

COLLECTIVE INTELLIGENCE AND WEAK RIGHTS

Gino Fontana
Pegaso Online University, Italy
sl.gf@libero.it

Abstract:

Collective intelligence as a superior entity or superorganism resulting from the combination of cybernetics and evolutionary biology is central to the progress of a community in the global era. The decisions that regulate the same democratic processes of the groups, in the idea of describing an intelligent behavior that manifests itself collectively, they can be compared to the swarms of bees, to the hive. The identity of individuals, as theorized by the philosopher Pierre Levy is canceled by the network in the age of cyberspace, freeing the field for a "flattening of individuality" sacrificing it on the altar of ICT. The Global Brain interconnects all human beings to technological devices within a network that accumulate and process information taking data from social networks and interactive platforms. The hybridizations between machines and interactive platforms allows you to tap into a huge amount of "Big Data". This massive amount of data through specific algorithms, has social-economic impact on consumption, political dream, and institutional effects. The hegemony of the network requires democratization interventions. Legal civilization should be directed towards a correct and ethical right to rediscovery the "natural law". The reaffirmation of personal subjectivity and the protection of the fundamental rights of the individual in relation to technological changes that see in the data holders the real depositaries of sovereignty over the peoples it requires corrections belonging to the sphere of law. A slender right made by of a few rules or many principles schematized procedure for private alternatives appears a possible solution.

Keywords: natural law, collective intelligence

1. HIVE MIND AND BIG DATA. INFORMATION IS POWER

The aim of the research is to analyze the impact of collective intelligence in the world of law, in particular on the democratic principles of peoples and the perception of individuals on the limitation of their freedom; taking into account legislative and jurisdictional differences. The research method is comparative and statistical. For the purpose has been used for tests various control group, focusing also on the manipulation of variables.

The model of Information and Communications Technology has shifted the general economic asset, from the sale of goods to the sale of access to services rendered by such assets. In fact, the evolution of the stadium is represented by Big Data, as an information economy within a new economic scenario that sees the flow of information as an intangible asset; the collector of a form of privileged capitalization, where the value of the asset is given by the information it contains, to initiating an economic and speculative cycle of information.

The new business models are based on the exchange of data and information, within a new informational capitalism. However, these new paths have influence on society and social progress like human activities and cultural contexts. For Big Data, we mean the enormous collection of information in digital format on the Internet and information that comes through cookies and tracking sensors that record the activities of the reality of physical things, which are filtered through algorithmic and / or artificial intelligence analysis systems; that transform raw matter into valuable information, reusable in different economic scenarios. Within this framework, the beehive assumes importance for the research of two phenomena connected, the Cloud Computing and the Internet of Things. The first consists in the management and centralization of data through systems with very high computing power; the second is the Internet of things consisting in connecting real objects, equipped with sensors and software to the Internet, in order to exchange information. In the Internet of things, the connection to the automobiles network, home appliances, electronic devices, power grids, buildings, domotic's houses, etc., allows us to communicate a huge amount of data, ready for the analysis phase. So the big eye will have any type of information about all that individuals, like their health, thermal, environmental data, shopping tastes etc. Some authors positively see the phenomenon described above, as a source of growth in the various economic and social sectors, a method to improve the supply of goods and services for consumers; in short, the decryption of collective needs, analytically understand individual needs. Besides, the proponents of such theories see in Big Data a tool to give opportunities to the "developing countries". Some answers can be found along the economic cycle of Big Data. In fact, the combination of actions that make up the chain, start from the source of raw data production and arrive to the phase of data analytics or data reuse by the same companies, or to the sale to third parties, not in competition with the manufacturer. The collection, storage and analysis of data are the phases that make up the complex process linked to the economic value that they possess. These phases can be carried out by a single economic operator or it can come from the result of an interchange between various protagonists of the cycle. It is too obvious that the owner of valuable information is in a situation of competitive advantage over competitors. The collection consists in the acquisition of data by a subject. Next, the datasets, which are still in a rough state, c.d. raw data, are archived and organized; therefore, Big Data are analyzed by the use of algorithms and are combined together, c.d. matching and pooling. At the end, the result of these processes is made by informations that can be reused by the same company, or transferred to third parties as a product through contractual instruments. The access to data is mandatory for each digital operator or physical company for the typical activities of the value chain. Authoritative experts in the field say that consumer information is the new currency that speeds economic interactions between operators. In contrast to the "Big Data" supporters, that see in them essentially positive aspects related to the satisfaction of consumer needs, at various levels, there are some voices outside the chorus coming from authoritative theorists who underline how there is an invasion in the privacy of the affiliates and a violation of copyright and a "vulnus" of intellectual property.

The writer, softly affirm that in the phenomenon analyzed, there are multiple and complex negative effects of phenomenal reality, in particular in the social and cultural reality of society. Also, in addition the effect has an influence in economic world and at the same time to the world of law, generating a serious reflection on the danger that exists regard this big and complex phenomenon. First of all, a necessary reflection must be done in relation to the fact that Big Data tend to a "behavior modification" of the consumer, guiding the choices, through a homologation work by categories, subtracting the final choice from the final user. The legislative institutional slowness is not able to keep up with the large economic organizations that manage data, in addition to the fact that are the same public institutions to have benefit from a big data system. An economy of goods entrusted to the collective intelligence directed towards self-balancing does not seem certain in the eyes of the writer; the equilibrium point given by the price represented by the demand and the offer will be automatically determined by the system. The speculative bubbles at this point will be around the corner. Assumed that the algorithmic predictive systems are able to interpret and know in advance the needs, the orientation of those who are on the network by virtue of the information they get, and know, in particular what an individual or a group of persons will do in the next 24 hours, it is easy say that concepts such as freedom, self-determination, sovereignty, equality, democracy are emptied of meaning. The same political sharing

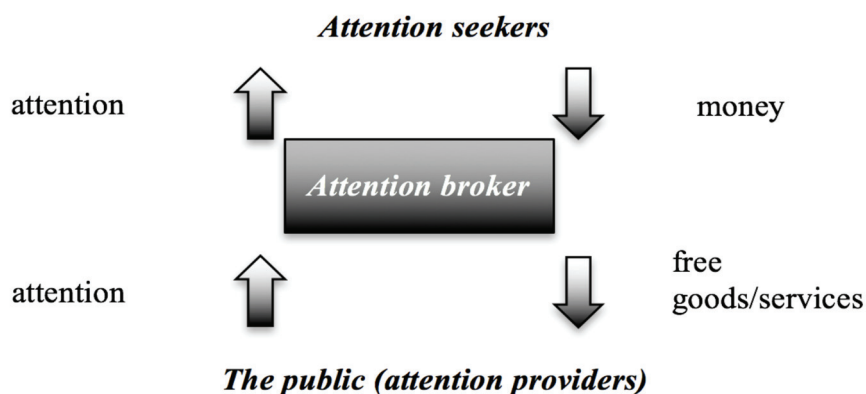
managed by big data is part of this vortex. In fact, the orientation on the choice of a candidate or a political representative undermines the very foundations of democracy. Piloting the political offer by interpreting the habits, fears and tastes of citizens before the start of an electoral campaign and during the meetings violates the freedom of a people regardless to “the exercise of sovereign power”. The American case of Trump makes school. There is more, today it is possible to colonize a Country from the outside with the only force of the “manipulative process of information”, to interfere in the free choices of the citizens, to contribute to the victory of a friendly candidate instead of the adversary.

The case of the Five Star Movement in Italy is emblematic. In fact, the political movement in question is the result not of the network itself, but of the process of analysis of the IT platform, as a tool to draw citizens' data and extrapolate information. What may seem to be a means of sharing intelligences, which by cooperating give life to a more intelligent and unitary organism, do not differ from other computer platforms, with the aggravating factor of acting on the democratic mechanism of a country. Indeed, the responses of the prominent figures of this political movement in terms of communication and media coverage, is almost immediate in relation to the analysis of data and their use in mass belief techniques. Everyone's democracy essentially means a non-democracy. The Roussou platform performs on the individual questions asked to the subscribers through interactions, and samplings in order to not orientate the political strategies but the communication techniques. Therefore, taking up the discussion on the economic data chain, regardless to the M5S political movement taken as case study of this research, we can affirm that the people appreciation are made my a complex techniques system and neuro-linguistic programming.

1.1 The monetization of attention

Web sites, social networking, and e-commerce have assumed a dominant role in the economic chain, linked to data, using as a deceptive strategy the free service and the monetization of the user's attention. The zero-price markets technique consists in offering services that are apparently free to users who are unaware of the trap, putting in the platforms their personal data, which are stored analyzed, processed and archived, ready for use. Signing up for Facebook, cloud computing Google Drive, creating a Gmail account are all ways to capture information and process it through a targeted work. First of all, to say that a service is free on a multiservice platform is not at all correct, since there is not only the method of payment in money, but, there are different types of currency that are based on different parameters. In fact, in digital platforms the user's attention is monetized. This last concept consist in the average time spent on a particular page. The awarding of the attention becomes a valuable asset, economically assessable to be able to transfer to third parties in exchange for money. Attention seekers are based on mechanisms ranking attracting the users with news and topics of different nature, such as stories, videos, posts, photographs, etc. The use of the user's attention and keywords researches permit to the web algorithms the creation of folders where needs, tastes, desires and social class are cataloged.

Picture 1: The mechanism of attention on the web platform



Some companies in the framework of this strategy have launched new products in order to increase the time spent on the network and the time spent by users to use services. The hive at this point is nothing different than a mass control system which mean undemocratic and privative of national sovereignty where critical thinking remains a utopian memory. In the opinion of the writer there is the violation of individual freedom and the mystification of free choice. Those systems catch fraudulent information in an outdated and now obsolete legislative system that cannot be adapted to the technology society. A homologated and segmented community is made by ideal people to whom to sell goods and services including politic dream.

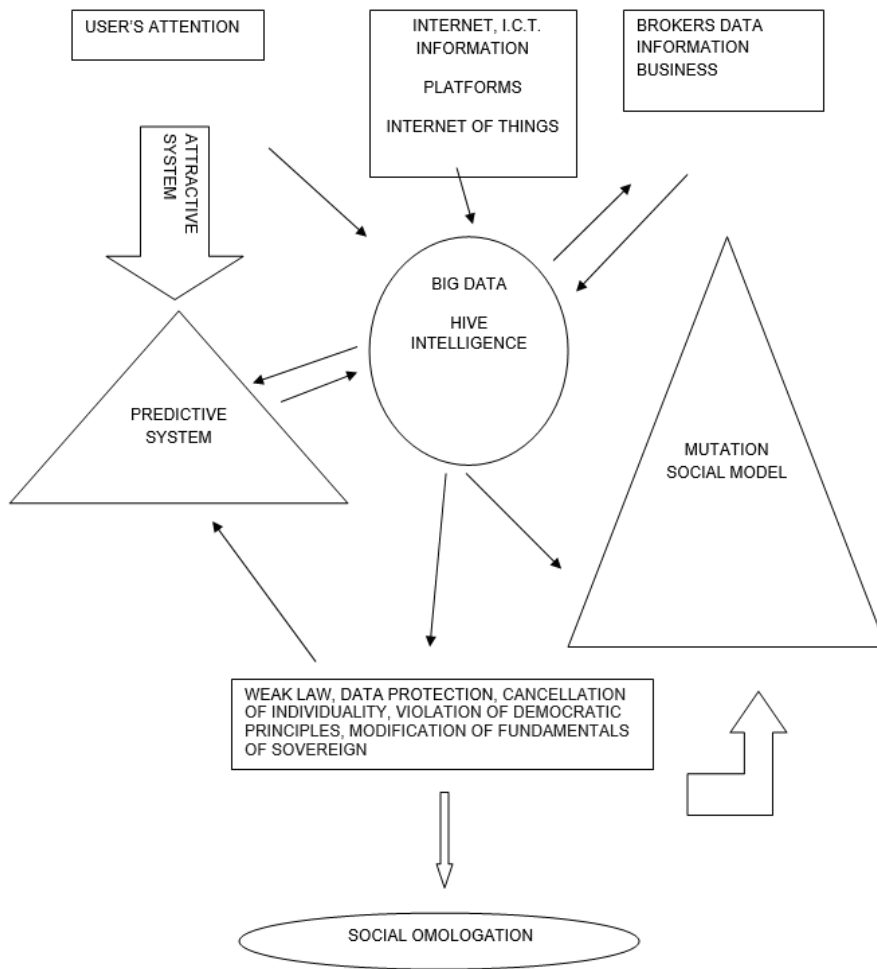
1.2 An antiquated legislative system, the European framework, weak law.

Unlike the United States, the European Union has a system of omnibus protection in terms of informational privacy. The Regulation is clearly influenced by the diversity of views of the different EU Member States. The final text, in fact, is a less innovative and softer version of the original proposal. It largely incorporates the principles of the previous Directive, inspired by the FIPPs included in the guidelines on privacy and cross-border flow of personal data processed by the OCSE. In essence, the paradoxical solution could be in the portability of data between multiple operators, so that competition rules can affect transparency in positive way. In fact, if there are no more “data lords” that hold them exclusively and those are accessible to a wider audience, the protection for the citizens and users could be better. Basically, shared databases accessible from operators with a specific license as proposed in the framework of the European Commission, in specific par. 1 of the art. 3 of Directive 93/13 / EEC, “a contractual clause, which has not been individually negotiated, is considered abusive if, despite the requirement of good faith, determines, to the detriment of the consumer, a significant imbalance of rights and obligations of the parts arising from the contract”, looks like a great solution, however in practice there is a continuous and systematic violation of the rights of the weak part of the relation.

2. CONCLUSION

User profiling is not just a method of breaking down anonymity or the right to privacy of data, but the inoculation of a previously non-existent will, generated by the need induced in the individual within a “global world”. The collective intelligence founded on big data has given to the network the subjective existence of the individual, in the sick man-machine relationship. The acceptance reaches the proposer instantly with a simple click when has been already predicted the positive feedback. However, *there is equality in this? There is justice in this? Above all, still this a democracy or a new system of understanding democratic principles?* How can be freedom if the devices we use studies facial expressions and the user's voice stamp. Well, in the opinion of the writer, we are directed to new forms of law, like liquid and flexible type. New sources that do not reside in a code and in the founding principles of a single nation. We witness the transformation of civil law into a hybridized common law. The interpretation by principles and the changeability of the sense of justice appears as a new formula. In this new extended society, jurists and economists of the future will travel in a society without excellence and studded with the homologation of men.

Picture 2: Exemplary diagram of the hive mind. The interconnection between big data and predictive system



REFERENCE LIST

1. C. HOOFNAGLE – J. WHITTINGTON. (2014). Free Accounting for the Costs of the Internet's Most Popular Price, in 61 UCLA Law Review, 625;
2. D. EVANS. (2010) Attention to Rivalry among Online Platforms and Its Implications for Antitrust Analysis, Coase-Sandor Institute for Law & Economics Working Paper No. 627;
3. D. EVANS, op. cit.; J.M. NEWMAN, op. cit.; J. RATLIFF – D. RUBINFELD. (2014). Is there a market for organic search engine results and their manipulation give rise to antitrust liability?, in 10 Journal of Competition Law and Economics;
4. D.KIRKPATRICK, The Facebook effect, Simon & Schuster;
5. E.E. SMITH – S.M. KOSSLYN. (2017). Cognitive Psychology: Mind and Brain, Pearson;
6. G. COLANGELO; J.M. NEWMAN. (2015). Antitrust in zero-price markets: Foundations, in 164(1) University of Pennsylvania Law Review;
7. L. MCGUIGAN – V. MANZEROLLE (CUR.). (2014). The Audience Commodity in a Digital Age: Revisiting a Critical Theory of Commercial Media, Peter Lang;
8. M. CRAIN. (2017). The limits of transparency: Data brokers and commodification, City University of New York (CUNY) Academic Works;
9. NEWMAN J.M., («Customers frequently surrender information as payment in exchange for access to zero-price products like webmail, search, social networking, and creative content services. This personal information serves as a form of currency, taking the place of money»);
10. P. TASSI. (2013). Facebook's Advertising Is Starting To Spiral Out Of Control, in Forbes;
11. T. FIA. (2018). La Tutela Giuridica dei Big Data tra proprietà e accesso, Dipartimento di Giurisprudenza – University of Torino;
12. T. WU (2017) Attention Markets and the Law, in SSRN Library;