damaged Undersea Telecom Cables in the Swedish Economic Zone' (Official Announcement, 19 November 2024) <<https://www.kustbevakningen.se/en/more-news/assistance-from-the-swedish-coast-guard-concerning-damaged-cables-in-the-baltic/>> accessed 31 July 2026.

UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework* (2011) UN Doc HR/PUB/11/04.