

*Ryszard Piotrowski*

University of Warsaw, Poland

e-mail: [r.j.piotrowski@uw.edu.pl](mailto:r.j.piotrowski@uw.edu.pl)

ORCID: 0000-0002-3801-7364

## **FREEDOM OF INDEPENDENT SPEECH AND DEBATE – VANISHING POINT IN AN ALGORITHMIC DEMOCRACY\***

### **Abstract**

The new technologies are fundamentally changing the culture of human rights, including the right to freedom of speech, by lowering the level of sensitivity to their violation and making people gradually accustomed to systemic restrictions not only on the right to privacy but also on the sovereignty of the nation. The dependence on new information and communication technologies is transforming the constitutional identity of the democratic state ruled by law, without formally changing the existing constitution. In a situation where any kind of fictitious reality may be fashioned using AI algorithms, the freedom of speech, as a reflection of freedom of thought, comes under acute threats.

### **KEYWORDS**

human rights, new technologies, freedom of speech, right to privacy, democracy, constitution, algorithmic society

---

\*Based on paper presented at the World Congress of Constitutional Law in Johannesburg (5-9 December 2022) Panel.

**SŁOWA KLUCZOWE**

prawa człowieka, nowe technologie, wolność słowa, prawo do prywatności, demokracja, konstytucja, społeczeństwo algorytmiczne

1. With the rise of digital technology, algorithms – which are but a tool – actually change the man who uses this tool, and with him, they change the society. Given their synergies and cumulative effects, these changes are getting irreversible because, almost imperceptibly, they turn *homo sapiens* into *homo numericus* – a digital slave whose identity is determined by bundles of algorithms. In his activity, the modern man increasingly relies on algorithms and corresponding computer software, which means he relies on numbers.

Democracy based on human rights faces a grave threat from its being continually disregarded and ignored in favour of vested interests – national, economic, technological, political, religious and ideological. In an environment where double standards in the approach to human rights are condoned, it may well be that algorithm-created standards of behaviour will get the upper hand.

The informational totalitarianism of an algorithmic society<sup>1</sup> – whose manifestations can be witnessed today – rests on a particular sublimation of coercion, where refusal to use the internet, mobile telephony, or other technological and organisational advances that enable almost permanent surveillance, is equivalent to dropping out from civilisation and, consequently, being constrained in the exercise of one's rights as an individual. Gradually, the right to have rights is becoming contingent on first tacitly, even unconsciously, consenting to give up one's informational identity in favour of its usually anonymous controllers. These controllers have access to an increasing amount of information about the individual,<sup>2</sup> who thus grows dependent on them and, in fact, on the algorithms. Indeed, the controllers of information become dependent on the algorithms, too.

The effectiveness of human rights in an algorithmic society is contingent on whether it will remain a civil society where centres of free thought, and especially universities,<sup>3</sup> survive as entities independent of politicians and network creators.

Algorithmisation may provide a bedrock for a totalitarian system of power, which rules out freedom (having embraced a particular definitive model of the common good) and which may help promote inequality.

<sup>1</sup> Cf. M. Schuilenburg, R. Peeters (eds.), *The Algorithmic Society. Technology, Power, and Knowledge*, London and New York 2021, p. 21 ff.

<sup>2</sup> Cf. B. Schneier, *Data and Goliath. The Hidden Battles to Collect Your Data and Control Your World*, New York-London 2015, p. 78 ff. See also A. P. Napolitano, *A Nation of Sheep*, Nashville 2007, p. 64 ff.

<sup>3</sup> Cf. M. Seckelmann, L. Violini, C. Fraenkel-Haeberle, G. Ragone (eds.), *Academic Freedom Under Pressure? A comparative Perspective*, Cham 2021, p. 10 ff.

Globalisation would not be possible without new information technology, similarly as representative democracy would not be possible without printing. These two inventions, though, just as any technology, carry both an opportunity and a threat to human rights. The internet contributes to the erosion and weakening of state sovereignty, but, just like other information technologies, it may help the government to subject individuals to nearly total control. The information technology growth is a favourable development because it offers new communication opportunities, helps strengthen civic society and facilitates free public debate that is indispensable for democracy's continued existence. At the same time, however, it prods people into a more or less realised abandonment of their own privacy, and into gradually getting used to a world where participation in social life through data exchange, consumption or production is becoming equivalent to giving up on privacy. This is because one's very existence came to be linked with the surrender of privacy. Almost from conception, people are subject to either private or public surveillance of digital marks of their existence, which remain virtually indelible.<sup>4</sup>

Just by participating in the worldwide web and uncritically accepting the information system as the basis for the operation of the state and society, we all become dependent on this system's controllers, among them the profit-seeking global corporations that deal with information processing.<sup>5</sup> Governments have no say on who will get the data and how long it will be stored. This is the prerogative of corporation owners, who sometimes may allow for information to be shared. Before the internet, a sovereign state would never had given its implicit consent to such access to insights about its citizens. Today, however, without ceding any competences and – as is the case with Poland – under a constitutional regime that requires the public authority to protect citizens' security, the state takes kindly to an arrangement where various data about citizens – including their images – is made available to multiple entities, from whom no security guarantees are demanded other than those offered by those entities themselves.

There emerges a system of total and global individualised control of people, extending into more and more manifestations of a person's existence, and especially his or her presence, beliefs and – in the future, perhaps – also thoughts. Anyone who exists is qualified to be watched and, as such, becomes a suspect.

Modern democracies are too weak as opposed to multinational corporations, and these corporations have been all too successful in convincing citizens that security and convenience matter much more than respect for human rights. A dominant culture among democratic societies is one of unreflective satisfaction from the present moment, while the privilege of ruminating on the future is left to individuals who, as a rule, exert no influence on the course of public affairs.<sup>6</sup>

---

<sup>4</sup> Cf. R. Piotrowski, *New Technologies or New Human Rights: The Right to a Government by Humans and the Rights to One's Own Thoughts*, "Studia Iuridica" 2018, Vol. LXXVI, p. 283 ff.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*.

Thus, it is the freedom of thought that eventually may prevent the push for profit maximisation and control from becoming the dominant motive behind deployments of new technology, which – if materialising – would deal a painful blow to respect for human dignity.

2. A clear example of how international corporations take over the role of the state, while at the same time encroaching upon the state's and the people's sovereignty (this sovereignty being laid down in and protected by the Constitution) is provided by the Meta company's removal from the Facebook platform of the profile of a political party represented in Parliament,<sup>7</sup> and also by the systemic consequences of that move. For the principle of the people's sovereignty to retain validity, Members of Parliament must be able to freely and independently exercise their mandate, i.e., hold dialogue with the electorate, inform citizens about one's activity, and communicate with them – for which purposes the said platform is used.

The sovereignty of the people, as the wielder of supreme authority, is curtailed when its representatives are cut off from a widely used communication channel that enables them to engage with citizens.

Where the principle of people's sovereignty is observed, the restriction of political rights by an entity not empowered for such purpose by the will of the people remains of no effect. If such restrictions are allowed to take place – which is the case with the consequences of Meta's action – this represents the destruction of the constitutional identity of the Republic of Poland, as a democratic state ruled by law, in violation of Article 2 of the Polish Constitution. Under the rule of law, a democratic state's system of sources of law – solely authorised to restrict operations of entities legally operating in such state – is so structured as to involve a hierarchical subordination of the system's elements to the Constitution and the laws. Where that system of sources of law absorbs elements from outside its constitutionally required structure – by condoning an effective operation of such elements – this represents the acceptance of a dysfunctional change in that structure (thus stripping the democratic state ruled by the law of its identity), by tolerating rules of state operation that have neither been enacted by that state nor recognised as effective in accordance with legally binding principles of recognition. In consequence, the state loses its Constitutional identity. The Meta company's regulations are not among rules that have been either enacted by the state or recognised as effective in accordance with constitutional principles of recognition. As such, these regulations must not be allowed to dictate the legal condition of any entity

---

<sup>7</sup> Cf. R. Piotrowski, *Opinia prawna dotycząca konstytucyjnych uwarunkowań usunięcia profilu partii politycznej Konfederacja Wolność i Niepodległość przez firmę Meta na platformie Facebook ze względu na udostępniane treści* [Legal opinion concerning the constitutional implications of the profile of the political party *Konfederacja Wolność i Niepodległość* "Confederation for Freedom and Independence" being removed from the Facebook platform by Meta company on grounds of the content presented therein], Warszawa 2022.

in a manner binding on the bodies of public authorities, which, pursuant to Article 7 of the Constitution, operate on the basis and within the limits of the law. Regulations of Meta company must not be functionally equated with domestic laws within the national legal system, as that would undermine the identity of the state's legal order, where the Constitution is the supreme law (Article 8 of the Polish Constitution).

The removal by Meta company of a political party's profile is equal to restricting the Sejm's prerogative to enact statutory laws based on social dialogue (Article 95.1, in conjunction with the Preamble to the Polish Constitution). The Sejm passes laws pursuant to Article 95.1. If a group of Members of Parliament is deprived of access to an available tool of public communication, thus hampering the discharge of the Sejm's legislative function, this infringes not only on the rights of that particular group but also on the legislative prerogatives of the Sejm.

The restriction of the capacity to operate by a political party entered into the register of political parties, whose members serve as Sejm Deputies, has the effect of violating the principle of representation (Article 4.2, in conjunction with Articles 104.1 and 108, of the Polish Constitution). Under Article 4.2 of the Polish Constitution, the people exercise power through their representatives, and pursuant to Article 104.1, Sejm Deputies are the people's representatives. Thus, a curtailment of Sejm Deputies' rights is equal to curtailing the constitutional rights of the people to have a parliamentary representation capable of unrestricted discharge of its representative function. The restriction of capacity to operate on the part of Sejm Deputies, who are members of a political party, violates the principle of political pluralism, the prerequisite of representative democracy. A Sejm in which a group of same-party Deputies are constrained in their rights, following the removal of their profile from the Facebook platform (which remains accessible to the remaining Deputies), has a limited capacity to pursue the principle of pluralism. This limitation impacts the system of governance because it applies to a party staying outside of the parliamentary majority and in opposition to the majority-backed Cabinet. The Meta company thus influences the results of parliamentary elections, by depriving a political party represented in the Sejm of the capacity to operate in the same conditions as enjoyed by the remaining parties with presence in the Sejm. Article 11.1 reads: "The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means". Given the importance of political parties in a democratic state's system of governance and the functions they perform, the principle of political pluralism, as is widely believed, must remain inviolable and unbreakable.

The removal of a political party's Facebook profile represents a kind of interference in relations between rivalrous parties that is equivalent to the promotion of the other parties and, consequently, an indirect subsidising of these parties' activity

by a foreign entity – as far as this narrows their competitor’s room for manoeuvre, thus violating the principle of electoral equality. With one political party’s profile banned and the other parties’ status staying unchanged, the latter receive a form of concealed support, to the extent that Meta company covers the costs of maintaining their profiles and, thus, enables them to enjoy an advantage over the party deprived of its profile. This advantage represents Meta company’s contribution to the other parties’ activity, which is statutorily prohibited. The restricted capacity to operate on the part of the political party whose profile has been removed by Meta company may cause considerable, hard-to-estimate and hard-to-repair damage to that party, resulting from the reduced scope and intensity of its public engagement and also from the stigma of having its profile removed. In order to repair this damage, the party affected by Meta’s move may have to put in commensurate effort to regain support, thus additionally burdening its budget.

The interference by a non-state actor in the activity of a political party contravenes the Constitution and as such – this being an act of lawlessness – must not enjoy protection within the national legal system. Where a political party represented in the Sejm has its operations constrained, this brings an immanent risk of curtailing the state’s sovereign rights, given the special importance of political parties as an element of the state’s political structure and because of their contribution to “influencing the formulation of the policy of the State”. Consequently, the action by Meta company to restrict a political party’s capacity to operate has the effect of restricting the state’s capacity to function, which means that this is an action taken by that company against the state – even if the action has been meant to apply to a single political party.

When acting on its own to limit the operations of a political party represented in the Sejm, Meta company, which enjoys a *de facto* monopoly status within its field, has taken on the role of a para-state body. As far as the results are concerned, removing the profile of a political party is equivalent to applying state coercion thereto, which is a prerogative of a sovereign state. It therefore transpires that Meta’s action under consideration violates the principle of state independence and sovereignty.

While the Polish Constitution, in Article 90.1, allows for competences of organs of State authority to be delegated – in relation to certain matters, and according to constitutionally defined procedure – to an international organization or international institution, this would not be warranted in the case under discussion, nor has it actually taken place. Similarly, there is no room for any presumption of delegation of competences.

The Constitution rules out any such delegation of competences which would result in an external entity being able to impact the situation of political parties active in Poland. The political parties are so closely linked with state authority and perform so important public functions as to be regarded as a fundamental institution of public political life. Consequently, the restriction of a political par-

ty's activities by Meta company constitutes an interference in the political system, thus encroaching on the sovereignty of the Republic of Poland.

If the restrictions imposed by Meta company on activities of a political party were accepted within the national legal order, that would represent a major deformation of the state's constitutional identity, as expressed in Article 8 of the Polish Constitution which refers to the Constitution as the supreme law of the land. Unless violating the so-defined constitutional identity of the state, Meta's activities in question must not be regarded as protected within the national legal order. Should these activities be accorded protection, the Polish Constitution would be deprived of its guarantee function, as that would represent an important revision of the Polish Constitution without any change in its provisions.

The removal of a political party's profile by Meta constitutes a restriction of citizens' political freedoms and rights, in violation of Article 58 (1) and (2) in conjunction with Article 31(3) of the Polish Constitution. The provisions of Article 58 of the Polish Constitution guarantee everyone the freedom of association (paragraph 1). Associations whose purpose or activities are contrary to the Constitution or statutes are prohibited; while a refusal to register such an association and its prohibition must be court-approved (paragraph 2). The types of associations subject to court registration, the procedure for such registration and the forms of supervision of these associations must be determined by law (paragraph 3). Even prior to the proclamation of the current Constitution of the Republic of Poland, the Constitutional Court jurisprudence developed the view that "the freedoms of citizens are not absolute and may be subject to limitations. However, these limitations may only be established by statute, and their imposition is subject to certain conditions. First, a statutory restriction of freedom can only occur if it is expressly permitted by other constitutional provisions or when it is necessary to harmonize this freedom with other norms, principles or constitutional values. Second, statutory restrictions on freedom may be introduced only to an indispensable extent, only in necessity, and only in the necessary magnitude. In other words, the right balance must be maintained between the degree of restriction of individual freedom and the importance of the protected public interest, meaning that excessive interference of the state in the individual's freedom of action is prohibited. Third, statutory restrictions of freedom must be regarded as exceptions. Fourth, neither individual restrictions nor their sum may violate the essence of the right or freedom being restricted".<sup>8</sup> According to Article 31(3) of the Constitution, "any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights". Consequently, the cited standards

---

<sup>8</sup> Cf., for example, Judgement K 12/95.

relating to restrictions on citizens' freedoms and political rights rule out any such interference with these rights that consists in restricting the activities of a political party by means of actions taken by Meta – these actions being unacceptable in a democratic state, which permits only such restrictions that are compatible with the constitutional provisions and, in particular, only such restrictions as are made by the state, rather than a non-state actor such as the Meta company.

The removal from the Facebook platform of a political party's profile encroaches on the freedom of social media and the freedom of expression and dissemination of ideas. In accordance with Article 14 of the Constitution, the Republic of Poland ensures freedom of the press and other means of social communication, whose role in a democratic state cannot be overstated. A democratic state can function only if there is a pluralism of opinions and if these opinions can be freely expressed in public space. This goal is served by providing adequate conditions for an unhindered exchange of views and dissemination of information about politics, activities of public authorities and many other areas of importance for the citizens. Thus, the moves taken by Meta company represent interference in the underpinnings of democracy in Poland because they represent an illegal curtailment of the freedom of expression, which, in the light of Polish constitutional jurisprudence, "is one of the foundations of a democratic society, a condition for the development thereof and for individuals' self-fulfilment. That freedom may not be limited to information and views that are received favourably or perceived as harmless or neutral".<sup>9</sup> No provision in Polish law authorises Meta company to restrict the freedom of social media in Poland, which notion includes the Facebook platform run by that company. Meta's making this platform available in Poland does not give it the right to ignore Polish law and revise the constitutionally guaranteed rules governing the functioning of democracy.

The action taken by Meta company towards the political party whose profile has been removed provides an example of curtailment of the freedom of expression, in contravention of Article 54 of the Polish Constitution. While the freedom of expression may be subject to limitation, in light of Article 31.1 of the Constitution, "there can be no doubt", as reasoned by the Constitutional Tribunal, "that the most basic condition such limitation must meet is the requirement of statutory regulation. Given the fundamental role of the freedom of expression in a democratic state ruled by law, the accuracy of statutory provisions imposing limitations on this freedom must come under particularly strict scrutiny".<sup>10</sup> But in the case in question, the freedom of expression has actually been limited without a statutory basis.

According to Article 11.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right

---

<sup>9</sup> Statement of principal reasons for Judgement K 4/06.

<sup>10</sup> Statement of principal reasons for Judgement P 3/06.

to form and join trade unions for the protection of their interests. No restrictions may be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. According to the Constitutional Tribunal, “the Convention thus permits restrictions on the right to form associations. For these restrictions to stay within the permissible degree, within the meaning of the second sentence of Article 11.2, they must at least be prescribed by national law and must not be arbitrary. ... It should therefore be concluded that the exercise of guarantees of freedom of association lies within the competence of the national legislator”.<sup>11</sup> Yet in the case under consideration, we have restrictions that have not been imposed by the national legislature and which are wholly arbitrary as far as their application to a political party is concerned. This represents a violation of the Convention, which must not be accepted in the domestic legal order due to the commitments arising from Article 9 of the Polish Constitution.

Article 22. 2 of the International Covenant on Civil and Political Rights provides that no restrictions may be placed on the exercise of the right to freedom of association with others, as laid down in that convention, other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. According to Article 19.2 of the Covenant, the exercise of the right to freedom of expression “carries with it special duties and responsibilities” and “may therefore be subject to certain restrictions”, but only “such as are provided by law and are necessary (a) for respect of the rights or reputations of others and (b) for the protection of national security or of public order or public health or morals”. Yet in the case under review, the restrictions have not been provided by law and, consequently, compliance therewith would be equivalent to an infringement of the Covenant.

**3.** The foundation underlying a democratic system that enables the individual to consciously participate in fair elections is provided by freedom of speech and independent public debate. A government so elected is accorded a legitimacy – the *democratic* legitimacy – to restrict rights and liberties, deriving from a dialogue taking place in an open society, where conflicting arguments can be articulated and independently evaluated.

The democracy thus described, however, is undermined by the development of information and communications technology, having been increasingly dependent on the algorithms used by network operators to eliminate what is regarded as unacceptable content.

---

<sup>11</sup> Statement of principal reasons for Judgement K 26/00.

Users of information and communications technology are induced to turn to ready-made answers for almost any question. In some instances, technology simplifies complex problems via algorithms adjusting website operation to users' expected requirements and preferences. Consequently, these preferences are reinforced and the opinions so formed may prove unarguable.<sup>12</sup> As it happens, election results have increasingly depended on who won online rivalry.<sup>13</sup>

Those who determine which content is available online are not accountable to any parliament or government – yet they may exert decisive influence on the way of thinking of users of practicably indispensable tools they supply.

Thus, those who influence the picture of the reality via controlled media and those who determine how the reality is perceived by ICT users have been forming a new power structure, one that threatens the democracy understood as a freedom of choice. In countries where the Meta company is present, its privacy policy and operating rules are not subject to any constitutional review, even if this policy actually determines the shape of public debate and freedom of speech in the countries concerned. In the space created by the new information and communications technology, enjoying the freedom of speech and the freedom of public debate becomes contingent on accepting the increasingly pronounced constraints on these freedoms, constraints which have no basis in democratically legitimised law. The freedom so restricted is only a shadow of its former self. Enjoying their monopolistic position, the big tech giants have assumed the mantle of public authority, even without having a democratic legitimacy to play this role. Their power – arbitrary and not subject to public control – has not been won in any electoral process, and disobedience to this authority engenders restrictions on freedom of speech in online media.

The new information and communication technologies are fundamentally changing the conditions in which freedom of speech can be exercised and public debate held. Freedom of speech is closely linked to freedom of thought, which cannot exist without respect for individual privacy. People deprived of privacy, who constantly live under surveillance due to the digital traces they leave (consciously or unconsciously), lose the ability to exist separately from others and independently of external behavioral patterns<sup>14</sup> and rules of correct thinking. The social networks have the effect of blurring the line between the private and public spheres. In the reality of surveillance capitalism, individual privacy becomes “free raw material for hidden commercial practices of extraction, prediction and sales”.<sup>15</sup> This accomplishes, as Zuboff puts it, “an expropriation of critical human rights”,<sup>16</sup> tan-

<sup>12</sup> Cf. M. Ainis, *Il regno dell'Uroboros*, Milano 2018, p. 13 ff.

<sup>13</sup> Cf. H. Kissinger, *World Order*, New York 2015, p. 119 ff.

<sup>14</sup> Cf. A. Greenfield, *Radical Technologies: The Design of Everyday Life*, London-New York 2017, p. 273 ff.

<sup>15</sup> Cf. S. Zuboff, *The Age of Surveillance Capitalism*, London 2019, p. 1.

<sup>16</sup> *Ibidem*.

amount to a restriction of the freedom underlying independent thinking.<sup>17</sup> This freedom is further curtailed by the practice of profiling Internet search engines in such a way as to match users' anticipated characteristics and expectations, and thus increase the effectiveness of the advertisements provided to them. With online search results personalized, Internet users find themselves stuck in "information bubbles",<sup>18</sup> which limits dialogue, a precondition for real public debate.<sup>19</sup>

The virtually unlimited freedom of expression is conducive to what is known as "hate speech"<sup>20</sup> and to the spread of hasty, simplistic opinions and stereotypes, thus upending the importance of public debate as the basis of the democratic system. The new technologies are fundamentally changing the culture of human rights, including the right to freedom of speech, by lowering the level of sensitivity to their violation and making people gradually accustomed to systemic restrictions not only on the right to privacy but also on the sovereignty of the nation, as exemplified by the Meta company's previously mentioned interference in the operation of a legitimate political party. The dependence on new information and communication technologies is transforming the constitutional identity of the democratic state ruled by law, without formally changing the existing constitution.

Artificial intelligence (AI) makes it possible to blur the line between fact and fiction, between truth and falsehood. It is becoming possible for those in control of artificial intelligence, and perhaps even for the AI algorithms, to decide at their discretion what will be accepted as truth and what will be considered its opposite. The methods of mass propaganda<sup>21</sup> currently in use, where all media channels promote a single narrative while keeping a lid on dissenting views, are conducive to a situation where the public tends to accept the dominance of political post-truth.<sup>22</sup> In an algorithmic society, constructing a system of informational totalitarianism appears to be a feasible option.<sup>23</sup>

In a situation where any kind of fictitious reality may be fashioned using AI algorithms, the freedom of speech, as a reflection of the freedom of thought, comes under acute threats. With blurred boundaries between truth and falsehood, between reality and fiction, the truth becomes unreliable, too; and the exercise of

---

<sup>17</sup> Cf. H. Kissinger, *op. cit.*, p. 117.

<sup>18</sup> Cf. E. Pariser, *The Filter Bubble. How the New Personalized Web Is Changing What We Read and How We Think*, London 2011.

<sup>19</sup> Cf. M. Ainis, *op. cit.*, p. 13 ff. See also S. Vaidhyanathan, *Antisocial Media. How Facebook Disconnects us and Undermines Democracy*, Oxford 2018.

<sup>20</sup> Cf. K. W. Saunders, *Free Expression and Democracy. A Comparative Analysis*, Cambridge 2017, p. 73 ff.

<sup>21</sup> Cf. D. Welch (ed.), *Propaganda, Power and Persuasion*, London-New York 2014.

<sup>22</sup> Cf. R. Keyes, *The Post-truth Era: Dishonesty and Deception in Contemporary Life*, New York 2004.

<sup>23</sup> Cf. M. Tegmark, *Life 3.0 Being Human in the Age of Artificial Intelligence*, London 2018, p. 134 ff.

freedom in conditions of information schizophrenia<sup>24</sup> is tainted by an inherent risk of enslavement. However, it is only the exercise of the freedom of speech and the persistent defence of the “real reality” (and therefore truth), against increasingly inventive forms of what is referred to as deep fake that can prevent the dystopian scenarios of an algorithmic society from becoming a reality.

## REFERENCES

- Ainis M., *Il regno dell'Uroboro*, Milano 2018
- Greenfield A., *Radical Technologies: The Design of Everyday Life*, London-New York 2017
- Keyes R., *The Post-truth Era: Dishonesty and Deception in Contemporary Life* New York 2004
- Kissinger H., *World Order*, New York 2015
- Napolitano A. P., *A Nation of Sheep*, Nashville 2007
- Pariser E., *The Filter Bubble. How the New Personalized Web Is Changing What We Read and How We Think*, London 2011
- Piotrowski R., *New Technologies or New Human Rights: The Right to a Government by Humans and the Rights to One's Own Thoughts*, “*Studia Iuridica*” 2018, Vol. LXXXVI
- Rodota S., *Il mondo nella rete. Quail I diritti, quail I vincoli*, Roma-Bari 2014
- Saunders K. W., *Free Expression and Democracy. A Comparative Analysis*, Cambridge 2017
- Schneier B., *Data and Goliath. The Hidden Battles to Collect Your Data and Control Your World*, New York-London 2015
- Schuilenburg M., Peeters R. (eds.), *The Algorithmic Society. Technology, Power, and Knowledge*, London and New York 2021
- Seckelmann M., Violini L., Fraenkel-Haeberle C., Ragone G.(eds.), *Academic Freedom Under Pressure? A comparative Perspective*, Cham 2021
- Tegmark M., *Life 3.0 Being Human in the Age of Artificial Intelligence*, London 2018
- Vaidhyanathan S., *Antisocial Media. How Facebook Disconnects us and Undermines Democracy*, Oxford 2018
- Welch D. (ed.), *Propaganda, Power and Persuasion*, London-New York 2014
- Zuboff S., *The Age of Surveillance Capitalism*, London 2019

<sup>24</sup> Cf. S. Rodota, *Il mondo nella rete. Quail I diritti, quail I vincoli*, Roma-Bari 2014, p. 7 ff.