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Data rights reconsidered: Reimagining digital freedom through Lefebvre's Right to the City

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This article explores an expanded conceptualization of data rights by drawing on Henri Lefebvre's "right to the city" framework and engaging with the work of contemporary philosopher Byung-Chul Han. It argues that current discussions of data rights, rooted in individualistic property-based models, are insufficient to address the complex challenges posed by our increasingly datafied society. The author proposes a more holistic approach that considers how digital spaces and technologies shape human interaction, creativity, and potential.

The paper introduces three key concepts: a "right to the platform," emphasizing accessible and interoperable online spaces that foster genuine encounter and co-creation; a "right to the datafied city," which calls for citizen participation in shaping surveillance technologies to preserve spaces for spontaneity and protest; and a "right to AI potentiality," advocating for artificial intelligence applications that expand human imagination rather than reinforce existing power structures.

By synthesizing Lefebvre's ideas about urban space with contemporary digital realities, the article offers a novel framework for understanding how technology can either constrain or liberate human potential. It challenges readers to move beyond narrow conceptions of data ownership and privacy, instead considering how digital environments can be designed to nurture human flourishing, creativity, and meaningful social interaction. This approach provides a fresh perspective on ongoing debates about digital rights, AI ethics, and the future of online spaces.

Introduction

Since the Facebook/Cambridge Analytica controversy in 2016, tech companies, the press, watchdogs, and state actors have placed increased urgency on educating the public on the issue of data rights. These critical issues have often been discussed under the liberal formulation of rights as individualistic and based on possession of property. This is consistent with Hohfeld's observation of the US property rights as a "bundle of sticks" that include elements like possession, control of use of property, the ability to exclude others from using it, control over enjoyment of the object and the rights of disposition (e.g. inheritance).[1] Shehu and Shehu describe the conventional understanding of data rights as encompassing "the rights individuals have over their personal data, empowering them to exercise control, privacy, and consent in the digital realm."[2] Legal frameworks like the EU General Data Regulation (GDPR) and the California Consumer Privacy Act (CCPA) are built atop this "bundle of rights" framework. In recent years, a "data rights" framework has extended to questions of civil rights, e.g. how data is used in decision making and whether discriminatory algorithmic bias is being employed.

With the advent of AI based-large language models (LLMs), the debate about *digital sovereignty* has shifted towards questions of infringement of copyrighted material used to train models and whether using this material to train an AI represents an instance of fair use. Companies like Microsoft, Google, Apple, Twitter and Meta all have their own sources of training data composed of proprietary content, but in each of these cases, much of the training data involves vast numbers of individually created data online. The New York Times, among other entities, are suing OpenAI for using data scraped from their website to train their large language models.[3] Microsoft is also being sued by a group of programmers who claim that Microsoft trained its CodePilot using GitHub without the programmer's consent.[4]

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[1] Wesley Newcomb Hohfeld, "Fundamental legal conceptions as applied in judicial reasoning," *The Yale Law Journal* 26, no. 8 (1917): 710-770.

[2] Vlona Pollozhan Shehu and Visar Shehu, "Human rights in the technology era—Protection of data rights," *European Journal of Economics, Lawand Social Sciences* 7, no. 2 (2023): 2, https://doi.org/10.2478/ejels-2023-0001.2.

[3] Jay Peters, "The New York Times Is Suing OpenAI and Microsoft for Copyright Infringement," *The Verge*, December 27, 2023, https://www.theverge.com/2023/12/27/24016212/new-york-times-openai-microsoft-lawsuit-copyright-infringement.

[4] Emma Roth, "The Developers Suing Over GitHub Copilot Got Dealt a Major Blow in Court," *The Verge*, July 9, 2024, https://www.theverge.com/2024/7/9/24195233/github-ai-copyright-coding-lawsuit-microsoft-openai.

Finally, in 2023, a group of artists sued StableDiffusion for using their art without permission.[5]

This individualistic formulation of "data rights," while critically important, significantly constrains the ways in which data is used to undermine individual freedom. Data, like people, do not exist in a vacuum. There are broader dynamics that impact individual access to fundamental rights other than state non-interference. Speaking of rights solely in these terms ignores the ways in which other factors can conspire to undermine liberty. British political theorist E.G. Marshall's formulation of rights included civil and political rights and a set of social rights that included "the range of rights to welfare, security and to live the life of a civilized being according to the standards prevailing in the society … carried out through social institutions like the public education system."[6] This broader set of rights foregrounds the ethical imperative of upholding the dignity of individual human life. Speaking of rights only as a "bundle of sticks" that provide rules for how property can be used, narrows the concept of *digital sovereignty* in potentially harmful ways.

In this article, I explore what a broader social "right to data" might look like through work of the French social theorist Henri Lefebvre, specifically his iconic 1968 book *Le Droit à la Ville* (A Right to the City), to sketch out principles of expanded data rights.[7] His approach orients us towards looking at data, not just as individual property, but as a means to human flourishing and dignity. I put Lefebvre's work in conversation with a number of tech scholars and thinkers, primarily the work of German-Korean philosopher Byung-Chul Han. In this work, I will first lay out Lefebvre's three core concepts in thinking about cities: urban form, urban fabric, and the "philosophy of the city" and discuss ways these concepts have been applied to data. I then move to a discussion of Lefebvre's "right to the city approach" and how it can be formulated in different data domains. I place particular emphasis on Lefebvre's emphasis on a "right to play" and the "right to encounter" as a means of co-creation and expanded potentialities. I conclude by exploring an expanded view of data rights in three domains: public surveillance, social media platforms, and AI and formulate three approaches to expanded data rights: 1) The right to participate in inclusive and interconnected digital environments that foster collaboration, creativity, and a sense of community, which can be referred to as the "right to the platform." 2) The right to

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[5] Carlie Porterfield, "Judge Dismisses Most of Artists' Copyright Lawsuit Against AI Image Generators," *The Art Newspaper*, October 31, 2023, https://www.theartnewspaper.com/2023/10/31/california-judge-dismisses-most-of-artists-ai-copyright-lawsuit.

[6] T.H. Marshall, *Class, Citizenship, and Social Development* (New York: Doubleday, 1964), 132.

[7] Henri Lefebvre, *Le Droit à la Ville [The Right to the City]* (Paris: Anthropos, 1968).

public spaces that facilitate social interaction and exploration, unencumbered by algorithmic monitoring that could stifle spontaneity and innovation, which can be termed the "right to the *datafied* city." 3) The "right to AI potentiality"—the right to have artificial intelligence used in ways that amplify human imagination and potential, rather than reinforcing existing divisions and limiting individual opportunities.

Lefebvre's Right to the City

In Lefebvre's book, he invites us to explore alternative ways to think about the city. He wrote this book in the wake of a range of urban crises throughout the world in the 1960's that produced a sense of upheaval and disruption on one hand, and an increased sense of banality and homogenization of daily life on the other. In the latter case, this is best seen in the built environment through cookie-cutter suburbs, but it also could be observed through the brutal formalism of mid 20th century urban housing projects built in the United States. He notes that cities have different *philosophies* that animate the construction of the built environment. In modern times, urban form has increasingly been governed by the *philosophy of accumulation* and *commodification*, but in past eras, the urban form was governed by other logics like "rationality" and "scientism," especially as it pertains to urban planning. While individuals may be "free" in the traditional Hobbesean sense of *freedom from restraint* in any urban setting, for Lefebvre, a "right" to urban space means something more. He defines a "right to the city" as a right to "to renewed centrality, to places of encounter and exchange, to life rhythms and time uses, enabling the full and complete usage of … moments and places."[8]

While his analysis is rooted in Marxism, Lefebvre was critical of the Marxist tendency to reduce human interaction to class relations.[9] Lefebvre's position is that human agency and self-determination are much more nuanced and comprehensive than class oppression, even if he believed that dynamic was present. He encouraged readers to emphasize the individual as situated in space/place. Accordingly, he identifies two core rights—the right to participation (access to autonomy in the production and use of urban space) and the right to appropriation (the right to use and shape urban space to meet individual needs). I will discuss three core aspects of Lefebvre's *Right to the City* that inform an expanded analysis of data rights: the city as a form, the reality of the urban fabric, and the role of ideology in impacting rights.

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[8] Lefebvre, *Le Droit*, 19.

[9] Mark Purcell, "Citizenship and the Right to the Global City: Reimagining the Capitalist World Order," *International Journal of Urban and Regional Research* 27, no. 3 (2003): 564–90.

The Form of the City

Lefebvre spends a great deal of time in his work discussing the role of *forms* in shaping the built environment. Forms are features of the city (building, transportation networks, zoning patterns) that regulate social dynamics. In his work, he analogizes the built environment to things like contracts (marriage, real estate, work) that shape social relations. He argues that while industrialization and commercialization shape relations in the modern city (downtown financial centers, transit networks, etc.), different city forms have existed throughout history and other "forms" will exist in the future.

Lefebvre works through the logical and social implications of different types of forms (logical, mathematical, linguistic, economic, written etc.) on the built environment. In each instance, there is a difference between the abstract conception of the forms and the ways in which those ideas shape relations between individuals and groups. There is for Lefebvre a dialectic between form and its application (what he calls *content*). Abstract form is simplified to be comprehensible, yet its *content* is opaque with hidden layers and fuzzy meanings. In its rational guise, form imagines the city and its inhabitants using a simplifying abstraction. Logical forms, for example, are about "regimes of knowledge production." Socially, those regimes (and their conventions) structure interactions: who is in the out-group, the in-group, who coheres with who, and who is privy to the "secret language" of the form. Form is seen as neutral and unbiased but has its own logic that shapes how individuals' interact with the built environment and with each other.

Forms evolve over time and are layered upon one another. This layering is what gives cities their distinct character. Cities have a particular history, resonance, and language: what he calls an *objectality*. Because place is layered and complex, it is not easily subject to rationalization or optimization without significant costs. He is critical of urban planners that emphasize the formalistic use of space over how that space is refashioned and recreated over time by the city's residents. By ignoring the particularity of cities and those people that crafted them, planners run the risk of disrupting their complex and layered nature.

The emphasis on abstract *forms* over *content* is not a neutral phenomenon but rather a deliberate choice by those in positions of power to control those who are marginalized. Forms are a language those in power can use to ignore the lived experience of the other, rendering them abstractions—invisible and secondary. F*orm* without attending to *content* undermines the fundamental humanity and dignity of individuals, reducing them to mere objects or data points. In the language of French philosopher Simone Weil, factory work condemns one to the drudgery and repetition

of manual labor, which makes it impossible for individuals to "be human"—to think, be in community, act creativity or recognize the humanity in others, a condition she referred to as *affliction*.[10]

Lefebvre advocated instead for the production of "forms of encounter" that would be "layered" on top of the current commercial/rational form. From this launching point, he contends, we can think of the city in ways that are not simply about commercial exchange relationships. Forms of encounter encourage us to think of the city form *aesthetically*, as an *oeuvre* (a work of art), not simply in the physical form of its infrastructure, but also in the ways in which its residents go about living their daily lives. In "forms of encounter" cities and their residents aren't merely foci for power struggles, but dynamic, interactive "works of art." Seeing the city aesthetically makes it difficult to abstract individuals into simply monetary exchange relationships. Viewing the city as an *oeuvre* invites us to explore the interconnected lattice of "systems" that function within it and to evaluate it on aesthetic grounds.

Digital Forms and "Non-Things"

We can think of the digital world as similarly governed by forms. Lefebvre's critique has much in common with the German-Korean philosopher Byung-Chul Han who, in *Non-things: Upheaval in the Lifeworld*, critiques our increasingly datafied age by distinguishing between a world of "things" and a world of "non-things."[11] This distinction, originally made by Vilem Flusser,[12] identifies a world of "things" which are messy and imperfect, but have a layered, multitudinal quality to them and a world of "non-things" absent these qualities. Analog music, for instance, becomes a "thing" not simply by being a physical object (vinyl), but also by the full range of its sound that include the "dirtiness" of the clicks and pops from the dirt and debris embedded in the record's grooves. This gives a vinyl record an "mystery." Things for Han do not immediately convey meaning or reveal themselves because communicating clear meaning isn't their primary function. Like humans, who, as Walt Whitman famously noted, "contain multitudes," things aren't reducible to a clear meaning. Data, on one hand, are "non-things" because they tend towards disseminating information with a pre-fixed intention. Narrative, on the other hand, is layered, complex, and often opaque, whereas information is straightforward and clear. Data is "smooth,"

[10] Ashlee Cunsolo Willox, "The Cross, the Flesh, and the Absent God: Finding Justice through Love and Affliction in Simone Weil's Writings," *The Journal of Religion* 88, no. 1 (2008): 53-74.
[11] Byung-Chul Han, *Non-things: Upheaval in the Lifeworld* (Cambridge: Polity Press, 2022).
[12] Vilém Flusser, *Shape of things: A philosophy of design* (Reaktion Books, 1999).

transparent and packaged, whereas a novel (a good one at least) is complex and layered (much like Lefebvre's discussion of the city).

This is not to suggest that data is "raw" and devoid of signifiers. Bowker argues that all data, whether acquired by sensor or keystroke, is pre-embedded with assumptions and biases and hence should more likely be thought of as *cooked*.[13] To ignore this is to devalue the power relations that undergird the production of "non-things" in the first place. Lupton highlights the embodied nature of data, noting that much of our data emerges from physical objects we live with (e.g. our smartphones). This data, Lupton argues is "lively" in that it has its own set of social relationships with other data and is used to impact individual life chances and livelihoods.[14]

The reality of *lively data* does not speak to the value of what that data is saying. Much of our algorithmically curated social media data is meant to encourage others to consume mindlessly. We can think about downtown entertainment districts in the United States with carbon copy entertainment "experiences" that often have little connection to place as examples of "non-things" in the built environment. Marc Augé refers to these kinds of spaces as "non-places" where humans have no connection to the built environment and social connection is absent.[15] Visitors to these spaces may have a range of emotional reactions to such spaces, but there is no texture or resonance to these interaction between the subject and the space. The space doesn't communicate anything about its particularity (who built it, what is the history of the ground it is resting upon). Its only purpose is to draw users into consumption experiences.

Han is concerned that we are increasingly moving towards a world of non-things. He articulates this by noting that we are migrating from "Earth" to "Google Earth."[16] While he does not articulate this through the language of rights, Han's observation that we are living in a world increasingly characterized by "non-things" has a profound impact on our ability to live meaningful, rewarding lives. These "non-things" might be tangible, but they are devoid of meaning, other than consumption. They represent what Koolhaas refers to as *junkspace*, the chaotic late-modern residue of overconsumption that diminishes humanity. It is a "body double of space, a territory of impaired vision, limited expectation, reduced earnestness"[17] In both

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[13] Geoffrey C. Bowker, "Data flakes: An afterword to 'raw data' is an oxymoron," in *"Raw Data" is an oxymoron*, ed. Lisa Gitelman (The MIT Press, 2013), https://doi.org/10.7551/mitpress/9302.003.0011.

[14] Deborah Lupton, "Personal data practices in the age of lively data," *Digital sociologies* (2016): 335–50, http://dx.doi.org/10.2139/ssrn.2636709.

[15] Marc Augé, *Non-places: An introduction to supermodernity* (Verso Books, 2020).

[16] Han, *Non-things*, 1.

[17] Rem Koolhaas, "Junkspace," *October* 100 (2002): 175–90, http://www.jstor.org/stable/779098.

Lefebvre and Han we have thinkers that tie "freedom" to an engagement with space in ways that allow individuals to be seen as more than products or supplicants, but as complex, creative selves capable of experiencing and creating.

One place where Lefebvre can inform Han's otherwise insightful thinking is in the limits of presenting data as intrinsically a *non-thing*. This data determinism presumes that data is a priori a "non-thing" and isn't impacted by *forms*. This invalidates all the ways in which individuals in the digital world can produce content every bit as layered, idiosyncratic and complex as in the physical world, but are limited in doing so by the "forms" of the platform. Rather than see data as a priori a non-thing, Lefebvre invites us to think about how "digital forms" steer us towards consuming and producing "data as information" instead of "data as things."

The digital age and its corresponding algorithms have changed the nature of mass marketing from one of aggregating mass publics through opinion survey and focus groups to psychographic narrow-casting that anonymously and opaquely clusters individuals based on algorithmic analysis of their digital life. Cheney-Lippold borrows Deleuze's concept of *dividuation* to explain the shift in social control by elites' actors towards the identification of online "fragments of selves" resulting from the arbitrary collection and analysis of online data that are aggregated to produce a digital subject.[18] Individuals are *dividuated*, over and over, for varying purposes. These dividuated selves are manipulated, and vectorized into clusters that de-emphasize traditional identity categories and instead rely on statistical correlation and algorithmic inference for decision-making. This *dividuation,* however, is a "form" that had to be imposed upon digital society through platform design, regulatory capture, and the architecture of financial shareholder capitalism. As Lefebvre observed, urban forms change over time. The same can be said of digital forms.

Lefebvre and Han have similar tonics for the oppressive forms of the age: art. The main difference is that Lefebvre sees access to art (both to create and to observe) as an essential part of a broader "forms of engagement" that should govern relations in cities. Han believes art is needed to re-enchant society. To move us away from an information society of transparency to one of fuzziness and mystery. Art is a "thing" in a way that data is not. For instance, Han claims that a poem is "a thing," because it is a *collection of signifiers* whose value is not reduceable to meaning or interpretation.[19] Han doesn't refer to a "right to art" in the way that Lefebvre refers to a "right to the city," but both thinkers speak to the need to have access to a world of "things." The

[18] John Cheney-Lippold, *We Are Data: Algorithms and The Making of Our Digital Selves* (New York: New York University Press, 2017).

[19] Byung-Chul Han, *The Disappearance of Rituals: A Topology of the Present* (Cambridge: John Wiley and Sons, 2020).

city as an *oeuvre* is an invitation to see the "city as a thing" (including its inhabitants) in Han's terms. Any effort to consider "data rights" more broadly must engage with whether data can be "a thing" and whether a change in "form" can bring about their engagement?

The Urban Fabric

In *The Right to the City*, Lefebvre is careful to point out that the urban form of a city points to, but does not determine, social interaction in cities. The urban form may encourage residents to live in more rigid and uniform ways that they otherwise would, or it could empower them to live meaningful, fulfilling lives, but communities have their own specific cultural and social "way of life." Here, he introduces the idea of an "urban fabric"—the network of relationships that play out within a given urban form. The urban fabric can be thought of as the interaction between urban form and the lived experience within communities. An example he uses is that the urban fabric of pre-industrial societies before zoning laws/distinct residential and commercial districts, encouraged *habitats* with more *plasticity*, or the ability to modify the use of space to meet one's needs. By contrast, he notes that the Paris suburbs of the late sixties with their large housing estates forced a uniformity upon residents that inhibited such flexibility. We can see this today in the austere zoning regulations (large lot requirements, setback requirements, lack of easements, etc.) in suburban areas in the United States that significantly constrain the range of human activity. This lack of flexibility, Lefebvre argues, defines urban reality and shapes the everyday experience of residents in a way that is independent of their property rights. In a later book, *The Production of Space*, Lefebvre differentiated between *abstract spaces* and *differential spaces*.[20] Abstract spaces are characterized by homogenization and commodification, while differential spaces are not rigidly controlled or defined, but are continuously reimagined and redefined by residents. This transformation isn't independent of history or material conditions, but neither is it determined by them.

This interplay between urban form and urban fabric helps us see how the digital world can constrain how individuals create and consume data. In his book, *The Internet Con*, Cory Doctorow describes how social media companies lure users in with initially useful products and systematically reduce their functionality for profit motives, while making it difficult for customers to leave the platform.[21] He uses the provocative term *enshittification* to describe a process in which users have an increasingly poor and exploitative experience with the product but find it difficult to

[20] Henri Lefebvre, *The Production of Space* (Oxford: Blackwell, 1991).
[21] Cory Doctorow, *The Internet Con* (London: Verso Books, 2023).

leave and lose autonomy over their data. An example might be a social media platform, like Twitter/X, where users build up a carefully cultivated base of followers that would then be significantly burdensome to abandon and replicate on another platform, hence they are forced to put up with increasingly exploitative terms of service. Increasingly, platforms encourage the production and consumption of data that prioritizes controversial or salacious content for the purpose of sustained engagement on the platform. This in turn forces content creators to "flatten" their content to be more attractive to the algorithm. Thus, encouraging users to produce and engage with "non-thing" content.

This process of *enshittification* illustrates the limits of a liberal rights-based view of "data rights." One might have the "right" to exit a platform, but one lacks a broader ability to control or shape the platform environment. The solution to this exploitation for Doctorow is to destroy big tech and promote *interoperability*, or the decoupling of data from platform, therefore unbinding data from any one "form" that imposes a specific order. An emphasis on interoperability would allow the "fabric" of interactions to be more in control of individuals and communities, who are no longer bound to one specific platform(form). The question then becomes how to bring about that change?

The Philosophy of the City (or the Platform)?

Lefebvre believed that affecting change upon the urban form required planners to have a "philosophy of the city." The city is where philosophy becomes integrated into everyday life. He advocates a philosophy rooted in an integrated and bottom-up view of the urban fabric, one that fully captures the ground reality of city life. He saw urban planning as having the potential of integrating fragmentary knowledge that is produced by different disciplines and bringing about a holistic understanding of the social fabric of the city. But this planning can do more harm than good if it takes partial knowledge of the city to justify someone else's idea of the good, by taking the partial and making it complete. He sees this happening when planners adopt what he called "planning as an ideology"[22] by imbuing values into the planning process that develop outside of a given urban fabric or lived experience of the city. These can emerge from philosophies of the city" that include basic, yet incomplete, assumptions about human nature or social relations. One such philosophy is the city as a "network of circulation and communication" which sees the city and its residents as connected nodes whose ultimate objective to enhance the optimal functioning of the network. This is the logic that justified the disastrous urban renewal policies of the 1960's in

[22] Lefebvre, *Le Droit*, 7.

the United States. It is one that can lead to a pathologizing of space by viewing it through the lens of scientific rationality.

In Halpern and Mitchell's *The Smartness Mandate* they extend this idea of the city as a "network of circulation and communication" by exploring the emerging philosophy of "smartness" (or optimization) as it plays out in the development of cities.[23] Smartness happens within what they call "zones" of data management used to enhance system efficiency. Zones are facilitated by hardware (fiber optic cables, satellite data, server farms) but can be extra-territorial and ubiquitous like monitoring devices. This change is profound for city management. Rather than see the city as a messy, pluralistic, democratic space, it is seen as a space for enhancing "smartness" (optimization of goals like security or efficiency) through prototyping as in software development.

For Mitchell and Halpern, the smartness of cities is not individual, it is located within billions of data points produced by millions of individuals aggregated and analyzed to produce "smart outcomes," e.g. optimized outcomes on values of concern (efficiency, security, growth). They call these collections "data populations" which are, to again borrow from Deleuze, *dividuated* individuals who are combined to reveal differences in habits, knowledge and consumer preferences. Hence smartness is not in a place but emerges from the algorithmic output of "digital traces." Smartness is connected to efficiency, the optimization of a goal in response to real time data.

Smartness as optimization opens up the possibilities of seeing the physical impact of optimization. Optimization happens in alignment with a network of data collection devices. This is a profound shift from the interior world of subjective thoughts and emotions to the external, quantifiable world of data collection devices. This externally driven world feeds into the belief that the world out there can be managed algorithmically, which in turn fuels a desire to "manage more," although the complexity of the world exceeds our ability to actually manage it. This formulation of "smartness" as the philosophy of our datafied culture lends insight into how the digital and the physical form converge. The emergence of digital tools to evaluate city life accelerates Lefebvre's concern of an overarching "philosophy of the city" that undermines individual and group autonomy.

How else do different "philosophies of the platform" structure how we produce and consume data? Fish coined the term *technoliberalism* to describe the coordinated effort among tech elites and their capitalist funders to structure how users interact with tech platforms.[24] Rather than promote open competition and

[23] Orit Halpern and Robert Mitchell, *The Smartness Mandate* (MIT Press, 2022).

[24] Adam Fish, *Technoliberalism and the end of participatory culture in the United States* (Springer, 2017).

interoperability, technocapitalists facilitate the scooping up of previously non-market relationships into economic activity. As an example, Marichal wrote about how Facebook took the private, non-market activity of intimate relations with family and close friends and made them public relationships with the ultimate aim of making them commercial relations.[25]

Pfister and Yang detail a number of ways in which the "philosophy of technoliberalism" happens in physical space, from Apple stores being redefined as "town squares" that offer coding classes and photography workshops.[26] These spaces blur the lines between commercial and civic and reorient how we think of gathering in ways that make us clients more than citizens. The public square which one might have previously thought of as separate from the market, perhaps the public library, gets commodified into a private sector entity. A public good is offered (coding classes) but the ultimate goal is capital accumulation.

A Right to the City

What philosophy moves us to see the city and its residents as "things"? For Lefebvre, a "philosophy of the city" is something like a "non-philosophy." He argues that citizens have a right to an urban form that allows them to co-construct and re-construct place. This means developing possibilities for creation of a new urban fabric that embraces the emergent, unpredictable, and messy nature of humanity rather than trying to manage it. Such places would create more shared spaces for citizens to converge and encounter one another to develop a sense of community, a sense of social cohesion through difference. The focus would be not just on the built environment but on the spatial and physical impact upon the lived experience. The emphasis would be helping identify the "anthropological needs" of urban residents as they go about co-creating their space as an *oeuvre*.

Lefebvre draws a set of dualities that comprise the urban fabric (security vs. openness, certainty vs. adventure, organization vs. play, and isolation vs. encounter). He calls for a better understanding of the interplay between structure, function, and form to create "experimental utopias" that move us towards a "new humanism" where the *oeuvre* is a collaborative effort, not simply a personal self-improvement project. Lefebvre is not simply saying residents should have access to the city per se, but access to the cities in ways that encourage the construction of self

[25] Jose Marichal, *Facebook Democracy* (London: Routledge, 2012).

[26] Damien Smith Pfister and Misti Yang, "Five theses on technoliberalism and the networked public sphere," *Communication and the Public* 3, no. 3 (2018): 247–62.

and other as a work of art; to build the next "layer" or "chapter" of an oeuvre to which we belong, but of which we are not fully constitutive.

For Lefebvre, this only comes about if residents have a right to "play," in space; to challenge the "seriousness" of scientism and regimes of accumulation. This is not an individualist right to "give the people what they want," which might seem counterintuitive since liberalism presupposes that is the nature of self-governance or autonomy. But, if we return to Byung-Chul Han, we can get more insight into Lefebvre's orientation. In *The Burnout Society*, Han insists that desires are mediated by "non-things" that are designed to make us more zealous consumers. This sentiment is best typified by the artist Jenny Holzer, who in 1982, put up a billboard in New York's Times Square that read in bold letters "Protect me From What I Want."[27] Our increasingly consumerist society is presented to us as choice, but Han sees it as a more sinister form of personal un-freedom. In *The Burnout Society*, he differentiates between different regimes of external control and regulation (the "negativity of should") and those that presume to give us possibilities ("the positivity of can"). Instead of empowering us, these positivity regimes result in us "carrying a work camp" inside that pushes us to individually become more productive and successful and to see our fellow humans as competitors. In other words, we are compelled to create what we think are personal *oeuvres*, instead of collaborative ones.[28]

Lefebvre's "oeuvre" is emergent. It is not some sense of Aristotelean civic flourishing or teleological collective movement of city residents to a *golden mean*. Instead, the "right to the city" means an urban form and fabric that does not close off our potentialities. Lefebvre is less clear about how citizens are supposed to help co-produce the city oeuvre, but mobilization inspired by the vitality and energy of having spaces to gather and encounter is paramount. Lefebvre's idea of revolutionary change is not akin to Frantz Fanon's declaration that the colonized of the earth should "end the world" of the colonizer and start anew, but a layering on top of what has come before.[29] It rejects the notion that there is nothing of value in the old. Any right to the platform must include embodied selves having the ability to be in community with one another, and those selves are geographically and historically situated. A right to places to gather is a right to encounters where we can both more easily encounter one another, not as abstractions, but as full selves.

A philosophy of the city that empowers residents creates forms that help residents uncover our collective potentialities. In the digital space, such a philosophy would reveal possibilities beyond the narrow constraints of *dividuation* and

[27] Jenny Holzer, *Protect me from what I want* (Fotofolio/Artpost, 1985).
[28] Han, *In the swarm*, 2.
[29] Frantz Fanon, *The wretched of the earth* (Grove Weidenfeld, 1963).

optimization. This right to our collective potentialities, to co-create an "experimental utopia," is what he means by a "right to the city"—a right to a renewed urban life, but not life as it is. Rather, it is life revealed through meaningful encounters in place/space. He relies heavily on philosophy and art to serve as guideposts for how individuals can flourish in place, highlighting the particularities of art to unify and reveal the totality of urban life.

Contrast this view with how we think of our datafied lives, where the individualized right to view content of our choosing on demand and to retain a sense of control over how data is collected on us and what is done with it is the main focus. In his book, *In the Swarm: Digital Prospects,* Han catalogs the ways in which our "always engaged" digital life instills negative habits in us: impulsivity, a penchant for affect based communication, an absence of responsibility to others, and an excessive consumerism.[30] By removing spaces for reflection and silence, the digital world robs us of the spaces we need to experience awe and respect. This happens subtly online. He uses the interesting concept of "radiation" to emphasize how the analog/offline world allows an interplay of light and shadow in ways that our transparent digital world does not. Instead, digital life encourages us to "pick a side" by nudging us towards specific types and profiles, rather than allowing our identities to emerge from idiosyncratic, embodied, tactile, analog experience.

Han's work is a good complement to Lefebvre's because both emphasize the importance of spaces. While Han prioritizes spaces of reflection that engender "awe" and "respect," Lefebvre emphasizes places where citizens can gather and develop a sense of play and possibility. In both cases, space is sacred and valuable for the autonomy and freedom it portends. A city with a consumerist, hyper-rationalist philosophy is one that emphasizes productivity and optimization in ways that contribute to a "burnout society" and decimates the ability to experience the "mystery and secrecy" of space/place.

What does it mean to formulate a right to "mystery and secrecy"? For Lefebvre, he saw the role of the urban planner to help residents uncover potentialities. To "prospect new needs, knowing that such needs are discovered in the course of their emergence and are revealed in the course of their prospection."[31] But to claim this right to the city, we need to become curious subjects interested in the depth and complexity of the world around us. Building meaningful relationships, or to unearth potentialities, requires mystery and secrecy. Intimacy is pointless without opacity.

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[30] Byung-Chul Han, *The Burnout Society*, trans. Erik Butler (Stanford, CA: Stanford University Press, 2015).

[31] Lefevbre, *Le Droit*, 165.

For Han, individuals in the *burnout society* become transparent performers. They become an "entrepreneur of themselves" where everything becomes a "project."[32] For Lefebvre, citizens with a *right to the city* "would be an oeuvre and not a product."[33] A key then, to a "right to data" would be access to more and more spaces that encourage us to be oeuvres and not products. Amoore insists that algorithms cannot be accountable through transparency (e.g. "opening the black box"). They are too complex to explain. For Amoore, accountable algorithms require systems to give "partial accounts" of their "conditions of emergence" by which she means the socio-political contexts in which algorithmic decisions emerge."[34] In the context of data, this means developing a right to algorithms that encourage a sense of play, possibility, and exploration, rather than merely optimization and control. It means recognizing and respecting the complexity and depth of human experience and creating spaces and systems that support and nurture that experience, rather than reducing and constraining it. This view of "data as embodied" echoes Lupton's notion of *lively data*, wherein she reminds us that data is produced by people with lives, relationships, memories, perspectives, etc.[35]

Developing a "Right to Data"

From Lefebvre and Han, we can formulate an expanded "right to data." In the rest of this work, I discuss three dimensions of this expanded right to data: 1) a right to engage in interoperable and accessible online spaces that promote encounter, co-creation and "thingness," what I'd call a "right to the platform." 2) a right to spaces of encounter, free from algorithmic surveillance that could inhibit a sense of play and potentiality, what I'd call a "right to the datafied city." And 3) a "right to synthetic potentiality" that insists that artificial intelligence be used to expand citizen imagination and possibility rather than be used to further dividuated selves and narrow their current and future paths.

A Right to the Platform

One oft mentioned possibility for a "freer" online experience are federated social networks (FSNs). FSNs have become a hot topic in popular media over the last two

[32] Han, *The Burnout*, 8.
[33] Lefebvre, *Le Droit*, 149.
[34] Louise Amoore, *Cloud ethics: Algorithms and the attributes of ourselves and others* (Duke University Press, 2020), 9.
[35] Lupton, *Personal data*.

years, especially after the purchase of Twitter by Elon Musk in 2022. In particular, FSNs have been regarded as a technology that promises to provide users with more autonomy over their data when compared to centralized models dominated by major tech companies like Meta and X. With platforms like Facebook, data collection is centralized in one location and is controlled by one entity. With federated networks, like Mastodon, users belong to individual communities strung together into networks managed by the ActivityPub protocol. The advantage of the ActivityPub standard used by federated networks is that communities can talk with one another even if they do not belong to the same community or even the same platform. This interoperability is what Doctorow sees as a core condition of internet freedom and sovereignty: something he argues has been systematically eliminated from the Internet over the past decade.[36] We can think of federation as akin to the "urban form" and the behaviors of user communities as the "urban fabric."

Mastodon is linked together by a network of communities. Each instance must be hosted independently. As of January of 2024, there were 9300 instances (e.g. communities) on Mastodon (instances.social, 2024). Together, all of these servers comprise the "fediverse." On its face, this would appear to solve a great many problems of platform dominance—there is no one "form" that governs online space. Instead, each instance is free to develop its own "form" through its rules and composition. The protocol has the promise of giving communities more direct control over their instances, rules for inclusion and exclusion of members, moderation rules, etc. More importantly, no one entity controls data for the purposes of their own strategies of domination. Instead, data would be distributed across thousands of nodes in a network.

Yet after a big uptake in users in late 2022, user engagement in Mastodon has stalled. Users complain of finding it challenging to use. The technological know-how needed to host an "instance" on Mastodon is daunting for most. Thus far, the advantages of interoperability (e.g. being able to post content across ActivityPub platforms) has not overcome the technical challenges. If we take Lefebvre and Han's overtures seriously, it behooves us to evaluate the ways in which platforms and data can be made to contribute to human autonomy. To put it in Lefebvre's language, how can the *form* of federation support a more autonomous *fabric* that allows users to co-produce digital experiences as an oeuvre of potentialities? From Han's perspective, can FSNs help users avoid becoming "entrepreneurs of themselves" and tap into a "world of things" with mystery and wonder?

[36] Doctorow, *The internet*.

The challenges ActivityPub and more specifically Mastodon face have parallels to the early days of social media. Boyd highlighted in a blog post the transition from Facebook from MySpace during the summer of 2007.[37] MySpace was popular among teens, specifically because users could customize their pages. Users could add music, flashing images, sound and other things that would make chaotic and inelegant, however they allowed the individual to customize their online-identity (e.g. develop a sense of play). One could argue persuasively, that a MySpace page was much more of a "thing" in Han's language in that many pages were artful and personalized. However, the same freedom that made MySpace customizable made it hard to load and navigate. Gehl refers to this as an abstraction failure, where the freedom the users had to modify the platform resulted in technical glitches that would "bubble up" and confront the user.[38] Yet, MySpace was also an abstraction failure in its inability to properly "discipline labor" sufficiently to adhere to the design of the site owners inhibited the ability to monetize them.[39] All the freedom that was given to users sometimes made it difficult to manage. In Lefebvre's language, there was a great deal of *plasticity* and *play* afforded to MySpace users. Facebook, on the other hand, customized every aspect of the platform itself to the extent that every page was locked into the same template. The only thing that changed was the content the users provided: data, photographs, status updates. Facebook's design harkens back to Lefebvre's vision of the Paris suburbs and the constraining *habitats* he described. While they might not have been entirely aware of it at the time, the *philosophy* (in Lefebvre's terms) was to impose a stifling uniformity on social media interactions, a move that facilitated the strategy of later algorithmic amplification for the purposes of extracting data.

Lefebvre thought that part of seeing the city as an *oeuvre* was to embrace the chaos and plurality of the various layers of the city. In MySpace's case, the customizability of the platform made the user experience for most people challenging. Similarly, Mastodon and ActivityPub can be difficult to navigate. Even if you don't intend to host your own server, it becomes difficult to find the right communities and difficult to gain the user engagement that many people who go on social media platforms seek. While it technically is "accessible" to users, it is practically difficult to access in rewarding ways.

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[37] danah boyd, "Viewing American Class Divisions through Facebook and MySpace," *danah boyd | apophenia*, June 24, 2007, https://www.zephoria.org/thoughts/archives/2007/06/24/viewing_america.html.

[38] Robert W. Gehl, "Real (software) abstractions: on the rise of Facebook and the fall of MySpace," *Social Text* 30, no. 2 (2012): 111.

[39] Ibidem, 112.

The extent that we can formulate an online life of "things" depends on the ability to engage in meaningful encounters with each other. Interoperability is only one aspect of the "forms" of platforms that need to be attended to in order to promote encounter. This does not have to be some Habermasean ideal speech platform. If Han envisions a binary between *things* and *non-things*, I think it's more helpful to see as a continuum between having *thing-ness* and not. Modern internet platforms with their engagement algorithms that are driven towards optimization create performative selves that encourage interaction with low *thing-ness* to them (e.g. little meaningful engagement, more "promotion" than encounter, etc.)

The idea of making online spaces available for play/creating an "oeuvre" rather than acquiescing to the "seriousness" of scientism/commodification allows room for analysis. At first glance, an internet of memes and gaming and TikToks/Instagram Reels would suggest a sense of play. Indeed, we undervalue the extent to which play, creativity and encounter take place on these platforms. But read deeper into Lefebvre, and you see that "play" is posited to be the antidote, not just to consumerism, but to the logos of the city as simply a strategy for those with power to maintain power. From that vantage point, online spaces are often not spaces of play, they are spaces of distraction and engagement for the purposes of data harvesting. And with platforms like TikTok and Instagram, the inability to gain access to the algorithm and the decision that govern it make it impossible to know whether the "strategy" of the algorithm is being used in ways that constrain users. If the broader question of play is about self-determination and autonomy and being in community of co-creation, then it is hard for us to think of our online selves as autonomous. Accordingly, algorithmic transparency must be part of a fuller "right to the platform."

There are some alternative social media platforms that have emerged using the ActivityPub protocol that show promise in creating more online spaces for encounter. In the case of Meta's *Threads* platform, in addition to adopting the ActivityPub protocol, the company has instituted a number of measures that show promise. One is making it much easier to get a non-algorithmically curated chronological presentation of followers, unlike Facebook which makes this option difficult to access. Another is tailoring its algorithm to focus on personal engagement features as a core part of the predictions it makes about content you would be more likely to engage with. These metrics include "the likelihood of liking a post, following an author, scrolling past, viewing replies, or clicking on profiles." This might seem a subtle change, but it results in emphasizing conversation and interaction over posts that are "simply broadcasting" or are focused upon you based on some dividuated analysis of "your profile." This has the possibility of reducing the effectiveness of being an "entrepreneur of oneself" on threads since what matters more is engagement.

Anecdotally, many posters on Threads complain that even though their posts get high levels of engagement, they do not gain a lot of followers. While it is impossible to know this for sure, Meta approach seems to have users build followers organically through conversation and interaction, making it less of a promotion platform and more of an "encounter" based one.

Admittedly, Meta's track record of creating "spaces of encounter" is not ideal. It is likely that the platform will revert to a technocapitalist philosophy of exploitation and dividuation. But in July of 2024, Meta rolled out a feature that allows posts to be automatically shared to Mastodon. This interoperability is a central element of a "right to the platform." Threads, and the social media platform *Bluesky* (a competitor to Threads and Mastodon that uses a different open source (AT) protocol) , can be instructive lessons for developed seeking to make Mastodon more user friendly. At present, Mastodon does not use algorithms to promote encounters. Adoption of more "encounter" based algorithms might have the effect of drawing more users to the site, particularly when the inevitable *enshittification* of Threads commences. Ultimately, the decentralized and community centered nature of Mastodon instances is closer to Lefebvre's ideal of a *right to the city*. But as with the experience of Bogota mayor Enrique Penalosa in the early 2000's, it is easier to provide citizens with "access to space" than it is to make them partners in governing. Lefebvre himself believed that a *right to the city* had to be fought for, that begins by making the city (and the platform) more accessible.

A "Right to the Datafied City"

As public spaces become increasingly surveilled and "smartened," the ability of residents to use space to come together to write the new chapter of the *oeuvre* is diminished. Even though he is writing in the 1960's, Lefebvre is attuned to the use of " scientific instruments" used to "persuade and impose" rather than empower citizens. He calls for the "planner" to contribute to putting knowledge "back on its feet" by using it to enlighten citizens about possibilities. Lefebvre suggests the possibilities for a city that prioritizes "subordinating to play" over the strategies of scientism and rationalism designed to manage or control populations. Lefebvre discussed the importance of the carnivalesque in the city as an embodiment of a "philosophy of play" that strikes back against the seriousness of capital accumulation. Surveilled spaces cut into this ability to experiment in the city, by prioritizing public safety or public order in ways that undermine Lefebvre's project.

A deeper, more meaningful engagement with the complexities and challenges of urban life, one that recognizes and embraces the tensions and contradictions that

shape our cities and our lives, this embrace cuts against algorithmic surveillance and optimization. To use Han's language, Lefebvre is looking for spaces where individuals can re-engage with the "mystery and secrecy" of human experience. A surveilled city runs the risk of undermining this experience.

A pillar of Lefebvre's right to the city framework prioritizes the right to have access to public space that allow for gathering. But gatherings that takes place under constant surveillance is not accomplishing Lefebvre's goal. Critics might argue that algorithmic surveillance enhances safety. This may be true, but the bigger question is who has access to the data? The city is inherently public and is governed by a state actor that has the ultimate authority over space, even if that space is privatized or commodified, that has to be with the acquiescence of the state that has the monopoly on force, and in most societies, the expectation that the state will use whatever tools it has at its disposal to maintain public safety.

This poses a paradox. On the one hand, places of encounter need to be safe in order for people to be able to focus on Han's "awe and wonder." But yet they can not be so "pristine" that state use of surveillance undercuts the layers and mystery of the city. A good example is New Yorkers who lament that the "grimy and dangerous, yet authentic" Times Square of the 1970's has been replaced by the sterile and "Disneyfied" nature of that part of Manhattan today.

Increasingly, algorithmic surveillance does not just extend to public safety, but to the built environment itself. The journalist Kyle Chayka in his book *Filterworld: How Algorithms Flattened Culture*, points out how the presumed individualism of the algorithmic society winds up creating a global ubiquity that standardizes physical interior and exterior spaces.[40] Travel and entertainment platforms like Yelp and Instagram's algorithms steer users towards venues with highly rated aesthetics. In turn, businesses all over the world "optimize their aesthetic" to rise in the algorithmic ranking on these platforms. This produces a pernicious feedback loop, where interiors systematically move towards a non-threatening, modally pleasant design. Chakya calls this phenomenon "AirSpace," whereby spaces begin to seamlessly adopt a similar style: a bright, open concept, minimalist aesthetic that may change over time, but is designed to cater to primarily white, affluent demographics.

The question should not be whether to surveil or not, rather the question should be to what extent citizens are part of the surveillance process and to what extent does that surveillance inhibit meaningful encounter. A "right to the datafied cities" would mean that citizens are a partner with the local state in using technologies in ways that encourage encounter. The alternatives are the uses of technologies by

[40] Kyle Chayka, *Filterworld: How algorithms flattened culture* (Doubleday, 2024).

elites whose *strategies* are geared at optimizing order and control above all else. This comes into starkest relief when we think about the use of public space for protest. In recent years groups in the US protesting against police violence claim that departments have used surveillance technology to identify participants.

This optimization of public safety may be popular among citizens in a burnout society, but it is certainly a different philosophy compared to viewing the city as an *oeuvre*. A right to the datafied city today means a right for the members of the community to a) be informed, b) to participate in the design and c) to contribute to governing the ways in which surveillance technologies are used to provide spaces of encounter.

A Right to AI Potentiality

Another way in which our modern technocapitalist environment inhibits play can be seen in the recent controversies over artificial intelligence. At present, the market imperatives of tech companies do not lend themselves to these kinds of spaces. A recent example is the "scandal" that resulted from Google's roll-out of its Gemini AI image generator in early 2024. Users of the new AI found that it seemed to be excessively (and patently incorrectly) erroneous in the images it produced. For example, A recent Vox article reported on a user that asked Gemini to draw an image of a Pope and rather than get a Western white male, Gemini drew a female pope of Indian origin and a black-skinned pope. Similarly, asking Gemini to draw a Nazi resulted in a multi-cultural tableau of SS officers.[41]

The vast majority of observers saw this as a calamity roll out for Google's Gemini, so much so that the company changed the name of the AI product. One analyst referred to it as Google's *Bud Light moment*, referencing that company's promotional video with a popular transgendered social media influencer. The perception was that Google had erred in its efforts to overcorrect for racial ethnic Western bias in its training data. In its efforts to be "politically correct", it failed to be "truthful" in its depictions. The inability to present "things as they are" caused a lot of the shareholder hand-wringing, but few stop to ask why should it be the role of any AI to be truthful in all cases? Using Lefebvre's language, what is so wrong about allowing an image AI to introduce as sense of "play" or "possibility" into its image AI? What exactly is so wrong about a Black pope?

[41] Sigal Samuel, "Black Nazis? A Woman Pope? That's Just the Start of Google's AI Problem," *Vox* (February 28, 2024).

In cases where AI is being used in pattern detection, like in cancer screening or crime suspect facial identification, AI accuracy is critical. But in other contexts, an AI that "hallucinated" is also one that helps us envision a world of possibilities rather than simply giving us back an "accurate" representation of reality (something we do not really need AI to do). Lefebvre's thinking encourages us to ponder an image AI that hallucinated as part of its "logic" to provide us with novel ways of seeing the world.

Lefebvre's main area of contention with the homogenization of the built environment was that it denied residents the ability to shape and influence the rhythms of daily life, instead imposing a top down homogeneity. His particular concern was with the functionalist movement in urban planning that used scientific principles to standardize city design. Lefebvre saw this as destroying the particularity of local culture and ability of residents to engage with each other to imagine a different way of inhabiting space.

In later work, *The Urban Revolution*, Lefebvre emphasizes the idea of "complete urbanization" in which he argues that the traditional dichotomy between city and countryside is dissolving.[42] Industrialization and other social processes connected to consumption and accumulation are "extending the urban" throughout society. He claims that "urban is a process," an ongoing dynamic phenomenon that reshapes the city according to the logics of rationalization, standardization and the further commodification of everyday life.

In *Technologies of Speculation: The Limits of Knowledge in a Data-Driven Society* (2020), Sun-ha Hong has observed that power can be defined as who controls *the subjunctive,* or the production of imagination.[43] Whoever has power gets to imagine what can be done with technology. Sun-ha Hong notes that managers will cede responsibility for making decisions to algorithms but not power itself. This distinction between power and decision is critical to understanding how algorithmic culture is similar to the "philosophy of scientism" Lefebvre critiques in urban planning. What is done with algorithms is driven by what is imagined by those in power. So, as Sun-ha Hong notes in his book, if you are a manager and you imagine that workers are stealing from you (and hence undermining your power), you are likely to use the algorithmic apparatus at your disposal to surveil your workers. Or, if you imagine that the countries are overrun with dangerous "illegals," you are more

[42] Henri Lefebvre, *The Urban Revolution*, trans. Robert Bononno (Minneapolis: University of Minnesota Press, 2003).

[43] Sun-ha Hong, "Technologies of speculation: The limits of knowledge in a data-driven society," in *Technologies of Speculation* (New York University Press, 2020).

disposed to use the available algorithmic apparatus to create a border surveillance state.

As with power generally, Lefebvre thought that a "right to the city" would have to be demanded through protest and movement. In his view, this looks like mobilization around expanding access to "spaces of encounter" and protecting against the disruption of neighborhoods through gentrification and social exclusion. This echoes the work of Hannah Arendt who noted that political action is something we must do in concert without any knowledge of what our actions will have in the future. Arendt thought social action was more often than not spontaneous and not ideologically driven.[44] Protest is often driven by a disparity between *what we are*, or how we appear in the world, and *who we are*, which is disclosed through our habits, behaviors, thoughts, speech and action. I take Lefebvre to be after a "right to determine who we are" and that can only be done in a specific, place-based, community with one another through quality everyday processes of interaction.

I want to extend this idea of interaction to the synthetic emerging world of AI, by identifying a right to "synthetic potentiality." Theorizing the synthetic gives us a way into thinking about how we police the deployment of imagination through technology. The discourse regarding Geminis' "hallucination" never became subject to debate. It was a given that people were so outraged about Gemini producing unconventional images because they did not reflect the reality of history. This, I suggest, is because tech companies' preference is for standardization and optimization. Although they portend to encourage plurality, that is not the core value. But AI can provide us with an additional means of exploring "who we are" that can supplement, not replace community. One might envision a school teacher taking photographs of children and using an image AI to draw them as adults performs their "dream jobs." This application of the synthetic to give young people a sense of potentiality is the core of Lefebvre's "right."

The point is not to completely invalidate the critique that any image AI should have some level of historical accuracy. Drawing diversity into all historical settings can also serve as erasure of histories of racial discrimination and oppression. But at the same time, imbuing an AI with a sense of "play" or "whimsy" can provide the possibility of imagining difference in ways that could point to a more open pluralistic society, and ultimately a "society as an oeuvre."

The Google Gemini incident harkens back to Walter Benjamin's insight that the introduction of the photograph removed the "sphere of authenticity" from the

[44] The Review of Democracy, "Thinking like Hannah Arendt," last modified October 21, 2021, https://revdem.ceu.edu/2021/10/21/thinking-like-hannah-arendt/.

subject. People would be less inclined to go to art galleries and revere the work of art (it's aura) if it can be reproduced in a photograph. But while Benjamin was concerned with the loss of reverence for art, he also saw possibilities for things to be revealed through reproduction that could not be seen in the original. while art lost its aura, it also introduces possibilities.

Conclusion and Implications for Digital Sovereignty

Lefebvre's work offers a valuable perspective on the relationship between form and content, space and place, and individual and society. By emphasizing the importance of complexity, contradiction, and creativity, Lefebvre calls for a more nuanced and holistic understanding of urban life and human flourishing, one that goes beyond the narrow constraints of datafication and optimization. As we navigate the challenges and opportunities of our datafied world, Lefebvre's work serves as a powerful reminder of the importance of embracing the fullness and richness of human experience and creating spaces and systems that support and nurture that experience, rather than reducing and constraining it.

Social media gives us the illusion of sovereignty by providing us with the tools to express voice. But these tools pose a paradox for users. On one hand, social media tools encourage us to reveal ourselves to others on the platform. This is done both through platform dynamics, but also through recommendation algorithms designed to keep us engaged and participating. This invitation to reveal ourselves is illusory. We soon learn that revealing ourselves within a digitally mediated social structure is fraught with the potential to be ignored or ridiculed. Many engagement algorithms prioritize content that show acts of violence or cruelty that makes us cynical or wary of the physical world. In both cases, social media and their recommendation algorithms put our *inviolable personalities* at risk.[45] This concept serves as a bedrock of United States privacy law. It asserts an individual's right to protection beyond physical and material possessions to include one's cognitive and emotional state. To be sovereign, one must have autonomy over one's inner sanctum, including their thoughts, emotions, and personal expressions. This includes having agency over how and when one discloses their innermost thoughts. Brandeis and Warren went so far as to argue that privacy rights should include safeguards for a person's mental well-being, including their peace of mind and the freedom to think and feel without intrusion.[46]

[45] Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Robertson, 1983).
[46] Ibidem.

Similarly, Lefebvre makes the case that a "right to the city" extends beyond the protection of private property to how the urban form encourages self-expression, community formation and personal growth. As with online platforms, cities can adopt forms that stifle or pervert human expression in ways that reduce people to mechanistic workers or consumers. The platform, like the city, can turn users into what Han calls *non-things* that see themselves and their world as flat *datafied* information, only useful if it serves instrumental or commercial ends. Both contend that an instrumental self is not sovereign but captured by a system that reduces them and others to vectors of transaction.

Both Lefebvre and Han are careful not to reduce sovereignty to *authenticity* since we are always relationally constructing ourselves. If there are many possible selves we can become, the task for those interested in digital sovereignty is to create algorithms and platforms that leave open paths for *potentiality*. This goes beyond having a say in how algorithms are deployed, both in public and online space. It speaks to the sovereignty of your present self along with the self you could become given spaces for exploration.

It is not coincidental that Han and Lefebvre see art as a key element of fully sovereign citizens. Having authority over data is not simply a process of controlling what is done with one's expression. To use Han's phrase, it does little good to have data autonomy in a world of *non-things*. Sovereignty implies the ability to govern oneself. Without a data environment that presents users with spaces where they can encounter meaningful, textured and layered expressions of the world as it is and as it could be, we are captured selves. Both Lefebvre and Han make the case that this world of *non-things* serves rationalist, neoliberal impulses. This can lead to a nihilistic view of the possibilities for creating spaces of play and encounter that are not governed by the profit motive.

Bibliography

Amoore, Louise. *Cloud ethics: Algorithms and the attributes of ourselves and others.* Duke University Press, 2020.

Augé, Marc. *Non-places: An introduction to supermodernity*. Verso Books, 2020.

Benjamin, Walter. *The Work of Art in the Age of Mechanical Reproduction*. Translated by J. A. Underwood. Harlow, England: Penguin Books, 2008.

boyd, danah. "Viewing American Class Divisions through Facebook and MySpace." *danah boyd | apophenia*, June 24, 2007. https://www.zephoria.org/thoughts/archives/2007/06/24/viewing_america.html.

Bowker, Geoffrey C. "Data flakes: An afterword to 'raw data' is an oxymoron." In *"Raw Data" is an Oxymoron*. Edited by Lisa Gitelman. Cambridge: The MIT Press, 2013. https://doi.org/10.7551/mitpress/9302.003.0011.

Chayka, Kyle. *Filterworld: How algorithms flattened culture*. Doubleday, 2024.

Cheney-Lippold, John. *We Are Data: Algorithms and The Making of Our Digital Selves*. New York: New York University Press, 2017.

Doctorow, Cory. *The Internet Con*. London: Verso Books, 2023.

Fish, Adam. *Technoliberalism and the end of participatory culture in the United States*. Springer, 2017.

Fanon, Frantz. *The Wretched of the Earth.* Grove Weidenfeld, 1963.

Flusser, Vilém. *Shape of Things: A Philosophy of Design.* Reaktion Books, 1999.

Gehl, Robert W. "Real (software) abstractions: on the rise of Facebook and the fall of MySpace." *Social Text* 30, no. 2 (2012): 99–119.

Halpern, Orit, and Robert Mitchell. *The Smartness Mandate*. Cambridge, MA: MIT Press, 2022.

Han, Byung-Chul. *The Burnout Society*. Translated by Erik Butler. Stanford, CA: Stanford University Press, 2015.

Han, Byung-Chul. *In the Swarm: Digital Prospects*. Translated by Erik Butler. Cambridge, MA: MIT Press, 2013.

Han, Byung-Chul. *The Disappearance of Rituals: A Topology of the Present*. John Wiley & Sons, 2020.

Han, Byung-Chul. *Non-things: Upheaval in the Lifeworld*. Cambridge: Polity Press, 2022.

Holzer, Jenny. *Protect me from what I want*. Fotofolio/Artpost, 1985.

Hohfeld, Wesley Newcomb. "Fundamental legal conceptions as applied in judicial reasoning." *The Yale Law Journal* 26, no. 8 (1917): 710-70.

Hong, Sun-ha. *Technologies of Speculation: The Limits of Knowledge in a Data-Driven Society*. New York: NYU Press, 2020.

Koolhas, Rem. "Junkspace." *October* 100 (2002): 175–90. http://www.jstor.org/stable/779098.

Lefebvre, Henri. *Le Droit à la Ville [The Right to the City]*. Paris: Anthropos, 1968.

Lefebvre, Henri. *The Production of Space*. Oxford: Blackwell, 1991.

Lupton, Deborah. "Personal data practices in the age of lively data." *Digital sociologies* (2016): 335–50. http://dx.doi.org/10.2139/ssrn.2636709.

Lefebvre, Henri. *The Urban Revolution*. Translated by Robert Bononno. Minneapolis: University of Minnesota Press, 2003.

Marichal, Jose. *Facebook Democracy*. London: Routledge, 2012.

Marshall, T.H. *Class, Citizenship, and Social Development*. New York: Doubleday, 1964.

Peters, Jay. "The New York Times Is Suing OpenAI and Microsoft for Copyright Infringement." *The Verge*, December 27, 2023, https://www.theverge.com/2023/12/27/24016212/new-york-times-openai-microsoft-lawsuit-copyright-infringement.

Pfister, Damien Smith, and Misti Yang. "Five theses on technoliberalism and the networked public sphere." *Communication and the Public* 3, no. 3 (2018): 247–62.

Porterfield, Carlie. "Judge Dismisses Most of Artists' Copyright Lawsuit Against AI Image Generators." *The Art Newspaper*, October 31, 2023, https://www.theartnewspaper.com/2023/10/31/california-judge-dismisses-most-of-artists-ai-copyright-lawsuit.

Purcell, Mark. "Citizenship and the Right to the Global City: Reimagining the Capitalist World Order." *International Journal of Urban and Regional Research* 27, no. 3 (2003): 564–90.

Review of Democracy. "Thinking like Hannah Arendt." Last modified October 21, 2021. https://revdem.ceu.edu/2021/10/21/thinking-like-hannah-arendt/.

Roth, Emma. "The Developers Suing Over GitHub Copilot Got Dealt a Major Blow in Court." *The Verge*, July 9,

2024. https://www.theverge.com/2024/7/9/24195233/github-ai-copyright-coding-lawsuit-microsoft-openai.

Samuel, Sigal. "Black Nazis? A Woman Pope? That's Just the Start of Google's AI Problem." *Vox*, February 28, 2024. https://www.vox.com/future-perfect/2024/2/28/24083814/google-gemini-ai-bias-ethics.

Shehu, Vlona Pollozhan, and Visar Shehu. "Human rights in the technology era—Protection of data rights." *European Journal of Economics, Lawand Social* Sciences 7, no. 2 (2023): 1–10. https://doi.org/10.2478/ejels-2023-0001.

Willox, Ashlee Cunsolo. "The Cross, the Flesh, and the Absent God: Finding Justice through Love and Affliction in Simone Weil's Writings." *The Journal of Religion* 88, no. 1 (2008): 53-74. https://www.jstor.org/stable/10.1086/522217.