

ONOPTIC EXECUTION: The Liquidation of Law in the Age of the Prosthetic Individual and the Sociology of *Homovictimus*

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Abstract

This study posits that contemporary mechanisms of power have evolved from the Panopticon—the classical model of digital surveillance—into a qualitatively different regime: an absolute algorithmic enclosure that tethers existence to data production, namely the *Onopticon*. With this transformation, the relational concept of "society," the fundamental unit of classical sociology, is bracketed; it is replaced by the *Prosthetic Individual* figure, entirely integrated into the network. Modern law, predicated on the assumption of free will and human agency, loses its ontological ground in this new order; the quest for justice is reduced to automated *administrative suspension* procedures. This ontological closure produces perhaps the most radical political figure in history: *Homovictimus*, who is victimized by remaining undefined within the flawless operation of the system. The article argues that the silence created by algorithmic sovereignty is not a state of peace, but a sterile regime of closure where the capacity for conflict is liquidated. However, this diagnosis does not imply absolute defeat; the study proposes a new political-practical horizon via the concept of "negentropy" as a philosophical and legal means of resistance.

Keywords: Onopticon, Prosthetic Individual, Homovictimus, Algorithmic Governmentality, Negentropy, Administrative Suspension, Transparency Society.

1. Introduction: From Spaces of Enclosure to the Open Prison of Hyper-Visibility

The analysis of power in modernity has long been shaped by Michel Foucault's "Disciplinary Society" and Jeremy Bentham's "Panopticon" metaphor. The Panopticon was an architecture where a central tower continuously surveilled the surrounding cells, where visibility was a trap, and where power disciplined bodies through "enclosure" (the prison, the school, the factory). However, in the late 20th century, Gilles Deleuze declared that disciplinary societies had been

replaced by "Societies of Control" (a paradigm shift describing the transition from enclosed disciplinary environments to continuous, free-floating networks of control where individuals are constantly modulated as 'dividuals' or data subsets).¹² In this new order, the individual is managed within open, continuously shifting networks (modulation) rather than closed spaces (molds).

This article takes Deleuze's foresight a step further, defining the new regime of power in our digital age as the **Onopticon** (a neologism combining "online" and "panopticon," denoting a system where surveillance is not an external gaze but the very condition of being connected, relying on voluntary self-exposure rather than forced visibility).³ In the Panopticon, surveillance was external and required an "eye"; in the Onopticon, surveillance is the very state of being "online." Being "on" (connected/open) is no longer a choice, but an existential necessity. As Byung-Chul Han articulates, the coercive Panopticon has been replaced by a digital panopticon where individuals voluntarily expose themselves. In this regime, law ceases to be a judicial activity in the classical sense and transforms into an algorithmic practice of "administrative suspension."

2. "Prosthetic Individual" as an Ontological Knot

The subject of the Onoptic order is not the "natural human" of the Enlightenment. As Bernard Stiegler points out in his work *Technics and Time*, the human is afflicted with an innate deficiency, known as Epimetheus's fault (the mythological concept used to argue that humans lack a natural essence or original qualities, making them fundamentally reliant on artificial prostheses and technics to survive and evolve).⁴ The human is a "technical being," and its evolution is not biological but occurs through technologies, its "exosomatic" (extra-bodily) organs.

Today, this ontological condition has been radicalized in the figure of the **Prosthetic Individual**. Smart devices, cloud memories, and algorithms are the tertiary retention systems (material supports of memory, such as digital archives and algorithms, that exist outside the biological body and fundamentally structure human time-consciousness and anticipation) onto which the individual externalizes their memory and cognitive faculties.⁴ The individual, experiencing what Stiegler calls "cognitive proletarianization," has delegated the knowledge of "how to live" (*savoir-vivre*) to algorithms. This individual does not relate; they connect. Their memory consists of databases, and their will consists of consent buttons. Being disconnected from the system (going offline) is not a communication problem, but a crisis of ontological "worldlessness."

3. The Liquidation of Law: The Death of the Agent and Algorithmic Execution

Classical law relies on the assumption of an "agent" endowed with free will, capable of foreseeing the consequences of their actions. However, as Antoinette Rouvroy explains with

the concept of "Algorithmic Governmentality" (a mode of governance that relies on the automated processing of massive datasets to govern uncertainty and pre-empt behavior, bypassing human reflexivity and the traditional legal subject), the new regime of power operates on a "pre-emptive" (preventive/obstructive) logic rather than a "normative" (legislative) one.⁵⁶

3.1. Data-Behaviourism and the Liquidation of the Subject

Algorithmic systems treat the individual not as a legal subject, but as a "data double" or a statistical profile. According to Rouvroy, this "data-behaviourism" (a new truth regime where raw data correlations replace the search for psychological motivations, narratives, or causal understanding of human actions) ignores the individual's intent, psychology, or speech; it focuses solely on correlations within big data sets.⁶⁷ The legal subject is replaced by the "statistical body," and judgment transforms into a calculation focused on minimizing risk before an action even occurs.

3.2. Administrative Suspension

In this regime, punishment is not imprisonment (the confinement of the body), but **Administrative Suspension** (a mechanism of automated, preemptive exclusion or disabling of access—such as losing a digital account, financial credit, or visa status—executed without traditional due process, human judgment, or judicial hearings).⁸⁹ The termination of a YouTube channel, the revocation of an Uber driver's license, or the automatic expulsion of a student from a university system are forms of algorithmic "execution" that do not require a trial in the classical sense. When suspicious activity or a data flow violating community guidelines is detected, the algorithm cuts access without seeking "causality." This is the digital equivalent of "Civil Death" in Ancient Rome; the individual physically lives, but socially and economically, the "plug has been pulled."

4. The New Political Figure: The Perfect Victimhood of *Homovictimus*

This technological and legal transformation produces a new sociological figure:

Homovictimus. Giorgio Agamben, with the concept of *Homo Sacer* (an individual excluded from the legal order who can be killed with impunity but not sacrificed, representing "bare life" subjected directly to sovereign power), defined the bare life that the sovereign pushes outside the system by suspending the law (state of exception), yet renders killable.¹⁰¹¹ *Homovictimus* is the inversion of this relationship.

4.1. Exclusionary Inclusion

Homovictimus is victimized not because they are excluded from the system, but because they are "totally integrated" into the system and suffocate within this integration. In this condition, defined in sociology as "exclusionary inclusion" (a sociological condition where individuals are fully integrated into a system—such as digital networks or integration programs—yet remain marginalized, stripped of political agency, and pacified by the very terms of their inclusion), the

individual is part of the system but has lost the capacity to be an agent.¹² Unlike the prisoner in Agamben's camp, *Homovictim* is the user in the network; they are not invisible, but rather "hyper-visible." Yet, this visibility does not grant them the power of agency; it merely reduces them to a data source.

4.2. The Violence of Transparency and the Hell of the Same

Jean Baudrillard, in "The Transparency of Evil," noted that the system's attempt to purge all negativity (the secret, the Other, illness) to create absolute positivity and transparency would spawn a viral violence that collapses the system from within. Byung-Chul Han refers to this condition as the "Hell of the Same" (a sterile digital environment purged of negativity and "the Other," where individuals are trapped in algorithmic echo chambers of endless affirmation and conformity)³. In this sterile hell, *Homovictim* is the figure who has lost the capacity for conflict, lacks a political language to express their pain, and can only construct an identity through "trauma" and "victimhood."

5. The Way Out: Technology as Pharmakon, Negentropy, and the New Law

Although the success of the Onoptic Closure lies in concealing absolute domination behind the aesthetics of "user experience" (UX) and "optimization," this diagnosis does not necessitate a deterministic dystopia. An alternative to absolute surrender to algorithmic governmentality and the status of *Homovictim* exists.

5.1. Pharmakon and Negentropic Resistance

Bernard Stiegler reminds us that technology is essentially a "pharmakon" (a philosophical concept, drawing on Derrida and Plato, denoting that technology is simultaneously the poison that alienates and the potential cure or remedy that liberates). Technology itself is not an ontological evil; the fundamental problem is its reduction by algorithmic governmentality to a mere instrument of control and entropy (uniformity). The only form of resistance in this universe is not a romantic Luddism that rejects technology, but the creation of a new "**negentropy**" (the resistance against entropy or homogenization; in Stiegler's framework, it is the generation of new, singular meanings, diversity, and human agency against the automated standardization of algorithmic systems) within digital networks. Producing negentropic value ensures the re-establishment of new singularities, meanings, and human will by "dis-automatizing" (disrupting) the mechanical and automatic operation of the system.

5.2. Concrete Legal and Political Proposals

To break the "sterilization" process created by algorithmic sovereignty and construct a new law, specific structural interventions are essential:

- **The Right to Interpretation and Recalcitrance:** Against the "calculable reality" based solely on data correlations, the individual's right to be unpredictable and to "rebel" must be

guaranteed. Against the automated facts of the system, individuals must possess the Right to Interpretation/Recalcitrance (a proposed legal right to resist algorithmic categorization, preserving the unpredictability of the human subject and the right to provide a contextual, narrative account of one's actions against automated correlations)¹³.

- **The Right to Secrecy and Opacity:** Against the terror of transparency, the individual's right to remain "completely unknowable" by the system must be defended. The right of the individual to be "un-datafiable" and to remain opaque to the system should gain constitutional status as an ontological line of defense.
- **Human-in-the-Loop and the Prohibition of Algorithmic Judgment:** Surrendering the decision-making mechanism to machines (algorithms) in judicial and administrative processes that directly affect human life, dignity, and freedom must be absolutely prohibited. The "human-in-the-loop" principle (a legal and ethical necessity insisting that automated decisions significantly impacting human life must include meaningful human oversight and the capacity for human veto, preserving human dignity and legal legitimacy) must be rigorously applied to ensure that human judgment and conscientious conviction always supersede algorithmic predictions.¹⁴¹⁵

6. Conclusion: Not Peace, But the Reconquest of the Political Horizon

True peace requires subjects with the capacity to say "no." The Onopticon does not resolve conflict; it renders it "pre-emptively" impossible from the start. The inaction of the Prosthetic Individual is not a consensus, but a mechanical pacification. The death of the human as an agent is the first testament of this era in which society is bracketed.

However, the consolation of philosophy and the justice of law do not end here. Technology, as a *pharmakon*, carries within it the cure for the disease it has created. The "negentropic" moves mentioned above and the new legal boundaries to be imposed on the algorithmic order (The Right to Interpretation, The Right to Opacity, Human-in-the-Loop) hold the potential to transform *Homovictim* back into a political subject (*Homo Politicus*). What we need is not to take refuge in the comfort of philosophical pessimism, but to re-politicize the technological, reinventing the human capacity for action right in the heart of this "open prison."

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