
International Law and Technology as a Critical Project: A Collective Reading

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Abstract

This introductory essay traces key themes that run through the five contributions collected in this book review symposium. Distilling common threads and intersecting interventions, the essay aims to draw the contours of an emerging and distinct critical project in the interdisciplinary sphere of international law and technology. It insists on grounding these reflections in the here and now – in relation to the deployment of advanced algorithmic technologies in the ongoing campaign of ethnic cleansing, starvation and civilian targeting in Gaza. A prevailing legal response to harms inflicted or amplified by new technological tools – including military targeting tools such as those deployed in Gaza – has been to extend the reach of existing rights or propose new legal entitlements adapted to the digital domain. In contrast to such attempts at throwing out the ‘normative net’ of international law over a digital domain presumed to be devoid or deficient of norms, critical readings – as illustrated by the essays in this symposium – foreground the co-constitutive relations between the legal and the socio-technical. International legal labour today, as these contributions show, is always already dependent on, constitutive of and routed through digital infrastructures. In tracing these relations and emergent compositions, the critical approaches canvassed here provide both a politically energized exploration of emergent governance formations – extending from the spheres of security and surveillance to the logistical networks that sustain the circulation of capital – and an opening towards new practices of regulation, resistance or refusal orientated towards the material, socio-technical and infrastructural.

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Distracted from writing these brief introductory notes, I am watching retired surgeon professor Nizam Mamode provide evidence to the United Kingdom's parliamentary International Development Committee.¹ It is not only a disturbing, dark and dystopian account but also a precise and personal report of the genocidal deathscapes in Gaza. After bombs are dropped on 'crowded, tented area[s]', professor Mamode describes, 'drones would come down' – armed quadcopters hovering above the scenes of slaughter that would 'pick off' unarmed civilians, including children, appearing within their lethal lines of sight. This is a 'deliberate [and a] persistent act', Mamode testifies, with harrowing medical effects: the 'small cuboid pellets' fired from the drones 'would go in and they would bounce around', causing multiple internal injuries from a single entry point. The retired surgeon paused and struggled recounting the events.

This is far from the only instance where new technological tools have been deployed to amplify and channel the violence of the ongoing Nakba.² It has now been widely reported that strikes such as those described by Mamode are supported by artificial intelligence-based targeting systems – systems with idyllic and biblical titles such as Lavender or the Gospel – which vastly expand the speed and scale of military attacks. These production lines for military targets algorithmically alter (and lower) the thresholds of killability and change the calculus of accepted civilian harm in a way that is designed to widen the dragnet of aerial bombardment (remedying the perceived operational issue of 'running out of targets').³ While the civilian and infrastructural harm inflicted by these tools of data-driven target selection is unseen, the algorithmic process of pattern recognition and relational association that shapes systems such as Lavender or the Gospel is increasingly prominent across a wide variety of governance domains – from counterterrorism and border control to welfare fraud detection and disaster relief.⁴ The logic of algorithmic inference that is inherent to these systems re-directs and reshapes the exercise of (international) public authority.

New technological tools not only mediate the exercise of lethal force in Palestine but also impact the possibility and visibility of political critique or public outrage in

¹ For a report of the testimony, including the quotes referred to below, see 'Gaza Surgeon Describes Drones Targeting Children', *BBC* (13 November 2024), available at <https://bit.ly/3Zfi1PI>.

² Cf. Eghbariah, 'The Ongoing Nakba: Toward a Legal Framework for Palestine', 48 *New York University Review of Law and Social Change* (2023) 94.

³ H. Davies, B. McKernan and D. Sabbagh, "'The Gospel': How Israel Uses AI to Select Bombing Targets in Gaza', *The Guardian* (1 December 2023), available at <https://bit.ly/48X8X58>; B. McKernan and H. Davies, "'The Machine Did It Coldly': Israel Used AI to Identify 37,000 Hamas Targets', *The Guardian* (3 April 2024), available at <https://bit.ly/4fS07rK>. Interestingly, while reiterating their commitment to principles of precaution and proportionality, the Israel Defence Forces indeed confirmed the use of novel 'information management tools' in the process of target selection. 'Israel Defence Forces' Response to Claims About Use of "Lavender" AI Database in Gaza', *The Guardian* (3 April 2024), available at <https://bit.ly/3YXvL07>. For a splendid analysis that traces the legal and political problems associated with these algorithmic targeting tools, see Lahmann, 'Algorithmic Warfare, Spontaneity, and the Denial of the Right to Self-Determination Henning', *European Journal of Legal Studies* (forthcoming).

⁴ See, e.g., Fleur Johns, *#Help: Digital Humanitarianism and the Remaking of International Order* (2023); Sullivan and Van Den Meerse, 'The Legal Infrastructures of UK Border Control: Cerberus and the Dispositif of Speculative Suspicion', *German Law Journal (GLJ)* (2024). On the use of artificial intelligence (AI) in the reform of welfare systems, see P. Alston, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Doc. A/74/48037, 11 October 2019.

response. As noted by Human Rights Watch (HRW), technologies of automated content moderation deployed by online platforms have led to consistent patterns of censorship in relation to the current violence. 'Meta's policies and practices', HRW reported, 'have been silencing voices in support of Palestine and Palestinian human rights on Instagram and Facebook in a wave of heightened censorship of social media'.⁵ This results not only from Meta's undue deference to Israel's Cyber Unit but also from 'heavy reliance on automated tools for content removal'.⁶ As firmly established asymmetries in the moderation of Israeli and Palestinian online content are thereby amplified,⁷ we witness a consolidation of powerful and politically skewed regimes of algorithmic regulation where technological tools and legal standards are woven together.⁸

Yet, while digital technologies are deployed to censor voices in support of Palestine, we also observe a counter-movement where new digital and forensic instruments are used to monitor, visualize, map and publicly contest the lethal violence of the siege and the Israeli occupation long preceding it.⁹ As the 'cartography of genocide' developed by Forensic Architecture instantiates,¹⁰ this entails methods of witnessing,¹¹ evidence gathering and truth telling that intersect with, differ from and occasionally conflict with conventional forms of narration, fact finding and contestation in international law.¹²

These empirical snapshots show how practices of central concern to international lawyers – from the material processes of military targeting to the regulation of online

⁵ Human Rights Watch, *Meta's Broken Promises: Systemic Censorship of Palestine Content on Instagram and Facebook* (2023), available at bit.ly/3QPP6Nv. This gives a specific contemporary dimension to what Edward Said described as the Palestinian 'permission to narrate'. See Said, 'Permission to Narrate', 13 *Journal of Palestine Studies* (1984) 27. This relates to a broader argument on how colonial relations impact frameworks of representation (which have now taken a radically different form in the online sphere). E. Said, *Orientalism* (1978); E. Said, *The Question of Palestine* (1979). On the relevance of these critiques in institutional contexts where Palestinian voices continue to be neglected, see 'Unlawful Occupation, Annexation and Segregation: The ICJ's Advisory Opinion on Palestine', *EJIL: The Podcast!*, 17 September 2024, episode 28, available at <https://bit.ly/3OmxTtp>.

⁶ Human Rights Watch, *supra* note 5.

⁷ Cf. Business for Social Responsibility, *Human Rights Due Diligence of Meta's Impacts in Israel and Palestine in May 2021: Insights and Recommendations*, September 2022, available at bit.ly/3TXvPfp.

⁸ On these infra-legal regimes of content moderation, see Sullivan, 'Algorithmic Governance of "Terrorism" and "Violent Extremism" Online: The GIFCT Hash-sharing Database as Global Security Infrastructure', *Modern Law Review* (forthcoming); see also Endres, Hedler and Wodajo, 'Bias in Social Media Content Management: What Do Human Rights Have to Do with It?', 117 *American Journal of International Law Unbound (AJILU)* (2023) 139; Van Den Meerse, 'Public-Private Cooperation in Global Security Governance: An Infrastructural Perspective', in J. Klabbers (ed.), *International Organizations Engaging the World* (forthcoming).

⁹ Cf. Forensic Architecture, *Destruction of Medical Infrastructure in Gaza*, 20 December 2023, available at bit.ly/3wuBOKK.

¹⁰ Forensic Architecture, *A Cartography of Genocide: Israel's Conduct in Gaza since October 2023*, 25 October 2024, available at <https://bit.ly/40ZFSnN>.

¹¹ M. Richardson, *Nonhuman Witnessing: War, Data, and Ecology after the End of the World* (2024) (a 'radical rethinking of what counts as witnessing ... in an era of endless war, ecological catastrophe, and technological capture').

¹² Forensic Architecture, *An Assessment of Visual Material Presented by the Israeli Legal Team at the International Court of Justice (ICJ)* 12 January 2024, 26 February 2024, available at bit.ly/3V5feqp.

speech – are altered by the use of new digital technologies.¹³ Even those deeply committed to imaginaries of technological solutionism would recognize the tension between the developments described above and the fundamental legal principles of precaution, responsibility or redress. A prevailing response to this recognition has been to extend the reach of existing legal rights – through analogy and adaptation – and to propose new legal entitlements attuned to the digital domain. ‘[E]xisting rights’, Dafna Dror-Shpoliansky and Yuval Shany argue, will ‘need to be adapted and complemented by new digital human rights in order to maintain effective protection of individual needs and interests in the digital age’.¹⁴ This reflects a familiar professional routine that situates the repertoire of international law at a comfortable distance from its regulatory object. Following the scripts and structures that shaped international law’s prior encounters with global value chains or forms of international executive rule,¹⁵ the ambition is to fix spheres of social life presumed to be devoid of law – international lawyers as surveyors and regulators of a disciplinary frontier space. This entails a consistent pattern, as Fleur Johns long observed, where ‘[i]nternational lawyers have often preferred to innovate from within and extend their discipline by labouring to throw a normative net over one or other domain perceived as deficient of norms, rather than by engaging tactically in those domains’ (domains that are always already saturated with law).¹⁶ This is an accurate description, I think, of a dominant strand of scholarship in the field of international law and technology that perceives the problem primarily as one of law’s absence or insufficiency.

As illustrated by the insightful contributions to this review symposium and the books they discuss, this familiar framing – which portrays the digital domain as an unruly frontier space to be covered with the ‘normative net’ of international law – obscures how international legal labour today is already dependent on, constitutive of and routed through digital infrastructures.¹⁷ Rather than framing digital technologies as objects of legal regulation, this critical perspective is focused on the co-constitutive relation of international law and technology in producing patterns of power and shaping structures of global governance.¹⁸ As the contributions to this issue reveal, these emergent governance formations – in which legal and socio-technical changes

¹³ In a forthcoming edited volume, we engage in depth with such emergent forms of ‘global governance by data’ and the impact of these developments on international law. See Johns, Sullivan and Van Den Meerssche, ‘Groping for the Shape of Things: An Introduction’, in F. Johns, G. Sullivan and D. Van Den Meerssche (eds), *Global Governance by Data: Infrastructures of Algorithmic Rule* (forthcoming).

¹⁴ Dror-Shpoliansky and Shany, ‘It’s the End of the (Offline) World as We Know It: From Human Rights to Digital Human Rights – A Proposed Typology’, 32 *European Journal of International Law (EJIL)* (2021) 1249; see also Shany, ‘Digital Rights and the Outer Limits of International Human Rights Law’, 24 *GLJ* (2023) 461.

¹⁵ Remarkably, the regulatory repertoire developed in relation to these forms of international institutional governance is now redeployed, translated and transposed in the realm of the digital. See, e.g., Benvenisti, ‘EJIL Foreword: Upholding Democracy Amid the Challenges of New Technology: What Role for the Law of Global Governance?’, 29 *EJIL* (2018) 9.

¹⁶ F. Johns, *Non-Legality in International Law: Unruly Law* (2013), at 24.

¹⁷ Johns and Noll, ‘Introduction to the Symposium on Critical International Law and Technology’, 117 *AJILU* (2023) 128, at 130–131.

¹⁸ As Fleur Johns and Gregor Noll argue, the repertoire of critical international lawyers might be particularly well suited to study these patterns – or ‘determinacy effects’ – and how they are composed

are inherently tied together – extend from the spheres of security and surveillance to the logistical networks that sustain the circulation of capital.

Resisting the framing of the digital as a ‘world cast in some sense as beyond [international] law’,¹⁹ a critical project of international law and technology would foreground precisely these co-constitutive relations between digital systems, logics and infrastructures and the patterns of distribution, division and discipline in international law.²⁰ While many of these compositions might take on a novel shape, this critical reading remains attentive to the embedded hierarchies, inequalities and sanctioned forms of violence that are reconfigured, redirected and amplified in the digital and infrastructural mediations of international legal authority.²¹ This is evident, for example, in how algorithmic targeting tools such as Lavender redefine the combatant-civilian distinction in a manner that results in the latter’s erosion and erasure as part of a broader process of de-civilianization.²² The deployment of these algorithmic tools thereby instantiates the reported ‘humanitarian camouflage’ of genocidal violence on display in Gaza, which is tied, as Robert Knox argues, to international law’s structural civilizational hierarchies.²³ The reviews and essays bundled together in this symposium significantly contribute to this critical project by tracing the interrelation between law and technology in evolving patterns of governance.

The co-constitutive, entangled relation between international law and technology is foregrounded in Rebecca Mignot-Mahdavi’s *Drones and International Law: A Techno-Legal Machinery*, reviewed by Abhimanyu George Jain.²⁴ George Jain carefully retraces how, in contrast to the prevalent regulatory repertoire that sees international law as a

and sustained. See *ibid.*; see also Johns, ‘On Dead Circuits and Non-events’, in I. Venzke and K.J. Heller (eds), *Contingency in International Law: On the Possibility of Different Legal Histories* (2021) 25.

¹⁹ Johns, *supra* note 16, at 24.

²⁰ The ‘infrastructural turn’ in international law, in my view, is particularly generative in studying these new formations. See, e.g., Sullivan, ‘Law, Technology, and Data-Driven Security: Infra-Legalities as Method Assemblage’, 49 *Journal of Law and Society* (2022) S31; Kingsbury, ‘Introduction to the Symposium on Infrastructuring International Law’, 117 *AJILU* (2023) 1; W. Hamilton Byrne, T. Gammeltoft-Hansen and N. Stappert, ‘Legal Infrastructures: Towards a Conceptual Framework’, MOBILE Working Paper Series (2023); Van Den Meerssche, ‘The Multiple Materialisms of International Law’, 11 *London Review of International Law (LRIL)* (2023) 197.

²¹ On these structural inequalities, redirections and their distributive effects, see Johns, ‘Data, Detection, and the Redistribution of the Sensible in International Law’, 111 *American Journal of International Law* (2017) 57; Van Den Meerssche, ‘Virtual Borders: International Law and the Elusive Inequalities of Algorithmic Association’, 33 *EJIL* (2022) 171; Fisher and Streinz, ‘Confronting Data Inequality’, 60 *Columbia Journal of Transnational Law* (2022) 829.

²² See note 3 above. On these dynamics of de-civilianization, see F. Albanese, *Anatomy of a Genocide: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, Doc. A/HRC/55/73, 1 July 2024. On their longer colonial lineages, see F. Albanese, *Genocide as Colonial Erasure: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, Doc. A/79/384, 1 October 2024.

²³ Knox, ‘Hypocrisy, Race and International Law’, in T. Krever *et al.*, ‘On International Law and Gaza: Critical Reflections’, 12 *LRIL* (2024) 217, at 224–225. On ‘humanitarian camouflage’, see Albanese, *Anatomy*, *supra* note 22. On how this violence and its guiding logic has crossed the threshold of genocidal intent, see Sultany, ‘A Threshold Crossed: On Genocidal Intent and the Duty to Prevent Genocide in Palestine’, *Journal of Genocide Research* (2024).

²⁴ George Jain, ‘In/visibilities. Review of Rebecca Mignot-Mahdavi, *Drones and International Law: A Techno-Legal Machinery*’, 35 *Eur. J. Int. L.* (2024) 971.

constraint on the development and deployment of drones, Mignot-Mahdavi's critical and innovative analysis shows how international law accommodates and reinforces the dematerialization and individualization of warfare enabled by these new technologies. *Drones and International Law*, as George Jain observes, thereby provides an important account of how legal and technological developments are tied together in the evolution of the war on terror as a war without spatial and temporal confines – a war shaped by governmentalities of pre-emption and algorithmic anticipation and ultimately animated by a logic of annihilation. This intervention widens the scope of critical attention beyond proceduralist concerns with transparency or responsibility – concerns that tend to focus on the impossible figure of the 'human in the loop' – and targets patterns of violence and permanent surveillance that are enacted through the techno-legal infrastructures of contemporary counterterrorism.²⁵ In a generative dialogue with this work, George Jain pushes the argument on three levels: insisting on a more expanded engagement with modalities of technological agency, suggesting a more political engagement with forms of legal (in)determinacy and questioning the qualification of jihadism as a radical rupture rather than a new iteration of enemy construction in international law.

The ambition to expand the horizon of critical writing in international law is equally central to Marie Petersmann's review essay on Ramon Amaro's *The Black Technical Object: On Machine Learning and the Aspiration of Black Being*.²⁶ In the problematization by international legal scholars of emergent digital technologies, one of the most dominant concerns relates to how forms of racial inequality and injustice are reproduced, amplified and reconfigured.²⁷ Responding to these concerns, the prevailing regulatory repertoire frames this in terms of persistent 'biases' that need to be corrected by rendering algorithms, the communities that code them and the data from which they learn more 'inclusive' or 'transparent'.²⁸ Yet *The Black Technical Object*, in Petersmann's reading, reveals the political problems and limitations of this focus on statistical 'debiasing'.²⁹ In its insistence on representational correction, Amaro observes, this normative response remains committed to 'the presupposition that coherence and detectability are necessary components of techno-human relations' – to a milieu where the 'white object remains whole, while the object of difference is seen as alienated, fragmented, and lacking in comparison'. In dialogue with Ramon Amaro, Petersmann provides a radically different perspective on the problematic of racialized

²⁵ On the 'impossible figure' of the 'human in the loop', see L. Amoore, *Cloud Ethics: Algorithms and the Attributes of Ourselves and Others* (2020), at 58–66. This troubling invocation of the 'human in the loop' as a strategy to justify the violence of algorithmic targeting systems is explicitly present in the Israel Defence Force's rationalization of Lavender and the Gospel ('[i]nformation systems are merely tools for analysts in the target identification process'). See note 3 above.

²⁶ Petersmann, 'Refusing Algorithmic Recognition. Review of Ramon Amaro, *The Black Technical Object: On Machine Learning and the Aspiration of Black Being*', 35 *Eur. J. Int. L.* (2024) 979.

²⁷ Powerful articulations of this problem are provided in Achiume, 'Digital Racial Borders', 115 *AJILU* (2021) 333; Gupta, 'Automating Racialization in International Law', 117 *AJILU* (2023) 156; Phan and Wark, 'Racial Formations as Data Formations', 8 *Big Data and Society* (2021) 1; Phan and Wark, 'Race, by Proxy', in Johns, Sullivan and Van Den Meerssche, *supra* note 13 (forthcoming).

²⁸ Petersmann refers, for example, to Benvenisti, *supra* note 15, at 58ff.

²⁹ For an illuminating and adjacent critique on the language of 'bias', see Xenidis, 'Beyond Bias: Algorithmic Machines, Discrimination Law and the Analogy Trap', 14 *Transnational Legal Theory* (2023) 378.

violence by tracing technologies of machine learning to a longer lineage of the socio-genesis of race,³⁰ and by articulating an agenda of resistance that insists not on recognition and correction but, rather, on undetectability, incoherence and refusal: an invocation of self-determination outside the prototypical logics of the computational calculus and its 'affective pre-logic of race'. This opens new avenues of critical work in international law that focus on the evolving modalities of subject making in the digital domain and the practices of resistance and refusal these invite.³¹

The critical reward of trespassing the disciplinary boundaries of international legal scholarship returns in Christine Schwöbel-Patel's inspiring review of Karen Levy, *Data Driven: Truckers, Technology, and the New Workplace Surveillance* – a book about truckers and the electronic logging devices that surveil their labour.³² While, as Schwöbel-Patel notes, truckers are no typical protagonists of international legal ordering, this account of the digital surveillance tools that discipline their movement and labour provides unique insight into the co-constitutive relation between legal and material infrastructures in facilitating the circulation of global capital. Connecting the trails of truckers traced in *Data Driven* with other recent studies of the logistical infrastructures that channel global trading, Schwöbel-Patel foregrounds the devaluation, exploitation and invisibilization of labour as a red thread that links together these increasingly digitized sinews of capital movement.³³ Against the grain of the new materialist orientation that directs much literature on international law and infrastructure,³⁴ Schwöbel-Patel hereby foregrounds how the deployment of new digital surveillance technologies is tied to historical lineages of labour exploitation and the dual dynamic of capital movement and control.³⁵ As digital devices serve to discipline truckers – a canary in the coal mine for more systemic shifts in labour conditions – they encounter everyday resistance of avoidance, manipulation and tampering (truckers trying to 'beat[] the box'). Supporting these expressions of mundane, material resistance, Schwöbel-Patel reads *Data Driven* as an invitation to 'think infrastructurally' about the problem of the rules rather than the rule breakers. In line with the reflections above, this allows us to avoid the 'catching up trap' – the idea that there is a legal 'gap' to be filled with 'new digital rights' – and focus instead on how law is 'already baked into existing infrastructures' as a crucial step towards social resistance and material transformation.

³⁰ Cf. F. Fanon, *Black Skin, White Masks* (1952); Wynter, 'Towards the Sociogenic Principle: Fanon, Identity, the Puzzle of Conscious Experience, and What It Is Like to Be "Black"', in A. Gomez-Moriana and M. Duran-Cogan (eds), *National Identities and Socio-Political Changes in Latin America* (2001) 30.

³¹ Cf. Petersmann and Van Den Meerssche, 'On Phantom Publics, Clusters, and Collectives: Be(com)ing Subject in Algorithmic Times', 39 *AI and Society* (2023) 107; Gordon, Mignot-Mahdavi and Van Den Meerssche, 'The Critical Subject and the Subject of Critique in International Law and Technology', 117 *AJILU* (2023) 134.

³² Schwöbel-Patel, 'In the Service of Keeping Capital Moving. Review of Karen Levy, *Data Driven: Truckers, Technology, and the New Workplace Surveillance*', 35 *Eur. J. Int. L.* (2024) 991.

³³ Cf. L. Khalili, *Sinews of War and Trade: Shipping and Capitalism in the Arabian Peninsula* (2020).

³⁴ See, e.g., Hohmann, 'Diffuse Subjects and Dispersed Power: New Materialist Insights and Cautionary Lessons for International Law', 34 *Leiden Journal of International Law* (2021) 585; Palmer, 'Road and Rules: What Does Infrastructure Reveal About International Law?', 14 *Asian Journal of International Law* (2023) 180.

³⁵ This methodological move is further elaborated in Hohmann and Schwöbel-Patel, 'A Monument to E.G. Wakefield: New and Historical Materialist Dialogues for a Posthuman International Law', in M. Arvidsson and E. Jones (eds), *International Law and Posthuman Theory* (2024) 139.

In confronting concerns associated with new digital technologies, the repertoire of human rights has proven prominent. Yet, in an essay reviewing Elizabeth Renieris, *Beyond Data: Reclaiming Human Rights at the Dawn of the Metaverse*, André Dao argues that it would be a mistake to perceive human rights as an ‘uncontested normative ground for technology governance’.³⁶ In this incisive and beautifully written essay, Dao points to the powerful critique in *Beyond Data* on the ‘technocratic, data-focused governance’ that shapes regulatory instruments such as the European Union’s General Data Protection Regulation.³⁷ This crystallizes in *Beyond Data*’s plea for a (re) turn to, and remembrance of, the promise of human rights – the ‘normative net’ of human dignity. Yet, in resurfacing this normative promise, Dao argues, the argument is marked by a ‘historiography of amnesia’: a ‘turn to a nostalgic fantasy of an ahistorical, apolitical human rights past’ that does not correspond to the political place of human rights in either our past or present and, as a result, is misdirecting proposals of regulation and projects of resistance. While *Beyond Data* provides a powerful critique of the power differentials that shape the current legal landscape, Dao concludes, there is no safe terrain to which to return.

The critical literature on human rights that Dao’s essay foregrounds is key to the argument of the final work reviewed in this symposium: Joshua Bowsher’s *The Informational Logic of Human Rights: Network Imaginaries in the Cybernetic Age*. Angelina Fisher, in a wonderful concluding essay, maps its critical concerns with the ‘informational turn’ in human rights and its important insights on how this turn links with a cybernetic logic that is intimately interwoven with neo-liberal governmentality.³⁸ In drawing these connections, *The Informational Logic of Human Rights* provides a distinct critique on the depoliticizing nature of human rights through its commitment to the ‘informatic modalities of cybernetic capitalism’. Fisher shows, however, that this critique tends to flatten the ‘human rights movement’ by focusing only on a limited – and somewhat outdated – set of institutions in the global North. The essay does not only multiply the sites of human rights practice – including practices that instantiate the situated perspective for which *The Informational Logic of Human Rights* pleads – but also signals promising pathways for a redirection of human rights guided by the ‘infrastructural turn’. ‘Thinking infrastructurally’, Fisher argues, in resonance with Schwöbel-Patel’s observations, can inspire new forms of legal and political engagement orientated towards the material and socio-technical. The proposal for ‘engaging tactically in those domains’, drawing on the words of Johns cited above, provides important avenues for critical engagement in the field of international law and technology.

³⁶ Dao, ‘A Historiography of Amnesia: Beyond Data, Big Tech and the (Re)Turn to Human Rights. Review of Elizabeth M. Renieris, *Beyond Data: Reclaiming Human Rights at the Dawn of the Metaverse*’, 35 *Eur. J. Int. L.* (2024) 997.

³⁷ General Data Protection Regulation (EU) 2016/679, 2016 OJ L 199.

³⁸ Fisher, ‘From In(-)formation to Infrastructural Turns: The Digital Futures of Human Rights Law and Practice. Review of Joshua Bowsher, *The Informational Logic of Human Rights: Network Imaginaries in the Cybernetic Age*’, 35 *Eur. J. Int. L.* (2024) 1013.