

# THE CONSTITUTION OF IMPOSED REALITY

## *Power, the Corporation's Constitutive Position and State Mediation: The Displacement of Subjects and Society from Constitutive Authority*

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17 September 2026

### **Abstract**

The article examines arrangements in which power places the corporation in a constitutive position and organises state mediation through law, funding, authorisation and enforcement. A constitutive position denotes the institutionalised power to determine or substantially change the binding conditions of a sphere of life. Subjects and society continue to produce shared life while losing authority over those conditions. The Reality Paradigm begins with their losses and compelled acceptance, tracing who can determine and change those conditions.

The study combines conceptual analysis with a comparative reading of published accounts of lived experience, field research and institutional documents. It identifies eight functioning Onopticon arrangements and one historically consolidated regime. Separate comparisons examine corporate power across five public functions and distinguish access to data from the operation of health, education and justice services. A further capacity comparison examines Google Home's Model Context Protocol (MCP), where household telemetry and supported device actions enter a single chain of interpretation and action. Use, dependence, outcome and Onopticon status remain separate questions. A corporation's constitutive position does not require the disappearance of the state. Its occurrence, duration and prevalence remain separate questions.

Corporalitics examines constitutive power organised through the corporation. Onopticon identifies an arrangement in which compulsory recognition and de facto foreclosure operate where effective contestation is limited. Cross-domain linkage or feedback sustains that arrangement. Recognition here means classification in terms that enable institutional action. Foreclosure means the practical closure of a meaningful option. Homovictimism names the position in which institutions attribute free choice, fault or personal obligation to a subject's constrained conduct within an arrangement they cannot practically refuse. Cytopolitics investigates impositions on decision health through cellular and hormonal processes. Decision health comprises the capacity to form and assess purposes, implement and revise decisions, refuse imposed conditions and reconstitute shared conditions.

Subjects and society invoke the claims to truth carried by concepts. Power organises the binding reality in which those claims must be pursued. Rights and statuses may retain their names while their effective content depends on a changed distribution of determining power. Temporal Conceptual Arbitrage examines the specific advantage power gains from this separation between conceptual continuity and operational change. Onopticon, corporate constitutive position and arbitrage advantage require separate findings. The analysis connects the destruction of shared life to the erosion of the grounds for opposition. Transferring costs does not free power from its dependence on the life that sustains it.

## Keywords

**Framework and principal concepts:** Reality Paradigm; Corpopolitics; Onopticon; Homovictimus; Cytopolitics; Temporal Conceptual Arbitrage; Decision Health.

**Constitutive relations and mechanisms:** Constitutive Position of the Corporation; State Mediation; Institutional Continuity and Constitutive Transformation; Truth–Reality Distinction; Imposed Reality; Environmental Structuring; Infrastructural Imposition; Mandatory Inclusion; Tactical Agency; Attribution of Responsibility to the Subject; Evaporation of Responsibility; Cost Transfer.

**Rights, subject-positions and reproduction:** Conditions for the Effective Exercise of Rights; Inversion of the Modern Subject; Curtailment of Constitutive Agency; Erosion of the Grounds for Opposition; Destruction of Social Reproduction; Ecological Destruction; Power’s Reproductive Contradiction; Right to Opacity.

## Abstract: section-by-section overview

The following tables cover every numbered section and subsection, together with the appendix and references, and explain their role in the argument. Links lead to the corresponding passages.

### I. Constitutive thesis and conceptual framework

| Section and subsection                                                                        | Contribution to the argument                                                                                                                       |
|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Where the analysis of power begins</b>                                                  | Begins with losses borne by subjects and society, tracing the relationships that organise those losses and their implications for decision health. |
| <b>2. Establishing a constitutive position: power, corporations and state mediation</b>       | Explains corporate constitutive position, state mediation and the resulting transformation of subjects’ positions.                                 |
| 2.1 Producing shared life and determining its conditions                                      | Distinguishes producing life from determining its binding conditions, and occurrence from scope and prevalence.                                    |
| 2.2 Binding authority and the evaporation of responsibility                                   | Compares binding authority over subjects with failures to enforce accountability and repair against those who establish conditions.                |
| 2.3 Compulsory records, social value and the direction of resources                           | Follows compulsory records, taxation and procurement to identify the capacities and dependencies financed by social value.                         |
| 2.4 Power’s conditions of reproduction and their destruction                                  | Examines power’s destruction of the labour, care, knowledge and natural conditions that sustain its continuation.                                  |
| 2.5 The inversion of the modern subject’s constitutive claim                                  | Relates continued thought and production of life to reduced authority over common conditions and the modern subject’s constitutive claim.          |
| 2.6 From corporate initiative to public agenda: who determines the conditions of frontier AI? | Uses the EU frontier AI announcement to examine corporate initiatives as reference points for public agendas.                                      |
| 2.7 The limits of state mediation: knowledge, effective power and responsibility              | Separates service execution from determining binding conditions, assessing knowledge, intervention capacity and state responsibility together.     |

| Section and subsection                                                             | Contribution to the argument                                                                                                                                 |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3. The constitution of reality and the syntax of imposition</b>                 | Distinguishes truth, institutional recognition and binding consequences through the conditions of access and sanction.                                       |
| 3.1 Claims to truth and binding reality                                            | Connects factual accuracy and normative justification to the institutional conditions that give demands practical effect.                                    |
| 3.2 Temporal Conceptual Arbitrage and institutional continuity                     | Investigates the specific advantage power obtains when operational counterparts change beneath continuing concepts and institutions.                         |
| 3.3 Environmental structuring, inclusion and the syntax of judgement               | Explains how previously organised encounters become compulsory passages and judgements of choice, fault or obligation.                                       |
| <b>4. Homovictimus: from conditions of action to the subject of responsibility</b> | Traces six links from mandatory inclusion to obscured constitutive responsibility, explaining the attribution of responsibility for action under constraint. |
| <b>5. Theoretical positioning and historical continuity</b>                        | Positions the paradigm alongside work on classification, governmentality, corporate power, agency and accountability.                                        |
| 5.1 Related ontologies: producing life and determining its conditions              | Engages Marx, Fraser, Negri–Hardt and Nitzan–Bichler on producing life, constitutive authority and power’s reproduction.                                     |
| 5.2 When destruction becomes grounds for further imposition                        | Examines how institutionally produced loss, recorded as personal fault or risk, can justify further obligations and restrictions.                            |
| <b>6. What threshold does Onopticon identify?</b>                                  | Defines functioning and consolidated Onopticon through compulsory recognition, foreclosure, cross-domain linkage and feedback.                               |

## II. Research method

| Section and subsection                                                     | Contribution to the argument                                                                                                                    |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>7. From subjects to relationships: constructing the inquiry</b>         | Sets out sources, evidential limits and separate assessments for a comparative inquiry beginning from subjects.                                 |
| 7.1 Encounters, sources and explanation                                    | Separates capacity, use, dependence and outcomes, and assesses experience, documents and theoretical inference on their own grounds.            |
| 7.2 Assessing Temporal Conceptual Arbitrage separately                     | Applies separate criteria to retained concepts, changed counterparts, beneficiaries, material consequences and distinctive arbitrage advantage. |
| 7.3 Telegraph: visible continuity and a changing constitutive relationship | Examines continuing publication identity alongside changes in ownership and governing authority.                                                |

## III. Records, access and the operation of infrastructures

| Section and subsection                                                          | Contribution to the argument                                                                                          |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>8. Debt and assistance: when records become obligations in everyday life</b> | Compares records becoming livelihood obligations and burdens of self-exoneration in debt and assistance arrangements. |

| Section and subsection                                                                             | Contribution to the argument                                                                                                     |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 8.1 Robodebt: from institutional calculation to citizen responsibility                             | Traces debt generated from annual income, contestation costs and the burden of disproving an institutional calculation.          |
| 8.2 FSV: tax suspicion closing access to debt assistance                                           | Investigates tax suspicion transferred into debt assistance and obstacles to correcting the underlying record.                   |
| 8.3 Serbia's Social Card: confronting a record that cannot be corrected                            | Follows source records, lost benefits, delays and appeals made usable through support.                                           |
| 8.4 SyRI and childcare benefits: relationships at the limits of the finding                        | Assesses SyRI and childcare benefits against the limits of evidence for actual foreclosure and sustaining connections.           |
| <b>9. Work and food: today's record determining tomorrow's possibilities</b>                       | Examines how records of work and food distribution determine later access through dependence and sustaining relationships.       |
| 9.1 Foodinho: work returning as a score                                                            | Traces the return between work, scoring, access to subsequent work and renewed scoring.                                          |
| 9.2 Jharkhand: distribution records and subsequent food allocation                                 | Examines authentication and distribution records in food access and subsequent resource allocation.                              |
| <b>10. Status, movement and targeting: determining the subject before the encounter</b>            | Investigates how representations and access requirements prefigure encounters in migration, movement and security.               |
| 10.1 Woodburn/ELITE: constituting the target through state mediation                               | Works back from loss of liberty to data, targeting and public intervention preparing the operation.                              |
| 10.2 eVisa: an existing right rendered unusable through representation                             | Connects erroneous digital representations of existing rights to employment and other access losses.                             |
| 10.3 Hebron: the encounter becoming future recognition                                             | Examines compulsory recognition, restricted movement and encounter records feeding later recognition.                            |
| <b>11. Combination, consolidation and capacity: operating across sectors or within one circuit</b> | Distinguishes corporate presence and technical capacity from circuits that produce binding outcomes across applications.         |
| 11.1 Historical Xinjiang/IJOP: reproducing interconnected conditions                               | Assesses historical connections between cross-domain records, police intervention and outcomes returned to the system.           |
| 11.2 Palantir's activities: evidence of capacity and traces of use                                 | Separates technical capacity, specific uses, data access and public institutions' power to change arrangements.                  |
| 11.3 Public records: technical access and operational dependence                                   | Distinguishes reading content, modifying records, sustaining services and changing providers.                                    |
| 11.4 Google Home MCP: from household telemetry to AI-enabled intervention                          | Uses an emerging domestic infrastructure to separate documented capacity from use, dependence, outcome and an Onopticon finding. |

## IV. Decision health, production and public functions

| Section and subsection                                                                       | Contribution to the argument                                                                                                                            |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>12. Cells and hormones: power directed at the conditions of decision health</b>           | Develops Cytopolitics through acquired cellular and hormonal conditions and their relationship to decision health.                                      |
| 12.1 Knowing, deciding and being able to act                                                 | Assesses knowledge and intentions alongside bodily and social supports for implementing and sustaining decisions.                                       |
| 12.2 What experimental evidence does—and does not—establish                                  | Distinguishes experimental findings on food, reward and metabolic responses from political outcomes they did not measure.                               |
| 12.3 Dependence, acquired exit costs and return pathways                                     | Connects infrastructural and clinical dependence, acquired exit costs, institutional learning and effective political correction without equating them. |
| <b>13. Conditions extending from production into everyday life</b>                           | Follows production, consumption, investment, authorisation and environmental decisions into everyday life.                                              |
| 13.1 Decisions shaping food and attention                                                    | Examines composition, price, distribution and time before treating consumption as personal preference.                                                  |
| 13.2 Cellular intervention capacity and realised social use                                  | Separates cellular intervention research and patents from realised social imposition.                                                                   |
| 13.3 Constituting cell-based production, authorisation and living environments               | Examines investment, cell lines, production media and authorisation as conditions of cell-cultured food production.                                     |
| 13.4 When losses in nature become costs to the subject                                       | Connects losses in water, air, climate and habitats to subjects' protective and remedial burdens.                                                       |
| 13.5 Meat trade and productive capacity: testing state mediation from the subject's position | Tests trade and production support through household access and future capacity as well as supply quantities.                                           |
| <b>14. Unequal exposure: the same rule reaching different lives</b>                          | Examines how income, time, care, representation and social position distribute the same rule's costs unequally.                                         |
| <b>15. The modern state: problem management as a condition of resolution</b>                 | Relates the separation between completed procedures and stopped harm to the modern state's management of problems.                                      |
| 15.1 The conditions under which social demands can be met: five fields compared              | Compares employment, housing, democratic decision, food and medicine through power to alter conditions of fulfilment.                                   |
| 15.2 Corporate constitutive position: five public functions compared                         | Examines CPS, Próspera, Starlink, Facebook and Boeing–FAA through their distinct mechanisms and evidential limits.                                      |
| 15.3 Epstein: how to read an interval of approximately twenty-three years                    | Assesses reporting, investigation and sanctions against timely protection and continuing destruction.                                                   |
| 15.4 War and survival: security conditions and the costs of destruction                      | Separately compares war's justification, protective effects, corporate returns and destruction borne by societies.                                      |

## V. Opposition, comparison, testing and conclusion

| Section and subsection                                                                | Contribution to the argument                                                                                                                                  |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>16. Constitutive agency and the erosion of the grounds for opposition</b>          | Connects depleted livelihood, care, time, information and organisation to sustained contestation and constitutive change.                                     |
| <b>17. Comparative assessment: different forms of realised imposition</b>             | Compares nine arrangements under common criteria, reporting eight functioning cases and one historically consolidated regime with separate confidence levels. |
| <b>18. Testing, counter-evidence and explanatory scope</b>                            | Tests claims against real alternatives, effective contestation, public intervention and technical safeguards.                                                 |
| <b>19. Opacity, recognition and infrastructural justice</b>                           | Connects existence beyond processable representation, purpose-limited recognition and accountability for powerful institutions.                               |
| <b>20. Conclusion: constitutive position, conceptual continuity and imposed costs</b> | Brings corporate constitutive power, responsibility attributed to subjects and the destruction of shared life together through decision health.               |

## VI. Appendix 1 and references

| Section and subsection                                                               | Contribution to the argument                                                                                                              |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Appendix 1. Operating health, education and justice records in four countries</b> | Presents twelve record systems in four countries, with operational roles, documented findings, evidential limits and direct source links. |
| A1.1 England                                                                         | Compares roles and access boundaries in health security, school administration and judicial dictation services.                           |
| Health   NHS cybersecurity services                                                  | Specifies NHS security telemetry, participation requirements and Secure Boundary operational responsibilities.                            |
| Education   Schools using Arbor                                                      | Describes server access, instructed changes, backup restoration and export to another system.                                             |
| Justice   HMCTS BenchNotes                                                           | Examines transcription and human review of judicial dictation within the service's stated scope.                                          |
| A1.2 United States                                                                   | Distinguishes operation, a data incident and contractor access in Medicare, school systems and federal litigation records.                |
| Health   Medicare processing, CMS–WPS                                                | Documents the contractor-environment incident, beneficiary notification and the scope of potential effects.                               |
| Education   School districts using PowerSchool                                       | Separates litigation allegations from established findings concerning contracts and a subcontractor account.                              |
| Justice   DOJ/ATR litigation records                                                 | Examines encrypted storage alongside authorised contractors' capacity to work with case files.                                            |
| A1.3 Germany                                                                         | Compares private suppliers, a public-law institution and public judicial IT responsibilities.                                             |

| Section and subsection                       | Contribution to the argument                                                                                      |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Health   ePA patient records                 | Assesses providers' operational roles alongside gematik's prescribed technical access restrictions.               |
| Education   Schleswig-Holstein, School-SH    | Connects hosting, data-centre and maintenance functions to Dataport's public-law status.                          |
| Justice   North Rhine-Westphalia judicial IT | Presents ITD 7's public information-security and data-protection functions within the official remit's limits.    |
| A1.4 Netherlands                             | Distinguishes operational chains in health exchange, pupil records and secure judicial correspondence.            |
| Health   LSP health-information exchange     | Describes development and continuous operation within the limits of the 2020 contractual announcement.            |
| Education   ParnasSys pupil records          | Separates Topicus access conditional on a school request from Provider's hosting role.                            |
| Justice   Rechtspraak secure correspondence  | Describes secure correspondence through Zivver without equating it with control over the entire judicial archive. |
| <b>References</b>                            | Presents 260 bibliographic entries with direct document links where available.                                    |

# PART I — Constitutive thesis and conceptual framework

## 1. Where the analysis of power begins

For an institution, a debt file contains a calculated sum. For the person who receives it, the same file raises immediate questions of rent, food, working time, the search for historical records and the ability to sustain an appeal. A digital status record may appear to an administrator as an editable data field; to a job applicant, it may represent a right that cannot be exercised. What the institution registers as a procedure can become a loss that the subject cannot defer.

The Reality Paradigm approaches everything power does from the point at which it reaches subjects and society. It first identifies what a person must accept and which possibilities have been lost. It then traces any loss of power to change those conditions through the relationships that organise the encounter. The inquiry follows losses that persist after an institution has closed its file. The point of contact with the subject is both the starting point of explanation and the place to which explanation returns to be tested.

Costs include money, irrecoverable time, interrupted treatment, disrupted livelihoods, restrictions on movement, evidential burdens and the erosion of collective resistance. The inquiry also follows effects that accumulate through cellular and hormonal processes. It connects losses of usable water, breathable air and habitable environments to the mechanisms that produce them. A person may bear the damage caused by decisions in which they had no part, together with the costs of protection and repair. These losses cannot all be reduced to a single measure.

**Decision health** denotes a subject's capacity to form and assess purposes, implement and revise decisions, and refuse imposed conditions. At the collective level, it concerns society's capacity to name shared problems, organise and reconstitute common conditions. It depends on knowledge, but also on bodily capacities, time, income, support and usable alternatives. This study's central proposition is that everything power does targets the decision health of subjects and society. Here, targeting names a structural orientation: the power to determine living conditions reaches into the conditions under which decisions can be formed, acted upon and changed. It does not presume an identical conscious intention behind every actor's every action. The method distinguishes documented intention, institutional convergence and actual effects.

Subjects and society may continue to produce life while losing authority over its purposes. This separation can occur while courts, administrative institutions and avenues of appeal remain in place. An administrative 'eligibility check' may become a loss of livelihood; a platform's 'flexibility' may become a working condition that cannot practically be refused. The distance between a justified demand and the power to change the conditions it contests is the object of inquiry.

The article asks how those who make shared life possible become displaced from determining its binding conditions. Who establishes what can be chosen? How does institutional continuity come to stand for the continuity of constitutive authority? Who bears the costs of refusal, contestation and repair? These questions connect constitutive position, conceptual continuity and responsibility. Within this broader inquiry, Onopticon names a specific arrangement of foreclosure. Section 6 sets out its thresholds; §7 distinguishes the findings required by the different concepts.

## 2. Establishing a constitutive position: power, corporations and state mediation

### 2.1 Producing shared life and determining its conditions

Power takes concrete form here through ownership, investment, contracts, expertise, data standards, legislation and coercion. The proposition concerns the distribution and exercise of determining power within these relationships. It holds that power places the corporation in a constitutive position and organises state mediation. **Power is the subject of the proposition; it is not an autonomous centre of will detached from concrete actors and relations.** Three questions guide the inquiry: who determines purposes, who controls the knowledge and resources needed for change, and who makes alternatives practicable?

**Being constitutive has two distinct senses here:** producing and sustaining life through labour, care, knowledge and relationships; and determining, or substantially changing, the binding conditions of that life. Constitutive position and constitutive authority refer here to the second sense. Subjects and society may continue to produce life while losing control over its purposes, standards and available pathways. This separation does not presuppose an original condition in which everyone possessed equal constitutive power.

The article uses **power** to mean effective determination. **Capacity** denotes the knowledge, resources and instruments with which actors can exercise that power. **Legal authority** identifies a legally recognised sphere of decision and intervention. **Constitutive authority**, by contrast, is the institutionalised power to determine purposes and binding conditions. The inquiry considers its legal foundations alongside its practical limits. Who signs the final decision matters, but so does who can actually alter the conditions. Cancelling a debt changes one outcome; determining which records may generate future debts intervenes in the production of outcomes themselves. Constitutive position identifies where determining power is organised; constitutive agency concerns the power to establish and change conditions. A constitutive role describes what an actor does within that relationship.

To place a corporation in a constitutive position is to organise the power to determine purposes, standards, needs, technical architectures and practicable alternatives through that corporation. Power may establish this arrangement in a particular place, period or function; dependencies may also persist across several corporations. **Corporalitics** examines this constitution and the compulsions it brings into people's lives. Corporate size or the number of sectors in which a firm operates cannot settle the question. What matters is what it can determine and change within the relationship under examination.

**State mediation** is the process through which conditions acquire binding force in law, administration, resource allocation and coercive implementation. The state selects purposes, institutionalises categories, authorises or restricts connections, imposes sanctions and can give corrections legal force. Where power maintains the corporation in a constitutive position, these activities take place within dependencies on ownership, knowledge, standards and infrastructure that limit practicable alternatives. The direction of mediation becomes visible in the state's ability to alter conditions and in the responsibilities it can make enforceable.

A corporation's constitutive position does not require the state to disappear or lose all determining power. The state may actively establish the relationship through its legal, financial, organisational and coercive capacities. Public institutions may gain implementation capacity even as the power to change a function's

purposes, infrastructure or practicable alternatives concentrates in the corporation. Section 3.2 connects this distinction between institutional and constitutive continuity to Temporal Conceptual Arbitrage.

**A single instance in a particular place or function establishes the occurrence of a corporation's constitutive position.** That occurrence changes the position from which subjects and society can determine binding conditions. Its duration and prevalence across other fields require separate evidence (§§7.1, 18).

The historical form of mediation varies with the relationships towards which state capacity is directed. In the United Kingdom's 1944 employment policy debate, the government accepted responsibility for maintaining high and stable employment; sustaining foreign trade was also among its objectives (UK Parliament, 1944). Financial liberalisation, privatisation and the expansion of international production since the 1980s must likewise be understood through states' choices and differing capacities (Weiss, 1997). The comparison in §15.1 examines different ways in which social demands are reconstituted through credit, property, contractual and eligibility conditions.

The legal constitution of corporate personality, property and contracts forms part of this relationship. In Cohen's account, law produces the institutional forms of the informational economy while undergoing transformation itself (2019). Legally recognising an authority, directing its practical exercise and making its responsibilities enforceable are distinct operations. Their relationship explains how the legal creation of a corporation may be connected to, without being identical with, its acquisition of a constitutive position.

Differences between the speed of technological deployment and public institutions' ability to scrutinise and alter it may help preserve that role. Marchant, Allenby and Herkert discuss this as a pacing problem (2011). Cohen's account of legal constitution and Rahman's analysis of social infrastructure help identify the relationships through which the disparity persists. Contracts, staffing, data formats and the costs of changing systems provide concrete points of investigation (Cohen, 2019; Rahman, 2018).

Emerson's power-dependence approach foregrounds dependence on another party for valued ends and the costs of alternative routes (1962). Culpepper and Reinke's comparison of bank bailouts similarly shows how dependency structures shape bargaining between states and corporations (2014). Applied to living conditions, the questions become: who defines the alternative, who can use it, and how does the burden of leaving accumulate?

The image of a knife and bread brings the declared object of intervention into relation with its actual target:

What is done to the bread reaches the life of the person who will eat it. When the knife targets that person's desires, capacity to work and power to refuse, it is directed at the subject. Yet the subject against whom power draws its knife also sustains power's reproduction.

Bread stands for the declared object of intervention: a good, service, right, production process or administrative problem. The image does not classify institutions in a way that reduces state violence to unintended consequences or all corporate activity to a single behaviour. Directness concerns the target of intervention; mediation concerns the organisation of its binding force. Power may reach a subject's decision conditions through a corporation and make those conditions compulsory through state mediation.

Two moves in the article meet here: explaining determining power organised through the corporation, and analysing power from the position of subjects and society. The first examines specific constitutive arrangements and how they emerge; a claim about broader historical transformation requires comparative evidence. The second establishes where explanation begins and where it must be tested.

## 2.2 Binding authority and the evaporation of responsibility

Within this configuration, state and corporation can become sharply visible as authorities over the subject while receding as parties that can be held responsible. A person must submit records, meet a debt claim and pursue objections through recognised procedures. The cost of a violation grows to include proving it and securing a remedy. An asymmetry emerges between law's capacity to bind the subject and its capacity to hold those exercising authority to account.

The analysis separates **causal contribution**, **legal obligation**, **attributions of moral fault**, and **duties of accountability and repair**. Bearing the cost of an outcome does not amount to assuming all four. Each use of responsibility must identify the person or institution concerned, the operation at issue and the kind of responsibility attributed.

The **evaporation of responsibility** occurs when those who determine conditions cannot be subjected to effective obligations to account for their actions, stop harm and provide redress. A corporation may invoke its limited technical contribution, a state body the boundary of its remit, and another institution an earlier decision. A subject may know who exercised authority yet be unable to make those actors answer for their actions or provide redress. Institutions remain visible, but the search for an answerable party consumes the subject's time and resources.

A corporation may capture the returns from an imposition while transferring recovery, care and repair to workers, households or public resources. State mediation can make this distribution binding through permissions, obligations and resource allocation. Someone who must pay for clean water and protection against pollution need not also be accused of causing the pollution. The further step of recording constrained conduct as free choice, fault or personal obligation constitutes the Homovictimus relationship discussed in §4.

The remedial burdens arising from the WPS data breach and the attribution of fault to pilots in the Boeing investigation illustrate different sides of this distinction. Section 4 uses them to examine the connection between costs reaching an individual and responsibility being assigned to that individual.

Mediation also operates through legal interpretations that create permissions and exceptions. The US Department of Justice's Office of Legal Counsel opinion of 20 January 2017 interpreted presidential appointments to the White House Office as falling outside the statutory prohibition on appointing relatives (OLC, 2017). The White House announcement of Jared Kushner's participation in talks on Ukraine likewise documents a connection between a family circle and public duties (The White House, 2025). These records concern the organisation of authority. A corporate constitutive position requires a further inquiry into whether and how such relationships become a power to determine purposes and conditions of access.

## 2.3 Compulsory records, social value and the direction of resources

Record systems convert a person's identity, income and relevant assets into representations that generate obligations. Taxation makes this asymmetry materially investigable: who bears the burden of producing value collected for shared life, who determines its use, and whose constitutive power does that use expand? The inquiry follows risks associated with the accuracy and security of records into the subject's life. It directs responsibility for the allocation of resources towards those who govern them. These two directions expose the asymmetry between compulsory disclosure and accountability.

A **closed flow** describes the foreclosure of effective scrutiny over the destination of collected value and its ultimate beneficiaries. Publication of a budget document does not itself secure that scrutiny. The International Budget Partnership's OBS 2025 assessment identifies improvements in budget openness alongside continuing implementation-stage accountability gaps in the Western Balkans and Türkiye (IBP, n.d.). Such a gap alone does not prove a transfer to a particular corporation. It identifies the accountability relationship through which any transfer must be traced.

Procurement, incentives, guarantees, exemptions and service arrangements offer routes for investigating how social value becomes both an economic resource and a power to determine living conditions. Wealth concentration cannot by itself explain the channel through which tax revenue reaches a particular actor. The benefits of a public service must be examined alongside the dependencies generated by its organisation. If subjects and society finance an infrastructure that binds them while losing the power to change its purposes, the separation between constitutive authority and costs is reproduced.

Public procurement therefore involves more than identifying the recipient of a payment. What operational and access capacities does a public body acquire in return? Who controls them? Can it sustain the service when the supplier changes? The centrally procured licences and participation requirements considered in §11.3 make this relationship concrete: public funding can extend a service while making dependence on a particular corporate infrastructure a condition of institutional operation.

## **2.4 Power's conditions of reproduction and their destruction**

**If the world ceases to exist, so does power.** The labour, knowledge, institutions, technical infrastructure and resources that power uses depend on the material existence of the world and the life sustained within it. Water, air, soil, climate and the interdependent conditions of living beings sustain subjects, society and power alike. Not all these conditions are products of human labour.

The reproduction of power concerns the continuity of relations of authority, resources and dependence. Its renewal concerns the development of knowledge, skills and institutions capable of sustaining that continuity under changing conditions. Both depend on subjects and society being able to live, learn, provide care and sustain relationships. Impositions that exhaust these capacities also erode the ground on which power continues to exist.

An individual corporation may replace a depleted worker with another, or transfer the costs of recovery and pollution to other households, regions or generations. Every such transfer presupposes living conditions capable of absorbing the burden. Particular gains can therefore coexist with the destruction of their common foundations for a long time; the contradiction supplies no automatic timetable of collapse. The inquiry follows where losses accumulate and who undertakes the work of renewal. Power can remove a cost from its own accounts; it cannot move the destruction outside the world on which its existence depends.

## **2.5 The inversion of the modern subject's constitutive claim**

By placing the corporation in a constitutive position, power changes the place of subjects and society within shared life. People continue to think, evaluate and produce life. Yet power narrows the capacity of those activities to change collective purposes and binding conditions.

**What becomes dependent on the corporation is the ability of subjects and society to exercise rights, meet needs and put decisions into effect.** The rights and statuses bound by this arrangement may retain

their names. Their availability, continuity and susceptibility to change nevertheless come to depend on another locus of determining power. The transformation reaches the conditions on which recognised, inherited or acquired positions rest. Citizenship, entitlement and formal decision-making authority may survive, while a shift in the power to determine their practical content changes the subject's and society's position within the relationship.

Descartes' seventeenth-century cogito marks an important point in the philosophical constitution of the modern subject. His proposition establishes the existence of the thinking subject within the exercise of doubt (Descartes, 1637/1995, IV). Neither democratic citizenship nor a right to determine common laws follows directly from it. What is inverted here is not the cogito's logical validity, but the practical content of the autonomy and constitutive agency subsequently associated with the modern subject.

Rousseau opens the political dimension of this question through his account of collective will and freedom in relation to laws in whose formation one participates (1762/1920, Book I, VI–VIII). Establishing the existence of a thinking subject and defining a citizen authorised to constitute common life are different theoretical operations. This article investigates their relationship through the separation of thought from the power to determine shared conditions.

The democratic claim to constitutive authority allows a person to participate as an equal citizen in making common rules. Being affected by a corporation's decisions does not, in itself, confer equal authority over those decisions. When power places the corporation in a constitutive position, relevant institutions may recognise a person as a worker, customer, user or bearer of obligations. Yet they may displace that person from the position of a party entitled to determine the conditions. Freedom of thought is not a faculty bestowed by the state. The question concerns the relationship between institutional guarantees and thought's capacity to acquire binding force in shared life.

Debates on economic and workplace democracy bring the democratisation of enterprise governance into view (Dahl, 1986). The International Cooperative Alliance's principles affirm democratic member control and, in primary cooperatives, one member, one vote (ICA, n.d.). Internal democracy among an enterprise's members, however, does not automatically confer democratic authority over everyone affected by its decisions. The inquiry must examine internal governance together with the power of those compelled to live under the enterprise's conditions to change them.

Society can remain the collective producer of life while being repositioned as a population whose participation in, and adaptation to, predetermined purposes must be managed. As state mediation makes these conditions binding, the continued language of citizenship and freedom can suggest that the constitutive relationship has remained intact. Section 3.2 examines this conceptual continuity; §4 considers how responsibility for outcomes returns to subjects whose constitutive power has diminished.

## **2.6 From corporate initiative to public agenda: who determines the conditions of frontier AI?**

This comparison examines how corporate initiatives become reference points for public agendas. As frontier artificial intelligence transforms work, access to services, privacy and collective decision-making, the inquiry distinguishes having a voice in these matters from determining their conditions.

On 16 September 2026, European Commission President Ursula von der Leyen announced in her annual address to the European Parliament that she would invite leading frontier AI laboratories to talks (Reuters,

2026c). The official address cited company leaders’ calls for a slower pace among the reasons for public action. It framed the proposed discussion around how public authorities could support the industry’s existing initiatives to adjust the pace of development (von der Leyen, 2026, p. 9). The record documents an announcement of a future meeting.

The statement takes industry initiatives as the starting point for asking how public authorities should provide support. It therefore identifies a concrete agenda-setting relationship through which the thesis of corporate constitutive position can be tested. Establishing a transfer of power over purposes and alternatives would require comparison of decisions, knowledge dependencies and infrastructure dependencies before and after the announcement.

The example extends the question of state mediation to supranational public authority at EU level. Public authorities can convene meetings, build evaluation capacity, allocate resources and make standards binding. The direction of these activities depends on whether they extend corporate pathways or make other purposes and alternatives available to affected people.

| Dimension of the constitutive relationship | Power to determine and change: questions for investigation                                      |
|--------------------------------------------|-------------------------------------------------------------------------------------------------|
| Purpose                                    | Who decides which social needs take priority and what development should serve?                 |
| Timetable                                  | Who can alter the conditions for accelerating, slowing or stopping development?                 |
| Risk                                       | Who determines which harms enter the assessment and which are acceptable?                       |
| Alternatives                               | Who can make options outside the pathways offered by corporations practicable?                  |
| Binding force                              | Through which public acts do corporate initiatives become conditions that subjects must follow? |

The implementation of public decisions opposed by corporations, and the ability of affected people to change basic conditions, would demonstrate limits to corporate determination. The announcement itself documents no specific loss, compulsory dependency or transfer of costs. The composition of the proposed meeting had not yet been announced. The agenda-setting relationship shown here must therefore remain distinct from any binding arrangement that might follow. Section 18 tests public authorities’ actual power to change conditions.

### 2.7 The limits of state mediation: knowledge, effective power and responsibility

A state’s enforcement of a rule leaves open how far it determines that rule’s purposes and available alternatives. **The asymmetry of knowledge and effective power** arises when subjects undergo an operation without the expertise, time, access or capacity for intervention needed to scrutinise its constitution. Publishing information does not transfer that power to them.

Power may organise state mediation through procurement, authorisation, legal guarantees, funding or regulation. **Service delivery** performs operations within established conditions. **A constitutive position** entails the power to determine and change the conditions under which a right or action can be realised. A corporation that merely executes an operation provides a service. If it acquires effective control over the operational route, the limits of use or the alternatives that can actually be implemented, the question of a

constitutive position arises. Practical infrastructure dependence can carry this power alongside formal delegation. The capacity of public bodies and affected people to intervene determines its scope (§15.2).

Research cannot return this asymmetry to the subject as a fresh burden of proof. Loss and compelled acceptance can be examined before every constitutive relationship has been resolved. Resource allocation, the distribution of benefits and the power to change conditions can be traced from that starting point. An uncertain relationship does not invalidate an established harm; an established harm does not prove an uncertain relationship. **State mediation does not remove the state's responsibility for the authority it exercises.** Subjects cannot reasonably be required to unravel the entire state–corporation relationship on their own before demanding accountability.

In security policy, protecting society's life, sustaining the state apparatus, preserving the incumbent government and securing corporations' supply arrangements are distinct purposes. Invoking survival does not establish their identity. Section 15.4 examines these purposes alongside the responses chosen and the destruction borne by society.

### 3. The constitution of reality and the syntax of imposition

#### 3.1 Claims to truth and binding reality

A classification may remain a piece of information about someone. It may also become a condition of obtaining work, receiving assistance, travelling or returning home. In the latter case, representation helps constitute the world that the person will encounter. The Reality Paradigm examines this transition.

Subjects and society invoke the claims to truth carried by concepts. Power organises the reality in which those claims are pursued by establishing conditions of recognition, evidence, access and sanction. A person invokes a right to demand recognition and invokes justice to demand redress. The validity of the claim, its institutional recognition and its binding effects may nevertheless come apart.

The syntax of imposition becomes visible in the separation of the rights-holder, the bearer of the corresponding obligation and the position from which the conditions of realisation are determined. A right that a citizen can claim against the state may, in practice, depend on a corporation's payment, record or communications system. Recognition of a right and the ability to exercise it independently of the corporation are different propositions. Constitutive transformation becomes visible when a right keeps its name but control over the operations that realise it changes. The syntax of imposition explains this separation between the holder of the right and the actor capable of changing those operations.

A **relation to truth** encompasses commitments to factual accuracy and to the validity of claims grounded in rights and justice. Claims to factual truth, normative justification and institutional credibility must be distinguished. The inquiry tests a calculation against evidence and a demand against the relevant normative reasons. It examines institutional credibility through the institution's claim to sustain those expectations of accuracy and justification. Historical reputation is an institutional vehicle for a truth claim, not truth itself. This distinction explains why a debt record, a demand for justice and a publication's identity perform different functions within the same conceptual framework.

Truth is not equated with the subject's mistaken belief, nor reality with power's superior knowledge. An erroneous income calculation remains erroneous even when debt collection or the withdrawal of access gives it real consequences. An accurate calculation likewise cannot explain its purpose or establish whether its use

imposes conditions. A subject may understand an injustice while lacking the time, resources and authority to stop it. The inquiry therefore considers factual accuracy and justified claims alongside their power to change lived conditions.

### 3.2 Temporal Conceptual Arbitrage and institutional continuity

**Temporal Conceptual Arbitrage** occurs when subjects and society continue to invoke a concept's claim to truth while its operational force is reconstituted, and power derives an advantage from the resulting separation. The concept carries historical claims to truth and legitimacy into the present; its current content takes shape through recognition, access, resources, sanctions and opportunities for correction. This article applies the concept developed in earlier work to the relationship between institutional continuity and shifts in constitutive authority (Tan, n.d.). It presupposes neither a single, pure original meaning nor an earlier period in which the concept's promise was fully realised.

Koselleck's distinction between the space of experience (*Erfahrungsraum*) and the horizon of expectation (*Erwartungshorizont*) separates the presence of the past from orientation towards the future (2004, pp. 259–263). His temporal layers (*Zeitschichten*) make it possible to think about different durations and repetitions operating together (2003). These categories are not equivalents of the truth–reality distinction. The question here is which present demand a historically inherited public assurance sustains, and who determines its effective counterpart. Historical usage, promises and realised functions require separate examination: a public claim cannot be treated as a benefit previously enjoyed by every subject.

The continued existence of courts, parliaments, administrations, records and sanctions may be read as evidence that constitutive authority also remains where it was. Yet when power places the corporation in a constitutive position and organises state mediation through law and administration, inherited names and guarantees may conceal a changed relationship. A citizen's demand to shape common conditions may become an assessment of their compliance with conditions already fixed. This concealment does not require universal ignorance. Even someone who recognises the transformation may find their demand contained within procedures that cannot alter the constitutive conditions. Knowing, obtaining recognition that one is right, stopping harm and reconstituting conditions must therefore be treated as separate capacities.

Arbitrage extends beyond redescribing harm in favourable language after the event. Conceptual continuity also shapes where demands are directed and which procedures count as valid. If the existence of an appeals institution stands in for its power to intervene, the inquiry asks whether that substitution allows those who set conditions to avoid accountability or legitimacy costs. An institutional name, delay or profit alone cannot demonstrate this advantage. The concept's contribution to the continuation of the arrangement must be shown.

**An institution's name and appearance may persist while authority over decisions and content changes. Treating the first continuity as a guarantee of the second conceals constitutive transformation.**

Arbitrage is temporal because inherited meaning is put to work for a new authority. Its distinctive return lies in the advantage this gives those exercising power by changing the conditions of acceptance, contestation and accountability. The Telegraph comparison in §7.3 develops this distinction.

Three temporalities may operate together: the transmission of a historical claim into the present, the interval between implementation and effective correction, and the transfer of costs into the future. The language of rights or oversight may sustain an expectation of resolution while harm continues. The cost of waiting and the concept's role in turning that interval into an advantage for power must be demonstrated separately.

The following comparison distinguishes each concept's public claim from its operational counterpart. The second column sets out the claim on which a demand rests, not an earlier order in which it was perfectly fulfilled.

| Field and comparison                                   | The concept's claim to truth                                                                           | Change in the demand's operational counterpart                                                                                                                                                                                                                              |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Employment and social security — United Kingdom</b> | Enabling work and sustaining livelihoods during unemployment are responsibilities of the common order. | Alongside the commitment to high employment, continued assistance becomes conditional on individual job search, availability and recorded obligations; conduct classified as non-compliant may lead to income deductions (UK Parliament, 1944, 2012; NAO, 2016).            |
| <b>Housing — England</b>                               | Housing supports a secure and sustainable life.                                                        | As the social-rented sector contracts and home ownership is promoted, creditworthiness, ability to pay and eligibility for a limited social housing stock gain weight in determining access (DCLG, 2015; McEnhill and Foley, 2026).                                         |
| <b>Democratic decision — Greece, 2015</b>              | Society can make binding decisions about its common future.                                            | A vote rejecting creditors' proposals cannot itself change the multilateral prerequisites governing access to finance. Implementation of the public decision depends on a separate structure of negotiation and approval (E. Scott, 2015; Euro Summit, 2015).               |
| <b>Food security — India</b>                           | Access to nutrition can be claimed as a right.                                                         | As entitlement expands, the procurement and public stockholding policies supporting it remain subject to separate international rules on calculating agricultural support, notification and protective exceptions (DFPD, n.d.; WTO, 1994, 2013).                            |
| <b>Health and access to medicines — South Africa</b>   | Access to treatment rests on the protection of life.                                                   | Efforts to provide affordable medicines encounter patent and supply conditions. Corporate legal challenges and the public and social struggles that change those conditions both participate in constituting access (Republic of South Africa, 1997; MSF, 2001; WTO, 2001). |

The expansion of food entitlements and the reopening of medicine policy through struggle show that change does not invariably produce foreclosure. Nor does the difference between recognising a right in one legal field and classifying the policy that fulfils it in another establish arbitrage on its own. A strong finding requires the criteria in §7.2: how continuity sustains changed conditions, who benefits and what advantage they obtain. Section 15.1 compares the historical evidence.

Survival provides a test of this mechanism in the field of security. Expectations of protection for life and a common future may become tied to the continuation of particular arms and procurement relationships.

Arbitrage would lie in the advantage that an inherited claim to protection creates for resource allocation and accountability by making that change less open to question. To avoid treating every security justification alike, the analysis compares protection actually provided, obligations attached to it and alternatives excluded (§15.4).

### 3.3 Environmental structuring, inclusion and the syntax of judgement

**Environmental structuring** is the prior organisation of the setting in which a subject encounters, gains recognition, obtains access and makes decisions. **Infrastructural imposition** occurs when that organisation operates as binding conditions through which the subject must pass. These are two analytical aspects of the same operation, encompassing administrative, legal, technical, clinical and logistical encounters. An imposition must be tested against real alternatives and effective contestation in the case concerned.

**Mandatory inclusion** asks whether a subject can practically choose to remain outside an arrangement.

**Conditional inclusion** asks in what processable form the subject is recognised within it. Compulsory entry into a record system may coexist with exclusion from a service or freedom of movement. Files, risks, scores and eligibility statuses turn living subjects into representations that trigger operations.

The **infrastructural a priori** consists of the technical and administrative conditions that precede an encounter. The **decision horizon** identifies what this arrangement allows to count as relevant data, a priority, a risk, an option or a possible action. The inquiry examines both the subject's and the official's power to alter that field. Priority here is historical and practical: already produced conditions arrive at the encounter in advance of its participants.

An infrastructure may join observation to intervention without thereby establishing binding imposition. Where an agent can read a setting's present or past states and initiate supported actions, part of the decision horizon becomes executable. The analysis must still distinguish the available capacity from its use, the dependence it creates, its effects on those concerned and any closure of real alternatives.

The **syntax of judgement** is the arrangement of relations through which experience counts as evidence, conduct as choice and loss as personal responsibility. Under particular calculation and authorisation rules, an income representation may become a judgement of debt, and that judgement an obligation to pay or clear one's name. The inquiry traces the input, the rule that converts it into a judgement and the binding consequence. When these conversions constitute imposed conditions of access and obligation, they form the **syntax of imposition**.

Power need not create every element of a structure to take control of its syntax. **Metaphysical concealment** strips a historical arrangement of its history by presenting it as a requirement of 'the system', a 'market necessity' or a 'technical decision'. **Infrastructural sovereignty** denotes binding control over significant conditions of encounter. Its scope depends on the power to determine and alter the passages through which people must move. Section 6 establishes Onopticon's specific threshold from these relationships.

## 4. Homovictimus: from conditions of action to the subject of responsibility

Within an imposed order, subjects work, apply, object, gather documents and search for a way forward.

**Homovictimus** names the position in which a person is held responsible for this constrained conduct as though they had also established its imposed conditions. They confront the consequences of conditions they cannot effectively change. The inquiry identifies the operation through which an institution treats those

consequences as the person's free choice, fault or obligation. Not having constituted the conditions does not remove all responsibility for one's actions. An unjust transfer must be shown in the relationship between the person's real scope for action and the responsibility assigned to them.

The process has six links:

**Mandatory inclusion → infrastructural foreclosure → constrained tactical action → action treated as free choice or fault → consequences assigned to the subject → constitutive responsibility obscured.**

A person acts within a restricted field of options in a record or access system they cannot practically avoid. When the institution records that movement as choice, fault or personal obligation, debt, sanction and the burden of self-exoneration return to the subject. Those who established the conditions become harder to hold responsible for the outcome. Mandatory inclusion clarifies how the compulsory recognition discussed in §6 begins in this relationship.

Institutional actions may be fragmented into remits, contracts and technical contributions, while the subject faces a single debt, accusation or demand for compliance. **Institutions render the subject's autonomy ineffective when they determine conditions, yet presume that autonomy when they assign responsibility for the consequences.** This selective attribution is investigated at the point where tactical conduct is treated as freely exercised constitutive agency.

**Constitutive agency** is the power to determine purposes and binding conditions. **Tactical agency** comprises finding a route through established conditions, reducing a loss or resisting. **Legitimizing participation** supports acceptance of an arrangement or a claim that it rests on consent. An action may serve several functions, but the move from compliance to consent must be demonstrated. Homovictimus does not sort people into an immutable class of victims. It describes a subject-position within a particular relationship.

If institutions record time and capacity depleted by an imposition as personal inadequacy, then use that record to restrict subsequent access, depletion becomes a reason for further imposition. The attribution of personal fault adds a further step to the material cost transfer distinguished in §2.2. Robodebt's burden of self-exoneration (§8.1) and the record of 'voluntary departure' in Woodburn (§10.1) illustrate different forms of this conversion.

UK benefit sanctions allow the legal and institutional constitution of a similar relationship to be examined. The Welfare Reform Act 2012 establishes the Universal Credit claimant commitment, different work-related requirements and sanction deductions (UK Parliament, 2012, §§4, 14–18, 26–28). For someone without an available alternative income, applying is a material necessity. If a claimant cannot fulfil a requirement to seek work, attend an interview or provide documentation, the administration may find their explanation insufficient, record non-compliance and reduce payment. Differentiated requirements, the assessment of reasons and avenues of appeal delimit the mechanism.

According to the National Audit Office, the administration argued that advances should prevent financial hardship, while frequently rejecting evidence about claimants' difficulties (NAO, 2018). By presuming that the offered option was practically available, this reasoning recast programme-generated burdens as a question of whether the individual had used that option. These sources establish legal and institutional features of the relationship. They do not provide a single person's record tracing every link. A timely appeal, adjusted conditions or responsibility assigned to the institution may interrupt the chain in a particular encounter.

The Boeing comparison brings together the scope for action established by technical design and certification and the attribution of fault to pilots after the crashes (§15.2). The connection is relevant to Homovictimus, but does not automatically demonstrate all six links in an individual encounter. Conversely, the protective and remedial work falling to individuals in the WPS case cannot substitute for evidence of fault attribution (§11.3).

Each link must be investigated for the same person or position over the relevant sequence of time. Debt notices, choice forms, performance records and subjects' accounts may demonstrate a transfer. A separate declaration of free choice is not required to establish that a burden of proof has shifted to the individual. An undocumented link remains open. The return of a record into subsequent classification constitutes a separate institutional feedback relationship.

**Ontological deprivation** denotes the loss of usable grounds for action, contestation and the transformation of common conditions. Thought and tactical movement may persist while the time, income, decision health and institutional responsiveness needed to sustain them as effective action erode. At this level, Homovictimus makes visible how responsibility for outcomes returns to a subject whose constitutive power has been reduced.

## 5. Theoretical positioning and historical continuity

Institutional recognition, classification and the constitution of living conditions did not begin with algorithms. Examinations and qualifications in education, legitimate taste in culture, academies and exhibition systems in art, and population and property registers in law made particular forms of existence visible and valid. Each helped establish the positions to which subjects could gain access (Bourdieu and Passeron, 1977; Bourdieu, 1984; Levine, 1988; White and White, 1965; Becker, 1982; Weber, 1978).

Scott examines the state's rendering of society as legible (1998), while Bowker and Star investigate the everyday and institutional consequences of classification (1999). Statistical categories transform people and institutions, while numerical objectivity acquires authority. Credit records likewise produce economic identities. These processes belong to the same historical trajectory (Hacking, 1990; Porter, 1995; Desrosières, 1998; Lauer, 2017). Onopticon does not treat the period before digitisation as one in which these processes were ineffective. It asks what algorithms inherit, what they change and which relationships they can intensify.

Inquiry beginning from the subject has a substantial theoretical history. Foucault proposes investigating power through struggles and the effects closest to people (1982). Dorothy E. Smith's institutional ethnography moves from everyday experience towards the relations that coordinate it across particular situations (2005, 2014). The Reality Paradigm develops this orientation by connecting what is taken away and what is imposed to the distribution of constitutive authority and responsibility.

The transition from classification to sustained imposition is the point at issue in the following comparison. Foucault's analyses of discipline and governmentality examine the constitution of conditions of conduct. Deleuze's account of control societies addresses corporatisation and variable access governed through codes (Foucault, 1977, 2008; Deleuze, 1992). Rouvroy and Berns investigate how algorithmic regulation erodes encounters with individuals and narrows emancipation (2013). The surveillant assemblage, computational sovereignty and the politics of possibility illuminate other relationships within this field (Haggerty and

Ericson, 2000; Bratton, 2015; Amoore, 2013). Onopticon tests that transition through the joint operation of compulsory recognition and foreclosure, sustained by cross-domain linkage or feedback (§6).

Corporate power is already central to accounts of surveillance capitalism and platform capitalism, which situate corporations within accumulation and control (Zuboff, 2019; Srnicek, 2017). Functional sovereignty, infrastructural private power, regulation through design and relational data governance likewise make corporate constitutive power and collective control objects of inquiry (Pasquale, 2017; Rahman, 2018; Yeung, 2017; Viljoen, 2021). Corpopolitics must demonstrate its distinct contribution by explaining which powers of determination and change are placed in the corporation, and how they become compulsions for subjects.

Poulantzas examines the state as a material condensation of class relations, including its internal contradictions (1978, pp. 128–136). Jessop's strategic selectivity explains how institutional forms and the strategies of social forces condition one another (1999). These approaches can explain outcomes favourable to corporations through state organisation and its selectivity within struggles. This article advances a more specific proposition about particular spheres of life. Power locates the determination of purposes and practicable alternatives in the corporation. It organises state institutions to make those conditions binding through law, administration and enforcement. The distinction becomes visible in the dependencies encountered when attempts are made to change basic conditions. Mann's separation of implementation and coordination capacity from rulers' autonomous capacity to act illuminates further aspects of this question (1984).

The legal constitution of corporate power leaves a further question: who can alter its binding conditions? Cohen's argument that law constitutes the informational economy while itself being transformed gives this question a concrete foundation (2019). By establishing property, contract and information flows, law enables corporate power; it may also constrain it. The present article follows that power of alteration within continuing legal institutions. Temporal Conceptual Arbitrage adds a further question: how can the continued existence of state and law sustain the inference that constitutive authority has not changed? The answer lies first in identifying which conditions a subject's claim can change, rather than in institutional names.

Dahl connects resource inequalities arising from corporate ownership and control to political inequality in his discussion of economic democracy (1986). This article's contribution must be tested beyond identifying the erosion of democratic constitution: it asks through which records and obligations responsibility for outcomes returns to the subject as constitutive authority recedes.

The distribution of responsibility need not follow the distribution of authority. Thompson addresses responsibility in decisions involving many officials; Bovens examines accountability relationships capable of producing consequences (Thompson, 1980; Bovens, 2007). The question here is how a subject without authority over conditions becomes the bearer of their costs and responsibilities.

Homovictimus asks how institutions record compulsory adaptation as free choice in migration, work, assistance and debt. Lazzarato's account of debt as a politically constituted relation of power provides a point of comparison for the shaping of responsibility and conduct (2012; Charbonneau and Hansen, 2014). A subject may recognise their compulsion while an institution records the same conduct as voluntary. Responsibility can be transferred without the person adopting the institution's justification.

Wendy Brown examines neoliberal reason's reconstruction of citizens as human capital, individual responsabilisation, the state's adoption of corporate reasoning and the erosion of democratic commonality

(2015, pp. 17–18, 21–22, 200–219). Against this closely related account, the Reality Paradigm traces where the power to alter purposes and alternatives resides, and the material conditions under which justified objections become ineffective. The erosion of the grounds for opposition expresses this relationship through livelihood, care, time and decision health. Conceptual continuity raises a further question: why can the existence of institutions be treated as equivalent to a capacity to change common conditions?

A score's accuracy does not settle its authority to determine life chances. Fourcade and Healy analyse how classifications and rankings distribute those chances and justify that distribution as personal worth and merit (2024, Introduction). This proximity constrains any use of Onopticon as a name for scoring in general. The relevant transition occurs when a person cannot reasonably refuse access organised through their representation, cannot secure timely correction of loss, and encounters the continuing force of that determination in later situations. The inquiry therefore assesses the score's institutional force alongside its correctness.

Exercising a right depends partly on the resources needed to claim it. Herd and Moynihan show how learning, compliance and psychological costs obstruct that exercise, and how political choices and administrative capacities produce these burdens (2018, Introduction). Their account explains subjects' losses without reducing them to technical failures of public administration. Onopticon sharpens the inquiry by asking through which representation a burden becomes compulsory, and how cross-domain linkage or feedback sustains it. Reducing an administrative burden is a real improvement in a person's life. The analysis also asks how far that improvement reaches the power to determine binding conditions.

Koselleck shows that the continuity of a word cannot establish the constancy of its meaning. Concepts are both indicators of historical relationships and factors in their constitution (2004, pp. 82–86). Temporal Conceptual Arbitrage proposes to explain the specific advantage that this continuity gives a changed constitutive authority, relating that advantage to the subject's contestation, costs and responsibility.

Compulsory adaptation can be redescribed as free choice or personal responsibility. Skinner's account of struggles over the application of evaluative terms offers a way to investigate this political route of conceptual change (1999). It examines an expression's meaning alongside what its use accomplishes in context. Homovictimus follows the further step through which records and obligations assign responsibility for that conduct to the subject. This comparison addresses Skinner's particular analysis rather than the Cambridge tradition as a whole.

Boltanski and Thévenot investigate plural orders of worth in disputes, people's critical capacities, and tests of justification supported by objects and rules (1999). Their approach does not reduce legitimation to a verbal cover. Equating corporations exclusively with market worth and states exclusively with civic worth would also narrow the comparison: one institution may invoke several justificatory standards. The article asks under which standard a lived loss becomes a valid objection, and how the power to change that standard is distributed. Being judged right, stopping an operation in time and reconstituting its conditions are distinct outcomes. The sharpening of authority against the subject, and the evaporation of responsibility when directed towards constitutive positions, must be investigated through the relationships between those outcomes.

Boltanski's *On Critique* reworks the relationship between institutions, critique and social reality (2011). In a later account, reality denotes the order stabilised by institutions, whereas the world encompasses possibilities and events that emerge in experience, can unsettle that order and cannot be fully fixed (2017). Inquiry beginning from the subject and the institutional constitution of reality are thus already considered together.

The world–reality distinction is not interchangeable with this article’s truth–reality distinction. The Reality Paradigm explains how a justified claim’s binding force can become separated from the power to determine conditions. It traces this separation through corporate constitutive position, state mediation and the distribution of responsibility.

These theoretical relationships can be compared by asking what each explanation brings into focus within the same encounter:

| Relationship under examination                                       | Reading through related literature                                                                                                                         | Relationship foregrounded by this study                                                                                                                   |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Robodebt’s conversion of annual income into a debt claim             | Scott’s administrative simplification and Herd–Moynihan’s political constitution of burdens.                                                               | The binding tax–benefit transition, correction unavailable in time, and transfer to the subject of the burden of disproving an institutional calculation. |
| Foodinno scores shaping access to subsequent work                    | Deleuze’s variable access and Fourcade–Healy’s distribution of life chances through rankings.                                                              | A classification that cannot practically be refused under income dependence, sustained through the work–score–access feedback relationship.               |
| Pre-operational data structuring the Woodburn encounter              | Jessop’s state selectivity and Cohen’s co-constitution of law and information infrastructure.                                                              | Where the purposes and criteria shaping public intervention are determined, and where attempts to change them meet limits.                                |
| Compliance under pressure recorded as ‘voluntary’ conduct            | Lazzarato’s responsible indebted subject, Brown’s erosion of democratic commonality and Skinner’s rhetorical redescription.                                | Compulsory tactics recorded as free choice, making someone responsible for conditions they did not determine.                                             |
| Changing constitutive conditions under continuing state institutions | Poulantzas–Jessop’s relational state analyses, Cohen’s co-constitution of law and informational economy, and Koselleck’s conceptual continuity and change. | Institutional continuity read as constitutive continuity, and the distinctive advantage this separation affords through Temporal Conceptual Arbitrage.    |
| Lived loss assessed as a valid objection                             | Boltanski and Thévenot’s plural orders of worth, critical capacity and material tests.                                                                     | The separation of accepted objection, suspension of an operation and power to alter conditions; who bears costs throughout the process.                   |
| Lived experience calling institutional reality into question         | Boltanski’s world–reality distinction and institutional stabilisation of reality.                                                                          | The relationship between the binding force of justified demands, constitutive authority located in corporations, state mediation and responsibility.      |

The table presents this article’s comparative use of these concepts, not the cited thinkers’ own judgements on the cases. The proposal’s explanatory contribution depends on showing how changing constitutive authority, institutional continuity and transfers of responsibility connect within the same encounter. If a neighbouring theory explains that relationship without remainder, the independent contribution of the new concept narrows.

The relationship with Bourdieu is particularly important. Habitus addresses the formation of durable dispositions through historical conditions and the production of practices without constant conscious calculation; it is not a mechanically determining template (1977). This article's metabolic *a priori* investigates how conditions acquired through cellular and hormonal processes affect subsequent capacities for action. It does not replace habitus with a new word. It traces a specific pathway between histories of exposure, acquired changes and concrete conditions of action. A subject may understand imposed conditions correctly while lacking the capacity needed to refuse them.

De Certeau's account of tactics makes the creativity of everyday conduct within arrangements established by others visible (1984). The question here is what a tactic changes: an individual outcome, an operational practice or the authority to determine conditions. Distinguishing tactical success from constitutive authority does not diminish the subject's initiative. It clarifies the achievement's scope and what has changed for the next encounter.

Sen's capability approach distinguishes appearing to have an option from being able to use it (1980). Hirschman's distinction between exit, voice and loyalty opens the institutional effects of departure and contestation to inquiry (1970). The present study situates the availability of refusal both in the immediate encounter and in costs inherited from the past or accumulating into the future. An open door is not equally passable for everyone.

## **5.1 Related ontologies: producing life and determining its conditions**

Power's destruction of the life on which it depends directly concerns the literature on reproduction. Marx examines capitalist production's capacity to increase productivity while undermining labourers and the soil, the sources of wealth (1867/1887, Chapter 15, §10). Fraser relates accumulation's dependence on care, upbringing and the maintenance of social bonds to the destabilisation of those activities by an unlimited drive to accumulate (2016). Both accounts make it possible to understand how an order's operational success can destroy the conditions of its continuation.

In Negri's analysis of the multitude, singularities acting and producing together constitute social being. Sovereign power cannot become wholly independent of the relationship it subordinates (2002). Hardt and Negri examine the common produced through social cooperation as a basis both for the extraction of value and for resistance and relative autonomy. They explicitly situate this within a social ontology of praxis (2018). The approach already treats power's dependence on the producers of life as an ontological question. Reducing it to discourse analysis, or presuming that every loss automatically produces emancipation, would weaken the comparison.

The two senses of constitution distinguished in §2.1 sharpen the comparison with Negri: continuing to produce life does not guarantee the power to change its binding conditions. The Reality Paradigm investigates the material and institutional relationships that constrain the passage from productive capacity to constitutive authority.

Nitzan and Bichler understand capitalism as a mode of power. Corporations and governmental bodies are distinct, mutually conditioning organisations within this constitution; their concept of the state encompasses an order of power broader than government (2009, pp. 280–282). Bichler and Nitzan's account of strategic sabotage connects the restriction of activity to growing hierarchical power and examines how unchecked power can erode its own conditions (2020). The interdependence of corporation and state, power's ability to

profit from destruction, and resistance as a limit on power are therefore not propositions originating in this article.

Against these related accounts, Corpopolitics must explain a relationship in which state implementation capacity and corporate constitutive authority can increase together. A public institution that constrains a corporation and changes basic conditions narrows the corresponding claim. Arbitrage examines how this distribution of authority is recognised within institutional continuity and which advantage sustains it.

## 5.2 When destruction becomes grounds for further imposition

The proposed contribution to these neighbouring ontologies is to trace a particular way in which the contradiction of reproduction is sustained. Institutions may record the depletion they produce as a subject's fault, risk or preference. If that record then justifies restricted access or a new obligation, it further consumes the subject's capacity to change conditions. A correction that should address the decision that established those conditions becomes a fresh demand for compliance from the injured person. Power can thus erode the life on which it depends while also narrowing the grounds for resistance capable of stopping that erosion.

Consider a platform worker who extends working hours to maintain an income. Fatigue may follow, enter a performance record as personal inadequacy, and restrict access to subsequent work. This is an illustrative hypothetical. The Foodinho inquiry supports the connection between scores and work access; it does not establish that every link in this fatigue pathway was measured in that case. The distinction is between suffering a loss and having that loss converted into a new classification that restricts later work access.

This process requires neither institutional ignorance of harm nor the subject's self-blame. Complaints may contribute to technical adjustments without increasing complainants' power to alter their conditions. Technical learning and the capacity for collective correction can move in different directions.

Ecological destruction extends the proposition to a broader relationship of costs. Even where injured people are not blamed, they may inherit the burdens of subsistence, protection and repair. If these burdens exhaust contestation and collective action, they help sustain the conditions that produced the harm. The argument does not presume that every instance of destruction generates a classification loop. It asks how damage produces new compulsions and what those compulsions do to the possibility of changing conditions. The originality claim concerns the explanatory organisation of this relationship, not the assertion that each component is being stated for the first time.

These historical and theoretical relationships require inquiry across three levels: traditional institutions, algorithmic infrastructures, and interventions reaching decision health through cellular and hormonal processes. Each can operate alongside the others. Their connections must be demonstrated in concrete processes affecting subjects and society rather than presumed under a common label.

## 6. What threshold does Onopticon identify?

Onopticon identifies how serious, sustained imposition becomes binding and reproduces itself through two core conditions and two sustaining connections. Inquiry does not depend on judicial recognition of the phenomenon or on the closure of every possible exit.

**The first core condition is compulsory recognition.** Recognition here means the subject's classification in terms that enable institutional action. To obtain significant access or undertake an action, a subject must either enter a technical and administrative classification or have already been classified without choosing it.

Compulsion may arise from law, registration without the person’s knowledge or material dependence. The inquiry identifies the point at which recognition operates and the cost of not passing through it. The mere existence of a customer profile is insufficient.

**The second core condition is de facto foreclosure where opportunities for effective contestation are limited.** Classification closes a meaningful possibility, or makes refusal of the classification and its attached conditions seriously unsustainable. Available avenues of contestation cannot reliably stop or correct the loss within the relevant period. Access to reasons and evidence, the ability to suspend an intervention, and correction while the right can still be exercised must be assessed together. Time and cost are measured against the affected person’s circumstances.

Foreclosure does not require the irreversible enclosure of an entire life. A serious interruption of livelihood, housing, care, movement or an important right may suffice. A usable alternative, sustainable exit or timely correction that stops harm weakens or removes this condition.

**Cross-domain linkage** occurs when information or status produced in one field acquires determining force in another institutional or social function. Relevant examples include tax records determining benefit debt, migration status determining access to work, or vehicle records informing migration enforcement. Technical combination of files alone is insufficient. Nor do the difficulties that lost income causes across family life, housing and health demonstrate linkage unless a consequential passage between functions is shown.

**Feedback** occurs when an operation or outcome returns to later classification, allocation, targeting or access decisions and sustains the imposition. A forward sequence of scoring, notification and collection is not itself a loop. The inquiry must show how an outcome changes a subsequent determination. An official may complete the return; automation is neither necessary nor sufficient.

These distinctions yield three levels of finding:

| Status                               | Required relationship                                                                                                           | What the finding establishes                                                                                                                        |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Onoptic imposition</b>            | Both core conditions are demonstrated.                                                                                          | The core imposition is established. The absence of a sustaining connection must be distinguished from insufficient knowledge about that connection. |
| <b>Functioning Onopticon</b>         | At least one sustaining connection—cross-domain linkage or feedback—maintains both core conditions within the same arrangement. | Imposition continues through a demonstrated cross-domain connection or the return of an output into subsequent determination.                       |
| <b>Consolidated Onopticon regime</b> | All four conditions operate in connection and contribute to the reproduction of foreclosure.                                    | Cross-domain linkage and feedback jointly consolidate the same arrangement.                                                                         |

Consolidation concerns connections operating together. It is not a measure of the severity of harm or the duration of an arrangement: a brief intervention may cause grave loss. Confidence in the evidence is recorded separately as **strong, moderate or limited**. It describes the scope of knowledge about the relationship; it does not score lived harm or the worth of testimony. Failure to demonstrate one connection does not invalidate imposition established elsewhere. Conversely, a gap in knowledge cannot be converted into a claim that the connection exists.

The unit of assessment comprises the relationship of imposition, the affected position and the relevant period. Actual connections, rather than an institutional file or corporate brand, determine its boundaries. State

mediation, AI, decision health and Temporal Conceptual Arbitrage are not additional threshold requirements. Arbitrage separately investigates how a binding arrangement benefits from a continuing relation to a concept through its claim to truth.

# PART II — Research method

## 7. From subjects to relationships: constructing the inquiry

### 7.1 Encounters, sources and explanation

The research examines what subjects and society lose and what they are compelled to accept. It also examines how the reality they can encounter is organised in advance. Published accounts of lived experience and field studies connect everyday losses to institutional operations. To explain how encounters are constituted, the study compares the arrangements through which they occur and the authority governing them. The study includes neither new field interviews nor a measurement of prevalence.

The inquiry moves from loss and compulsion to the binding operation producing them, then to representation and infrastructure, and finally to the distribution of power over conditions. This is the direction of investigation. **Corpopolitics** explains determining power organised through the corporation; **Onopticon** explains how compulsory recognition and foreclosure are sustained; **Homovictimus** explains how responsibility for consequences returns to the subject. **Temporal Conceptual Arbitrage** investigates the specific advantage that conceptual continuity gives these changing relationships. A finding concerning one does not complete the assessment of the others.

The inquiry into constitutive position asks who can determine purposes, set timetables, define acceptable risks, make alternatives practicable and give decisions binding force (§2.6). A service contract, corporate profit or political proximity cannot establish that power alone. The analysis identifies which condition a corporation can change and whom the change binds. Where corporate interests conflict with social benefit, it asks which conditions are preserved and who bears the cost. The ability of public institutions and affected people to implement changes contrary to corporate preferences is a central comparative test.

**The article reports conceptual propositions, documented observations, inferences and relationships awaiting investigation separately.** Structural analysis does not require a confession of concealed intent; different institutions' contributions to the same result do not establish common intent. In war, decisions to initiate, continue, expand and end hostilities must be traced separately. Alternatives are compared against the information and practical possibilities available when decisions were made. Later destruction cannot be converted into proof of an initially concealed purpose.

A subject's account provides direct research material on lived loss, compelled acceptance and the cost of contestation. Its value does not depend on prior institutional approval. Testimony, observation and institutional statements require critical assessment in context. Where contracts or databases are inaccessible, the inquiry distinguishes established losses from unresolved causal connections. It reconnects lives that institutions divide into separate files.

| Source type                                                            | Claim it primarily supports                                                              |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Published personal account, field interview or record of everyday life | Lived loss, compelled acceptance, contestation costs and the continuity of an encounter. |
| Original field research and investigative journalism                   | Experiences and connections grounded in interviews, records and a stated method.         |

| Source type                                   | Claim it primarily supports                                                                                                                                                                   |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Operational record or independent audit       | The occurrence of a particular use, authority relationship or outcome.                                                                                                                        |
| Court judgment                                | Legal rulings and findings of fact within the judgment's scope.                                                                                                                               |
| Regulatory decision or official investigation | The practice examined, applicable obligations and identified failures.                                                                                                                        |
| Public address or policy announcement         | The declared agenda, rationale and direction of intervention; subsequent binding force and effects on subjects require separate investigation.                                                |
| Contract or procurement record                | Acquired capacity and the distribution of obligations and authority.                                                                                                                          |
| Trade, price and budget data                  | Measured quantities, prices or allocations; actual expenditure, net profit, constitutive authority and household access require further evidence appropriate to the data.                     |
| Technical document or patent                  | Design, a stated function or a claimed technical invention.                                                                                                                                   |
| Corporate statement                           | A company's declared purpose or capacity; actual use requires implementation evidence.                                                                                                        |
| Corporate financial results                   | Reported sales, operating profit and orders for the specified period and business area; gains attributable to a particular conflict and power over public decisions require separate inquiry. |

An allegation filed in court, sworn testimony, a document's release and a judicial ruling have different evidential statuses. A study's full text, its abstract and a news report about it are also not interchangeable. Reports repeating the same underlying record do not constitute independent corroboration.

Inquiries into constitutive position and data infrastructure answer four questions separately. **Capacity:** who possesses which instruments and authority? **Use:** in which operation was that capacity exercised? **Dependence:** on which condition did the realisation of a right or service depend? **Outcome:** what changed in the lives of subjects and society? Documented access capacity remains a relation of power even without misuse. Actual use and harm require their own evidence. A technical specification states an intended boundary; an implementation audit examines whether that boundary works in practice. An interpretation of a subject-position derived from institutional arrangements must be distinguished from an empirical finding about measured experience.

An emerging system may therefore enter the inquiry as a **capacity comparator** without becoming an additional positive case. Google Home MCP in §11.4 is treated in this way. Its technical documentation establishes tools for reading household states and issuing supported device commands. It does not, without evidence from particular households, establish compulsory participation, dependence, realised harm or a self-sustaining circuit of imposition.

Evidence and inference are matched separately for recognition, foreclosure, linkage and feedback. Each relationship is recorded as **documented**, **partially supported**, **uncertain**, or **condition absent/counter-evidence present**, with the source's scope, date and the confidence level defined in §6. A relationship's occurrence somewhere, its duration and its prevalence constitute separate findings. Section 18 considers how later interventions affect them.

The study records exit costs as a qualitative profile rather than a total score. The profile covers livelihood and care, accessible alternatives, documentary and representational support, lost time, evidenced cellular and hormonal conditions, and possibilities for collective assistance. Known durations and amounts are reported; unknown quantities are not replaced with estimates. A national average cannot by itself explain a particular person's dependence.

## 7.2 Assessing Temporal Conceptual Arbitrage separately

The arbitrage inquiry follows a subject's relation to a concept's claim to truth alongside its operational counterpart. When someone invokes accuracy, rights, independence or responsibility, whose authority determines the content, procedure and outcome they encounter? An explanatory comparison, a strong finding in a particular case and measurement of consequences are different tasks. The earlier conceptual study's criteria are adapted as follows (Tan, n.d., pp. 3–5, 13):

| Criterion                                              | Relationship examined                                                                                                                    |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Z1 — Retained concept</b>                           | Does the concept's claim to truth, public promise or legitimacy persist?                                                                 |
| <b>Z2 — Changed operational counterpart</b>            | To which decision, access and resource conditions is its practical effect newly attached?                                                |
| <b>Z3 — Benefiting position</b>                        | Which actor or institutional position turns the separation into an advantage?                                                            |
| <b>Z4 — Material consequence</b>                       | What changes in subjects' and society's income, time, movement, access or exposure?                                                      |
| <b>Z5 — Concealment or weak effective contestation</b> | Can the difference be known and changed in time to stop the harm?                                                                        |
| <b>Z6 — Intergenerational transmission</b>             | Where the claim spans generations, through which channel are concept and operation transmitted?                                          |
| <b>Z7 — Arbitrage advantage</b>                        | Which political, legal or social costs does retention of the concept reduce, compared with defending the new operation in its own terms? |

A strong arbitrage finding requires Z1–Z5 and Z7 together; Z6 applies additionally to intergenerational claims. A total score cannot compensate for a missing relationship. Z3 identifies the beneficiary, Z4 the material outcome and Z7 the distinctive return from conceptual continuity. Z7's counterfactual dimension is tested through actual uses of justification and suitable comparisons, with documents and inferences distinguished. These criteria are neither prerequisites for recognising loss nor additional Onopticon thresholds.

The date of a concept's use, the actor, the addressee and the operation it authorises are recorded together. Skinner's contextual question becomes an operational comparison (1999): what demand is accepted, what behaviour classified and what obligation established through the language of rights, choice or responsibility? The movement from a subsistence claim to an obligation record and income deduction in §4 can be traced in this way. A subject's acceptance of a justification and the operation's binding consequences are assessed separately.

Drawing on Boltanski and Thévenot, the inquiry asks which evidence and standards make a loss administratively actionable, which experiences remain outside, and where authority to alter the standard

resides (1999). Admission of an application, recognition that a claim is justified, cessation of harm and change in basic conditions are separate outcomes. The cost of waiting is also recorded. An institution's dismissal of a loss as irrelevant does not oblige the researcher to exclude it. These questions specify how the Z criteria are applied.

The carrier, use and effect of an advantage must be distinguished. Retained reputation and institutional access identify its carrier; the documented use of continuity to justify a new authority identifies the mechanism; changes in acceptance, contestation or accountability costs identify effects. A company's valuation of continuity does not establish its influence on readers. Even without a monetary estimate, a concrete process may show how continuity preserves authority or reduces accountability burdens.

Dates of events, research and publication are recorded separately, as are first notification, institutional action, intervention that stops harm and subsequent repair. Closing a file does not establish that destruction has ended; later correction does not prove that earlier protection was adequate. The transmission of historical promises into the present and the transfer of costs into the future are followed together. Delay is not equated with arbitrage advantage, nor intergenerational transmission with feedback.

The documentary cut-off for the main case set is 14 September 2026. Conceptual integration and the Telegraph comparison were completed on 15 September; the latest newspaper issue examined is dated 9 September 2026. The supplementary inquiry of 16 September 2026 covers the EU frontier AI announcement, US meat trade and production support, and the relationship between war and survival. The five corporation–public function comparisons and the examination of health, education and justice records were added on the same date. The Google Home MCP capacity comparison was added on 17 September from technical and policy documents updated on 15 September and 28 August respectively. Budget projections, corporate statements, judicial and arbitral records, technical documents and humanitarian updates are assessed according to their own dates and scope. Undated or changing technical pages include access dates. These additions do not represent a fresh search of the nine principal arrangements or new Onopticon findings. Historical applications remain distinct from present conditions. The unfinished Cytopolitics manuscript and the work on Temporal Conceptual Arbitrage provide conceptual foundations; case claims rest on their original sources (Tan, in preparation; Tan, n.d.).

### 7.3 Telegraph: visible continuity and a changing constitutive relationship

The Telegraph comparison illustrates **changes in ownership and governing authority beneath a continuing institutional identity**. It concerns a transfer between two corporate positions, not direct evidence of constitutive authority passing from the state to a corporation. Its relevance to the general thesis lies in how visible continuity can carry a change in the position from which decisions are made.

The Daily Telegraph's front pages of 25 February and 9 September 2026 retain the name, logo, basic layout, English-language publication and telegraph.co.uk address. Kiosko.net classifies both issues under the United Kingdom (The Daily Telegraph, 2026a, 2026b). These two images document continuity in the form through which readers recognise the publication.

An official document dated 19 February concerns the proposed transfer of RB Investco's purchase option and loan rights to DMGT (DCMS, 2026a). Axel Springer announced a £575 million agreement with RedBird IMI on 6 March; the acquisition was completed on 30 June (Axel Springer, 2026a, 2026c). On that date it also announced Carolin Hulshoff Pol's appointment as CEO and a change in financial leadership (Axel

Springer, 2026b). The second issue is a British newspaper published under the ownership of a Germany-based group. Country of publication and ultimate ownership are different relationships.

There is thus one newspaper in terms of visible publication identity, but two constitutive arrangements in terms of ownership and governance. The name, logo and history genuinely continue. If that continuity is treated as assurance that the arrangement through which content is governed has also remained unchanged, it may conceal new authority. A reader’s knowledge of the change and their ability to intervene in that authority are again different capacities.

The new owner combined a commitment to preserving the publication’s British identity and editorial voice with ambitions for US expansion, digital transformation and AI (Axel Springer, 2026c). The organisation that produces content determines which events become news, what receives prominence and which relationships face scrutiny. The transfer of ownership and appointment powers is documented; actual changes in editorial direction require comparative content analysis.

The temporal advantage lies in a new owner’s ability to draw on a history produced by journalists’ labour, readers’ attention and public recognition. The new authority can begin operating through an established identity without rebuilding recognition from the beginning. Brand value and customer relations explain a commercial advantage. Conceptual arbitrage asks what specific work claims to accuracy, independence and public responsibility perform in securing acceptance of that authority and shaping accountability.

State mediation is visible in the legal conditions of transfer. On 14 April, Culture Secretary Lisa Nandy permitted the transfer of the purchase option to Axel Springer. She stated that, on the evidence available, she was not minded to intervene under the public-interest and foreign-state influence regimes. Statutory intervention remained possible within the relevant time limits if new information emerged (DCMS, 2026b).

The images establish retained identity; the transfer documents establish changed authority. Taken together, these materials do not establish the effect of retained identity on acceptance and accountability costs, changes in content or readers’ power to intervene. Public announcement of the transfer is evidence that the change could be known. The example retains its explanatory value within these limits. A strong arbitrage finding must satisfy §7.2, while additional explanatory value is tested through the comparisons in §18.

**Reading guide: four distinct sets of inquiry**

| Set of inquiry                          | Research question                                                                                           | Location in the article                                    |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Nine principal arrangements             | Which connections sustain compulsory recognition and de facto foreclosure?                                  | §§8–11 and the Onopticon comparison in §17.                |
| Five corporation–public function cases  | Which conditions can a corporation determine, and how does the state establish or change that relationship? | CPS, Próspera, Starlink, Facebook and Boeing–FAA in §15.2. |
| Twelve record systems in four countries | Who holds the capacities to access content, operate services, maintain continuity and change providers?     | §11.3 and Appendix 1.                                      |

| Set of inquiry          | Research question                                                                                    | Location in the article                                     |
|-------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| One capacity comparator | What does an infrastructure permit before use, dependence, outcome and binding imposition are shown? | Google Home MCP in §11.4 and the boundary tests in §§17–19. |

These four sets answer different research questions. A finding in one does not automatically complete the assessment in another.

## PART III — Records, access and the operation of infrastructures

### 8. Debt and assistance: when records become obligations in everyday life

#### 8.1 Robodebt: from institutional calculation to citizen responsibility

Understanding Australia's Robodebt scheme requires looking beyond the calculation displayed on a screen to the life of the person expected to meet it. The method used between 2015 and 2019 linked annual tax information to fortnightly benefit declarations, reconstructing income for earlier periods by averaging annual earnings. For a worker with irregular earnings, annual income does not establish how much they earned in any particular fortnight. The Royal Commission examined in detail the legal and administrative problems of using this method to generate social security debts (Royal Commission into the Robodebt Scheme, 2023).

The onoptic relationship begins when an inaccurate representation acquires institutional force. The citizen receives more than a statement of what the institution believes about their income: they face a debt claim they are expected to pay or disprove. The asymmetry between the institution's obligation to explain its reconstruction and the citizen's burden of documenting their past constitutes the operation's lived reality.

Recognition is compulsory because the person is already positioned within benefit and debt procedures. Ceasing to claim assistance does not cancel an existing debt demand. Dependence therefore cannot be assessed simply by asking why the person applied for assistance. Once confronted with the debt, they must respond in a form the institution accepts.

Cross-domain linkage is clear. An annual income representation produced for taxation acquires determining force over benefit entitlement and debt obligations. The passage between these institutional functions does more than match data: it creates the demand that the subject must meet. Robodebt therefore qualifies as a functioning Onopticon through the tax–social security connection.

Appeal must be assessed alongside time and access to documents. Obtaining wage records from years earlier, contacting employers and understanding the institution's calculation while collection proceeds are practical costs of contestation. Deanna Amato's tax refund was collected against the debt before her successful legal challenge, documenting a concrete loss before correction (Victoria Legal Aid, 2019). This supports a finding that correction operated late and under heavy burdens during the relevant period, without implying that every citizen lacked every route of appeal.

The Homovictimus relationship is particularly clear. A result produced by the institution's method becomes the citizen's debt, and proving its invalidity becomes the citizen's task. Inability to find records can function as a reason for continued indebtedness. Institutional constitution recedes behind personal obligation. Knowing the calculation is wrong does not itself halt the burden. The separation of truth from binding reality can thus be demonstrated without presuming an uninformed or undisciplined subject. Any specific arbitrage advantage arising from retaining the language of debt and responsibility requires a separate inquiry.

The record establishes a sequence from debt generation to notification and collection. It does not show an outcome returning to alter a subsequent determination, as the feedback criterion requires. Robodebt is therefore a **functioning Onopticon with strong evidential support**: cross-domain linkage is established, while feedback remains open.

Legal aid, individual challenges, Federal Court proceedings and the Royal Commission helped interrupt the arrangement (*Prygodicz v Commonwealth of Australia* (No 2), 2021; Royal Commission into the Robodebt Scheme, 2023). These interventions belong within the explanation. Later correction does not erase an earlier imposition; it informs assessment of its duration and the reach of redress.

Accounts submitted to the Commission concerning severe distress and individual deaths require serious investigation of harm. They do not directly establish a population-level causal death toll (Royal Commission into the Robodebt Scheme, 2023; RMIT FactLab, 2023). Services Australia reports that a supplementary settlement approved on 23 June 2026 included a further A\$475 million in compensation (2026). This documents an ongoing remedial process, not continued operation of the former averaging method in the same form in 2026.

## 8.2 FSV: tax suspicion closing access to debt assistance

The Netherlands' FSV register allows investigation of how tax-related suspicions travel into another assistance relationship. The data protection authority's decision documents inaccurate or inadequately substantiated entries, individuals' lack of awareness that they were registered, and obstacles to correction. For some people, these circumstances were associated with refusal of payment arrangements or debt restructuring (Autoriteit Persoonsgegevens, 2022, pp. 8–9).

The finding that the Onopticon criteria are met concerns the documented subgroup whose tax-related entry affected access to MSNP/WSNP debt assistance. It does not extend to everyone recorded in FSV. Refusal of a payment schedule within the tax administration does not itself establish a second domain. A classification passing into a distinct debt-assistance function does.

A person's ignorance of the record makes effective challenge difficult, while the same record may close a route out of debt. A later compensation policy recognised unjust exclusions from debt assistance (Government of the Netherlands, 2022). Routine use of FSV ended on 27 February 2020 (Belastingdienst, 2022). A subsequent official assessment found no adverse material consequences for most registered people. This limits extension of the finding to everyone on the register without invalidating the documented pathway of exclusion.

That specific pathway constitutes a **functioning Onopticon with strong evidential support**. Compulsory registration, ineffective or inaccessible correction, and a determining consequence transferred to debt assistance operate together. Long retention of a record is not feedback unless its return into later determination is shown.

## 8.3 Serbia's Social Card: confronting a record that cannot be corrected

Original field research on Serbia's Social Card system, introduced in 2022, follows the conversion of problems in source records into loss of social assistance. Brane's efforts to gather corrective documents outlasted the appeal deadline; reapplication required further waiting. Ratka confronted a source record that benefit officials lacked authority to amend. Dinko, by contrast, successfully appealed with support (Amnesty International, 2023b).

These encounters require the statement 'an appeal is available' to be assessed against what the procedure actually achieves. Access to documents, the location of corrective authority, legal assistance and timing produce different outcomes. When the institution withdrawing support cannot change the record on which it

relies, subjects move between the place where authority is exercised and the place where correction is possible. Institutions exist and act, but their presence may not supply the power to stop a person's loss. The individual's livelihood bears the cost of this distribution of authority during the period without assistance. Dinko's successful challenge shows the difference support can make.

Tax and other administrative representations entering benefit decisions with determining force support cross-domain linkage. For the documented applicants dependent on assistance, compulsory recognition and losses that could not be corrected in time operate together. The finding is therefore **a functioning Onopticon with strong evidential support**. Feedback is not separately demonstrated.

Context's original reporting also examines contested records and institutional reliance on the system (Smith, 2023). The European Commission's calls for transparency, remedies and oversight show that correction remains under discussion (European Commission, 2025, p. 85). These sources do not establish a single cause for every change in the total number of benefit recipients. The mechanism concerns particular people's relationships with source records, assistance decisions and correction.

## 8.4 SyRI and childcare benefits: relationships at the limits of the finding

SyRI links public data for fraud-risk analysis. The District Court of The Hague held that the legislation failed to strike a fair balance in protecting private life. It also distinguished a risk report from an investigation or sanction: the former did not invariably produce the latter (Rechtbank Den Haag, 2020, §§6.55–6.60). Designed procedures for reporting outcomes and evaluating models cannot substitute for evidence of a feedback loop that actually operated and sustained foreclosure.

Compulsory recognition and data connections are strongly supported in SyRI. How a meaningful possibility was actually foreclosed in a particular application requires further tracing. Its status remains a **strong candidate**. The seriousness of the privacy violation does not remove the need to establish the missing relationship.

The childcare benefits scandal documents unlawful and discriminatory processing of nationality, severe repayment demands and families' weak practical position in challenging them (Autoriteit Persoonsgegevens, 2021; Tweede Kamer der Staten-Generaal, 2020; Amnesty International, 2021). **Onoptic imposition** is strongly supported under this broad case designation. Harm spreading into work, housing and family life does not, by itself, demonstrate institutional cross-domain linkage or feedback. FSV's specific debt-assistance pathway therefore remains a separate and more precise unit of assessment.

CBS data on children placed outside their families show overlap within the affected population. They do not establish that the benefits system caused every placement (CBS, 2022). Beginning from the site of loss requires investigation of which intervention produced which result without minimising that loss.

## 9. Work and food: today's record determining tomorrow's possibilities

### 9.1 Foodinho: work returning as a score

In the Italian Foodinho/Glovo case, scoring is more than an external assessment of work. Recent work, attendance and activity during busy periods affect a score; that score governs access to work-slot selection; subsequent work produces new scoring records. The regulatory decision examines this process and shortcomings in contestation and safeguards (Garante, 2024, §§4.5.1–4.5.4).

For a worker dependent on this income, declining to participate in scoring may not be a sustainable form of refusal. The inquiry does not presume equal dependence among all workers. Someone with another income, fewer required hours or resources to absorb lost earnings encounters the same interface under different conditions. The finding concerns the position materially dependent on the scoring and allocation arrangement.

Feedback is directly operational: work records, scores and new work opportunities form a sequence that starts again. This loop sustains compulsory recognition and loss of access where opportunities for effective contestation are limited. The **functioning Onopticon finding has strong evidential support**. Its scope is the 2022–2023 practices examined in the 2024 decision and the score actually used in Italy.

Rosenblat and Stark's Uber study provides an important comparison for information asymmetry and algorithmic labour management (2016). Another platform's operation, however, cannot establish every technical detail of Foodinho. Reuters' August 2026 report describes separate developments around judicial supervision of Glovo (Reuters, 2026b). It updates the account of institutional contestation and correction without establishing that the earlier scoring system continued unchanged or that a final criminal judgment had been issued.

Foodinho is an employer-centred comparison in which state mediation is not the central mechanism. Direct control over work access and income dependence can sustain the imposition. Whether working intensity produces further acquired costs through cellular, hormonal or decision-health pathways requires separate research on workers. The administrative finding does not establish that additional pathway.

## 9.2 Jharkhand: distribution records and subsequent food allocation

Studies of Aadhaar-linked public food distribution in Jharkhand, India, show that reduced leakage and the exclusion of entitled recipients can coexist within the same implementation. The detailed operational analysis here draws on the researchers' full 2022 evaluation. The abstract and publication information available for the 2025 article are not used as a substitute for that text (Muralidharan et al., 2022, pp. 157–159; 2025).

The relevant stages of the 2016–2017 implementation combine identity authentication with the use of recorded distribution in subsequent allocations. Quantities recorded as already distributed help determine future resources. For a person experiencing access problems, the record is more than an account of the past. It participates in an institutional reality that affects whether food will be available at the next encounter.

Feedback operates at the allocation level rather than through an individual behaviour score. Authentication barriers and unavailable food can create meaningful foreclosure for a dependent rights-holder. Correction arriving after food is needed demonstrates why formal redress may fail to restore effective access. Interruptions and changes recorded by the researchers delimit the mechanism's period.

This specific implementation is assessed as a **functioning Onopticon with strong evidential support**. The sustaining connection is the return of distribution records into subsequent allocation. There is a formal resemblance to Foodinho's individual loop, but the scale, mode of impact and institutional history differ.

A different biometric smartcard programme in Andhra Pradesh improved payment delivery and reduced leakage without reducing access to the programmes studied (Muralidharan et al., 2016). This comparison weakens any claim that biometric technology invariably produces Onopticon. Alternative procedures, supply, implementation and correction shape outcomes alongside authentication.

The organisation of food access provides an important starting point for decision-health research. The administrative record does not, however, establish a particular nutritional outcome or an acquired cellular or hormonal change. Further inquiry must connect imposed access conditions to the person's lived conditions of nutrition.

## **10. Status, movement and targeting: determining the subject before the encounter**

### **10.1 Woodburn/ELITE: constituting the target through state mediation**

The Woodburn inquiry begins with an encounter in which a particular person lost their liberty, then works back towards the representations that prepared it. Being in a certain area, vehicle or person's company can draw someone into a classification with coercive consequences even without a distinct software flag against their own name. Recognition therefore operates through a relationship broader than an individual data profile.

The unit of assessment is ICE's Woodburn operation of 30 October 2025 and M-J-M-A-'s encounter and processing. The materials include December 2025 hearing transcripts and the preliminary relief decision of 27 February 2026. ELITE's connection to Palantir rests on Cox's investigative reporting; court records document operational actions and encounters (Cox, 2026; U.S. District Court for the District of Oregon, 2025, 2026). These sources perform different evidential functions.

At the hearing, an officer described using ELITE's map and location probabilities to select operational areas, with information drawn from previous records and contacts. The testimony also acknowledged that leads required checking (U.S. District Court for the District of Oregon, 2025, pp. 227–231). The decision horizon is formed through which locations become visible first and which records count as relevant. Human oversight must be assessed both by whether officials check leads and by whether they can alter the priorities, underlying data and practicable options.

The court opinion connects vehicle registration information to immigration checks, pursuit and detention. It records that M-J-M-A-'s request for a lawyer did not halt the detention and that officials did not grant their requests to make telephone calls during processing (U.S. District Court for the District of Oregon, 2026, pp. 8–14). The subject's reality was a loss of freedom of movement and the unavailability of an avenue of objection capable of stopping it in time.

Cross-domain linkage is established when a vehicle-registration representation acquires operational force in migration enforcement. The criterion is the same as in Robodebt's conversion of tax information into benefit debt: a representation produced by one function participates in a binding intervention by another. An official's role in making the connection does not invalidate it.

Woodburn/ELITE is therefore a **functioning Onopticon with strong evidential support**. Compulsory recognition, concrete foreclosure, weak timely contestation and consequential cross-domain linkage operate together. This is the article's inference from records of a specific operation, not a term used by the court or a finding about all ICE activities. The decision's preliminary-relief status remains material to the assessment.

The court identified a risk that detention records could generate new immigration connections in the future (2026, p. 43). An actual return is not demonstrated in these materials. Documented cross-domain linkage

suffices for functioning Onopticon; a consolidated-regime finding would also require evidence of feedback in practice.

The Homovictimus relationship appears in the record of ‘voluntary departure’. M-J-M-A- testified that they had been compelled to sign under threat of prolonged detention. The court found that account more credible and questioned the officer’s language assistance (2026, pp. 15–16). An exit tactic developed under mandatory inclusion and detention can appear in the record as voluntary departure. The conditions constituting the action disappear from its apparent meaning as a choice. This supports a separation between the concept of voluntariness and the constitution of the action. A strong arbitrage finding would require further tracing of the specific legal or administrative advantage secured through that designation. This unresolved connection does not change the Onopticon status.

Woodburn also makes state mediation concrete. A map or record acquires binding force when it meets coercive public authority. The corporate constitutive position thesis raises three further questions: which purposes and modes of recognition the interface establishes, who can change them, and how the state activates them. The operational record provides a substantial starting point without establishing the supplier’s entire chain of responsibility.

## 10.2 eVisa: an existing right rendered unusable through representation

The UK eVisa system links proof of immigration status to digital records in fields including employment, renting and travel (UK Home Office, n.d.). Ozkul and Godin’s study draws on interviews with forty migrants. It reports that one participant lost a job offer because of an incorrect work restriction and that another participant’s identity mismatch remained unresolved despite a complaint (2025, pp. 36, 50).

Legal status and the ability to use it come apart. A subject invokes an entitlement while its compulsory representation prevents its effective exercise. State mediation operates through proof and correction requirements as well as through the grant of status. Rights and the institutions through which they are exercised continue to exist; that continuity does not establish continued access. The case gives concrete form to the separation between a relation grounded in truth and binding reality. The accounts do not establish how institutional continuity conceals that separation, which actor benefits or what distinctive advantage retaining the concept provides.

These documented exclusions, researched before June 2025, are assessed as a **functioning Onopticon with moderate evidential support**, because the immigration record acquires determining force at other access points. Interviews establish particular experiences and losses. They do not provide a national error rate or a final merits decision in each individual file. Feedback is not demonstrated.

## 10.3 Hebron: the encounter becoming future recognition

Field research on Hebron checkpoints draws on testimony from residents and soldiers. It covers compulsory facial recognition, restrictions on movement, refusal of passage home when recognition is rejected, and the recording of faces for later encounters (Amnesty International, 2023a, pp. 41–45, 51).

The subject’s home does not operate as an independent guarantee outside the record system: returning to it may require passing through recognition. Feedback occurs when a record produced in one encounter becomes an input to recognition in the next. Military and administrative authorisation, together with coercive enforcement, constitute state mediation in this relationship.

For the 2020–2022 observations, the finding is **a functioning Onopticon with moderate evidential support**. Testimony supports the core imposition and the return from encounter to record. Some proposed links between Red Wolf and other databases lack technical confirmation, so the evidence does not support a combined cross-domain circuit. These materials neither attribute the systems to Palantir nor establish that the entire architecture remained unchanged in 2026.

## **11. Combination, consolidation and capacity: operating across sectors or within one circuit**

A corporation's fields of activity show where its capacities are distributed. Consequential passages between particular applications establish combination. This section examines consolidation and the power to structure decision environments without equating a common supplier with a single operational circuit.

### **11.1 Historical Xinjiang/IJOP: reproducing interconnected conditions**

Reverse engineering and field research on the 2016–2019 Xinjiang/IJOP arrangement investigate how everyday activities and administrative records became police alerts and investigations. Officials' entry of assessments, outcomes and fresh suspicions back into the application connects a technical return pathway to institutional use (Human Rights Watch, 2019).

A separate investigation of a 2016–2018 detention list from Aksu combines records and interviews to support connections between IJOP classifications, detention, limited legal safeguards and officials' assessments (Human Rights Watch, 2020). Read together, the studies identify a historical arrangement in which information from different fields fed intervention, while intervention outcomes returned to subsequent determinations.

The case is assessed as a **consolidated Onopticon regime with moderate evidential support**. Both core conditions, cross-domain linkage and feedback are supported as interconnected relationships. Incomplete access to internal operations, and the limits of combining technical analysis, leaked records and testimony, determine confidence. Consolidation concerns the combination of these conditions. It does not establish that every action of the entire population was controlled identically or that the arrangement was irreversible.

The available abstract of Švec's 2026 publication addresses policy responses and changes concerning repression during 2014–2022 (2026). It does not establish that the historical arrangement continued unchanged into 2026. The period studied and subsequent transformations remain separate questions. Nor can the transfer of responsibility required for Homovictimus be inferred automatically from detention or feedback.

### **11.2 Palantir's activities: evidence of capacity and traces of use**

Palantir's Ontology documentation describes connections between data, logic and action, including the writing of results back into a system (Palantir Technologies, n.d.-a, n.d.-b). Its capacity to constitute a decision horizon must be assessed by tracing what becomes data, priority and possible intervention in a particular application.

EPIC's records document development and maintenance relationships in ICE's Investigative Case Management (ICM) and FALCON infrastructures; the ImmigrationOS procurement record specifies new functions (EPIC, 2020; U.S. Immigration and Customs Enforcement, 2025). Investigations also examine

capabilities supplied by commercial data brokers (The Intercept, 2021, 2022; In These Times, 2025). These sources concern architecture; the Woodburn records concern a particular use.

American Dragnet estimates that ICE had the capacity to locate three-quarters of US adults through utility records and access driving-licence information for a similar share. It estimates that roughly one-third of adults' driving-licence photographs had been searched using facial recognition (Wang et al., 2022). Based on records and contracts, these estimates do not show that everyone concerned experienced enforcement. They make the scale of a recognition environment built from everyday transactions available for investigation.

**In warfare**, corporate statements and reporting describe a targeting-related role in Ukraine, while NATO's statement documents use of the Maven Smart System at Allied Command Operations (Reuters, 2023a; Bergengruen, 2024; NATO, 2026). Permanent status planned at the Pentagon by the end of the fiscal year cannot be treated as achieved by 14 September (Reuters, 2026a). These materials do not establish the decision and feedback chain for a particular strike.

**In health**, NHS England awarded the Federated Data Platform contract to a Palantir-led consortium (NHS England, 2023). Statements concerning separate platform instances and the non-combination of identities with other applications limit claims of unrestricted integration (NHS England, n.d.-a; UK Parliament, 2025).

A Department of Health letter dated 21 August 2026 describes administrative access held by three Palantir engineers for NDIT. During technical support under NHS instructions, they could access identifiable patient data. The letter acknowledges that an earlier impact assessment's statement that only NHS staff could access the data was incorrect. Access is needs-based and time-limited; routine inspection or use for the company's own purposes is not authorised (Frith, 2026, p. 3). Legal restrictions on use must therefore be distinguished from the existence of technical access. The NDIT record cannot be extended into a claim of unrestricted access across all FDP applications.

The same letter considers a new contract by March 2027 unlikely, if one became necessary, because of ordinary procurement timescales; it states that no decision had yet been made. It also records NHS intellectual property rights in project products and data models, rights to move to another platform, and the non-mandatory character of FDP use for institutions (Frith, 2026, pp. 2, 4–5). A legal right to change provider and the capacity to do so in time while sustaining services require separate assessment. These documents do not establish de facto foreclosure for patients. They do establish access capacity and institutional conditions of transition as objects of inquiry.

**On the transfer of health data into immigration enforcement**, NPR reports the January 2026 Medicaid transfer, disagreements over its scope, litigation, and statements concerning suspension, deletion or non-use (2026). Because the original July filings discussed in that report were not examined, it is not treated as a second completed case. Nor can a 2026 transfer be used as evidence of the data source for the October 2025 Woodburn operation.

**In Israel and Gaza**, Palantir's statement about a defence partnership and testimony about Lavender, including the military's objections, are separate records (Palantir Technologies, 2024; Abraham, 2024). They do not establish that Lavender is a Palantir product, that the materials describe a single operational chain, or that outcomes return into subsequent targeting.

Dubai's Oyoon regulation specifies responsibilities and cooperation; it does not establish a circuit sustaining de facto foreclosure (Government of Dubai, 2021, arts 2 and 10). Oyoon, Abu Dhabi's Falcon Eye and the

Falcon model are separate arrangements. Announcements of government programmes based on AI agents likewise remain at the design level until use is demonstrated.

Actual uses of AI through state mediation must be investigated through what ostensibly advisory outputs do within the decision horizon. Can officials change the data, categories, priorities and foreclosed options? Can the institution maintain the service while moving to another infrastructure? This is where the practical content of ‘human oversight’ lies. If institutional presence and a human signature substitute for constitutive control, any distinctive arbitrage advantage requires separate tracing. Software need not be declared legally sovereign; the decisive question is its binding operation.

### 11.3 Public records: technical access and operational dependence

Health, education and justice records affect access to services and decisions about individuals. The power held by those protecting or operating these records cannot be assessed solely through legally permitted purposes. Law may prohibit an operation that the technical architecture still makes possible. Access arising from hosting, security and support roles therefore requires separate examination (§7.1).

The distinction between safeguarding something entrusted to an organisation and controlling the means of opening it raises four questions. **Content:** who can read it? **Modification:** who can alter records and software? **Continuity:** who can sustain or stop the service? **Transition:** can public bodies and affected people change these conditions independently of the provider? Encryption at rest does not itself prevent authorised users from seeing content. An operator unable to read content may still determine service continuity. Appendix 1 presents twelve systems in four countries through these functional distinctions.

**Arbor’s school-records guidance** states that engineers connect remotely to servers using individual cryptographic keys. It also describes changes made to data on instruction, restoration from backups and export to another system. The keys enable server access; they cannot automatically be treated as keys for decrypting data. Schools can monitor administrator logins, and the guidance specifies routes for exporting data after a contract ends (Arbor Education, 2026). The record establishes corporate capacity to participate in operation. Hosting on AWS does not establish AWS staff access to pupil content or an absolute inability of schools to leave. The cost and practical availability of an actual transition require further inquiry.

**The US Department of Justice Antitrust Division’s assessment** includes contractor personnel among ordinary and privileged users of encrypted, cloud-hosted litigation materials. They may view, search and review files to which they are assigned (U.S. Department of Justice, 2025, pp. 1–3). The document identifies contractor users able to work with content. It does not show that Microsoft staff possess the same access, or that every contractor performs cybersecurity duties. To establish a constitutive position, the inquiry must show how this access contributes to determining binding conditions.

**SIVON’s assessment of ParnasSys** reports that Topicus limits internal authorisation according to need. At a school’s request, a system administrator may access personal data for support or security operations (SIVON, 2025, p. 34). This establishes conditional access. It does not resolve whether the school’s request is solely a procedural requirement or whether access also requires its technical participation. The article therefore does not claim that the company can enable access unilaterally. As with NDIT in §11.2, the shared question concerns where legal responsibility for data and the instruments for operating it are located.

**CMS’s WPS notification** documents an actual incident rather than a capacity statement. In May 2023, unauthorised actors exploited a vulnerability in the MOVEit file-transfer system used by WPS, a Medicare

processing contractor, and copied files. Following further investigation, CMS notified 946,801 current beneficiaries in 2024 that their personal information might have been affected. This does not mean that the same number experienced identity fraud; at notification, CMS stated that it knew of no such use (CMS, 2024). The incident demonstrates that public-service records could be extracted from a contractor-operated environment. It does not establish intentional misuse by WPS or Progress, the software producer. Remedial work also reaches the subject. It includes obtaining new cards, notifying providers of new numbers and monitoring records. Institutional support and the individual's time and follow-up burdens must be assessed together.

**Technically restricted access** is also part of the comparison. Requirement A\_24621 in gematik's ePA specification mandates technical prevention of a single operator employee from accessing data within the secure processing environment. A\_24617 requires the cryptographic trust anchor used to verify that environment to remain outside the operator's control (gematik, 2026, §§3.5.1.1–3.5.1.2). These are architectural requirements beyond contractual prohibitions on use. Their inclusion in a specification does not establish independently audited implementation. A restriction on one employee is also not equivalent to eliminating every organisational or collusive capability. The inquiry takes the actual scope of technical constraints as seriously as legal safeguards.

**The state's production of binding force** appears when it connects record operation to funding and participation requirements. NHS documentation on Microsoft Defender for Endpoint specifies conditions governing the onboarding of eligible devices and links participation to centrally procured Microsoft licences. The service sends security telemetry from devices to Microsoft's cloud. This does not establish that patient-file content travels through the same route (NHS England, n.d.-b). The obligation concerns a particular institutional licensing arrangement; it cannot support a claim that FDP use is compulsory. When a public body selects infrastructure, patients or pupils may not participate directly in that provider choice. Rights concerning their data must therefore be distinguished from the power to select and change the infrastructure.

This comparison separates **power to access data from power to determine service conditions**. A contractor able to read content may not set a service's rules; an operator with restricted content access may determine its continuation. Corpolitics asks which of these functions binds the exercise of rights and the implementation of decisions. A patient's, pupil's or applicant's right to correct a personal record is an intervention at a different level from the power to choose and alter the record system.

## 11.4 Google Home MCP: from household telemetry to AI-enabled intervention

Google Home's Model Context Protocol server serves here as a contemporary capacity comparator, not as a tenth principal arrangement. Google labels the technical page 'Early Access' and records an update date of 15 September 2026. The page describes the server as a proxy between smart-home infrastructure and AI applications (Google Home Developers, 2026a). The server exposes tools that can list accessible homes and resources, inspect device and trait states, query historical events and issue supported commands to target devices (Google Home Developers, 2026a).

The significant change is not merely that an agent can receive information about a home. Within the same operational chain, an AI client can interpret present or historical telemetry and request an alteration to the connected environment. This does not amount to unrestricted control of a house. The scope depends on the devices connected to Google Home, the capabilities and command schemas they expose, the permissions granted and the platform's safety boundaries. Google states that the server prohibits sensitive actions such as

unlocking doors and does not support the creation or management of automations. The same page warns that agents may behave unexpectedly or undesirably (Google Home Developers, 2026a).

Determining power is distributed across the chain. Google defines the available tools, OAuth access route and platform safety boundaries. Device producers determine which capabilities and commands their products expose. The agent provider interprets requests and selects tools within the permissions available to it. A home manager authorises access to the selected Home structure (Google Home Developers, 2026a). Other residents, children, visitors or care workers may nevertheless inhabit an environment that the system reads or changes. The analysis should not presume that a single actor controls every link. It must reconstruct the configuration used in a particular home and identify who can alter each condition.

The authorising account holder and everyone affected by the system are not necessarily the same people. Google instructs anyone who connects an agent to a shared home to inform other household members that the agent can control devices and access home data (Google Home Developers, 2026a). Google also requires separate consent from a manager of the Home structure before an agent can access data used for familiar-face recognition (Google Home Developers, 2026a). The reviewed page does not describe a separate approval or veto for every person whose conduct may produce telemetry or whose surroundings may be altered. The absence of such a mechanism from the page does not establish its absence from a particular client implementation, household agreement or applicable law. Rather, this documentary gap identifies where further investigation must begin.

The safeguards provide material counter-evidence to any claim of unrestricted corporate control. The documentation describes access as revocable and records both rate limits and restrictions on sensitive actions (Google Home Developers, 2026a). Google’s developer policies prohibit developers from selling data obtained through Google integrations or using those data for advertising or AI-model training. They also require developers to honour deletion requests, ensure that users know about and consent to changes in device settings, and provide a readily usable means of reversing those changes (Google Home Developers, 2026b). Under the section ‘Home APIs and Home Hub Runtime’, the policy limits retention to ten days unless a shorter rule applies (Google Home Developers, 2026b, ‘Home APIs and Home Hub Runtime’). Any assessment of the system must take these safeguards into account. A policy requirement nevertheless differs from a technical prevention mechanism or an independent implementation audit. Revocation ends authorised future access. It does not, by itself, establish when every previously transferred copy is deleted or whether each agent provider complies with the applicable retention rule.

| Question | Finding from the reviewed documents                                                                                                                   | Evidential status                                                                                                                        |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Capacity | The server exposes household structure, current states and historical events and can issue supported device commands (Google Home Developers, 2026a). | <b>Documented.</b> The primary technical page identifies the tools and their stated boundaries.                                          |
| Use      | Configuration instructions and sample prompts illustrate how the tools are intended to be invoked (Google Home Developers, 2026a).                    | <b>Partially supported.</b> They do not establish repeated operation in a specified household or an independently observed intervention. |

| Question          | Finding from the reviewed documents                                                                                                                                                                            | Evidential status                                                                                                                  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>Dependence</b> | The documents do not show that residents must connect an agent or that ordinary domestic life depends on Home MCP. They document revocable access for the authorising account (Google Home Developers, 2026a). | <b>Not demonstrated.</b> Revocation by the authorising account does not establish an equivalent power for every affected resident. |
| <b>Outcome</b>    | No independent field study or incident record in the reviewed material measures effects on residents' decision health, safety, privacy or ability to contest an action.                                        | <b>Uncertain.</b> A design risk cannot substitute for an observed outcome.                                                         |

The reviewed documents therefore do not support an Onopticon finding. They do not demonstrate compulsory recognition or de facto foreclosure under weak effective contestation. A variety of connected devices does not, by itself, constitute cross-domain composition. The analysis would need to show that different social or institutional functions combine to produce a determination with consequences for access or action. The ability to read history and then act creates a technical precondition for feedback. It does not establish that an output returns as a later input and thereby reproduces closure. The reviewed documents likewise do not establish a Homovictimus sequence: they do not record a constrained household action later treated as free choice, fault or personal obligation. Nor do they establish state mediation in this comparison.

The effects on decision health may diverge according to household position. An authorising manager may gain a greater capacity to inspect and alter domestic conditions. A co-resident's capacity may narrow if those actions affect a shared environment without comparable notice or powers of refusal and reversal. This remains a research proposition, not a finding about current users. Testing it requires household-level evidence about notification records, execution logs, mistaken commands and per-person and per-device controls. Evidence is also needed on reversals, complaints, retained copies and the practical consequences of refusing the arrangement.

The Google Home MCP documentation therefore establishes that the system can connect household telemetry with device action in a single operational chain. This evidence does not establish compulsory recognition, de facto foreclosure, cross-domain linkage or feedback capable of sustaining an imposed order. The study therefore treats Google Home MCP as a capacity comparator for assessing possible constitutive operation, not as an additional Onopticon finding.

# PART IV — Decision health, production and public functions

## 12. Cells and hormones: power directed at the conditions of decision health

### 12.1 Knowing, deciding and being able to act

A subject may understand conditions and wish to change them while lacking the energy, time, income or support to sustain a decision. This section examines decision health, defined in §1, through conditions acquired at cellular and hormonal levels. Assessment begins from subjects’ own purposes, attempts at change and opportunities for social participation. Poverty, disability, different ways of thinking or use of a particular product do not alone establish diminished capacity. The researcher’s preferred choices cannot serve as an externally imposed norm.

**Cytopolitics** investigates impositions on the decision health of subjects and society through cellular and hormonal processes. Examining this level is a means of investigating the conditions of decision. The organisation of constitutive positions is traced through product composition, production and work arrangements, exposure, alternatives and the state mediation that gives these conditions binding force (Tan, in preparation).

The **metabolic a priori** denotes the transmission of previously acquired cellular and hormonal conditions into later encounters. Subjects do not arrive at each decision independently of their histories of exposure. Working hours, care opportunities and consumption conditions may participate in the conditions of subsequent decisions. Research reconstructs this history without inferring an inevitable behaviour from an acquired change.

Any proposed connection between cellular or hormonal findings and collective resistance must therefore be investigated in stages. Who organises exposure? What change has been acquired? How does it affect an action the person wishes to undertake? What time, income, care or support does changing the condition require? How does that burden reach the capacity to sustain collective action? One research file need not answer every question, but the transitions connecting different findings require explicit justification.

### 12.2 What experimental evidence does—and does not—establish

Research on food and reward opens specific connections to the material conditions of decision to investigation:

| Study                                             | Relationship examined or demonstrated                                                                                                                 | Function in this article                                                                                           |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Schulte et al. (2015);<br>Gearhardt et al. (2023) | Associations between processing, fat and glycaemic-load characteristics and reports of addictive-like eating within specified measurement frameworks. | Grounds addiction claims in measured relationships; it does not support diagnosis from repeated consumption alone. |
| DiFeliceantonio et al. (2018)                     | Valuation and reward responses to combined fat and carbohydrate.                                                                                      | Opens inquiry into how product composition contributes to evaluation.                                              |

| Study                          | Relationship examined or demonstrated                                                                                                                 | Function in this article                                                                                                           |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Edwin Thanarajah et al. (2023) | Changes in preferences and reward processing after repeated exposure to sweet, fatty snacks in an eight-week randomised study.                        | Supports investigation of how acquired exposure histories carry into subsequent responses.                                         |
| Kullmann et al. (2025)         | Some brain insulin-response changes remained seven days after a five-day high-calorie diet in a small, non-randomised study of twenty-nine young men. | Identifies a specific connection between brief exposure and later response, while retaining the design's limits on generalisation. |
| Chellappa et al. (2021)        | Daytime eating prevented the impaired glucose tolerance observed with night-time eating under simulated night-work conditions.                        | Opens inquiry into the joint organisation of working and eating times.                                                             |
| Dicken et al. (2025)           | Both diets meeting healthy-eating guidance produced weight loss, with greater loss on the minimally processed diet.                                   | Provides an experimental comparison for discussion of processing levels and consumption conditions.                                |

Methodological debate about Dicken and colleagues' trial concerns missing observations, order effects and interpretation. The study, critique and response must be read together (Ludwig et al., 2026; Dicken et al., 2026). No experiment can be taken to establish political obedience or collective resistance that it did not measure. The night-work experiment likewise did not directly measure the cellular and hormonal conditions of Foodinho workers.

Cargill's account of sensory design sets out aims relating to consumer acceptance and repeat purchase (2026). Those aims do not prove that a particular product caused addiction or political direction in a particular person. The transitions between design, exposure and consequence require separate demonstration.

### 12.3 Dependence, acquired exit costs and return pathways

Dependence cannot be defined here simply as returning to a product. Infrastructural dependence arises when achieving an important end requires accepting specified conditions. A clinical addiction claim requires appropriate evidence concerning impaired control, conflict with the person's purposes, functional harm and attempts to change. The relationships may intersect, but neither automatically explains the other. A need for effective care or treatment is not itself pathological attachment.

An **acquired bodily exit cost** arises when the burden of changing a product, work schedule or living condition is partly formed by the person's history within that condition. The **bodily substitution cost** of changing a product or rhythm falls within this category. Recovery, care and support may be needed alongside income and time. An alternative's market availability does not establish a sustainable transition; preference for a familiar product does not alone demonstrate such a cost.

The proposed pathway is as follows. Organised exposure contributes to acquired cellular or hormonal conditions; those conditions affect the cost of sustaining refusal; and costs that consume time, income, care and support may reach the grounds for collective resistance. An institution or corporation may record continued participation as preference when a person remains because they cannot afford to leave.

Homovictimus requires the further demonstration that this conduct is attributed to the person as responsibility.

Three return pathways must be distinguished. In **institutional learning**, recorded conduct and outcomes affect subsequent classification or allocation. In **acquired history**, previous exposure contributes to the conditions of a later response. In **political correction**, objections and knowledge of harm become binding outcomes capable of stopping an intervention or changing its conditions. Acquired history cannot substitute for institutional feedback in an Onopticon finding. Collecting complaints is likewise different from complaints producing binding correction.

Institutional learning may accelerate while recovery and effective correction remain slow. More accurate classification is not a measure of renewed life. This temporal disparity affects the distribution of renewal burdens and collective capacity to contest. Temporal Conceptual Arbitrage separately asks what distinctive advantage power gains when the language of ‘choice’, ‘protection’ or ‘oversight’ helps sustain that disparity. Acquired history, institutional learning and arbitrage advantage are not evidence of one another.

**Cytopolitical autoimmunity**, proposed in the Cytopolitics manuscript, is a political analogy. It describes how adaptations that secure subsistence or continued participation in the short term may erode the grounds for changing those conditions over time (Tan, in preparation). No clinical autoimmune diagnosis is intended. Short-term gain, long-term burden and their connection must be demonstrated. A person may recognise their own depletion while lacking the means to stop it; continued participation alone does not establish that position.

## 13. Conditions extending from production into everyday life

### 13.1 Decisions shaping food and attention

When a subject encounters a product, its production history arrives with it. Composition, processing, price, distribution, working hours and preparation time jointly establish the conditions under which consumption occurs. Before describing a pattern of consumption as personal preference, the inquiry must establish the practicable pathways within which it took shape.

A study of US data from August 2021 to August 2023 reports that approximately 55 per cent of energy intake came from ultra-processed foods. The frequently cited UK estimate of 56.8 per cent concerns 2008–2014; these are not same-year national comparisons (Williams et al., 2025; Rauber et al., 2018). A review synthesising associations with adverse health outcomes underscores the importance of widespread exposure (Lane et al., 2024). These figures establish the scale of exposure that warrants investigation. An Onopticon finding or a claim of political direction requires the further relationships specified in §§6–7.

Other everyday encounters can also be structured in advance. Relevant inquiries include how measurable performance organises teachers’ and pupils’ activities, how expectations of perfectionism change, and which categories medicalise human experience (Ball, 2003; Biesta, 2010; Curran and Hill, 2019; Conrad, 2007). The World Health Organization’s classification of burnout as an occupational phenomenon establishes the category’s scope (WHO, 2019). The category alone does not establish how affected people’s working conditions have changed.

Attention and information raise a similar question about who shapes their conditions. Research on public opinion, agenda formation and cultural production predates digital platforms (Lippmann, 1922; McCombs

and Shaw, 1972; Adorno and Horkheimer, 2002). Contemporary attention research and studies of online news diffusion extend the inquiry with new tools (Mark, 2023; Vosoughi et al., 2018). Divergent findings on filter bubbles and feed algorithms constrain assumptions of identical informational foreclosure for every user (Arguedas et al., 2022; Guess et al., 2023).

Consumption, attention and preference form the study's horizontal relationships; infrastructures of classification, allocation and intervention form its vertical relationships. These are not fixed corporate types. A commercial interface and a public procedure may become connected through a consequential passage, but a corporation's presence in both fields does not establish that passage. Research must show how horizontal and vertical functions combine in the encounter that reaches the subject.

### **13.2 Cellular intervention capacity and realised social use**

Studies by Stanley and colleagues examine approaches to cellular intervention through magnetic fields or radio frequencies, using engineered channels, particles or ferritin-related mechanisms (Stanley et al., 2012, 2015). Patent 10,765,878 B2 addresses related compositions and methods for modulating cellular activity (Stanley et al., 2020). The patented invention, the experimental results and Meister's objections concerning the physical mechanism require separate assessment (Meister, 2016).

The question is: in which applications does the technical ability to organise a response become a social imposition? The inquiry must trace the affected position, exposure, acquired change, costs reaching decision health and authority over purposes. Technical capacity is not evidence of non-consensual political control over populations. It defines a field in which the social use of that capacity must be investigated.

### **13.3 Constituting cell-based production, authorisation and living environments**

In cell-cultured food production, UPSIDE Foods' securities filing under its former company name, safety dossier and agricultural inspection records document relationships between investment, production and authorisation (SEC, 2020; FDA, 2022; USDA FSIS, 2023). The FDA's statement that it had no further questions about the safety assessment submitted through voluntary pre-market consultation is not product approval. USDA inspection authorisation and labelling records must be assessed separately.

Cell lines, production media, bioreactors, investment and permissions form part of the conditions under which this mode of production becomes possible. An industry report documents corporate participation. Reporting on prohibitions brings variation in authorisation into view (Good Food Institute, 2026; WUSF, 2026). These materials do not demonstrate compulsory consumer dependence or de facto foreclosure. The inquiry therefore concerns constitution before foreclosure.

Disease control in live animals provides another form of state mediation through registration, movement permits, vaccination and culling. US avian influenza measures, France's duck vaccination programme and EU regulation document protective administrative powers (USDA APHIS, n.d.; Ministère de l'Agriculture, 2023; European Union, 2023). Protection and economic consequences must be examined together. The animal's administrative status, the producer's dependence and the consumer's capacity to refuse are distinct positions. These records do not establish that the two production fields cause one another or form a single circuit. The inquiry follows the conditions that production and authorisation decisions bring to the table.

### 13.4 When losses in nature become costs to the subject

Polluted seas, unusable water, degraded air and climate change diminish subjects' conditions of housing, livelihood, health and shared life. The inquiry moves from those losses and protective burdens towards production, investment and authorisation decisions. Where corporations constitute conditions and state mediation gives them binding force, determining power and the burden of consequences may concentrate in different places.

The IPCC's 2023 synthesis assesses harms to food and water security, health and livelihoods from human-induced climate change alongside disproportionate effects on vulnerable communities with smaller historical contributions to the problem. It also identifies irreversible ecosystem losses (IPCC, 2023). UNEP's assessment of marine litter and plastic pollution connects effects on ecosystems and living beings with risks to human health and social costs (UNEP, 2021). These sources support the material relationship between destruction and shared life. The corporate and state relationships behind particular decisions, and the distribution of gains and costs, require further tracing.

Costs may reach subjects through three pathways. They may lose health, income, housing, livelihood or time; bear the costs of clean water, cooling, relocation and care; or postpone other needs when repair draws on common resources. These pathways may combine, but financing and distribution must be established before claiming that every remedial burden falls on the same people. Expenditure also cannot fully measure health that cannot be purchased back, irrecoverable time or lost habitats.

Cost transfer does not require consent; having to live in the affected world may be enough. Where protection follows income, the ability to move away from destruction becomes unequal. Protective goods and services may become compulsory expenditures and create new dependencies. Research must identify who gains without presuming that the polluter and the seller of protection are the same corporation.

Ecological destruction is broader than Onopticon. Cellular and hormonal effects require specific exposure pathways. Homovictimus requires a record of personal fault or choice in addition to transferred costs. Arbitrage requires evidence that a promise of protection gives a changed operation an advantage. Transferring harm into the future cannot substitute for these relationships or for institutional feedback.

Ozone depletion and greenhouse-gas-driven global warming are related but distinct physical processes. The ozone assessment explains the effects of industrially produced ozone-depleting substances and signs of recovery following their reduction under Montreal Protocol controls (Salawitch et al., 2023). This example resists treating destruction as fate: collective, enforceable intervention can change production conditions and the trajectory of harm. State mediation must therefore be examined through what it makes binding, including restrictions and enforceable responsibility alongside permissions and transferred burdens.

An actor may sustain returns by transferring loss to another region, community or generation. This does not free it from dependence on the nature that makes its power possible. Making others pay does not remove destruction's effects on the conditions of existence. The world is not a residual space into which power can discharge its waste from outside. The erosion of subjects and nature also reaches power's conditions of renewal.

# 13.5 Meat trade and productive capacity: testing state mediation from the subject’s position

An inquiry into meat supply begins with what a household can obtain on the same income, which needs it forgoes to maintain nutrition, and its power to change those conditions. The significance of increased supply for households emerges only when prices, incomes and effective access are examined together. A stated purpose of meeting public need must be tested against effects reaching subjects and the capacity being established to meet that need in the future.

The USDA’s *Livestock and Meat International Trade Data*, updated on 4 September 2026, reports physical trade quantities by country and product. It does not contain monetary values, unit prices or corporate profits. Aggregated public and private shipments are not state payments to corporations. A two-month publication lag also requires the update date to be distinguished from the observation period (USDA ERS, 2026a, 2026b). These data alone establish neither the distribution of benefits and costs nor the actor exercising constitutive authority over policy.

A presidential action of 26 August 2026 temporarily increased the quantity of specified lean beef trimmings eligible for the lower in-quota tariff by 300,000 tonnes. The declared purpose was affordable consumer access to beef. Section 6(b) requires monitoring of whether the relevant imports are sold at 25 per cent below the market price for trimmings. If that condition is not met, USDA and USTR must notify the President, who will consider withdrawing the remaining additional quota. Monitoring is prescribed; withdrawal requires a further decision. A price criterion for an imported input is not a guarantee that supermarket ground-beef prices will fall by the same proportion (The White House, 2026).

State authority is visible in this arrangement. The question is how it connects an advantage for corporations to subjects’ access. A separate USDA price series permits comparison of farm, wholesale and retail stages. Differences between these prices include processing and distribution costs and cannot be equated with net profit. A national average also cannot substitute for a particular household’s access (USDA ERS, 2026c, 2026d).

| Relationship followed             | Test beginning from subjects and society                                                                                                      |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Present access                    | Considering prices and income together, can households regularly obtain sufficient food, and which other needs do they forgo?                 |
| Gains and costs                   | How is the import-cost advantage distributed among producers, processors, distributors and consumers, and what burden does the public bear?   |
| Future capacity                   | Do resources strengthen continuity of production and the ability to meet need? How do output, budgetary returns and access change separately? |
| Constitutive power and dependence | Who can change product, supply and pricing conditions? Does dependence on particular intermediaries decline for producers and consumers?      |
| Effective correction              | If the declared benefit fails to materialise, which condition changes, who answers for it, and who bears the cost of continued loss?          |

Support for domestic production is a comparative option that may convert present expenditure into future capacity. Increased output, net fiscal returns and the satisfaction of public need are separate outcomes. They depend on who receives support, production bottlenecks and the distribution of gains. Public benefit must be

assessed through producer continuity, employment, access and costs borne by subjects alongside budgetary returns.

Time is especially important in cattle production. Retaining breeding females to expand future herds may initially reduce the number sent for slaughter and increase the need for imported lean beef in the intervening period (USDA ERS, 2025). Temporary imports and domestic production support can operate together. On 31 August 2026, USDA announced the *Ranchers First* initiative, including insurance changes to support heifer retention, loan guarantees for regional processors and preference for domestic beef in public procurement (USDA, 2026). The announcement documents a policy direction, not completed payments or realised benefits. An assessment published by the producer organisation AFBF argues that additional imports may coincide with the marketing season and weaken incentives to expand herds (Newton, 2026). That position informs investigation of the interaction between the policies without substituting for outcome measurement.

The years required to expand production may explain why current supply cannot increase immediately. They do not alone explain why earlier capacity was not maintained. Inquiry must therefore extend backwards to investment, support, capacity loss and unused alternatives. Supporting ‘domestic’ production also does not establish a return of constitutive power to society: resources may strengthen the determining role of a few domestic corporations. Alongside the nationality of production, the criterion is the change in subjects’ and society’s power over living conditions.

If resources repeatedly reproduce dependence and corporate power over conditions despite practicable lasting alternatives, the direction of state mediation becomes the object of inquiry. Allocations, foregone options and costs left with subjects must be shown together. Imports or corporate gains alone cannot sustain that conclusion.

## **14. Unequal exposure: the same rule reaching different lives**

The same technical rule produces different costs in different lives. A person who can take time off to contest a debt has different possibilities from those of someone unable to absorb one day’s lost income. A worker who can leave a scoring system differs from one whose entire livelihood depends on it. Effective contestability must be assessed within these positions.

Unequal exposure is not an inherent vulnerability of identity groups. Historical relationships place people differently; administrative categories, neighbourhood selection, income conditions, care burdens and migration status may sustain those positions. Research follows who enters a classification, how they are included and the resources with which they can respond.

Crenshaw’s intersectionality reveals relationships that single-axis analysis misses (1989, 1991). Class, racialisation, gender and migration position are not added here as independent risk scores. The inquiry asks how they intersect within an arrangement and what outcomes they produce. Collins’s matrix of domination makes it possible to examine structural, disciplinary, hegemonic and interpersonal relations together (2000). The Onopticon protocol traces particular binding mechanisms within these wider relationships.

Browne’s analysis of slavery examines the compulsory visibility of Black life through bodily marking, ship arrangements and lantern laws (2015). This history prevents analogue institutions from being treated as readily contestable merely because they were slow or visible. Compulsory recognition and severe exit costs predate digital infrastructure. The same history includes practices of counter-observation, evasion and refusal among those watched.

Benjamin's New Jim Code, Noble's work on search systems and Pasquale's analysis of opaque decision systems investigate how inequality can be reproduced within claims of neutrality (Benjamin, 2019; Noble, 2018; Pasquale, 2015). The absence of an explicitly racial data field does not eliminate the effects of design or historical access conditions. Couldry and Mejias's data colonialism and Eubanks's automated management of poverty also illuminate which lives become sites of intensive recording and intervention (2019; 2018).

Returning to the cases reveals different routes of entry. SyRI's applications in low-income neighbourhoods foreground selection for scrutiny. Alston discusses the disproportionate targeting of poor and excluded populations; the court's ruling concerns privacy and does not decide the separate discrimination claim (Alston, 2019; Rechtbank Den Haag, 2020). Sociological interpretation and legal judgment must not be presented as the same finding.

Discriminatory use of nationality in the childcare benefits case provides a more direct categorical relationship. Retained dual-nationality records and particular nationality measures used in risk processing should not be treated as one variable. The regulator's finding of unlawful processing and its interpretation within wider racialisation are separate explanatory steps (Autoriteit Persoonsgegevens, 2021; Amnesty International, 2021).

In migration enforcement, intervention may arise not only from a person's own record but also from records concerning their family, location, vehicle or associations. *American Dragnet* makes the architecture available for investigation; Woodburn documents a specific relational encounter (Wang et al., 2022; Manning, 2025). A single operation does not yield a national rate of inequality. It identifies pathways requiring investigation.

In Hebron, the inquiry is closely related to Mbembe's necropolitical analysis. Necropolitics concerns not only sudden decisions between life and death, but also the continuous organisation of life under occupation and coercion. Checkpoints, humiliation and restricted movement are part of that account (Mbembe, 2003, 2019). Onopticon follows compulsory recognition, loss of passage, the effectiveness of contestation and the return of records within the same encounter. Specifying a mechanism does not remove occupation's political history or the ultimate threat to life from the explanation.

In ecological destruction, exposure, the ability to move away, the capacity to buy protection and participation in remedial decisions are distinct. Less visible harm may not mean less exposure. Difficulty obtaining protection can add depleted contestation resources to losses of health and livelihood.

D'Ignazio and Klein's discussion of the hazard of privilege shows how protection from harm can impede its recognition (2020). An administrator satisfied that an application form exists does not occupy the same conditions as the subject bearing its costs. Conceptual continuity must also be examined through this distribution: invoking the same right does not mean obtaining a result at the same time. Research follows the resources that give a demand practical effect alongside the subject's awareness.

Loss can accumulate. Reduced income may obstruct a later challenge; care burdens may impede document collection; acquired cellular and hormonal conditions may affect the burden of change. Accumulation does not prove that institutions form a single circuit. Cross-domain linkage requires an institutional passage, while the metabolic a priori requires evidence of acquired change.

Relational patterns of exposure and unequal resources for refusal are not presented as a universal law of vulnerability. Unaffected positions, timely correction and changed practices belong in the comparison. A case finding remains distinct from a claim about population-level distribution.

## **15. The modern state: problem management as a condition of resolution**

In the modern state, a demand for a solution enters procedures through an authorised institution, recognised categories, admissible evidence and an official timetable. This organisation determines not only the route to a solution but also what counts as a problem and a resolution. Problem management takes precedence when completion of a procedure substitutes for stopping lived harm.

Administration can organise protection. The decisive question is what an operation stops in people's lives and what it allows to continue. An institution may declare its task complete while the person seeking help experiences the same destruction. Where institutional existence serves as a guarantee of resolution, the inquiry examines the separation between a demand for protection and a result that actually stops the harm.

Merton's goal displacement explains how means acquire priority over organisational ends (1940). Lipsky's account of everyday public service shows how practices formed under resource and work pressures constitute the policy citizens actually encounter (2010). The Reality Paradigm re-examines these relationships by asking whether loss continues and when protection becomes usable.

An institution can place a file on hold or transfer it elsewhere; the person must continue to sustain their livelihood, safety and care during the same period. Administrative 'pending' status may be continuing loss in everyday life. Delay is a period during which costs are distributed. To establish Temporal Conceptual Arbitrage, the inquiry must show whose advantage is served by the retained promise and what distinctive return it provides.

Application, documentation and follow-up burdens may be added to the initial imposition. When subjects must also finance the activation of power's responsibility, problem management becomes a process that depletes shared life.

The production comparison in §13.5 extends the time horizon. Repeated emergency shortfalls must be assessed alongside the creation of capacity to reduce their future recurrence. The necessity of urgent action does not close the account of earlier capacity loss. Success lies in securing access and productive power that reduce the same dependence, rather than simply making the intervention repeatable.

### **15.1 The conditions under which social demands can be met: five fields compared**

Employment, housing, democratic decision, food and medicine access do not exemplify a single historical trajectory. The comparison asks who determines the conditions under which a demand can be met. The coexistence of openness, financial liberalisation, privatisation and international law does not establish causation. Weiss's differentiated state capacities and Rodrik's analysis of tensions among international integration, national decision and mass politics support this distinction (Weiss, 1997; Rodrik, 2000).

In employment, the 1944 parliamentary debate records government acceptance of responsibility for maintaining high and stable employment (UK Parliament, 1944). The 2012 reform makes a claimant commitment, differentiated work-related requirements and sanctions central to Universal Credit eligibility (UK Parliament, 2012). The NAO's Great Britain review estimates approximately 400,000 sanctions in 2015; that figure is not confined to Universal Credit. It also notes that sanctions were not new (NAO, 2016). The comparison therefore does not posit a move from an unconditional past to a conditional present. It identifies a change in emphasis between responsibility for macroeconomic employment and individuals' burden of proving conduct to retain assistance. The transfer of responsibility examined in §4 reveals which part of a social problem becomes directly conditional on the subject's compliance.

In housing, England's social-renting households fell from 5.5 million, approximately 32 per cent of all households, in 1981 to 4.4 million, or 23 per cent, in 1991. The official housing survey considers low construction rates alongside Right to Buy sales. It records a shift from provision for broader sections of society towards those in greatest need (DCLG, 2015, §§1.33–1.36). More than two million homes were sold to tenants under the programme between 1980/81 and 2024/25 (McEnhill and Foley, 2026). This is not a count of homes transferred directly to corporations. The relevant question is which credit, income and allocation conditions determine access to housing as the public housing stock contracts. Credit providers' position must be investigated within that relationship. Housing shortages are not treated as an inevitable result of globalisation; public responsibility for construction, sales and resource decisions remains.

In Greece's referendum of 5 July 2015, 61.3 per cent of voters rejected the creditors' proposal put to them (E. Scott, 2015). The Euro Summit statement was dated 12 July and published the following day. It nevertheless conditioned authorisation of negotiations for a new programme on prior legislative action in VAT, pensions and other fields. It also required institutional verification (Euro Summit, 2015, pp. 1–2). The referendum took place and government and parliament continued to exist. Yet financial dependence limited the rejection's power to change conditions. A political demand became an input to negotiations whose implementation depended on other approvals. Creditor states and international institutions cannot be equated with corporations. The example demonstrates binding force across levels, not a corporate constitutive position on its own.

India's National Food Security Act 2013 provides grain entitlements covering up to 75 per cent of the rural population and 50 per cent of the urban population (DFPD, n.d.). It shows that entitlements can expand during global integration. Public procurement and stockholding nevertheless encounter the WTO Agreement on Agriculture's support calculations. Market price support is calculated from the difference between an administered price and a fixed external reference price based on 1986–1988 (WTO, 1994, Annex 3, §§8–9). The Bali decision provides protection from disputes for specified programmes, subject to notification, data and safeguard conditions (WTO, 2013, §§2–6). Trade law assesses the support component of a policy fulfilling a food entitlement, rather than directly deciding the entitlement's normative validity. Connecting these levels does not establish that the WTO caused authentication-related exclusion in Jharkhand. That connection requires its own evidence.

South Africa's 1997 medicines legislation created public instruments for affordable supply, generic substitution and pricing (Republic of South Africa, 1997). Thirty-nine pharmaceutical companies withdrew their challenge in April 2001 amid continuing domestic and international campaigns (MSF, 2001). Later that year, the Doha Declaration affirmed that TRIPS should be interpreted in support of public health and confirmed compulsory-licensing flexibilities (WTO, 2001). Corporate determination of access conditions became the object of legal struggle, and policy space to constrain it could be defended. South Africa's apartheid history prevents the comparison from presuming an earlier public health system serving everyone. Removal of the litigation barrier also did not resolve every obstacle to medicine access at once.

Across the five fields, the common question concerns the relationship between recognising a need and changing the conditions that meet it. Jobseekers and housing applicants may face detailed scrutiny while adequate work and housing remain unavailable. State implementation power can sharpen against subjects, while constitutive actors' responsibilities disperse across authorities and contracts. This asymmetry must be traced through power over property, credit, supply and alternatives. The examples do not all establish the same constitutive arrangement; expanded rights and collective gains delimit the explanation.

The comparison supplies historical foundations for the table in §3.2, different outcomes of opposition for §16, and counter-evidence for §18. The next five cases test the distinction between demands and their conditions through concrete corporate powers. The Epstein inquiry then examines the relationship between processing a demand for protection and stopping destruction.

## 15.2 Corporate constitutive position: five public functions compared

This comparison investigates corporate determination of the conditions through which five public functions are realised. **Operational dependence** ties service continuity to a particular provider. **Bargaining power** concerns the capacity to influence a decision. **Erosion of regulatory independence** places a regulator under the influence of the regulated sector. The inquiry into **constitutive position** asks which conditions governing people's lives a corporation can determine and change. It follows the effects on subjects' and society's power over those conditions. The cases support different mechanisms; each requires its own assessment of whether constitutive authority has shifted.

**South Africa — CPS and the conditions of benefit payment.** SASSA awarded its payment contract to Cash Paymaster Services in 2012. The Constitutional Court declared the contract invalid in 2014 but suspended the effect of invalidity to prevent disruption to grant payments. In 2017, the absence of a ready alternative put payments to approximately 17 million beneficiaries at risk. This is not a count of people whose payments were actually stopped. Judicial intervention secured a further eighteen months of service. It protected rights-holders while postponing exit from an unlawful contract (CALS, 2026; Constitutional Court of South Africa, 2026).

A right defined against the state did not prevent its payment conditions from becoming dependent on a corporation. Citizens' subsistence needs became the immediate cost of removing that provider. Yet the state could compel the company to continue serving, and payments moved to another arrangement in 2018 (SASSA, 2018). The Constitutional Court's decision of 8 April 2026 ordered repayment of R81,286,177 in profits. As the company was in liquidation, asserting the claim and actually recovering the sum remain distinct (Constitutional Court of South Africa, 2026). The case demonstrates severe operational dependence during a specified period together with public and collective intervention that changed it.

**Honduras — Próspera and regional rules tied to investment guarantees.** The ZEDE framework granted functional and administrative autonomy to special economic zones. Próspera's promotional account presents this as a governance model offering distinct tax, regulatory and dispute-resolution conditions (Próspera, n.d.). The arbitral record describes provisions permitting legal-stability agreements and continuing certain guarantees after repeal of the legislation. It also records the retention of sovereignty, defence and other national powers (ICSID, 2025, §§65–68). The corporation and ZEDE governing bodies are not legally identical entities. The inquiry concerns a corporate-centred arrangement constituted within public law.

Investors initiated arbitration after Honduras repealed the ZEDE legislation in 2022. A procedural decision of 19 March 2026 records their October 2025 demand: primarily restoration of rights, or alternatively approximately US\$1.63 billion in compensation. The figure is the claimants' demand, not an arbitral award (ICSID, 2026, §7). Society's political attempt to change common rules entered a financial dispute through previously granted investment guarantees. Determining power lies here in corporate-rights-based attempts to reset the conditions governing which rules can change and at what cost, rather than in an absolute inability to make any change.

**Ukraine — Starlink and the communications conditions of military action.** In February 2023, SpaceX President Gwynne Shotwell stated that the company had restricted Ukraine's use of Starlink for drones. She distinguished military communications from offensive use that, the company argued, exceeded the agreement; she did not detail the technical measures (Reuters, 2023b). US senators' September 2023 letter asked about contractual restrictions on unilateral service changes and alternative infrastructure. It also recorded revisions to the original account of the Crimea incident and does not establish that a connection was cut during an operation (Shaheen et al., 2023).

A USAID audit documents public bodies' role in supplying communications capacity through terminal purchases, donations and transfers to Ukraine (USAID OIG, 2025). That procurement record and the company's account of restrictions cannot be combined into one chain involving the same terminals and operation. The case identifies a separation between deciding on military action and determining the permitted uses of communications infrastructure. Corporate intervention reaches the practicability of action dependent on that infrastructure. Increased communications capacity and dependence on the corporation for particular uses must be assessed together.

**Australia — Facebook and news circulation as a bargaining condition.** In February 2021, Facebook announced restrictions on viewing and sharing news in response to a bill intended to regulate news payments. On 23 February, the government announced amendments including consideration of commercial agreements when designating platforms, advance notice and mediation before arbitration (Frydenberg and Fletcher, 2021). Facebook linked restoration of news access to those changes (Facebook, 2021).

These documents do not establish a formal state delegation of news-distribution authority to the company. Nevertheless, access under corporate control became a means of bargaining over regulatory conditions. Readers' and publishers' communications on the platform depended on a decision to open or close access that they could not individually change. The continued availability of other news sources and passage of the legislation define the scope of corporate power. The case shows why constitutive position must be investigated through practical infrastructural determination alongside legal delegation.

**Boeing — FAA and the conditions of safety assessment.** The US House Transportation Committee majority staff's 2020 report examines Boeing employees carrying out assessments on the FAA's behalf. It documents failures by some representatives to convey important safety information to the FAA, and instances in which FAA management overruled technical specialists in Boeing's favour. The report analyses this as regulatory capture. The 2018 crash in Indonesia and the 2019 crash in Ethiopia killed 346 people (U.S. House Committee on Transportation and Infrastructure, 2020, pp. 6, 13–14).

Through delegated assessments, the FAA placed part of the informational and evaluative basis for public approval inside Boeing, the organisation under scrutiny. Passengers and flight crews relied on the result without being able to reconstruct the safety assessment themselves. The report's criticism of early blame directed at Lion Air pilots and the marginalisation of design problems also makes the downward transfer of responsibility an object of investigation (ibid., pp. 190–193). This record connects the constitution of safety oversight to fault attributed to individuals. Section 4 identifies its place, and the remaining links, in a Homovictimus inquiry.

| Case              | Condition dependent on the corporation                            | State constitution or intervention                                             | Position of subjects and society                                                                 |
|-------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>CPS</b>        | Continuity of benefit payments.                                   | Contract; court-ordered continuation in the absence of a ready alternative.    | Continuing entitlement alongside dependence on the payment arrangement.                          |
| <b>Próspera</b>   | Stability of regional investment and living rules.                | ZEDE legislation and guarantees, followed by repeal and arbitration.           | Attempts to change common rules confronted by investor claims.                                   |
| <b>Starlink</b>   | Availability and permitted uses of communications infrastructure. | Procurement and transfer; pursuit of contractual protections and alternatives. | Separation between deciding to act and controlling the means of implementation.                  |
| <b>Facebook</b>   | Visibility and sharing of news on the platform.                   | Regulatory negotiations alongside interrupted access.                          | Communications continuity tied to corporate–state bargaining.                                    |
| <b>Boeing–FAA</b> | Information and assessment supporting safety approval.            | Authorisation of company-based representatives and the oversight relationship. | Passengers and crew relying on safety conditions they cannot change; fault attributed to pilots. |

CPS connects realisation of a right to operational dependence; Próspera connects rule changes to investment guarantees; Starlink connects implementation of action to corporate limits on use. Facebook used interrupted access in regulatory bargaining, while Boeing–FAA placed part of public approval’s informational and evaluative basis within the corporation. The shared question is how these different mechanisms redistribute subjects’ and society’s power to exercise rights and change conditions. In every case, the state remains active through contracts, authorisation, resources, regulation or intervention.

### 15.3 Epstein: how to read an interval of approximately twenty-three years

The Epstein comparison concerns timely, effective protection against abuse and exploitation. The approximately twenty-three years between the 1996 notification record and the 2019 federal arrest define a period in which intermediate interventions did not eliminate the protection problem.

Maria Farmer’s later civil complaint dates her police report to 29 August 1996; the released FBI intake record bears a receipt stamp of 3 September 1996 (Farmer, 2025, §§112–119; FBI, 1996). These are reporting events, not the beginning of Farmer’s civil action. The redacted record concerns allegations about child sexual abuse material and threats. It neither reproduces every subsequent allegation nor establishes who the first victim was.

| Date                           | Documented institutional event                                                                                               | Approximate interval from September 1996  |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 6 December 2001 –25 April 2002 | Police inquiry concerning recruitment at a local college; the record concluded that no illegal activity had been identified. | Inquiry began 5 years and 3 months later. |
| March 2005                     | Palm Beach investigation began following a family’s complaint.                                                               | 8 years and 6 months.                     |
| 23 May and 24 July 2006        | Formal opening of the federal prosecution file and FBI investigation, respectively.                                          | Approximately 10 years.                   |
| 24 September 2007              | Federal non-prosecution agreement signed in the Southern District of Florida.                                                | 11 years.                                 |

| Date         | Documented institutional event                                             | Approximate interval from September 1996 |
|--------------|----------------------------------------------------------------------------|------------------------------------------|
| 30 June 2008 | Guilty plea in state court and commencement of an eighteen-month sentence. | 11 years and 10 months.                  |
| 6 July 2019  | Arrest on new federal charges.                                             | 22 years and 10 months.                  |

Information on the 2001–2002 police inquiry derives from Hill’s reporting on released documents (2025). The OPR report records the 2005–2008 investigation and procedural dates (2020, pp. 11, 18, 21 and executive summary). *In re Wild* addresses the 2007 agreement and problems concerning victims’ participation (2021). The table does not claim that twenty-three years passed before any action occurred. It identifies the period and decisions through which the protective effects of institutional action must be questioned.

The appellate decision affirming Maxwell’s conviction recounts evidence of abuse from 1994 to approximately 2004, supporting continuation after the early notification (United States v. Maxwell, 2024, pp. 4–5). For the period after 2008, the US Virgin Islands government’s civil complaint contains trafficking and abuse allegations extending to 2018 and an account reaching 2017 (GVI, 2021, §§55, 70–71, 213). This second source is used as a record of civil allegations, not as a criminal adjudication establishing every period described.

The 2007 agreement, unfinished investigative steps and the place of victims’ views are critical decision points for protection. OPR found important steps incomplete and criticised the agreement as poor judgement. Under its own professional standards, however, it did not find professional misconduct, nor evidence of an improper motive in Acosta’s decision (2020, executive summary, pp. ix–xi). These findings permit examination of concrete decisions and consequences without presuming a shared concealed intention.

In *In re Wild*, the en banc appellate court held that the Crime Victims’ Rights Act did not authorise a freestanding civil action outside an underlying criminal proceeding. The broader question of when pre-charge rights arise remained open (2021, pp. 12–14). Prosecutorial choices thus also affected access to a particular route of challenge. This identifies an institutional condition of that route, not the disappearance of every possible remedy.

State mediation operates here through the conversion of a report into a legally recognised offence, preliminary inquiry into investigation, negotiation into a binding agreement, and victims’ objections into specified procedures. Fragmented authority, incentives to dispose of cases, resource choices, unequal influence and victims’ exclusion are distinct explanations that may also combine. They must be investigated in concrete decision records rather than inferred as intentions from the length of the interval.

In a fire emergency, logging the report and dispatching a crew matter; protection is assessed through rescue and prevention of further harm. The image does not impose a firefighting timetable on criminal investigation. It makes clear that protection of those at risk cannot wait for completion of the file.

Each intervention during the interval must be assessed through its effect on exposure. Subsequent abusive acts, continuing consequences of earlier abuse and secondary harm arising from efforts to secure accountability are distinct. The 2019 arrest did not end every form of destruction. A sanction may interrupt conduct without fully repairing past loss.

A 2026 Reuters investigation identified twenty-three people who had made allegations against Epstein and faced threats or harassment after speaking out or having their identities disclosed. The Department of Justice stated that it had promptly corrected reported redaction failures (Spector and So, 2026). This documents secondary victimisation during accountability and disclosure processes after Epstein’s death. It is not a record of new abuse committed by the same deceased person.

Moral and political condemnation of these acts as grave wrongs against humanity is relevant to the article’s protection question. The technical legal category of a ‘crime against humanity’ requires contextual elements, including a widespread or systematic attack against civilians, a relevant state or organisational policy, and knowledge (United Nations, 1998, art. 7). A demand for timely, effective protection need not wait for that classification to be established.

Critical decisions support the interpretation that problem management took precedence over effective protection. The file cannot yield a count of victims whom an alternative intervention would have protected. For arbitrage, the open question is how the continuity of justice and protection institutions sustained this distance, and to whose advantage. Duration alone cannot establish that finding.

This comparison makes no new Onopticon finding. It tests state problem management against institutional action’s ability to stop destruction.

**15.4 War and survival: security conditions and the costs of destruction**

The relationship between decisions to attack, the protection of society and arms companies’ expected returns requires joint examination of justification, decision power and consequences. The inquiry begins with what is taken from the attacked society and the burdens the attacking state imposes on its own population. Demonstrating destruction and explaining the power relations that helped produce an attack are separate stages. Investigating loss does not require prior resolution of every state–corporation relationship.

A real threat does not itself establish the necessity of the chosen attack. The threat’s scope, the response’s protective effect, foreseeable destruction and less destructive practicable alternatives must be compared against information available at the time. Society’s survival, the state apparatus’s capacity, the incumbent government’s continuation and corporate returns remain distinct (§2.7). The question is whose lives security policy protects, for how long, and under conditions determined by whom. The validity of a declared purpose cannot be decided by the concept invoked alone.

Three primary records examined as of 16 September 2026 permit comparison of the costs of US military operations against Iran, one arms producer’s financial results and the humanitarian effects of regional conflict. They are not a single causal dataset measuring the same population and period:

| Record and period                                                | Documented finding                                                                                                                                                                 | Scope of the claim                                                                      |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>CBO, report of 15 September; estimate as of 1 August 2026</b> | Approximately <b>US\$38 billion</b> in Department of Defense costs, including replacement of expended munitions and lost equipment, and additional operating expenses (CBO, 2026). | Not total human loss, all completed payments or net profit transferred to corporations. |

| Record and period                                             | Documented finding                                                                                                                                                                                                                 | Scope of the claim                                                                                                                                                  |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RTX, release of 23 July; second quarter of 2026</b>        | Approximately <b>US\$8.27 billion in sales</b> and <b>US\$1.04 billion in operating profit</b> for the Raytheon segment, up <b>18 per cent</b> and <b>29 per cent</b> respectively on the same quarter a year earlier (RTX, 2026). | Covers different segment programmes. The whole increase cannot be attributed to the Iran war, nor does it establish corporate determination of the attack decision. |
| <b>UNICEF, statement of 30 March; published 31 March 2026</b> | <b>More than 1.2 million children displaced</b> in the regional conflict, alongside damage to hospitals, schools, water and sanitation infrastructure (UNICEF, 2026).                                                              | A regional record concerning the first month, not an updated September total or a causal attribution of every loss to one actor.                                    |

CBO states that it relied on public records because the Department did not answer information requests, and that substantial estimation uncertainty remained (2026). Public costs, corporate returns and humanitarian destruction must be compared within these boundaries. They cannot be converted into one another's units or treated as a completed causal explanation.

The proposition that arms companies necessarily lose profit during peace also requires testing. Lockheed Martin's announcement of 6 January 2026 describes a seven-year framework agreement intended to increase annual PAC-3 MSE production capacity from approximately 600 to 2,000. The company emphasises long-term demand predictability and identifies congressional appropriations as a condition of the initial contract (Lockheed Martin, 2026). The arrangement predates the operations against Iran that began in February. It prevents that war's commencement from being treated as the sole source of corporate growth, without establishing the agreement as a cause of war.

The connection between weapons use and replenishment can be documented separately. An inspector-general report to Congress estimates costs of **US\$33.4 billion** as of 29 June, including **US\$22.3 billion** to replace expended munitions and **US\$3.7 billion** for lost equipment. Infrastructure repair is excluded (Lead IG, 2026, p. 8). These figures are not added to CBO's later estimate. Munitions consumption generated procurement needs; the same record does not establish that war was initiated to create those needs. Nor is this replenishment relationship identical to Onopticon feedback, in which a subject's classification output returns as a later input.

Initiating, continuing, expanding and ending war are separate decision fields. Uncertainty about an initial cause does not halt inquiry into decisions to continue. Where practicable ways of reducing a threat are postponed while supply dependence persists, research must ask whom insecurity empowers to determine conditions. Problem management is assessed through its ability to stop destruction.

| Test beginning from the subject                                    | Relationship to trace                                                                                                 |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Which loss is said to be prevented, and which loss is experienced? | Threat information, protective outcomes, foreseeable destruction and alternatives available when decisions were made. |
| What can the actor receiving returns change?                       | Power over purposes, procurement criteria and practicable options, alongside sales and profit.                        |
| How does dependence change as security increases?                  | Protection tied to particular corporations' products, maintenance and continuing contracts.                           |

| Test beginning from the subject                                  | Relationship to trace                                                                                                 |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Who can stop continuing destruction, and who must answer for it? | Authority to change decisions, effective contestation, enforceable responsibility and distribution of repair burdens. |

When a corporation acquires a constitutive position in determining security conditions, state mediation may convert those conditions into compulsory sacrifices. Such a finding must rest on a shift in power over purposes and alternatives, not on profit alone. If the concept of survival sustains that shift to an actor's advantage, arbitrage becomes a further question (§3.2). The state's final signature neither explains the entire constitutive relationship nor reduces its responsibility.

Death, displacement and the loss of loved ones and infrastructure create burdens of reconstruction far beyond military expenditure. The consumption of income, care, time and organisational resources may erode society's power to change war conditions (§16). Security claims must be tested by returning to what those lives actually retain. Transferring costs to another society or generation does not remove the destruction (§2.4).

These records produce no new Onopticon finding. Homovictimus would likewise require more than cost transfer: constrained action must return to the subject as free choice, fault or personal obligation (§4).

## PART V — Opposition, comparison, testing and conclusion

### 16. Constitutive agency and the erosion of the grounds for opposition

Opposition comprises the capacity to name conditions, form relationships with others, sustain disagreement and achieve results through collective action. This dimension of social decision health depends on the conditions of existence of subjects and society.

Livelihood, education, law, health, time and access to information make sustained contestation possible. Workers must be able to survive while objecting; benefit recipients need documents, and people whose movement is restricted need access to representation. When these supports are exhausted, rights of expression may persist while the practical force of collective resistance diminishes.

The **ontological grounds for opposition** are the material and institutional supports for discussing and changing common conditions (Tan, in preparation). Pathways reaching those grounds through income, time, care and institutional access must be examined alongside cellular and hormonal pathways. They need not all occur within one application.

The corporatisation of the state subjects common purposes to measures of return, cost and manageability. Placing the corporation in a constitutive position relocates authority over purposes and conditions. A person may be recognised as a worker, consumer, data source and bearer of obligations while being excluded from a political position from which they can shape common conditions. The ‘absence of subjects and society’ denotes the withdrawal of that power to shape common conditions, not the end of life or resistance (§2.5). Decision health cannot become a competence test that removes equal political status. The inquiry concerns the supports for that status’s effective exercise.

A regime’s designation as democratic or autocratic does not itself locate constitutive authority. Elections, parties and avenues of appeal must be assessed separately from their power to change common conditions. Temporal Conceptual Arbitrage asks how their existence may be used as a substitute for constitutive participation. Actual differences between regimes in organisation, protection and correction remain analytically significant.

| Support                         | Question beginning from the encounter                                                                      |
|---------------------------------|------------------------------------------------------------------------------------------------------------|
| Livelihood, care and recovery   | Can the person sustain life while objecting and meet the costs of doing so?                                |
| Time and continuity             | Is time available to understand the problem, gather evidence and follow an application?                    |
| Information and education       | Can the person identify the rule, access the record and question the account given of them?                |
| Organisation and representation | Can people share information, act together and obtain representation without losing essential access?      |
| Binding correction              | Can contestation stop harm, restore access or change the purposes and categories producing the conditions? |

The distinction between institutional learning and political correction in §12.3 is decisive. An institution may learn rapidly from complaints while a person loses income and time trying to correct their record. A feedback channel must be assessed in terms of its effects on the subject's encounter and power to alter conditions.

The erosion of opposition's grounds weakens society's capacity to recognise and stop destruction. As obstacles to imposition diminish, the collective means of correction capable of renewing life may also be consumed.

A violation can remain known while the grounds for turning that knowledge into action erode. Procedures for a justified legal demand may exhaust its force. If institutional processing substitutes for achieved justice, arbitrage inquiry must examine the role of that substitution in avoiding responsibility.

Cancelling a debt or restoring access to work is an effective outcome that does not require rebuilding an entire system. Collective opposition may also change categories, purposes and decision authority. The scope, duration and effects of individual correction and constitutive change are recorded separately.

Greece and South Africa illuminate the distinction through contrasting outcomes. The 2015 Greek referendum shows that collective refusal could be expressed; subsequent financing prerequisites show that this refusal could not independently reconstitute the field of implementation (E. Scott, 2015; Euro Summit, 2015). The contraction of social decision health appears here in limits to a decision's power over binding conditions, not in an absence of voting. The relationship touches Rodrik's tension between national democratic authority and international integration (2000). The limit of that particular rejection does not imply the end of all subsequent political action or the existence of a single, unified social will.

South Africa's struggle over medicine access shows the opposite direction: a collective demand intervening in the conditions it encountered. During a campaign involving patient organisations and international solidarity, withdrawal of the companies' case removed a particular legal challenge to supply policy (MSF, 2001). The legislation's general commencement in 2003 and Doha's separate affirmation of legal flexibilities show that campaigning, legal possibility and effective treatment access were distinct stages (Republic of South Africa, 1997; WTO, 2001). The gain demonstrates that state mediation can also constrain corporate determining power. Any claim that opposition had entirely lost its grounds in that period must therefore be narrowed.

In Greece, implementation of collective refusal was conditionalised; in South Africa, legal room to defend access policy expanded. The difference cannot be reduced to the justice of the struggles or strength of will. Resources, organisation, dependence, alternatives and intervention capacity require joint investigation. The erosion of opposition's grounds can then be tested without becoming an all-encompassing judgement of absence.

Legal aid and litigation in Robodebt, the supported successful appeal in Serbia, regulatory intervention in Foodinho and preliminary relief in Woodburn all require resistance to be retained within the explanation. Successful intervention demonstrates that subjects and society can affect conditions. It does not erase past imposition; it identifies its limits and the conditions of interruption.

Homovictimus connects exclusion from constitutive agency to the concentration of responsibility on the subject. Continued work, consumption or participation may be recorded as approval, while the costs of withdrawal and collective challenge disappear from view. The Reality Paradigm examines this distribution of costs together with movements through which subjects and society regain power over conditions.

The §15.2 comparisons show that diminished constitutive agency does not entail absolute passivity. Litigation and changes to payment arrangements in CPS, legislative intervention in Honduras and public investigation of Boeing reveal fields in which change remains possible. The question is whether such action corrects an individual outcome or also changes corporate determination of the conditions under which rights and actions are realised. Effective collective gains delimit an explanation based on the erosion of opposition's grounds in the setting concerned.

## 17. Comparative assessment: different forms of realised imposition

Of the nine arrangements examined under common criteria, eight are assessed as functioning Onopticon arrangements and historical Xinjiang/IJOP as a consolidated regime. Each finding concerns a specified period and affected position; none generalises to every activity of a country or corporation.

| Arrangement and period                                                | Core imposition                                                                                     | Cross-domain linkage                                                               | Feedback                                                            | Status and evidential confidence |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------|
| <b>Robodebt, 2015–2019</b>                                            | Debt demand, compulsory response and difficulty obtaining timely effective correction.              | Tax representation converted into benefit debt: demonstrated.                      | Return of outcomes into subsequent determination: not demonstrated. | <b>Functioning — strong.</b>     |
| <b>Woodburn/ELITE, 30 October 2025</b>                                | Compulsory recognition, loss of liberty and inadequate effective contestation during the encounter. | Vehicle records contributing to immigration intervention: demonstrated.            | Later use not demonstrated as an actual return in these records.    | <b>Functioning — strong.</b>     |
| <b>Foodinho, examined 2022–2023 practices; 2024 decision</b>          | Compulsory participation in scoring for income-dependent workers, with loss of work opportunities.  | No separate passage between functions demonstrated.                                | Return between work, score and fresh allocation: demonstrated.      | <b>Functioning — strong.</b>     |
| <b>Serbia Social Card, from 2022; 2023 fieldwork</b>                  | Documented benefit loss and difficulty correcting source records in time.                           | Administrative source representations determining benefit decisions: demonstrated. | No separate return demonstrated.                                    | <b>Functioning — strong.</b>     |
| <b>FSV, specified debt-assistance exclusions before February 2020</b> | Unknown or uncorrectable records and a closed assistance route.                                     | Tax records affecting MSNP/WSNP debt assistance: demonstrated.                     | No return beyond record retention demonstrated.                     | <b>Functioning — strong.</b>     |
| <b>Jharkhand PDS, 2016–2017</b>                                       | Authentication and food-access barriers for dependent rights-holders.                               | No separate cross-domain connection demonstrated.                                  | Distribution records determining later allocation: demonstrated.    | <b>Functioning — strong.</b>     |
| <b>UK eVisa, erroneous statuses researched before June 2025</b>       | Compulsory proof, with interview evidence of loss and delayed or unsuccessful correction.           | Immigration representations affecting work and other access points: demonstrated.  | Not demonstrated.                                                   | <b>Functioning — moderate.</b>   |

| Arrangement and period                     | Core imposition                                                                | Cross-domain linkage                                              | Feedback                                                                       | Status and evidential confidence |
|--------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------|
| <b>Hebron, observations from 2020–2022</b> | Compulsory recognition and restricted movement supported by primary testimony. | Some proposed database connections remain unverified.             | Records returning from encounters to later recognition supported by testimony. | <b>Functioning — moderate.</b>   |
| <b>Xinjiang/IJOP, 2016–2019</b>            | Compulsory registration, intervention and limited effective contestation.      | Records from different functions feeding intervention: supported. | Officials returning outcomes and assessments to the system: supported.         | <b>Consolidated — moderate.</b>  |

Six functioning arrangements have strong evidential support and two have moderate support; the consolidated regime finding has moderate confidence. Nine is the number of arrangements in this purposively selected set. State mediation is central in eight; Foodincho provides the employer-centred comparison.

Responsibility in Robodebt, voluntariness in Woodburn and the exercise of rights in eVisa establish particular links in conceptual separation. The distinctive advantage arising from the retained concept requires the separate criteria in §7.2. Telegraph, the EU meeting initiative, meat trade and war examine constitutive authority and the distribution of costs (§§7.3, 2.6, 13.5, 15.4).

The five §15.2 cases show different forms of corporate determination in payment continuity, regional rules, military communications, news circulation and safety assessment. Section 11.3 and Appendix 1 distinguish content access, record operation, service continuity and the power to change provider. These comparisons test Corpopolitics through concrete relations of authority and dependence.

Threshold sensitivity is visible within the same records. Requiring both core conditions plus at least one sustaining connection identifies nine arrangements that meet the threshold. Requiring both sustaining connections leaves only historical Xinjiang/IJOP. Requiring strong evidence for all four conditions leaves no arrangement meeting that stricter rule. These are applications of different rules to the same evidence, not new observations. An empty result under the strictest rule does not erase lived loss. The adopted threshold distinguishes functioning imposition from a consolidated regime while confidence separately states the limits of knowledge.

Cases outside the inventory also enter the comparison. In SCHUFA, a credit score's determining role brings it within the scope of automated individual decision-making. Dun & Bradstreet Austria develops the requirement for a meaningful explanation of the logic used (CJEU, 2023, 2025). Another institution's signature on the final decision does not eliminate a prior score's decisive effect. Applicants' dependence, access to timely correction and sustaining connections nevertheless require investigation in practice. Reasons for adverse credit decisions can also be compared with the Apple Card investigation and CFPB explanation requirements (NYDFS, 2021; CFPB, 2023).

Google Home MCP is considered outside the inventory for the inverse evidential reason. The technical capacity to join household telemetry to supported device action is documented, while compulsory recognition, de facto foreclosure, social dependence and a realised feedback circuit are not. Treating it as a capacity comparator prevents both errors: ignoring an infrastructure's power until harm occurs, and converting available functionality into a completed regime finding (§11.4).

SyRI, the undifferentiated childcare benefits scandal, NHS FDP, Maven and Oyoon retain their respective evidential statuses. A household able to leave a loyalty-card scheme while sustainably obtaining affordable food provides a hypothetical negative example; that alternative cannot be assumed for every household. Andhra Pradesh supplies an empirical comparison in which the examined design did not reduce access. The concept is thereby prevented from expanding to encompass every record system and form of automation.

## 18. Testing, counter-evidence and explanatory scope

An Onopticon finding must be revisable in the light of counter-evidence. Sustainable refusal, a real alternative or affordable correction before serious loss weakens the core imposition. The question is whether these possibilities can be used from the relevant position, not merely whether documents promise them. If a first record serves only as a lead in a second function, and independent verification changes its determining effect before a binding demand arises, the cross-domain finding must be reconsidered. Absence of feedback limits consolidation; functioning status may remain where the core and cross-domain linkage persist.

Ensign and colleagues' predictive-policing model explains how deployment and discovery can reinforce one another (2018). It does not document an actual loop in a particular police unit. The connection between model and application requires the source distinctions in §7.

**Corporate constitutive position** is tested separately for its occurrence in a particular relationship, for the populations and operations affected over a specified period, and for historical prevalence. Continued public institutions do not disprove occurrence. Three findings, however, narrow or invalidate a case claim: the corporation lacked the attributed power during the relevant period; a public institution could independently change the determining decision; or the alleged dependence was absent. One occurrence cannot establish worldwide dominance in a historical period.

Later public or collective intervention does not erase the earlier relationship. It establishes termination, reduced scope or reversibility. Moving from CPS to another payment arrangement does not remove past dependence. Repealing the Próspera-related legislation limits the proposition that corporate guarantees made public decisions wholly impossible; an arbitral claim is not compensation awarded (§15.2). The inquiry recognises both the earlier dependence and the force of interventions ending it.

Public authorities' ability to change purposes and standards substantially, obtain the necessary knowledge and infrastructure, and overcome corporate constraints tests a claim about an existing constitutive arrangement. An individual exception must be distinguished from changing the conditions that reproduce outcomes. Regained public determining power does not automatically secure affected people's participation; their ability to change purposes and conditions needs separate assessment. Democratic representation within a corporation is not equivalent to constitutive participation by everyone compelled to live under its decisions.

In data infrastructure, a prohibition on institutional access cannot substitute for technical impossibility. Conversely, operator-independent trust anchors and architectures that technically prevent access cannot be dismissed in advance. Arbor's export routes and NHS rights to re-platform limit claims of absolute lack of exit. The duration, cost and service continuity of an actual transition still require investigation. gematik's specification establishes the design of a technical constraint. Verified implementation would provide counter-evidence to a claim of unilateral access within the same scope (§§11.2–11.3).

Google Home MCP sharpens the same test in an AI-enabled domestic setting. The prohibition on unlocking doors, revocable access, the ten-day retention limit and policies against sale, advertising and model training

are genuine constraints. They narrow any claim of unlimited intervention. They are not equivalent to proof that every client technically prevents prohibited retention, mistaken commands or actions affecting an uninformed co-resident. Independent audits, household-level execution records and effective complaint outcomes could strengthen or weaken the risk assessment. Evidence that affected residents receive intelligible notice, granular control and timely reversal would narrow a claim that the infrastructure diminishes their decision health (§11.4).

Corporate initiatives becoming reference points in the EU announcement must be examined alongside public authorities' independent capacity for change (§2.6). According to the Commission's implementation account, the AI Office can require technical documentation, conduct evaluations, request corrective measures and impose fines for non-compliance concerning general-purpose AI models (European Commission, 2026). These powers constrain any claim that public authority is wholly absent. Their actual ability to change purposes, risk criteria and alternatives provides an open test of constitutive position, particularly when authorities seek to enforce conditions opposed by corporations.

The §15.1 comparisons provide three different forms of counter-evidence. **India's 2013 food legislation** establishes grain-support obligations for broad population groups, limiting the proposition that social rights can only contract under global integration (DFPD, n.d.). This gain cannot be dismissed as mere appearance. Entitlement coverage nevertheless does not prove uninterrupted access; Jharkhand's specific authentication arrangement requires separate testing.

**The Doha Declaration** constrains the claim that international intellectual-property law makes public-health intervention wholly impossible. It affirms the scope for issuing compulsory licences and determining their grounds, while recognising implementation difficulties for members with insufficient manufacturing capacity (WTO, 2001, §§4–6). Legal flexibility differs from usable supply and treatment capacity. Withdrawal of the South African litigation is a realised gain from struggle, not a measurement of medicine access for every patient.

**The global minimum tax** provides a counter-example of states coordinating internationally to intervene in corporate tax conditions. The OECD/G20 agreement of 2021 adopted a 15 per cent minimum effective tax framework for covered large multinational enterprises (OECD, 2021). Implementation of the income inclusion rule from 2024 in adopting jurisdictions shows that the initiative exceeded a statement of intent (OECD, n.d.). It limits a claim of necessary, continuous withdrawal of public authority. It does not establish uniform implementation everywhere, increased receipts or resources reaching subjects. Average statutory corporate income tax rates fell from 28 per cent in 2000 to 21.2 per cent in 2026 and were broadly stable over 2020–2026 (OECD, 2026). Statutory rates, effective rates and receipts are distinct; these figures cannot attribute stability to the minimum-tax initiative.

Expanded rights, legal room for intervention, gains from struggle and a taxation framework are different outcomes. The constitutive thesis cannot relabel them as confirmations of itself. Where public or collective determining power grows, claims of exclusion and corporate constitutive position must narrow for the relevant population and period.

A strong finding of **Temporal Conceptual Arbitrage** cannot be made where a concept and its operational counterpart do not meaningfully diverge, or where continuity's specific advantage is not demonstrated. Effective contestation that stops an operation and changes basic conditions limits an interpretation in which conceptual continuity sustains foreclosure. Continued imposition despite rejection of an institutional justification does not automatically establish the remaining relationships either.

In comparison with neighbouring theories, Koselleck’s conceptual history can explain changes in name, meaning and function; Skinner’s rhetorical redescription can explain how practices become acceptable. Boltanski and Thévenot’s justificatory tests and Boltanski’s institution–reality analysis investigate the constitution of critique (§5). If these approaches explain the relationships among constitutive authority, mediation and costs without remainder, the new concept’s independent contribution narrows.

In the Telegraph case, if brand value explains the entire observed advantage, the additional explanatory claim of arbitrage is limited. Editorial safeguards that effectively prevent owner intervention, and challenges that change conditions, would narrow the interpretation of authority. Documented use of institutional history to neutralise a concrete accountability demand would strengthen it. Changes in content require separate examination of publications. The example’s explanatory role concerning changed authority remains distinct from empirical conclusions about outcomes (§7.3).

In production, support that strengthens independent producers’ continuity, household access and affected people’s power to alter conditions limits an interpretation centred on corporate determination. Announcements do not substitute for results; concentration of support among corporations does not alone establish a transfer of constitutive authority. The alternative used in comparison must be practicable in terms of time, resources and production (§§2.7, 13.5).

In war, independent public assessment of threats, an enforceable requirement to compare less destructive practicable options and implementation of changes contrary to corporate returns limit a claim of corporate constitutive position. Evidence that procurement supplies concrete protection must be retained. If corporate determining power excludes alternatives, the connection among decision, allocation and consequence must be shown. Profit, a causal role in starting war and control over its continuation are separate claims (§15.4).

For cellular and hormonal pathways, exposure, acquired change and decision health are examined through subjects’ purposes, attempts at change, alternatives and support. Connections between studies with different populations, durations, contexts and measures require justification. Every link need not be measured in one application; placing findings alongside one another does not establish a causal connection. For the destruction of reproduction, inquiry follows loss, recovery burdens and subsequent conditions of life. Continued gains alongside costs transferred to other households, institutions or regions determine the scale of investigation. Technical learning cannot substitute for social renewal.

Independent recoding could assess the instrument’s clarity and consistency across researchers. This study provides neither independent coding nor agreement statistics. Such validation is not a prerequisite for investigating lived imposition.

The investigable implications of comparison with related ontologies take concrete form in four relationships:

| Change compared                            | Outcome to investigate                                                     | Explanatory significance                                                                       |
|--------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| More information about complaints and harm | Does information increase subjects’ access and power to change conditions? | The difference between technical learning and binding collective correction.                   |
| Greater public implementation capacity     | Does power over purposes and alternatives also change?                     | Stronger state mediation distinguished from constitutive authority located in the corporation. |

| Change compared                                                             | Outcome to investigate                                                                                                                                 | Explanatory significance                                                                                            |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Similar loss under different arrangements of responsibility                 | Does the burden return as a new obligation for the subject, or become the duty of the actor that established the condition to stop harm and repair it? | Depletion sustaining further imposition compared with conditions becoming changeable.                               |
| Changed intervention authority beneath continuing concepts and institutions | Which binding outcomes can the same claim to rights or oversight produce, and who benefits from the difference?                                        | Institutional continuity separated from constitutive continuity, with conceptual arbitrage's distinctive advantage. |

Increased power to contest and alter constitutive conditions limits the account of opposition's eroding grounds. A record of ecological harm also does not establish that all destruction derives from the same corporate-centred configuration. Future studies could compare correction arrangements at similar access points, conditions before and after safeguards, and affected and unaffected positions. Such comparisons could test the effects of linkage and feedback on duration, scope and refusal costs. They are research proposals, not results already obtained.

## 19. Opacity, recognition and infrastructural justice

Compulsory recognition risks reducing subjects to the form a system can read. Under the onoptic gaze, a person appears as target, risk or score, while the life exceeding that representation may fall outside the decision. The **right to opacity** affirms the subject's existence as more than a processable representation.

Three levels must be distinguished. Personal existence requires strong protection of opacity. Recognition necessary within a service or rights relationship should rely on minimal, purpose-bound and reviewable information. In public accountability, the direction of scrutiny reverses: the purposes, operations and responsibilities of powerful institutions and infrastructures must be open to examination. Subjects' opacity and power's refusal to answer cannot be grouped under the same right.

Naming a right to opacity is not equivalent to securing it in practice. Recognition, data transfer, contestation and authority to stop an intervention determine whether the right can be exercised. Infrastructural justice addresses these conditions. Who controls recognition? Who can challenge a classification? Which consequence travels between records? What can a person refuse to disclose without making life unsustainable? The relationship between a claim to truth and its binding consequence must remain open for this proposed right as well.

A shared home reveals why authorisation cannot be treated as a complete account of consent. The person who connects an agent may differ from the person whose conduct produces data or whose physical surroundings are altered. Informing household members is not the same as giving each affected person an intelligible and usable power to refuse, limit or reverse an action. Infrastructural justice therefore asks whether visibility, audit logs, person-specific controls, revocation and deletion are available from every affected position, not only from the manager's account. Google Home MCP documents the relevance of these questions; it does not yet answer them through lived evidence (§11.4).

Making power visible is an initial outcome of the inquiry; the supports for effective resistance require further investigation. Knowing a mechanism's name does not automatically remove dependence on it. Naming

makes conditions discussable. Time, livelihood, care, evidence, representation and binding correction allow that discussion to produce consequences in life.

The assessment's normative direction is to keep constitutive authority connected to responsibility. Why must the work of holding those who establish and change conditions to account be financed through losses in the subject's own life? Whose resources provide protection and repair? An updated interface or closed complaint counts as correction only when it changes the affected encounter. The inquiry asks whether state mediation also makes the duty to stop an imposition enforceable against those responsible for it.

## **20. Conclusion: constitutive position, conceptual continuity and imposed costs**

Power can place the corporation in a constitutive position while organising the state to give the resulting conditions binding force. Within that arrangement, subjects and society continue producing shared life while losing power over its binding conditions. State mediation actively establishes the relationship through the selection of purposes, allocation of resources, authorisation and enforcement. The state can retain or increase its organisational strength within this relationship. Transformation occurs in the function where the corporation acquires its constitutive position. Rights and statuses retain their names while power over their exercise and alteration shifts. The modern subject's inversion appears when autonomy is narrowed in relation to authority yet presumed when responsibility is assigned.

Temporal Conceptual Arbitrage examines changes in the binding conditions attached to continuing institutions and concepts, together with the distinctive advantages generated by that separation. Institutional continuity is no guarantee of constitutive continuity. Knowing a violation, having one's claim recognised as valid and changing conditions remain separate capacities. Fully identifying every relationship through which conditions are established cannot be made a prerequisite for investigating lived loss or demanding an account of exercised authority.

The nine arrangements comprise eight functioning Onopticon findings and one historically consolidated regime. They identify particular forms of sustained imposition. The five corporation–public function cases expose separations between recognising rights or deciding to act and determining the conditions of realisation. The data-infrastructure inquiry compares content access, service operation and the power to change provider. The Google Home MCP comparison shows why an executable technical capacity must be examined before harm while remaining analytically separate from use, dependence, realised outcome and an Onopticon finding. The findings meet in the question of who can determine which condition.

Homovictimus explains how compulsory adaptation returns to the subject as free choice, fault or personal obligation. Protective and remedial burdens without fault attribution are examined as cost transfer. The distinction connects the losses subjects bear to the responsibilities assigned to them without conflating the two.

Decision health provides the common axis. Impositions operating through cells and hormones, livelihood, care, law and time can reach the power to refuse and change shared conditions. Those carrying protective and remedial burdens may, through those same burdens, lose resources needed to stop destruction. The erosion of opposition's grounds thus also erodes the supports for collective correction.

The subjects, society and shared world against which power draws its knife also sustain its reproduction. By consuming this ground, imposition erodes power's own possibilities of renewal. Continuing gains and the

destruction of life can coexist; their contradiction supplies no automatic timetable of collapse. Power can remove costs from its accounts. It cannot place destruction outside the world that makes its existence possible. If the world ceases to exist, so does power.

## PART VI — Appendix 1 and references

### Appendix 1. Operating health, education and justice records in four countries

This inventory provides the institutional foundations for the comparison in §11.3. Each entry concerns one service or system. **Operation** identifies actors and responsibilities; **finding** states the process documented; **limit** identifies conclusions the source cannot support. Links open the relevant documents directly. Undated and updated pages were accessed on 16 September 2026.

Go to: [England](#) · [United States](#) · [Germany](#) · [Netherlands](#)

#### A1.1 England

##### *Health / NHS cybersecurity services*

**Operation:** NHS CSOC; Microsoft Defender for Endpoint; IBM and Palo Alto Networks for the new Secure Boundary service.

**Finding:** NHS documentation specifies device telemetry and participation requirements. IBM's May 2026 announcement identifies transition and operational responsibilities for the new service.

**Limit:** The announcement does not establish completion of the entire transition. Security telemetry is not the same operation as access to patient-file content.

**Sources:** [NHS service documentation](#) · [IBM announcement \(2026\)](#)

##### *Education / Schools using Arbor*

**Operation:** School administrations, Arbor and AWS infrastructure in the United Kingdom.

**Finding:** The August 2026 guidance describes server administration, instructed data changes, restoration from backups and routes for exporting data to another system.

**Limit:** Hosting on AWS does not establish AWS staff access to pupil content. A specified exit route is distinct from the cost and duration of a practical transition.

**Source:** [Arbor guidance \(2026\)](#)

##### *Justice / HMCTS BenchNotes*

**Operation:** HMCTS; Azure Speech and Azure storage services.

**Finding:** The transparency record of 9 September 2026 describes transcription of decisions dictated by immigration and asylum judges, followed by human review.

**Limit:** The record does not establish that Microsoft staff can read the content or that Microsoft operates all court archives.

**Source:** [HMCTS transparency record \(2026\)](#)

## A1.2 United States

### ***Health / Medicare processing, CMS–WPS***

**Operation:** CMS; Medicare contractor WPS; MOVEit file-transfer software.

**Finding:** CMS’s September 2024 notice states that unauthorised actors copied files from the contractor’s environment in May 2023. CMS notified beneficiaries whose personal information might have been affected.

**Limit:** The scope is not all US health records. The incident establishes neither content access by software-producer staff nor identity fraud affecting every person concerned.

**Source:** [Official CMS notice \(2024\)](#)

### ***Education / School districts using PowerSchool***

**Operation:** School administrations and PowerSchool; subcontractor Movate appears in the litigation allegations.

**Finding:** The decision of 18 March 2026 addresses contracts and recounts, as an allegation, entry through a subcontractor employee’s compromised account.

**Limit:** An allegation recounted in the decision is not an established factual finding at this stage. Pages 2 and 4–5 require this evidential distinction.

**Source:** [Court decision \(2026\)](#)

### ***Justice / DOJ/ATR litigation records***

**Operation:** Department of Justice Antitrust Division; Azure Government; contractor personnel among ordinary and privileged users.

**Finding:** The impact assessment of 22 May 2025 describes contractor access alongside encrypted storage. Contractors may view, search and review files for which they are authorised.

**Limit:** A contractor user is not necessarily a Microsoft employee or a cybersecurity specialist. Content access must be separately connected to power over the conditions of public decisions.

**Source:** [DOJ impact assessment \(2025\)](#)

## A1.3 Germany

### ***Health / ePA patient records***

**Operation:** Health insurers; IBM and BITMARCK–RISE; gematik’s technical framework.

**Finding:** Supplier statements from 2025 report service and product authorisation. IBM’s announced scope covers sixteen insurers. gematik’s 2026 specification prescribes technical access restrictions.

**Limit:** An operational role does not itself establish the ability to read content. A specified safeguard is distinct from protection verified in practice (§11.3).

**Sources:** [IBM \(2025\)](#) · [BITMARCK \(2025\)](#) · [gematik specification \(2026\)](#)

### ***Education / Schleswig-Holstein, School-SH***

**Operation:** The state of Schleswig-Holstein and Dataport, a public-law institution.

**Finding:** The parliamentary response of 15 July 2025 describes data-centre, hosting and maintenance responsibilities. Dataport's official legal notice identifies its status.

**Limit:** Dataport cannot be classified as a privately owned corporation. The example limits the claim that public records are invariably operated by private companies.

**Sources:** [Parliamentary response \(2025\)](#) · [Dataport legal notice](#)

### ***Justice / North Rhine-Westphalia judicial IT***

**Operation:** The public central IT service, ITD; its information-security and data-protection unit, ITD 7.

**Finding:** The official remit identifies public governance responsibilities for information security and data protection.

**Limit:** The document establishes neither the complete absence of private technical suppliers nor adequate practical oversight in every application.

**Source:** [Official ITD 7 remit](#)

## **A1.4 Netherlands**

### ***Health / LSP health-information exchange***

**Operation:** VZVZ; DXC Technology and Visma Connect.

**Finding:** The statement of 18 February 2020 records arrangements for development and continuous technical operation.

**Limit:** This historical source establishes neither all contractual conditions in 2026 nor the companies' ability to read clinical content.

**Source:** [VZVZ statement \(2020\)](#)

### ***Education / ParnasSys pupil records***

**Operation:** Schools and Topicus; Previder for application and data hosting.

**Finding:** The November 2025 impact assessment describes access for support or security operations at a school's request (p. 34).

**Limit:** Topicus's conditional access is distinct from Previder's hosting role. The document does not explain whether a school's request is a technical prerequisite for access, or establish that the company can enable access unilaterally.

**Source:** [SIVON impact assessment \(2025\)](#)

### ***Justice / Rechtspraak secure correspondence***

**Operation:** Judicial institutions and secure-email provider Zivver.

**Finding:** Rechtspraak's official page describes a secure electronic correspondence channel with judicial institutions.

**Limit:** The channel's existence does not establish that Zivver operates the entire judicial archive or that its staff can read the content.

**Source:** [Rechtspraak correspondence guidance](#)

The examples show private corporations, public enterprises and public bodies performing different functions. Constitutive-position analysis connects those functions to the actual distribution of access, service continuity and power to make changes. Correcting one's data and participating in the selection or alteration of the record system are different levels of intervention.

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