FUTURES COMMISSION

(Meeting on Wednesday, November 3, 2021)

MR. PRESIDENT (Rodrigo Goñi Reyes). -If there is a quorum, the meeting is open.

(It's 10:30 p.m.)

- - Good afternoon everyone.

First of all, I want to give a huge thank you to our special guest:
Professor José María Lassalle.

I also thank the Catholic University, which has allowed us
having José María here with us today.

We welcome Dr. Facundo Ponce De León, director of the
Department of Humanities and Communication of the UCU; to Dr. Ana Fascioli, director
of the Institute of Philosophy, and to Miguel Pastorino - who is already a regular on our
committees - also a member of the team from the Catholic University.

It was within our intentions to be able to count on the presence of the
Professor José María Lassalle in this Futures Commission and also in the Special Commission
on Innovation, Science and Technology. The Catholic University got ahead of us and allows us
to have this opportunity. So it has done us a great favor.

So that our guest knows who is in the room, I tell him
There are also senators from all parties here who have made time to attend this
meeting. Today is a normal day of sessions; it is one of the most intense.

There are also some experts who are accompanying us in this process.
of the Futures Commission.

This instance is going to last one hour per clock, so we have to adjust to
that time. I'm not going to say much more because, otherwise, I'll take away José María's time.

I'm going to make a very brief presentation.

José María Lassalle holds a PhD in Law from the University of Cantabria, since 1999. He obtained an outstanding grade at graduation.

He began his professional career as a researcher and professor at the University from Cantabria.

From 2001 to 2003, he was a professor at the Carlos III University in Madrid.

Between 2002 and 2003, he was scientific coordinator at the Center for Scientific Studies Hispanics and Ibero-Americans of the Carolina Foundation, of the Ministry of Foreign Affairs.

From 2004 to 2008, he continued his academic activity as a professor of Comparative Political Systems at the University of San Pablo, in Madrid, Spain.

Later, he was a professor at the Rey Juan Carlos University in Madrid.

Since 2019, he is a professor of Theory of Law and Philosophy of Law at the Universidad Pontificia Comillas. He is also a professor of the DBA in Management and Technology program and of the postgraduate program in Law and Data Analytics at the Business School of the same University.

Outside of academia, he collaborates with various media outlets.
In 2002, he was in *ABC*; then, in *The Country* and now, it is in *The Vaguardia* and in television and radio programs of the national system of Spain.

He is currently a member of the Board of Directors of Cercle d'Economia, in Barcelona, where we have followed him.

He was a member of the commission of experts that advised the government of Spain. in the development of the National Strategy on Artificial Intelligence.

He has also written several books. I will name the last two, which have inspired me. seduced: *Cyberleviathan - The collapse of liberal democracy in the face of the digital revolution* - which we would like to chat about next - and *Wounded liberalism. Reclaiming freedom against nostalgia for authoritarianism*, which has to do with all these topics that interest us. I don't know how José María is going to enlighten us in a little while.

As you know, Parliament has various committees that are
Addressing digital transformations. This area presents extraordinary opportunities, but also threats for human beings, with all that their role and their own ontology mean, and not to mention their role in society, their way of relating and also their impact on democracy as we know it.

We have talked a lot about the possibility of a Cyberleviathan. Your book really caught our attention. There are always two ways of looking at these situations. One is with disdain and saying: "This is far away! It will never happen to us!" The other is by taking the necessary precautions and being aware. I always prefer to be dramatic. Those of us who are alive have preferred to be dramatic and not to be asleep.

Undoubtedly, José María, in these books and also in his preaching, It very well justifies all the risks and threats that are present in the technological-digital era for democracy as we know it.

So, José María, we would like to be able to talk to you about these aspects and that you help us understand the society in which we live and, above all, the risks. It is not that we are afraid, but when one prepares to withstand a certain risk, one has the possibility, later, of taking advantage of the opportunities; if one does not do so, those opportunities will be for others.

Again, thank you all for coming.

MR. LASSALLE (Jose Maria). -Thank you very much, Mr President, for your kind introduction.

I also thank the senators, the senators, the deputies and the Members of Parliament who participate in this Commission, as well as the experts who are present.

I thank you for the kind invitation you have extended to me.

For me, being here is like coming home because for seven or eight years I have been - the president has omitted to say this - a member of Congress. I have been a bearer of culture, I know how parliamentary functioning works because I was a national member of Congress in Spain and then I was Secretary of State for Culture and the Digital Agenda for seven years, so I know the other side of power, not only the Legislative Power, but also the Executive Power. Therefore, I feel at home, in the part where one returns to a space like this, which is the space of public, institutionalized deliberation. For me it is always an honor to be able to appear.

I don't really know what the dynamic is. I've seen that there is a questionnaire and I don't know If we continue with that, the President has basically come to say what I would like to reflect on. I will try to be brief and then we will propose a dialogue, an interlocution.

I think one of the challenges that are weighing on liberal democracy in What is most prevalent in all Western countries is precisely the existence of a democratic deficit around the process of digital transformation. We have been living for a few years, probably, since the beginning of the digital revolution, materialized at a very specific moment, through the appearance of the*smartphone*and everything that has

Representing the incorporation of technology in a hyper-everyday way into the experience that we as human beings project on a daily basis in our way of relating to others, there has been a process of transition, of transformation, of digital revolution that has been developed without the presence of democratic control, without a capacity for legislative regulation, without an identification of the risks and problems that a development that has progressively been focusing on more dystopian than utopian approaches in the processes of digital transformation could lead to. This is a consequence of the fact that the digital revolution has treated human beings as consumers of content and as users of applications. And modeling it within the structures of platform economies that have based a concept of prosperity on the generation of data and the use, through business models, of algorithms that have sought to maximize the obtaining of economic returns and externalities, located in the generation of a prosperity that, far from contributing to an equitable distribution of the same, has been generating gaps of inequality much deeper than those that originally existed in this transition process that post-industrial capitalism is experiencing, typical of a late modernity like the one experienced until the 90s and the beginning of the 21st century, and an accelerated postmodernity with a cognitive platform capitalism that is the one that currently characterizes the generation of prosperity and economic development in the vast majority of countries around the planet, not just liberal democracies. What happens is that in liberal democracies this transformation of the economic model and the social impact that this transformation of the economic model is having are altering the axes of normativity and the political stabilizers that support liberal democracies, among other reasons, because of the change in the concept of work, as it is identified from the economy*fordian*With the capital-labor pact, which supported the dynamics of the social and democratic State of Law and, therefore, the construction of the Welfare State, it is changing in a very radical way and contributing to the emergence of a new configuration of work, an automated work that progressively tends to marginalize the human being, to limit the added value that human work provides to the development of an automated economy.

Within this transformation scheme, a phenomenon is taking place This is the result of the erosion of the economic weight that work has in the GDP of developed economies - work has less and less weight in the GDP of all developed economies - and is the consequence of progressive automation through artificial intelligence, robotics and mechanization models that are developing at all levels and causing the human value of work to be reduced and affecting, fundamentally, the areas of professional specialization. This is deteriorating the weight that the middle classes have within liberal democracies and a liberal democracy cannot be understood without middle classes; they are the great social stabilizers and those that support, precisely, the egalitarian policies and equity structures of a democratic society. This dislocation that the middle class is suffering at a global level, which is generating a progressive atomization of social structures, is what is favoring populist phenomena, the emergence of extreme right and extreme left populisms and the erosion of the middle class.

progressive of the alternative stabilizers of the center-right, of the center-left, who have modeled the political stability of liberal democracies in Europe, the United States or Latin America.

That is the reality that we are most immediately suffering. liberal democracies and that is, basically, the consequence of a digital transformation without democratic control, that is, without a culture of legality, of rights and without taking into account that all these processes of accelerated social change bring us extraordinarily closer to the phenomena that accompanied another revolution that previously occurred a long time ago, which was the industrial revolution. We are in a period of critical transition very similar to that experienced by the industrial revolution of the 20s, 30s, and 40s of the 18th century, which forced democratic states in Europe to carry out a whole series of processes of socialization of welfare, of universalization of education, of the right to vote, of the construction of what has since become democracy as we understand it. And it was the consequence of trying to subdue, to democratize, what was the industrial revolution, which generated an industrial capitalism with the descriptions that not only Marx proposes in Capital, but also Dickens in his novels, which clearly reflect a series of dislocations, of enormous inequalities that evidently affected European societies throughout the first half and a very important part of the second half of the 19th century.

As I say, all this is a consequence of a model of social change. This is caused by technology that lacks governance. A model, as I said a moment ago, that treats the human being as a consumer of content, a user of applications. And where is the person? Where is the citizenship? In other words, we are facing digital transformations that do not contribute to deepening the human person, to giving him content, coherence, saving him from the processes of alienation that technology and, precisely, the architecture that accompanies the development of technology, and that is in all the instruments that design the digital transformation, do not perceive in their civic or personal dimension. When we place ourselves in front of a screen, we are unconsciously caught by the screen; the concept of Kantian coming of age that has underpinned political modernity since the Enlightenment is broken. What is sought is not the coming of age of those who operate in contact with the screen, but the infantilization of the human being. And it is a conscious and deliberate way that is behind the technological architecture that accompanies the design not only of the contents and applications and the technological architecture, but it is a reality that is generating tensions that even affect the human being ontologically. At the same time, it is producing enormous advances, extraordinary changes that have made, among other things, the experience of the pandemic less dramatic than it has been. And all this is happening without governance and the question is: will we accept that this reality continues to occur? Do we have to continue accepting that we live a process of digital transformation without democratic control? Why does the republican experience of democracy not operate in the field of the Internet? That is the great debate, but it is a debate that, unfortunately, is not on most legislative agendas or the agendas of governments. In that sense, Uruguay has long been

developed a specific agenda that has worked on governance models applied to technology, has been able to design a digital transition process with equitable logic, has had a special impact in the field of education, the development of egalitarian structures in technological infrastructures. In my opinion, Uruguay has been and can continue to be a model in which to recognize, at least, the potential for these ideas that I am putting on the table here to be incorporated into the legislative agenda and the political and institutional agenda. Europe is clear about this. The European Union, through the Commission, both during the time of the Juncker presidency and now under the presidency of Von Der Leyen, is insisting that Europe must play the role of a global actor against the United States and China, in what represents the generation of a democratic governance of technology, which is based not only on the development of a data regulation, but of an artificial intelligence regulation, of a dignification of data, of a social function of algorithms and of dynamics that seek, fundamentally, the equitable socialization of technology; to generate prosperity, but for all, and without it leading to the dehumanization of the human being and, of course, leaving behind the possibility of articulating an improvement of democracy itself as a cyberdemocracy. I believe that these dynamics form part of a frontier that marks a vector that guides a strategy for the future. If we do not multilaterally incorporate this reflection not only into the United Nations 2050 agenda, but also into all the multilateral structures that articulate relations within liberal democracies, we will expose ourselves to a dystopian design of digital transformation. A dystopian design in which, on the one hand, the United States is testing a model; a siliconized model, where there is a clear commercialized corporatization of digital transformation, with a design in which neither equity nor governance are conceived as part of political reflection, despite the fact that the Biden Administration is now trying, by all means, to carry out increasing democratic control over large technology corporations. A case has just been opened against Google, trying to apply the legislation*antitrust*, at least in the area of marketing their products; this is already a first indicator of a possible policy that democratically conditions the increase in power that technology corporations have in the United States. But the design fundamentally seeks political neutrality in the action of technology.

On the other hand, there is China, with a clearly capitalist design. surveillance, hierarchization and verticalization of power through artificial intelligence that is at the service of a party in power, of an elite that authoritarianly organizes the way its technological design is built, with a clear orientation toward global hegemony.

And the rest of us are the ones who have to be able to design a multilateral construction that allows, as I say, a democratic reflection that clearly supports the socialization of the value of technology, that contributes to an equitable interaction between the subjects that operate in the infosphere.

That is a bit of the reflection that is behind technological humanism, which It accompanies the process of applying the Next Generation funds, with which Europe is seeking to carry out its economic transformation, the construction of a market with a green circular economy, based on a market that reestablishes the patterns of ordoliberalism that accompanied the construction of the common market after the end of the Second World War and that is in the philosophy of Walter Eucken and the other theorists of European liberalism, which built - I insist - the ordoliberalism of the common market. But, at the same time, I insist, this reflection that accompanies this entire process has been incorporated into the legislative agenda, the political agenda and seeks to configure Europe as a global actor that seeks, fundamentally, through technological diplomacy, to weave strategic alliances with other potential global actors. And Latin America, because of its liberal democratic culture, because of its establishment within the dynamics of what is a complex culture, in the democratic sense of the term, parliamentary, republican, presents elective affinities in the defense of human rights, in the values of democratic culture, with Europe, and could, at the same time, weave strategic alliances with an area that is very important at this time from a geopolitical point of view, such as Africa and, particularly, the Mediterranean world, with a whole projection on the Arab world, where I believe that there is a window of opportunity to - I insist - generate multilateral governance that redirects the scenario that I have described to you very quickly.

I'll shut up now, I'll give you the floor and we'll keep the dialogue going, which I think will work. to be much more interesting than the conversation I am monopolizing at the moment.

Thank you.

(Applause)

MR. PRESIDENT. -While we wait for the questions, I would like to know, with reference to the end, to this dystopia, why you see that by doing nothing, digital transformation could lead to a loss of critical spirit that, in turn, could favor the claim of a totalitarian organization, which today digital corporations would have the easy possibility of achieving. Why do you see this possibility, professor? Or is it to provoke us with the book?

MR. LASSALLE (Jose Maria). -There are actually a series of changes taking place - I have identified some during my presentation - directly linked to the growing populist polarization experienced by the middle classes and which have very directly to do with what I have described to you. Basically, an ontological transformation of the human being is taking place, that is, the human being is altering his behavioural habits in relation to technology. We live under processes of assisted freedom, in a sense in which the capacity, which is at the origin of the Enlightenment and of political modernity, to develop models of responsible critical awareness of the exercise of freedom is being reduced. We cannot understand democracy if there is not behind it a citizen with a capacity for critical awareness that allows him to exercise it.

their freedom responsibly. In this irresponsibility that a human being is experiencing in contact with technology and that he experiences daily, through the use of applications or access to content, the algorithms that are making us more efficiently what we already are. For example, when we enter a platform and the algorithm places before us the content based on the digital footprint that we are leaving behind us, seeking that we do not leave that footprint, but that we continue to delve deeper into what we already are, there is, evidently, a limitation of our natural predisposition, within a modern epistemology, to failure, to error, to fragility, to everything that, as Popper proposes in his epistemological dynamics, explains that we learn from trial and error. If we discard error and discard human fragility, we are generating increasingly robotized social structures; we are generating models of irresponsible freedom, models of assisted freedom.

If, at the same time, a very important part of the behavioral areas is They have changed -as a philosopher with a great following in Europe at the moment, Byung-Chul Han, a Korean philosopher, but trained in Germany, puts it. He reads Heidegger's thought in contact with the Eastern tradition and is generating very important critical debates in Europe around these issues-, if we live trapped in the screen, we are breaking the structures of sociability that we have become accustomed to and that we have in our social memory, which is in our families, which is in the way of democratic coexistence, which is in the way of organizing ourselves in business, in how work is carried out; trapped in the screen we develop mechanisms of hyper-individualized narcissism, where the other does not exist, where the other exists as a being that acts more like an avatar with whom we have no contact. And what does that facilitate? It facilitates and is one of the reasons that explain, for example, the polarization in social networks. If we don't have another person to physically confront and we dissolve them as an avatar hiding behind an identity that acts on social networks and social networks have conversational algorithm designs that seek to generate more data traffic - and hatred contributes to data traffic more than friendship; this is confirmed from an empirical point of view, because polarization is largely a result of design with algorithmic biases that contribute to generating morbid conversations that provoke more data generation because there is a business model behind it that markets this data and exploits it independently of what is happening on the network, among other things, habituating us to hatred, to considering the other as someone we can perfectly despise without it implying absolutely anything - behavioral elements are being produced, not to mention the loss of our capacity for attention, of our capacity to better fix our feelings as, I would almost dare to say, mammals, when interacting with others. All of this is a consequence of the behavioral structures incorporated by technology applied to screens and technological designs.

Why is all this so? Because there is no legal regulation that For example, to drink a bottle of water there is a regulation, from a code that guarantees traceability and that this favors human health, or does not harm it, but nothing accompanies the use of this *smartphone* a series of normative clauses that

protect us from the emotional damage that is being caused, for example, through *mobbing* in schools, through the development of social networks without any control.

That reality of demanding regulations, legislation that protects the childhood, that protects old age, that introduces biases that end the gender gap, that avoids biases that contribute to racialization, that eliminates biases that contribute to inequality, one begins to *google* And you will see situations where algorithmic biases are reproducing situations that contribute to inequality, not to mention how there is a very marked gender gap in the field of, for example, engineering careers, where fewer and fewer women are entering university to pursue engineering degrees. The number of women who are in CEO positions in the technology field is infinitely lower than in any other sector.

In short, there are a series of scenarios that show that there is a world which is increasingly contributing, on the one hand, to limiting our ability to make critical and responsible decisions and, at the same time, to a more unequal world, because in order to manage this in a useful way in personal and civic terms, we must have cognitive and educational abilities and, above all, a capacity for critical empowerment that very few people have. We can use this to enrich ourselves intellectually or make our lives easier, but we are not ordinary mortals.

Inequality is accompanying the difference in cognitive abilities
The development of technological architecture, which accompanies these processes, is contributing to this. And if there are already gaps in education, there will be many more gaps in the capacities to act in relation to technology. If we do not educate people to consider that the human being must continue to be the measure of all things here as well, this will end up marginalizing us. It is marginalizing us at work because our professional curricula are being progressively postponed, not only in the economic value of the work we contribute, but tomorrow because the machine will make us replaceable and, probably, the only resource - and it would be regrettable if that were the only resource for democracy to save its sustainability - is the universal basic income. I do not believe that this has to be the horizon with which we save democracy in the face of the authoritarian, verticalized tensions of social control to which technological development without democratic control leads us.

MR. PRESIDENT OF THE HOUSE OF REPRESENTATIVES (Alfredo Fratti).
- From my point of view, everything the professor says is like a kind of modern slavery. That's how I feel, we are enslaved; we can't even go to the bathroom without this device.

You said that Europe is clear about this; it would be good to know where it stands. Where is Europe going in this direction, where do you think it is going, because this is incipient.

I think we do have to think. This is changing us: in some
in some cases for the better and in others, with difficulty.

At the same time, I want to know your opinion on basic income, because it clearly gives
The impression is that in the medium term, if there is not something like that, something will fall apart, because you can put oil in the robot and it will continue working. Thank you.

MR. LASSALLE (Jose Maria). -The Commission has as a defining element of a vector that accompanies the entire development of the new European economic model what is called a humanistic digital transition, which means, firstly, carrying out legislative regulation processes that guarantee the equity and social function of the digital transformation, avoiding the worsening of the inequality gaps that already exist. Secondly, establishing a governance model that institutionalizes a charter of digital rights, that is, that recognizes a new generation of fundamental rights.

In the same way as the construction of liberal democracy and the state social and democratic rule of law, based on progressive layers of universal human rights - a layer of freedom, a layer of equality, a cooperative layer - the urgency and need to articulate a new charter of digital rights has arisen - and is emerging in the imagination - that allows the configuration of rights of freedom, rights of equality, rights of relationship of the citizen with the administration, in short, a whole series of elements that are part of the democratic culture of the West and there is no progress without rights. The instrumentalization of progress is transformed into individual rights and collective rights.

Thirdly, along with that element of governance in regulation legislative, recognition of rights, generation of a transformation of the educational model, fundamentally seeking that education in the 21st century and in relation to technology be an education that above all seeks to generate critical skills that make the human being irreplaceable in his collaboration with the machine. In other words, it is necessary - and this is a very important part of the approach we are taking - to reflect on how we are going to relate to machines and that machines do not hinder the survival of human work and human creativity.

Therefore, educational models must be geared towards taking advantage of what machines and artificial intelligence can do. For example, in Japan there is a huge effort to orient an entire legislative strategy on the role that robots will play - they already have, but will have more in the future - in the care of the elderly population. Today, due to the demographic decline in Japan, there is a problem when it comes to addressing how the structure of care for the elderly is developed; Japan has an enormous longevity, they are increasingly approaching an average age close to one hundred years. In addition, family units are unique, so there is no capacity for the family to care for and protect the elderly, and it is robots that are beginning to develop the care function.

What will be the design that the robots will have when developing the Take care of those who will treat the elderly? That is, how do we generate empathy mechanisms in the robot so that artificial intelligence and the autonomy they have in decision-making make the elderly feel protected and supervised in their care. These dynamics cannot be born from business models; obviously, robots must be developed within a competitive market, which sets rules of the game that guarantee fair competition between companies, but we need the data that the robots are going to manage, the algorithms that are going to manage the autonomy with which the robots operate, to have an ethical framework that protects the human being and does not subject them to domination. The robot is going to have to perfectly identify that the elderly are beings who, despite having limited capacity for autonomy - for whatever reason - have an authenticity in the foundations of their dignity that must be legally protected. We cannot allow the algorithmic design of the intelligence that will give autonomy to the robot to be set by a model based on the business model that manufactures the robot. I don't mean to say that we should take away from companies the ability to develop robots, which are a business model, but we should regulate it in the market in order to safeguard an ordoliberal approach that ensures that this reality does not dehumanize the result that is being sought and that it is not only the utility and economic efficiency of the design that accompanies the process, but that the care is interpreted under sensitive keys, interpretable from what is the authenticity of the human being. For that, we need the legislator. For that, we need the governments, the administrative machinery to ensure that the robot effectively has hygiene, health and care standards that think about protecting the dignity of the human being, not only treating it from an economic efficiency that makes the robot viable and the creativity that feeds the design of robots.

MR. SENATOR SANCHEZ (Alejandro).-Two questions come to mind. On the subject of the highly disruptive technological revolution that we are experiencing and artificial intelligence, there are two questions. You, in the first stage, focused on social networks and algorithms, and I think that there is already an international debate on whether regulation of technology companies should be autonomous or there should be legislation. In fact, the debate that arose when Twitter decided to take down a post by Donald Trump generated this debate. Who regulates the content that is there? This is mixed with freedom of expression. There is a very interesting debate on first characterizing the platforms in the sense of knowing what characteristics they have in order to then see what type of legislation must be addressed. There is a very interesting issue there.

Although this is very relevant - you were referring to the issue of - robots - I think there is a debate that almost reaches ethical and moral issues. It is likely that in the short term we will have autonomous vehicles. There are already many, and it will advance. When programming that autonomous vehicle, there are definitions of ethical value. That is, if I am driving on a national highway and a person crosses, I have an accident because I did not have enough reflexes to avoid him. Now, when the person driving that car is a robot, in reality, the programming of that car must establish what it values   most. Does it value the protection of the vehicle?

versus the human being who crosses the road? Do you value the protection of the user more than the one who crossed the road? There is an assessment in terms of which human being is worth more. If that machine is programmed to protect the user - if I am going to buy an autonomous car I want it to ensure that I am not going to die in an accident; there is no legislation there - if that is the central axis of the autonomous vehicle, it means that if another human being crosses the road, that life ceases to be important.

So, it seems to me that there is a debate here about an autonomous vehicle, placed in care or placed in any other area in which artificial intelligence acts. There is an essential, philosophical, underlying debate. As Deputy Valdomir points out, there is an ontological debate in terms of what we are building. Therefore, I do not know if you, in your elaboration - and in the work you are doing in the European Community commission - have made progress in that. In short, are there any recommendations in terms of regulatory advances, readings or debates that are being generated and that may be of interest to begin to have elements in this sense?

Thank you so much.

MR. REPRESENTATIVE VALDOMIR (Sebastian). -We thank the professor for being in Parliament today and those who made it possible for him to be with us today.

I think there is a healthy element to highlight from the very beginning of Your presentation is a healthy trend that is becoming more and more present in a necessary debate. I am referring to the fact that pure-blooded liberals - who define themselves as liberals - are concerned about regulations and about placing regulations to mitigate or moderate the free forces of the markets and economic actors. In this case, unfortunately, we are talking about private transnational actors with much more power than national States and who are the result - precisely - of that laissez-faire that gave rise to the creation of these global economic giants that, in some way, are at the origin of the problem that you developed.

The main problem at this point - which I no longer place in the realm of Not only is the issue of technology transfer not only in the fields of ethics and morals, but also in the economic relations between public and private actors. Although the European Union is - as you rightly said - at the forefront of establishing new regulatory frameworks and new frameworks of use for this type of problem, global actors have systematically refused to establish provisions for the transfer of technology to the poorest countries, whether in the agricultural field, in the climatic field, in the energy field, and all these technologies are subject to patenting. Patents are no longer only on mechanisms, but also on intellectual processes, algorithms, etc. So, finding a solution to this is going to be very difficult and it is also possible that, like all global things, they will be developed first in one place rather than in another, which will generate a second-generation problem in relation to how the poorest countries or those with less capacity to confront these transnational actors

They can incorporate regulatory frameworks into their countries that, in some way, protect citizens and democracy.

The last element, Professor, is the following. You mentioned a lot the
There are gender differences, but in this room we were all born in the Gutenberg galaxy, and this is a problem of the Bezos galaxy, so to speak. I don't know if the digital natives think exactly the same about this problem. In addition, we have a problem that is no longer a gender problem, but a generational problem. The kids, our children, who were born from 2002 onwards, who have been socialized and educated within this digital galaxy, I don't know if they share exactly the same concerns and criteria that we put into today's discussion. Particularly, our central concern as political beings is in relation to States, democracies and republican systems.

Thank you so much.

SENATOR RUBIO (Enrique). -I find your point of view very much in agreement. You put forward some ideas on how public policies could be developed in relation to the educational model to try to counteract this. In any case, I would like you to explain a little more what this digital development has meant both in the models applied by China - on the one hand - and those predominantly applied by the United States - on the other - although, paradoxically, they end up in similar places, in terms of the intrusion into the privacy and intimacy of the subjects. It seems to me that this is a very relevant topic.

In fact, I share much of Han's and the others' assessments.
developments that have been made on this issue. It seems to me that here lies one of the knots that we do not perceive to the extent that we are shaped by this type of design, whether from one extreme or the other, but shaped in the end.

Thank you.

MR. SENATOR DOMENECH MARTÍNEZ (Guillermo). -I think we are in a stage of development of capitalism, which I would call supercapitalism, which has swallowed up democracy, because when private companies are the ones that set the rules for governments, as we have seen happen, that famous definition of democracy given by Abraham Lincoln of government of the people, by the people and for the people is over. We are facing a world government of great economic powers. So, I do not see how governments can put a limit on these companies; I would like to see it, because I am interested in defending democracy. I think that democracy is not liberal, but democracy in its purest form, because it is much older than liberalism; the great political leaders, at least in our country - and I think of the Hispanic world in general - did not need philosophical qualifications for democracy. Our General Artigas - we all know this perfectly well - said: "My authority emanates from you, and it ceases in your sovereign presence," and he did not need to introduce any element of a philosophical nature.

The truth is that capitalism has led us to this material development in the that companies are more powerful than governments and I don't see, for the moment, that governments - those that can do it, because the Uruguayan government is too weak in the international arena to do such a thing - can, as the countryman says, bell the cat and set rules for these large technology companies. I would like to see, from a person who has evidently studied the subject a lot and has a lot of knowledge of the problem, a concrete proposal on how governments can reassume power, because this is a dispute over power. There are certainly ethical problems, etc., etc., but at its core it is a dispute over power. Who is in charge: these super-companies or the governments? That is what I would like to hear; something more concrete on this point.

MR. PRESIDENT. -First, the floor is given to Mr Ope Pasquet, and then to the lady MEP Alexandra Inzaurralde. Then, we will let the professor speak, who I don't know if I said was a Spanish Minister of State, specifically in the Secretariat of the Information Society and the Digital Agenda until 2018.

MR. REPRESENTATIVE PASQUET (Ope). -First of all, good afternoon, Professor, and thank you very much for your presentation. One question: could you point out some example of successful regulation in this area? It is very clear that there is much more to do than what has already been done, but I would like to know of some case that could serve, if not as a model, at least as a point of reference to begin the study of these issues.

That was it, thank you.

MRS. REPRESENTATIVE INZAURRALDE (Alexandra). -Good afternoon. Very kind. The truth is that the talk is more than opportune in light of the concern that colleagues are pointing out in the sense that we really see ourselves as dispensable, since there is this feeling, which is now shared by the citizens, that decisions do not go through the political system. The political system does not have the capacity to understand if it does not know what is being regulated; we have to see how we can regulate it. That is, what is the beginning and what is the end of the skein, and how can we trust and give legitimacy to these regulations if we do not understand them. I firmly believe that the fact of informing ourselves is already a good start. This feeling of being irrelevant is the greatest violence that one can feel; before it was weapons, and tomorrow the difficulty will be feeling insignificant and seeing that decisions are escaping us. I believe that many last-minute political phenomena are marking this distrust of the people in the face of the fact that solutions do not go through the political system.

The other aspect that you mentioned, apart from the information and the power that The one thing that is needed to regulate the processes, which at the same time have to be managed, is the fact of working on spirituality, because it is what differentiates us as human beings. Does everything go through regulation or does it also go through these processes like spirituality that, ultimately, dignify us as human beings? As the senator pointed out, machines

One day they will be programmed to measure the physical process of emotions and thus be able to predict behavior in some way. Today we do this naturally, almost intuitively, but a machine will be able to determine it.

Thank you very much, very kind, and congratulations.

MR. REPRESENTATIVE ANDÚJAR (Sebastian). -Welcome, thank you very much for sharing your knowledge with us.

It is very interesting what Senator Sánchez said about the debates that humanity must undertake regarding some upcoming issues. We would be interested in knowing your opinion on how much all this affects people's freedom, how much technological progress impacts human freedom.

On the other hand, legislative times are slow; based on discussions and The debates are quite slow in relation to the speed of technology, and perhaps legislation will never be ready.*updated*at the pace of how technology moves in the world. What is your opinion on how to legislate and be able to keep up with technological times?

Thank you so much.

MR. PRESIDENT. -We are extending the start of the session to have this very valuable time with you, but we know that you have a very tight schedule. We ask that you close the session; then we can transfer the remaining questions.

MR. LASSALLE (Jose Maria). -Thank you very much, and thank you to all the interventions of the parliamentarians here present, which I have summarized in eight and will try to address now. They raised a first question about who should regulate; that was one of the issues that was on the table. The democratic State should regulate and it should do so by seeking to establish multilateral channels at a global level, inserted in the global governance that we also have through the United Nations. Therefore, the effort must be twofold: state and regional in the part where the regional governance designs are articulated. In Europe this is paradigmatic, but in Latin America, Mercosur can also address certain regulatory efforts in this field. It is true that Europe has carried out a process of supranational integration that has deconfigured the more territorialized and local narratives that have accompanied its construction in recent centuries, and that is a competitive advantage that it has over other geographic areas. But, in any case, the governance model must be state-based, especially because what we are talking about here - this allows me to refer to the reflection that the honourable member raised about power - is that there are two powers in contradiction. This was seen on January 6, 2021 with the assault on the United States Congress, when several technology corporations decided to close Donald Trump's Twitter and Facebook accounts. They did so not because the legislator established what they had to do, but because they aligned themselves with democracy on their own initiative. And what did that reveal? It revealed, as Carl Schmitt said, that the sovereign is the one who decides at the right time.

of exception. And in a moment of democratic exceptionality, as the United States experienced on January 6, 2021, it was not democracy that defeated the attempted coup d'état that the country experienced, but rather the decision to win was a consequence of the exercise of an aristocratic, non-democratic power in the hands of technology corporations.

Twitter CEO Jack Dorsey explained in several tweets that he regretted having to to do this, but that the reputational damage that the brand could suffer took precedence over what had been his constant insistence: safeguarding President Trump's freedom of expression to say what we all knew he had been saying for months, that the elections were going to be a fraud.

This technological power is an aristocratic power, in classical terms of Republicanism: Sallust, Titus Livius. It is an aristocratic power that is in the hands of a few and is not subject to the government of all. Therefore, regulation has to be faced by a democratic government with all that it represents.

This has a special implication, as the deputy pointed out, on the autonomous vehicle, but, in general, all the processes that have to do with artificial intelligence. To the extent that, obviously, we must set the standards, the ethical parameters that allow machine autonomy; machines must have the capacity to be able to decide, but that capacity to be able to decide has to conform to ethical criteria. The example you have given is like this. An autonomous vehicle when faced with the scenario of deciding who it has to run over because one of those fateful moments occurs where a baby, an elderly person, a young person can be run over by the car, who does it protect? Would they be the same criteria that have accompanied the administration of vaccines during the pandemic? What would the criteria be then? Should we leave that in the hands of the companies that manufacture the autonomous vehicle? Or will all of us here accept and admit that it will obviously depend on the legislator? And the legislator will have to be nourished by the public ethics on which the coexistence of a democratic society is constitutionalized. Obviously, there is a constitutional ethic, there are principles. And this allows me to link up with what the MP was saying about whether there was already any reflection on this. The reflection put forward by the European Commission's High Level Expert Group on Artificial Intelligence in 2018 points out that in order to address the ethical regulations we are talking about, the basis of democracy - in Europe they say liberal democracy - is hopeful for facing an ethical horizon that regulates the processes we are describing here, with fundamental rights being the ethical and normative basis of this scenario. Therefore, who should be the one to define it: the State or the company? It is obvious, as we said: the State.

Going to the reflection that the deputy raised about the liberals, I want to say I belong to that strange liberal democratic family that has read Adam Smith very deeply, but the Adam Smith of *The wealth of nations*, of the *Theory of Moral Sentiments*, which is linked to a natural law theory, which has interpreted that before rights there are duties, which belongs to a tradition

humanist who dates back to Erasmus and who has built the entire culture of political modernity, without which we could not understand the thought of liberal democracy, in my opinion.

Adam Smith said, among many other things, that whenever two or more Businessmen get together, they do it to conspire against the market. This is what Adam Smith said. OK?

John Kenneth Galbraith said that there are three books that everyone speaks and no one has read: the Bible, *The wealth of nations* and *The Capital*. Well, here Adam Smith is quoted without having read Adam Smith. And some people call themselves liberals, without really knowing what liberalism is. OK?

Therefore, for liberals, regulation is essential. Another thing is the scope. of regulation, and there we can find John Rawls or Hayek; probably the most liberal and least neoliberal Hayek, but we will see what the scope of regulation is. A liberal cannot understand reality without regulation. Montesquieu said it in another basically liberal book, such as the *Spirit of the laws:* "For there to be freedom, there must be law; if not, it is a license." Therefore, that is a construct that accompanies the reflection that we are proposing here, and that Europe incorporates because, among other things, it assumes that the enlightenment in its failed proto-constitution and in the story of what are the basic principles on which this reflection that we are proposing here of a humanistic digital transition is configured is based on enlightenment and, therefore, these are the regulatory parameters in which it believes as the essence of its foundations. That means that when talking about technological transfer - I agree - it is a transfer that, at some point, will have to be raised... as curiously happens with intellectual property, which in the field of authorship is subject to a temporality; there is a moral right of the author that never ends, it is eternal and that happens after his own life, which is his recognition as an author and the moral values that accompany authorship. But the economic exploitation of a creative work is limited in time. Why? Because it is recognized that there is a social function that accompanies the creative work. The creator has only been able to create his work in contact with a society; therefore, he has a monopoly of exploitation for a time, but that time is limited. And, from there, he enters a public space of exploitation. This is born from an idea that arose in the Weimar Republic in the constitutional debate on private property, where a model of social function was incorporated into private property. That is, private property was transformed during the interwar period and disappeared as a Napoleonic property, in the most physiocratic sense of the term, which considered it as an absolute right, to become a right with a social function, and generates special properties. And we continue.
within a private property logic, therefore, not
We are entering into a Marxist socialization of property. Agreed? Therefore, this debate can be perfectly transferred to the field of industrial property, as it also happens that it accompanies the design of algorithms. And it will have to be that way. At some point, Google will no longer be able to continue exercising a monopoly over its indexing algorithm. Agreed? Therefore, that is behind the approach, then we will see.

how; but, anyway. But that is in the philosophy that must accompany what we are describing here.

MR. SENATOR DOMENECH MARTÍNEZ (Guillermo). -Excuse me, may I?

During the Weimar Republic, Leo XIII already spoke of the social function of property. And John Paul II, in the *Centesimus annus,* He also speaks of the fact that the right to property has two dimensions: one individual and the other social. I say this because it seems to me that in the field of the debate of ideas it is good to also keep in mind the social doctrine of the Church.

MR. LASSALLE (Jose Maria). -I totally agree, but from a legal point of view, no.

Also, I was going to touch on my topic, which is property. I did my doctoral thesis on John Locke and the *Theory of property* It is a subject that I know quite well.

In any case, there is a very interesting debate between Dominicans and Franciscans in the 13th century, which raises a question about who owns the property of the Franciscan congregation, that is, whether it is the church or the Franciscans themselves, and we could go on forever about that. That is where the debate between property and possession begins.

Going to the topic at hand, the natives who were born in this country share this. From 2002 or 2003, that is, Generation Z, which is now in its twenties, which is not yet absolutely native in the sense that its parents are not digital natives and, therefore, in the part of education that they receive, especially in families where books inhabit domestic life, they are also indebted to the Gutenberg galaxy. Therefore, they are not dispossessed of the shadow of the book, but the book is still operative in the mentality of these young people.

I have just participated in a very interesting project called The Future is Now, which is a project that has managed to articulate more than fifteen thousand surveys of young people of this generation, in which they have been asked to reflect on what they think, what they feel and what they aspire to, and it is curious how deeply they connect with many of the values   that we are pointing out here. In other words, I am not worried about the young people, but about the reaction of those of us who are not so young to the phenomenon that we are describing. In addition, these young people, and particularly my daughters or the sons of some of those of us here, who are eight years old, will probably experience educational projects in which critical skills contribute to an emancipation from the relationship they have with technology.

Will it be socializable? I think through educational guidelines. It is necessary. rebuild a new one *paideia* for educational regulation that raises the introduction

of critical skills and emancipatory capacities. This is connected with the reflection on privacy and intimacy, which the senator raised. I completely agree that we have evolved from the authors he has cited. It has been a scenario in which we have come closer than we think to a panopticon. I am referring to Bentham's panopticon, which was identified and analysed very well in the 1820s, which in some way is the model of a capitalism that effectively, through its platform design, is using our data in an extractive way, which despite the protection that data has through regulations and legislation as it already exists - this is a first step - however, allowing data by aggregation, which is associated with our footprint, does not fully protect our privacy. By introducing small variables into the data, it is perfectly known who is behind an IP, despite the application of the regulation that is, through free data protection, protecting us and protecting us in our intimacy and privacy. Therefore, we need to go further in the governance model and generate structures of *cybersecurity* in the governance itself that protects our data. This brings me to the reflection I was making about capitalism.

I'm finishing, Mr. President, because I'm abusing your patience. Ladies and gentlemen, as they say in Spain. Of course, capitalism has swallowed capitalism, said the honourable Member, and, therefore, how do we bell the cat? Capitalism has swallowed capitalism in the sense that we are faced with cognitive capitalism, which, I insist, treats us strictly as consumers and generators of data and, therefore, has modelled a new design. The original capitalism was based on responsible action when it came to setting prices, because it was assumed, following Adam Smith, that the spontaneity of the market that set prices, in a framework of fair competition, equated our desires with our needs and our economic capacities in a rational exercise of decision. This design is not part of the approach that is behind what moves us to download a certain application. The exercise of the action that sets the economic decision in an analogue market is not a rational element, but rather rationality does not operate here, because this is evolving more and more towards the more symbolic and magical sphere than towards the rational sphere.

How do we bell the cat? Trying to align the assets that The public authorities have when designing a legislative agenda. It is necessary to identify what assets the States have. For example, France has done so with its strategic plan on artificial intelligence and Europe is going to do so now with the regulation on artificial intelligence and has identified what its capabilities are. France identified very early on that it had a great capacity to be able to develop very complex algorithms, which will manage data in the field of the Internet of Things. Why? Because the matrix bases of these algorithms require theoretical mathematicians and France is a country extraordinarily positioned in the field of theoretical mathematics. Therefore, it has the capacity to be able to do so by aligning these resources, and it has created an agency that organizes the networking of all mathematicians and has associated them with German mathematicians. For what? To develop an artificial intelligence model at the service of strategic interests.

from France, which seek to safeguard its strategic competitiveness in sectors such as the arms industry, culture and heritage protection, the agri-food and wine industry - at this time they have a design of *smart farming* enviable at a global level - and the automotive industry around the autonomous vehicle. In other words, it has understood and identified its assets and has aligned them in a country strategy based on a principle of responsibility. This governance model makes it feasible to introduce control mechanisms that can put the bell on the cat.

The reason is not only size. Uruguay has a level of technological infrastructures that are enviable and highly desirable. Why? Because it has an enviable field of experimentation for design, based on data traffic, which it is capable of managing, for pilot projects of all kinds, for example in the field of 5G. 5G is essential and experimental laboratories are needed, and Uruguay has the capacity to become an experimental laboratory, because it has technological infrastructures that are unique in Latin America. Spain has them in Europe. We have more fibre deployed than Germany, Italy, France and the United Kingdom combined. Only Finland surpasses us.

Therefore, the different alignments and assets need to be identified. Why, For example, can Uruguay also have a competitive advantage in the management of its data? Because the complexity of the data that Uruguay provides brings it very close to Europe, due to its income levels, its educational levels, its levels of wealth distribution and management of complexity without polarities. In other words, the data provided by the networks in Uruguay have a greater value - I do not want to establish a comparison - than other neighbouring countries or countries in the region. That, together with being an area in which there is a deployment of technological infrastructures and an institutional experience of governance, positions it as a digital nation, with capabilities that others do not have, and that makes it attractive. It is no coincidence that this country has a unicorn and probably has another one, for its size, within the twenty-two unicorns that Latin America has.

These are the possibilities that an artificial intelligence strategy could have. perfectly identify the assets and align them. That is where there are successful regulations. For example, as I pointed out with the French case.

I conclude by thanking you for the opportunity to speak in front of you all today.

Thank you so much.

(Applause)

MR. PRESIDENT. -Thank you very much, José María.

Special thanks to the Catholic University, to Facundo, to Ana Fascioli and Miguel Pastorino, and all of you for participating.

I take this opportunity to say that in the Futures Commission we are Members of all parties are working - they won't let me lie because several of them are present - to propose for Law No. 20,000, which is very close, a legal commission of experts - there are precedents in Parliament - to seek a digital rights charter within a period that will be discussed in Parliament, which could be six months. The idea is to use Law No. 20,000, which is a symbolic number, for something that really projects us into the future.

So we have been talking in recent days with Senator Nane, with the Colorado Party and with Cabildo Abierto, so that in the coming weeks - there are three laws left for N° 20,000 -, both in the Chamber of Deputies and in the Senate, we can create a commission of experts so that within a period of six months a digital rights charter is proposed to us, so as not to be left behind in this which today became clear is more necessary than ever, and at least we can debate it.

Thank you, Professor. We will have you again, God willing.

Thanks to the Catholic University and to everyone for participating.

(Applause)

— — The meeting is adjourned.

(It is 16:33)

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Montevideo, Uruguay.Legislative Branch.