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AI Lawmaking
and the Future
Digital State

Reclaiming
Identity through
Language:
Mother Tongue..

Bodies,
Biopolitics, and
Collective
Resistance

The Educational
Project of Khalil
Totah

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Contributors should preserve citations, transliterations, translations, dates, and archival references with care so that arguments remain legible across disciplines and over time.

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Article Record

A New Approach to Lawmaking and Legal Education in the AI Era: Rome's Legacy, Nobel Ideas, and the Digital State of the Future

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The article proposes an interdisciplinary model of lawmaking and legal education for the state of the future, based on a synthesis of classical philosophical-legal heritage and modern data-driven approaches. As a normative foundation, it considers the ideas of the Roman legal tradition and Stoicism (Cicero, Seneca, Marcus Aurelius), emphasizing the priority of the common good, the rule of law, and the moral legitimacy of norms. Using the historical material of Rome's transition from Republic to Empire, it substantiates the need for an experimental, step-by-step design of reforms through "clusters of advanced legal development" and legal sandboxes. A central place is occupied by the "quantitative turn" in jurisprudence: the use of big data, modeling, and AI agents for evidence-based legislation, forecasting the effects of norms, and optimizing the goals of public policy (prosperity...

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The article proposes an interdisciplinary model of lawmaking and legal education for the state of the future, based on a synthesis of classical philosophical-legal heritage and modern data-driven approaches. As a normative foundation, it considers the ideas of the Roman legal tradition and Stoicism (Cicero, Seneca, Marcus Aurelius), emphasizing the priority of the common good, the rule of law, and the moral legitimacy of norms. Using the historical material of Rome’s transition from Republic to Empire, it substantiates the need for an experimental, step-by-step design of reforms through “clusters of advanced legal development” and legal sandboxes. A central place is occupied by the “quantitative turn” in jurisprudence: the use of big data, modeling, and AI agents for evidence-based legislation, forecasting the effects of norms, and optimizing the goals of public policy (prosperity, security, subjective well-being). The economic block relies on the ideas of Nobel Prize laureates: the institutional theory of inclusive institutions (Acemoglu, Robinson), behavioral economics and “nudges” (Thaler), experimental methods of impact evaluation (Banerjee, Duflo, Kremer; Angrist, Imbens), studies of financial stability (Bernanke, Diamond, Dybvig), and long-term risks of sustainable development (Nordhaus). The political-philosophical framework links meritocracy with liberal constraints on power and digital rights, proposing the principles of “human-in-the-loop,” algorithmic explainability, and legal accountability of automated decisions. Using examples from the United Kingdom, Singapore, the UAE, Hong Kong, and Taiwan, the article demonstrates the practical feasibility of a symbiotic state in which technologies enhance freedoms and efficiency, while law preserves the human being as the highest value.

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Keywords: *lawmaking of the future, quantitative jurisprudence, evidence-based legislation, artificial intelligence in law, legal big data, symbiotic state, meritocracy, inclusive institutions, behavioral regulation (nudge), regulatory sandboxes, regulatory impact assessment (ex ante/ex post), digital rights, human-in-the-loop, blockchain and smart contracts, digital legal education, happiness and well-being index*

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1 Introduction

Modern legal scholarship and the practice of public administration are undergoing a stage of dynamic change under the influence of technology. Artificial intelligence (AI), big data, and digital platforms are transforming the ways laws are created and law is taught. Lawmaking is ceasing to be the exclusive prerogative of a narrow circle of persons and is becoming an interdisciplinary science, relying simultaneously on timeless philosophical and legal principles and the latest achievements of economics, sociology, and computer science. The key challenge is to combine the classical legacy (for example, the Stoic wisdom of Cicero and Seneca) with the ideas of Nobel Prize laureates of recent years and the potential of AI agents in order to build a meritocratic, entrepreneurially oriented state of the future. The goal of such a state is to maximize prosperity, the level of awareness, and the happiness of citizens, achieving high indicators in development rankings. This article proposes a new approach to lawmaking and legal education based on the principles of symbiosis between humans and AI, drawing on historical lessons,

modern scientific theories, and examples of successful jurisdictions (the United Kingdom, Singapore, the UAE, Hong Kong, Taiwan). First, we will consider jurisprudence—the philosophical and historical foundations of law (including the reception of Roman law and the ideas of Stoicism) as a basis for the legal design of the future. Next, we will analyze economic insights—from behavioral economics to institutional theory—which, having been recognized by Nobel Prizes, can form the basis of "formulas" for a successful state. Then we will turn to issues of political philosophy (meritocracy, liberal values, the views of Kant, and even the provocations of Nietzsche) and their role in rethinking public administration. Finally, we will discuss digital governance: how AI and related technologies (big data, blockchain, algorithmic systems) can increase the efficiency of lawmaking and democratize legal education. The text provides cases and examples from the experience of the mentioned countries, and also proposes tables and diagrams illustrating the key ideas.

2 The Legacy of Roman Law and Stoic Philosophy

The ancient Roman legal tradition laid a strong foundation for the principle of the rule of law and civic responsibility. Thinkers of the Roman era—such as Marcus Tullius Cicero, Seneca, and the philosopher-emperor Marcus Aurelius—in their works viewed law as a derivative of reason and nature. Cicero, in the dialogue *On the Laws*, defined true law as “right reason, in agreement with nature, universal, unchangeable, and eternal,” which guides us toward duty and turns us away from wrongdoing. In Cicero’s view, the purpose of legal norms is to ensure morality and the happiness of the people; the first law-makers convinced citizens that they adopted laws solely for the sake of common virtue and well-being. Unjust and vicious decrees are “anything but laws” from the standpoint of true law. Thus, according to classical Roman thought, *salus populi suprema lex*—the highest law is the welfare of the people. This principle remains relevant: in the state of the future, the success of law will be measured by the extent to which it contributes to the real well-being of citizens. Stoic philosophy emphasized the unity of the moral law with the cosmic order. Marcus Aurelius, in his *Meditations*, insisted that justice and the good of society are the primary guidelines for the ruler; what is useful for the hive is useful for the bee. Similarly, Seneca, in the treatise *On Mercy*, drew attention to the duty of the strong (the emperor) to show humanity and indulgence toward human beings, making justice an instrument not of revenge, but of the common good. These Stoic ideas of virtue, duty, and subordinating private interest to the public good resonate with modern conceptions of state ethics. The reception of Roman law (especially in Europe) demonstrated the viability of these principles. Medieval and early modern jurists revived the corpus of Roman law (*Corpus Juris Civilis*), laying the foundation for continental civil codes. Roman maxims—for example, “*Fiat justitia, et pereat mundus*” (let justice be done, though the world perish)—reflect the idea of the priority of justice. Of course, blind adherence to the letter of the law without regard to its spirit was criticized even in antiquity. Thus, the historian Cornelius Tacitus noted: “the more corrupt the state, the more laws it has.” The paradox from his *Annals* (Ann. 3.27) warns that excessive complication of legislation is a sign of hidden disorder and a decline of morals. Indeed, an excess of convoluted norms often serves not the welfare of citizens, but the masking of arbitrariness by the authorities. Hence the lesson: it is necessary to strive not for the quantity of laws, but for their quality and justice, otherwise the legal system loses legitimacy. **Conclusion 1.1:** The historical and philosophical legacy teaches us to view law as an instrument for ensuring the common good, justice, and order. The principles of Roman jurists and Stoics—the rule of law, the correspondence of laws to moral natural law, and the priority of public welfare—should become the ideological foundation for modern reformers of law. Relying on these principles, it is possible to create new legal norms without losing connection with fundamental values.

3 From Republic to Empire: Historical Lessons of Lawmaking

The dynamics of the development of the Roman state—from Republic to Empire—provide valuable material for analyzing the adaptability of legal institutions. In the late Roman Republic, the Gracchi brothers (Tiberius and Gaius) attempted to carry out social reforms (land distribution, expansion of the rights of ordinary citizens) through legislation. Their tragic fate (both were killed for attempting change) demonstrates how acute the issue of updating laws to meet the needs of the time was. Nevertheless, the ideas of the Gracchi anticipated subsequent reforms (for example, the policies of Julius Caesar and Augustus on distributing land to veterans, legislation on pre-trial procedures, etc.).

History teaches that law is not static; it must respond to the challenges of socio-economic change, otherwise a crisis grows. The period of the Principate (Octavian Augustus and his successors) was characterized by the centralization of lawmaking—through the issuance of edicts and governmental decrees alongside laws. Roman law demonstrated flexibility: *senatus consulta* and imperial constitutions supplemented or replaced outdated republican laws. Within the Empire, “legal regimes of accelerated development” also emerged—somewhat prototypes of modern special economic zones. For example, colonial cities could receive a special legal status (Latin rights, immunities from certain taxes), which stimulated their growth. This ancient experience has parallels today, when states create free economic zones or pilot territories with eased business regulation (such as Hong Kong or the special economic zones of the UAE) to test liberal measures. The idea of “testing a hypothesis in a limited territory” was in fact applied already by the Romans, although in other forms. Another lesson of Roman history is the importance of legal continuity when the political regime changes. When the Republic was replaced by monarchy, jurists (for example, Papinian and Ulpian in the 2nd–3rd centuries) continued to develop jurisprudence on the basis of previously accumulated principles, adapting them to new realities. Precedent and codification (from the Law of the Twelve Tables to the Code of Justinian) ensured the stability of law. A modern reformer of the legal system must take both aspects into account: the continuity of fundamental principles and the flexibility of application. Analyzing transitional eras (whether Ancient Rome or, for example, the transformation of the British legal system during the Industrial Revolution), we see that success comes from a combination of respect for legal tradition and readiness for innovation. **Conclusion 1.2:** The history of the state and law shows the need for an experimental and step-by-step approach to reforms. The creation of “clusters of advanced legal development”—territories or spheres where innovations are introduced (tax holidays, deregulation of entrepreneurship, digital regulatory sandboxes)—makes it possible to test the effects of laws before scaling them to the whole country. This reduces risks and provides empirical data for evaluating innovations. This approach—from pilot to codification—corresponds both to the spirit of Roman pragmatism and to modern requirements of evidence in policymaking.

4 Law as Science and Art: From Physics to “Quantum” Jurisprudence

Law has traditionally been classified as a humanities-based sphere, yet in the twenty-first century it is increasingly becoming an interdisciplinary science using quantitative methods. The idea arises of building a kind of “physics of lawmaking.” If physics operates with the laws of nature, then lawmaking seeks to identify the laws of social development, formalize them, and on this basis derive optimal norms. The exponential growth of AI computing power makes it possible to process gigantic arrays of legal and socio-economic information (so-called Law Big Data). This opens the way to modeling law as a complex adaptive system. Let us imagine that the goals of the state—high prosperity, security, and citizens’ life satisfaction—are variables that can be quantitatively assessed (through indicators such as GDP per capita, the happiness index, the Human Development Index, etc.). A non-trivial question arises: is it possible to “reverse-calculate” law—that is, to select such a set of legal institutions and norms that maximizes target indicators? In other words, to solve a kind of optimization problem: given a goal (maximum public welfare), to find the optimal parameters of the legal system. Methodologically, this resembles the approach in engineering and computer science—using optimization algorithms and machine learning. Modern large language models of AI are already

capable of generating coherent texts of laws based on the analysis of millions of documents. Moreover, AI is already beginning to participate in lawmaking in practice. In 2023, a municipality in Brazil adopted the world's first law whose text was written by a neural network. In the United States, a number of lawmakers are experimenting with generative AI to prepare draft bills and analytical reviews. These examples are only the first steps. In the future, AI agents will be able to model the consequences of introducing one norm or another by analyzing statistical correlations and cause-and-effect relationships on big data. For example, it will be possible to predict how the repeal of a certain tax will affect economic activity in a special zone, or how changing a licensing procedure will affect the number of new startups. It is important to note that turning lawmaking into a "technological discipline" does not eliminate value-based questions. Algorithms can find correlations (for example, that a reduction in regulations by X% is associated with an increase in GDP by Y%), but the decision about which goals to prioritize remains with the human being. Here the Kantian tradition is useful: law must not violate the categorical imperative of morality and must respect human dignity and freedom. Immanuel Kant introduced the concept of the *Rechtsstaat*—a state governed by law, where power is limited by law protecting citizens from arbitrariness. He believed that a stable legal order is a condition for long-term peace, happiness, and prosperity of the people. This postulate must also be embedded in algorithmic models: the optimization of prosperity must not occur at the cost of violating freedom or justice. In other words, ethical constraints must be "wired into" the objective functions of AI in order not to turn society into a dystopia for the sake of momentary benefits. Nevertheless, the quantitative turn in jurisprudence promises tremendous progress. Already now, states use behavioral models from economics in the development of norms—the so-called legal engineering. Relying on Richard Thaler's theory of "nudging," governments introduce small behavioral incentives instead of strict prescriptions in order to achieve policy goals. Special "behavioral insight teams" have been created in a number of countries, dealing with the search for optimal regulatory methods at the intersection of law and psychology. This approach combines scientific rigor (experiments, the collection of data on people's reactions) with the art of lawmaking (the search for norms acceptable to society).

Conclusion 1.3: Lawmaking in the twenty-first century is becoming increasingly evidence-based—grounded in empirical data and modeling. It requires teamwork of lawyers, economists, programmers, and sociologists. In this sense, the lawyer of the future is simultaneously a philosopher and an engineer, mastering both the principles of law and data analysis technologies. The symbiosis of classical legal thinking with mathematical modeling is capable of turning lawmaking into a precise discipline similar to applied science, without losing its humanistic orientation. Thus we will come to "quantum jurisprudence," operating with probabilistic forecasts and big data, but grounded in unchanging constants—the values of justice and the good.

5 Institutions, Inclusiveness, and Prosperity (the Ideas of Acemoglu and Robinson)

Modern research in economics and related fields has significantly enriched our understanding of why some countries are rich and others are poor, and how institutions (including legal ones) influence development. Many of these studies have been awarded Nobel Prizes, and their findings are extremely valuable for developing new strategies for a state's legal development. In this section, we will consider the key ideas of Nobel laureates of the last decade and their significance for lawmaking and public administration.

In 2012, the book by economists Daron Acemoglu and James Robinson *Why Nations Fail* was published. Its central thesis is that political and economic institutions are of decisive importance. Inclusive institutions—that is, those that include broad segments of the population in political and economic life, protect property rights, ensure the rule of law and equality of opportunity—lead to sustainable growth and prosperity. Extractive institutions, serving a narrow elite and restricting the rights of the majority, are doomed to generate stagnation or short-term growth followed by crisis. The significance of this theory is confirmed by the fact that in 2024 Acemoglu and Robinson (together with S. Johnson) were awarded the Nobel Prize in Economics for comparative research on the prosperity of nations. For lawmaking, the conclusion is clear: laws must build inclusive institutions. In practice, this means strengthening judicial independence, protecting the property rights of all social groups, simplifying access to entrepreneurial activity, and preventing privileges for narrow groups. States that have successfully implemented these principles have achieved impressive results. For example, Singapore—a small country with limited resources—over several decades became one of the most developed economies in the world precisely thanks to its emphasis on meritocracy and effective governance institutions. Singapore's reforms of education and the civil service eliminated nepotism and put professionalism at the forefront, which ensured high productivity and citizens' trust. Researchers call the "secret ingredient" of Singapore's success precisely meritocracy—a system that prioritizes merit in hiring and promotion. For the legal system, this means selecting judges and officials based on competence rather than origin or loyalty, as well as a constant fight against corruption and the "cheapening" of access to justice (reducing costs for citizens and businesses when interacting with the legal system). No less instructive is the experience of certain city-states and territories with strong institutions. Hong Kong and Taiwan—despite different political destinies—demonstrate how the rule of law, protection of contracts, and openness to the global market make it possible to achieve prosperity. Hong Kong traditionally led economic freedom rankings, attracting investment and talent from around the world. Taiwan, having built democratic institutions after an authoritarian period, is today famous for a high level of education and technological innovation (for example, the Taiwanese company TSMC is a global leader in micro-electronics)—this is a direct result of investment in human capital and the legally guaranteed freedom of entrepreneurship. These examples confirm the thesis: good institutions stimulate creative destruction (in Schumpeter's sense)—the constant renewal of the economy through competition—whereas bad ones stifle initiative. To build the state of the future, one should rely on the formula of inclusiveness: as Aristotle already stated, a polity (a mixture of oligarchy and democracy) is stable if it takes into account the interests of the majority while protecting the rights of minorities. Translating this into the language of modern law—laws must guarantee equal "rules of the game." Then talents (wherever they come from) will unfold for the benefit of society.

6 Behavioral Economics: From Theory to "Soft" Law (Thaler, Shiller, and Others)

Traditional economic theory assumed a "rational person," but the research of Richard Thaler (Nobel 2017) and other behavioral economists showed systematic deviations of real behavior from the rational model. People are subject to cognitive biases, emotions, and framing effects. Thaler and Cass Sunstein, in the book *Nudge* (2008), proposed the concept of "nudging"—a gentle intervention that helps people make better decisions without coercion. For example, automatic enrollment of employees in pension plans (with the right to opt out) significantly in-

creases the level of savings—this is a “nudging” rule later implemented legislatively in many countries. The creation of “nudge units” within governments has become a global trend. Such units analyze data on citizens’ behavior and propose changes in regulation—often small adjustments that improve compliance with laws. The behavioral approach is extremely fruitful for lawmaking: instead of relying on abstract dogmas, legislators began testing norms in the same way marketers test interface changes. For example, in the United Kingdom the Behavioural Insights Team experimentally found out which wordings of tax notices increase timely payment—it turned out that the phrase that “most of your neighbors have already paid their tax” significantly increases collection (an appeal to a social norm). Such changes are subsequently enshrined as new regulatory standards. Nobel laureate Robert Shiller (2013)—a prominent representative of behavioral financial theory—also made a contribution important for lawmaking. Shiller showed that markets are subject to irrational moods (his term “irrational exuberance” explained bubbles in stock markets). In his later work *Narrative Economics* (2019), Shiller emphasized the role of spreading stories (narratives) in economic events. Economic crises and booms are often caused by the widespread dissemination of a certain idea or memes (surges of optimism or panic). This thesis is important for lawmakers: laws live in people’s minds as stories. For a legal norm to work, people must “believe” in it, perceive it as fair or useful. Otherwise, the formal rule will be sabotaged or ignored. Thus, one of the tasks of the modern lawmaker is the management of narratives. Here both classical knowledge (Cicero’s rhetoric, the art of persuading citizens) and modern technologies (social networks, media) are useful. By the way, successful states pay attention to this: thus, the UAE not only introduces innovations, but also markets the idea of happiness—the establishment of the post of Minister of Happiness and campaigns to improve quality of life created a positive image, contributing to public support for reforms. Returning to behavioral economics, another laureate—Daniel Kahneman (Nobel 2002, for integrating psychological research into economics)—substantiated the need for simple and understandable rules. A complex law that does not take into account the bounded rationality of citizens is doomed to work poorly. Therefore, legal design should strive to simplify the interface for people—whether it is clear language of laws, one-stop service windows, or automatic algorithms for compliance with requirements. As noted above, an abundance of laws can be a symptom of ill-being. The behavioral approach calls for: fewer norms, but clear and psychologically well-designed. **Conclusion 2.2:** Nobel discoveries in behavioral economics teach that a human being is not an abstract “homo juridicus,” but a living being with its own cognitive features. Rules that take these features into account (softer, more flexible, intuitively understandable) can, paradoxically, be more effective than strict prohibitions. The state of the future will apply “regulatory prompts” (nudges) everywhere—from increasing fiscal discipline to encouraging environmentally responsible behavior—reinforcing them with AI technologies of personalized recommendations. However, it is important to preserve the transparency and ethics of such measures so as not to slide into manipulation. Ultimately, the behavioral approach is about respect for real human nature when creating laws.

7 Experiments and Empirics: Development Economics as a Model for Law (Duflo, Banerjee, Kremer)

The 2019 laureates Abhijit Banerjee, Esther Duflo, and Michael Kremer were recognized for applying an experimental approach in the development of economics. They introduced the practice of field randomized controlled trials (RCTs) to evaluate the effectiveness of anti-poverty

programs—an analogue of medical trials, but for social interventions. Their approach—to divide a big problem into a number of smaller ones and test solutions—fits lawmaking perfectly. Instead of adopting “big reforms” blindly, one can test elements of reforms on limited samples. This correlates with the already discussed idea of pilot legal regimes (legal “sandboxes”). For example, before reforming the entire education system, it is possible in several regions to launch different models (increasing teachers’ salaries, changing the curriculum, introducing AI assistants) and collect data on performance, satisfaction, and costs. The methods of analysis developed by the 2021 laureates J. Angrist and G. Imbens (Nobel Prize for methods of deriving causal relationships) will help correctly evaluate the results of experiments, separating the effect of the reform from background factors. Then the most successful option is scaled up. Such an iterative, science-intensive approach to reforms increases the chances of success and reduces the cost of mistakes. The application of this method is especially promising in the sphere of regulating entrepreneurship—which is critically important for an entrepreneurially oriented state. One can experiment with different variants of deregulation: say, one group of regions switches to a notification procedure for opening a business, another preserves licensing, and a third introduces full digitalization of procedures. After a year, indicators are measured: the number of new firms, survival rates, the level of the shadow economy, and consumer complaints. Statistical analysis will reveal which regime better promotes innovation without harming society. Such an approach—essentially Randomized Regulation Trials—can become a standard for the work of ministries of economy and justice. Economists have also found that often “small” changes give a large cumulative effect—whether it is the installation of water filters in poor countries (greatly reducing morbidity) or the distribution of textbooks. For lawmakers, the lesson is that a grand reform is not always needed; sometimes a targeted change (for example, the abolition of an outdated bureaucratic procedure) noticeably improves the overall picture if a bottleneck has been identified. Nobel laureates in development economics taught us humility and pragmatism: it is important to test and measure, rather than build doctrinaire schemes. **Conclusion 2.3:** Lawmaking should adopt from modern economics a taste for empirics and experiment. It is necessary to cultivate in state bodies the practice of “policy pilots,” regulatory “A/B tests,” and careful data collection on the implementation of laws. This requires monitoring institutions and analytical centers (perhaps based in universities or with the participation of independent experts) evaluating the impact of norms. In the future, specialized “AI simulators” of legislation may appear, where thousands of virtual models of agents’ behavior under certain rules can be run to identify potential problems. This is like crash tests for a law—testing on virtual societies. Of course, a model will not replace reality, but it will screen out ideas that are obviously unworkable. Thus, Seneca’s foresight comes true: “laws are established for people, not people for laws”—and therefore their effectiveness should be measured by human experience, not by abstract logic.

8 Financial Stability and Long-Term Risks (Bernanke, Diamond, Dybvig, Nordhaus)

One cannot ignore the contribution of Nobel laureates associated with ensuring the stability of the economy and taking long-term factors into account. In 2022, Ben Bernanke, Douglas Diamond, and Philip Dybvig received the prize for research on banks and financial crises. Their works explained how bank panics can have a destructive effect on the economy and how proper regulation (for example, deposit insurance, the central bank as lender of last resort) prevents self-destructive runs by depositors. Translating this into the language of law: financial

Idea of the Laureates (Year)	Key Message	Implications for Law and Public Administration
Inclusive Institutions (Acemoglu & Robinson, Nobel 2024)	Institutions determine the wealth of nations; inclusiveness leads to prosperity.	Laws must ensure broad participation and equal rules of the game; strengthening property rights, judicial independence.
Nudge, Behavioral Economics (Thaler, Nobel 2017)	People are irrational; gentle “nudges” are more effective than strict norms.	Use behavioral approaches in regulation: an opt-out option instead of a ban, psychologically well-designed notices and public-service interfaces.
Development Experiments (Duflo, Banerjee, Kremer, Nobel 2019)	Small RCT experiments provide knowledge of what works in social policy.	Introduce pilot legislation, test reforms on a limited scale; collect empirical evidence before scaling.
Financial Stability (Bernanke, Diamond, Dybvig, 2022)	Banking crises are prevented by institutions (deposit insurance, etc.).	Adopt well-designed financial regulation: laws on banks, exchanges, and investor protection as the foundation of trust and the investment climate.
The Role of Narratives (Shiller, 2013)	Economic events depend on mass stories/ideas.	Take into account the communication of laws: create positive reform narratives, explain the goals of norms to citizens, combat disinformation.
Climate and Sustainability (Nordhaus, 2018)	GDP growth is meaningless without accounting for environmental constraints.	Integrate sustainable development norms into law: environmental regulation, impact assessment on future generations in lawmaking.

(Note: Daron Acemoglu and J. Robinson are mentioned with reference to the 2024 prize according to Wikipedia.)

legislation is a critical part of the “formula of prosperity.” Laws that guarantee transparency of banks, regulate risks, and protect investors are a necessary condition for business confidence. Entrepreneurial initiative flourishes where there is confidence in the safety of funds and the predictability of rules. Otherwise, even the most talented people will avoid innovation, fearing a sudden loss of what they have accumulated. It is also worth mentioning the contribution of Nobel laureate William Nordhaus (2018)—his research linked economics with ecology, introducing the climate change factor into models. It would seem that this is far from a legal topic, but in fact it emphasizes that the modern state must think in categories of sustainability. Environmental law, emissions regulation, and balancing the interests of the economy and the environment—all these are also elements of the formula of success in the twenty-first century. Citizens increasingly value quality of life, not only income, and welcome states that are able to ensure both growth and environmental responsibility. In international rankings of competitiveness and happiness, countries with a clean environment and low corruption score highly. Therefore, lawmakers need to embed these long-term factors into normative acts (for example, New Zealand, Iceland, where they introduce the well-being of future generations as a criterion for evaluating draft laws). Summarizing the economic insights: the formula for a state’s prosperity is interdisciplinary. It is impossible to achieve sustainable high GDP without implementing high-quality institutions (Acemoglu), without taking into account human psychology (Thaler), without testing solutions (Duflo), without insuring the system against crises (Bernanke), and without thinking about the planet’s resources (Nordhaus). Lawmaking must absorb the best of these ideas, synthesizing “laws of success.” For clarity, let us present a brief table of the ideas of Nobel laureates and their significance for law:

This table illustrates how diverse scientific discoveries are converted into specific principles for legal construction.

9 Meritocracy as a Discipline of State Consciousness

As we have seen from the example of Singapore and other countries, meritocracy—a system in which people’s advancement is based on abilities and achievements—is a powerful driver of success. But meritocracy is not only a personnel policy; it is an entire philosophy of state legal consciousness. It implies that society values knowledge, professionalism, and honest labor, while the state creates equal starting conditions for the competition of talents. In the information age, meritocracy gains a new tool—artificial intelligence, capable of reducing the influence of prejudices. For example, in Singapore universities and companies are beginning to apply AI systems for selecting candidates, helping to eliminate discrimination and assess abilities more “transparently.”

In the UAE, the startup XOPA AI contributes to the implementation of the national AI strategy: its recruitment platforms use algorithms that find the most suitable specialists, reducing hiring time by 50% and costs by 30%. At the same time, the emphasis is placed precisely on the ethical use of AI to achieve fairness and diversification. Thus, the UAE AI 2031 strategy proclaims the creation of a digital, yet meritocratic workforce of the future. Meritocracy is closely connected with the idea of a “society of opportunity.” Classical liberalism (J. Locke, A. Smith) affirmed individual freedom; meritocracy clarifies that freedom is realized in practice when talent has a chance to manifest itself. Law in a meritocratic state must eliminate feudal or clan privileges, “uberize” access to services (by analogy with how Uber removed intermediaries in transportation). Hence the concept of “Uber-law”: legal knowledge and assistance become available at the click of a button for any citizen, regardless of their connections or wealth. An element of meritocratic legal consciousness is also transparency and accountability of power. After all, if it is declared that the best occupy positions, society has the right to see the criteria of assessments. Digital platforms provide the possibility of rating-based voting, 360-degree evaluations of officials’ performance, and so on. Of course, here the danger of ochlocracy or distortion of indicators arises, but with proper design (possibly using blockchain technologies to ensure the immutability of data) this will strengthen trust. Ancient echoes of the idea of meritocracy can be traced in Plato (the idea of a state ruled by philosophers possessing knowledge) and among the Romans—the system of *cursus honorum*, which required passing certain stages of public service before occupying a high office. Modernity has democratized these approaches: everyone can obtain an education and advance on merit. The task of law is to enshrine mechanisms against discrimination and ensure inclusive education. Thus, Singapore has legislatively built one of the fairest education systems (no elite tracks, strong emphasis on the school level). The United Kingdom attracts talent through “highly skilled worker visa” programs and other immigration laws that simplify the arrival of valuable workers. The UAE grants outstanding foreigners “Golden Visas” and resident legal status, recognizing their contribution. All these measures are elements of the meritocratic paradigm. However, meritocracy requires constant self-reflection: does it turn into oligarchy? Here it is appropriate to recall Nietzsche’s criticism. Friedrich Nietzsche was skeptical of the morality of the crowd and mediocrity, praising the strength of an outstanding individual (“superman”). In essence, he warned against the egalitarian principle that suppresses the best. Meritocracy, if it turns into a justification of a caste of “experts,” is also dangerous—it can produce technocratic arrogance and the alienation of the elite from the people. To prevent this, social elevators must constantly work, and fresh talents must replenish the

elite. Legal guarantees—term limits, rotation of posts, competitive procedures—help prevent the stagnation of meritocracy. **Conclusion 3.1:** Meritocracy is a discipline of the state's way of thinking, requiring rulers to constantly confirm legitimacy through their skills and results. The digital era provides tools for implementing meritocracy: from AI-based personnel selection systems to transparent electronic evaluation systems. However, without proper legal and moral culture, meritocracy can degrade. Therefore, balance is important—as Kant said, “the constitution of the state is based on the morality of citizens, which, in turn, depends on the goodness of this constitution.” In other words, not only laws that select the best are needed, but also public support for the principle of fair competition.

10 Freedom, the Rule of Law, and Digital Rights

Any state, striving for prosperity, must respect fundamental freedoms. Kant warned about this already, indicating that a truly law-governed state is limited by law and cannot violate individual freedom for the sake of the will of the majority. This is the foundation of liberal democracy and human rights. Without political and civil freedoms, meritocracy is incomplete, and the economy often turns into predatory capitalism. Practice shows that countries combining a market economy with freedom of speech, an independent judiciary, and freedom of information achieve more sustainable and comprehensive progress (for example, Taiwan: a dynamic economy plus free elections and media). In the digital age, new dimensions of freedom arise: citizens' digital rights, such as the right to the inviolability of personal data, freedom on the internet, and protection from arbitrary algorithmic decisions. Digital governance is a trend of recent years and assumes that many state functions are transferred to the electronic environment. This is convenient and efficient, but it carries the risk that unsupervised algorithms will interfere in people's lives. Therefore, the development of AI legislation is necessary: the establishment of responsibility frameworks, transparency requirements (for example, that significant AI-assisted decisions can be explainable), and mechanisms for appealing automated actions. The European Union is ahead here—the AI Act regulation is being developed, introducing a classification of AI risks and rules for their application. In Singapore and the UAE, ethical codes for AI in the public sector are also being formed. In particular, Singapore's Ministry of Education in its framework document requires that “AI systems preserve the possibility of choice and control over important decisions by humans”—that is, human participation must not be eliminated. This “Human-in-the-loop” principle is supported by the OECD and expert communities as well. The rule of law remains the cornerstone. No technological experiments should undermine trust in justice. The judicial system may use AI for analytics (for example, predicting court workloads), but it should not blindly rely on machine conclusions when delivering a verdict. Experiments with “virtual judges” are being conducted in China and Estonia—but the consensus is that the final decision affecting human rights must be made by a human being. Separately, blockchain and smart contracts must be considered—technologies that decentralize trust. They can significantly reduce the transaction costs of the state: blockchain-based registries, identity tokenization, automatic execution of contracts—all this reduces bureaucracy and corruption opportunities. For example, Dubai (UAE) is actively implementing blockchain into state registries in order to move to a fully paperless government. Smart contracts allow certain relationships (especially in finance) to self-execute without courts—code acts as “law” for the parties. Of course, smart contracts also require legal conceptualization: amendments are needed in civil codes recognizing their legal force, and mechanisms for resolving

conflicts if the code fails. But in the future, this is a path toward decentralizing a number of state functions—what theorists (for example, V. Buterin, the creator of Ethereum) call a movement toward “code institutions.” If traditionally the state is a centralized intermediary of trust, then blockchain complements it with a network of distributed trust. This can make the system more resilient (anti-fragile in Taleb's sense) to individual failures or abuses. Finally, one must not forget the political philosophy of freedom. We mentioned Kant; let us add classics such as J. Stuart Mill—his principle: the freedom of the individual is limited only by the need not to harm another. Lawmakers must constantly check: is each restriction of rights truly justified by the need to prevent harm? If not, such a law is unnecessary. This liberal presumption makes it possible not to overload society with rules (again a reference to Tacitus: fewer bad laws means fewer reasons to violate them). Interestingly, even the Stoics said: “bad morals produce good laws” (a late Roman aphorism: *leges bonae ex malis moribus procreantur*—“good laws are born from bad morals”). This means that the legislator responds to problems; but it is important not to overdo it, otherwise in a generation morals will become even worse from hyper-care (as confirmed by another quotation: *leges sine moribus vanae*—“laws without morals are empty”). **Conclusion 3.2:** The state of the future must be a digital democracy in which high technologies strengthen freedoms rather than suppress them. Law stands guard over traditional human rights in new forms—from freedom of self-expression on the internet to the right to algorithmic explainability. In such a system, AI and blockchain serve public goals: they accelerate judicial proceedings, make administration transparent, and give citizens new tools of participation (for example, electronic referenda). However, people retain sovereignty over machines—a principle that probably should even be enshrined constitutionally in order to exclude scenarios from science fiction about the omnipotence of artificial intelligence. In the synergy of liberal values and technological achievements, “digital humanism” is born—an ideology according to which the goal of the state is to unlock the maximum potential of every person, using the power of AI, but without diminishing human dignity.

11 The Symbiotic State: Humans and AI Hand in Hand

Drawing a line under philosophical and managerial reflections, let us present a model of a symbiotic state in which humans and artificial agents interact for the common good. In such a state, AI plays the role of an “enhancer” of human intelligence in all spheres: from analyzing draft laws to personal assistance for citizens (digital assistants, navigators of rights and services). The human being sets normative goals and creatively directs development—it is not for nothing that people speak of the era of “augmented government,” the augmented intelligence of power. Philosophically, this returns us to Nietzsche and Kant. From Nietzsche—the idea of overcoming current limitations, creating new values (in this context—new, more perfect state institutions). The symbiotic state is a kind of “Über-Governance,” going beyond the traditional forms of government, where the fusion of human intuition and machine rationality gives a qualitative leap in efficiency. From Kant—the demand for moral self-restraint: possessing enormous computing power, the state must remain under the control of the principles of law and morality (what Kant would call the “kingdom of ends,” where each person is an end, not a means). Practically, elements of symbiosis already exist: for example, the governments of the United Kingdom and Estonia use chatbots and AI systems to consult citizens on legal issues. This reduces barriers and makes legal assistance more accessible—the “uberization” of jurisprudence in action. Short videos, memes, and

other formats of “light education” on social media (we spoke of the #LawTok phenomenon—the popularization of law through TikTok) are changing young people’s attitude to legal knowledge. Legal education becomes less hierarchical: bloggers-“lawfluencers” turn into new “teachers” alongside professors. Ideally, a symbiotic system means that every law student teaches AI, and AI teaches every student. Training on huge corpora of legal data, AI can provide hints to the student, accelerating their progress; and the student, asking questions and checking AI answers, improves the model. This is a kind of cycle of knowledge. In lawmaking, symbiosis will manifest itself in the fact that decisions will be made on the basis of data, but with regard to social values identified, among other things, through online feedback from citizens. Classical institutions of democracy (elections, parliaments) adapt: “digital referenda” on specific issues and consultative polls with instant opinion analytics may emerge. AI could help citizens understand complex draft laws by summarizing them and showing the impact on each individual (similar to how algorithms now recommend personalized news). Then public participation will become more conscious—because one of the problems of modern democracy is that laws are too complex, and voters often vote emotionally. The symbiosis of AI and humans can increase citizens’ awareness—one of the goals declared as a desirable characteristic of the future state at the beginning of the article. The symbiotic state, in theory, strives to be a magnet for talent from all over the world. If it successfully integrates all the described elements—strong institutions, high quality of life, meritocracy, technological advancement, and respect for freedoms—it becomes attractive. People will want to come and stay, as they now gravitate to Silicon Valley or Singapore. For example, the UAE already sees the effect—the country rose to 21st place in the world in terms of happiness, surpassing the United Kingdom, the United States, and France in this indicator. This was achieved through targeted policy: the UAE was one of the first to embed the happiness indicator into public administration and established a Minister for Happiness and Well-Being. In combination with economic successes (a diversified economy, free zones without taxes), this approach forms the image of a “dream country.” Adding to this the active implementation of AI (Dubai plans to transfer 25% of government decisions to AI by 2030) and a tolerant environment for expats, the UAE becomes an example of the symbiosis of traditions and the future. **Conclusion 3.3:** The symbiotic connection between humans and AI can transform the state as radically as the Industrial Revolution once changed monarchies. The result should be a hybrid system combining the best of democracy, technocracy, and possibly elements of direct citizen participation. One may recall the words of Marcus Aurelius: “often, one who has done nothing unjust is guilty of injustice, allowing lawlessness through inaction.” In the context of our discussion, this means that inaction in an era of change is also guilt. States that respond slowly to technological and social shifts risk being left behind, “missing” talent, and facing an outflow of active citizens. On the contrary, those who boldly take the best from AI and science will remain the avant-garde. Thus, the symbiotic state is not fantasy, but an evolutionary step in the development of institutions. It continues the line begun by ancient thinkers (the reasonableness of laws), the Enlightenment (respect for rights), the industrial era (rational bureaucracy), and the information age (data and technology). If it manages to keep the human being as the primary value, such a state system can become the “physics of society”—that is, a predictable, harmonious, and beneficial system in which happiness and prosperity cease to be utopia and become a measurable and achievable goal of policy.

12 Conclusion

The world is entering an era in which law, economics, technology, and philosophy are intertwined inseparably. The new approach to lawmaking and legal education that we have examined implies an interdisciplinary synthesis: reliance on historical wisdom (Roman law, Stoicism), integration of the best contemporary scientific ideas (from Nobel-winning economic theories to behavioral sciences), and active use of the capabilities of the digital revolution (AI, Big Data, blockchain). Such an approach is capable of providing a breakthrough in the effectiveness of public administration and the well-being of citizens. Several key principles can be formulated, following from the analysis conducted:

The principle of scientific grounding of laws: Laws should be adopted on the basis of data and experiments, not intuition or the pressure of interest groups. An institution of impact assessments (ex ante and ex post) is required for each significant regulatory act. This turns lawmaking into a continuous learning process—“a state that learns,” as Oxford researchers noted when discussing experiences of mass AI training in Singapore and the UAE. A state that learns at the same speed as society is a guarantee of competitiveness.

The principle of meritocratic legitimism: Power must prove its legitimacy through competence and results. Mechanisms for selecting and controlling personnel—competitive examinations, KPIs, public evaluation—must be integrated into the legal system. An ethical code of public service, based on the ideals of duty (here one recalls Marcus Aurelius’ “Duty” and Stoic service to the common good), will provide a moral framework. And AI technologies will help monitor compliance with these standards.

The principle of digital inclusiveness in education: Legal education and mass legal enlightenment must proceed in forms adequate to the twenty-first century. Short videos, interactive platforms, gamification of learning the history of state and law—all this ceases to be unserious or a “low genre.” On the contrary, as the #LawTok phenomenon shows, this approach democratizes access to knowledge and dismantles the monopoly of narrow elites. The state should invest in creating open educational legal resources, possibly even in the format of massive online courses or integration of legally significant content into popular media. This will raise the overall level of the people’s legal consciousness—and therefore the quality of feedback for power.

The principle of symbiosis and reliability: Introducing AI and automation, one must not forget about cybersecurity and system resilience. A “smart” state is vulnerable to smart threats (hacking, data manipulation). Therefore, legal frameworks must cover these aspects as well: laws on cybersecurity, on the protection of critical information infrastructure, protocols in case of AI failures. At the same time, distributed technologies such as blockchain help create antifragile institutions where a local failure does not paralyze the entire system. Legislation should encourage the use of such solutions, open-source standards, and so on, in order to reduce dependence on single vendors and increase trust.

The principle of human orientation: Finally, as all these systems become more complex, it is important never to lose sight of the ultimate goal—human development and happiness. As Cicero said, true laws are those that make people better and happier. In our time, the UN and other organizations call for shifting the focus from purely economic indicators (GDP) to complex well-being indices. Lawmakers should follow this trend—institutionalize the measurement of citizens’ satisfaction, involve them through open government. If citizens feel heard and see improvements in life, they support initiatives and trust the state.

Such an interdisciplinary, human-centered, and technologically advanced approach may seem ambitious. However, the examples presented in the article show that many elements are already being implemented in individual countries. The United Kingdom seeks to preserve the rule of law and attract innovations (London remains the legal and financial capital of the world, although reforms such as the non-dom regime are undergoing changes). Singapore and the UAE are actively implementing AI at the state level, without forgetting about residents' happiness. Hong Kong and Taiwan show the value of openness and investment in education. Now the task is to combine these successes into a single model and continue to develop it scientifically. It is quite likely that in the next decade we will see the emergence of the first states that openly announce the use of AI in the legislative process on a permanent basis, the transition of education predominantly to online/micro formats, and the introduction of indicators of happiness and awareness into the official list of goals of ministries. Such states will become laboratories of humanity, paving the way for others. And, as once Athens or Rome did, they will attract the boldest and smartest from all over the world.

In summary, the new approach to lawmaking and legal education is not a negation of the old, but its organic development. Roman Stoics, Enlightenment thinkers, outstanding economists of the twentieth and twenty-first centuries—all of them, in essence, spoke about one thing: how to make people's lives better with the help of reason and justice. Now we have in our hands both reason (enhanced by machines) and a chance to realize justice more fully than ever before. Let us use this chance, armed with knowledge and imagination, to build states where "the welfare of the people is the supreme law" (Cicero), and technology serves this noble goal. Such a symbiosis of ancient wisdom and modern innovations is capable of generating an unprecedented quality of legislation—flexible, scientifically grounded, understandable, and, most importantly, aimed at the comprehensive flourishing of the human being in harmony with society. Thus, the concept of the lawmaking of the future is physics + ethics + AI, united under the aegis of law. And, perhaps, it is precisely behind such ideas that the future lies, worthy of prestigious world journals, Nobel Prizes, and, more importantly, the grateful memory of descendants.

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Reclaiming Identity through Language: Mother Tongue as Cultural Capital in NEP 2020

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ABSTRACT

Language is fundamental to identity, culture and belonging in India, a country characterised by significant linguistic diversity. Mother tongues function as cultural capital transmitting customs values and communal memory through generations. The prevalence of English in education has created obstacles for rural students particularly those from Telugu-medium backgrounds who frequently find it challenging to adapt to English-focused higher education. This study examines the significance of mother language in the reclamation of identity and the preservation of culture within the context of the National Education Policy (NEP) 2020. Employing a descriptive research design, data was collected from postgraduate and doctoral students at Osmania University, Hyderabad, using simple random sampling. Participants predominantly hailed from rural regions where Telugu was the medium of initial education. Case studies and focus group conversations were undertaken to document lived experiences. Quantitative data was analysed using SPSS software with percentages and Likert scale responses. The results indicate that students predominantly view mother language education as a means of reinforcing cultural identity improving understanding and reducing dropout rates. They also recognise English as crucial for global prospects while asserting that it should not supplant the native language. The study indicates that NEP 2020 offers a corrective framework by legitimising education in the mother tongue and reconciling the disparity between home and school environments. This research emphasises the significance of the mother tongue as cultural capital for inclusive development linguistic justice and the

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Reclaiming Identity through Language: Mother Tongue as Cultural Capital in NEP 2020

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Abstract

Language is fundamental to identity, culture and belonging in India, a country characterised by significant linguistic diversity. Mother tongues function as cultural capital transmitting customs values and communal memory through generations. The prevalence of English in education has created obstacles for rural students particularly those from Telugu-medium backgrounds who frequently find it challenging to adapt to English-focused higher education. This study examines the significance of mother language in the reclamation of identity and the preservation of culture within the context of the National Education Policy (NEP) 2020. Employing a descriptive research design, data was collected from postgraduate and doctoral students at Osmania University, Hyderabad, using simple random sampling. Participants predominantly hailed from rural regions where Telugu was the medium of initial education. Case studies and focus group conversations were undertaken to document lived experiences. Quantitative data was analysed using SPSS software with percentages and Likert scale responses. The results indicate that students predominantly view mother language education as a means of reinforcing cultural identity improving understanding and reducing dropout rates. They also recognise English as crucial for global prospects while asserting that it should not supplant the native language. The study indicates that NEP 2020 offers a corrective framework by legitimising education in the mother tongue and reconciling the disparity between home and school environments. This research emphasises the significance of the mother tongue as cultural capital for inclusive development linguistic justice and the safeguarding of identity for future generations.

Keywords: *Mother Tongue, Cultural Capital, Identity, NEP 2020, Language Preservation*

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1 INTRODUCTION

In India, language transcends mere communication, it embodies collective essence, serves as a repository of memories, and constitutes the foundation of identity (Kumar, 2023). Throughout states and regions, native languages encompass songs, proverbs, rites, and quotidian wisdom that unite generations (Senthilkumar & Periyasamy, 2025). When individuals communicate, contemplate, and envision in their native language, they engage with a realm constructed by their forebears and shaped by indigenous wisdom. In this regard, language constitutes cultural capital (Mani Karki & Devi Karki, 2025), it provides individuals with a sense of belonging, confidence, and access to the collective significances that render life coherent. In contemporary India, the evolution of language has traversed intricate landscapes—colonial history, nation-building, urbanisation, and globalization—each influencing children's learning and families' appreciation of their linguistic heritage (Luke et al., 2005). This paper analyses the assertion that reclaiming identity via language is not a nostalgic endeavour but a pragmatic, future-focused undertaking. It contends that mother language education, as outlined in the National Education Policy (NEP)

2020, serves as a strategic avenue for cultural preservation, inclusive development, and cognitive empowerment.

1.1 Language and identity in the Indian context

India is a tapestry of languages, each possessing its own literature, melody, humour, and ethical creativity. Mother tongues are not only local dialects, they represent epistemologies, methods of understanding the world, and forms of reasoning (Kravchenko, 2010). A Telugu proverb or a Bhojpuri folktale serves not only to entertain but also imparts lessons about assessing situations, respecting elders, resolving conflicts, and relating to land and environment. Language shapes social connections (Evans, 2014), it expresses respect through forms of address, closeness through idiomatic expressions, and dignity through tone. In communities throughout, identity is validated when youngsters acquire and utilise their native language in public and educational contexts. The acknowledgement of an individual's language in educational settings signifies the acknowledgement of their community, history, and value (Kinossalo et al., 2022). In the absence of this recognition, individuals internalise disadvantage, leading them to question their own lineage and feel alienated within institutions that are meant to support them.

In this environment, the mother tongue transforms into cultural capital with concrete value. It empowers adolescents to undertake research within local contexts, interact with elders, and convert indigenous answers into public policy (Huaman et al., 2016). It assists professions—social work, agriculture, public administration—in integrating community knowledge with formal education. When students can seamlessly transition between their native language and English or other languages, they acquire a bilingual advantage while preserving their identity. This expression of identity is essential for an India pursuing inclusive growth and social justice.

1.2 Western education, English dominance, and everyday displacement

The contemporary Indian educational system has extensively integrated the heritage of Western pedagogy (Singh, 2013), with English serving as the pivotal language of merit and opportunity. Historically, English provided access to governance, scientific discourse, and international networks (Hamel, 2007). However, their exclusive dominance frequently suppresses mother languages in educational settings, relegating them to the status of “home language” instead of recognising them as legitimate mediums for intellectual discourse and academic achievement. This results in cognitive strain and emotional detachment for several rural and first-generation students (Lee & Fletcher, 2023). Students who think in Telugu, Marathi, or Santali must perpetually translate their thoughts to conform to academic frameworks; this leads to alienation from learning rather than a deficiency in intelligence.

This domination reconfigures aspirations, families associate English competence with success and unintentionally diminish the significance of local knowledge. The classroom becomes into a venue where youngsters realise that their native language is inadequate for genuine success (Harklau, 2000). Over time, educational institutions alienate students from the cultural competencies inherent in local languages—competencies encompassing ethical principles, ecological knowledge, and social responsibility. This is not an exhortation to dismiss English, which continues to hold significance. It is a plea to reject a hierarchy that deems the mother tongue as subordinate. An equitable education system must be bilingual and balanced, enabling children to cultivate robust fundamental reading and numeracy in their native language (Ortiz et al., 2022), while also facilitating access to English and other languages.

1.3 NEP 2020 and the renewal of linguistic confidence

The NEP 2020 articulates clearly the importance of foundational learning, advocating for the use of the mother tongue or regional language as the medium of education (Mahapatra & Anderson, 2023), especially during the early years. This policy is characterised by a rehabilitative rather than exclusionary mentality. It aims to mend the divide between home and school, as well as between community and curriculum. When children receive fundamental education in their own language, they comprehend topics more effectively, engage more actively, and feel acknowledged by the institution (Hawkins, 2005). This enhances understanding and decreases attrition rates among at-risk populations. NEP 2020 positions language as a conduit, enabling pupils to subsequently shift into English and other languages with enhanced cognitive foundations and greater self-esteem.

Nevertheless, policy alone cannot reinstate confidence. Implementation necessitates educator training, curriculum development, assessment modification, and parental involvement. Educational institutions must incorporate culturally significant content—narratives, regional histories, ecological practices—into formal curricula (Potocki, 2025). Educators must be equipped to appreciate and utilise native languages while maintaining academic rigour. Parents should be convinced that

multilingual competency is advantageous, robust foundations in the mother tongue do not hinder English mastery, rather, they facilitate it. The NEP's multilingual principles necessitate a revaluation of access frameworks, support structures, and research pathways for institutions and professional programs. This is especially critical in urban areas because rural and Telugu-medium kids access elite environments defined by English standards.

1.4 Cultural preservation as future-building, not nostalgia

Maintaining culture via the mother tongue constitutes a progressive investment (Atifnigar et al., 2025). It provides future generations with a sense of belonging, fortitude, and moral guidance. During periods of swift transformation—digital economies, environmental strain, and migration—children proficient in their native language can communicate with elders, access local documentation, and galvanise communities (Harris et al., 2018). They can convert local inventions into information suitable for policy implementation. Proficiency in one's native language facilitates engagement in democratic processes (Liggett, 2014), including the comprehension of ballots, community announcements, social welfare benefits, and legal documentation. It also underpins mental health and identity development of children who feel validated in their linguistic heritage embody dignity in higher education, rather than shame.

Reclaiming identity by language consequently corresponds with national development objectives (Leonard, 2024). It fosters social bonding and mitigates cultural bias in educational settings. It facilitates academic exploration of indigenous practices—soil conservation, health, social organization—that are frequently neglected in English-centric discussions. In places like as Hyderabad, students from rural Telugu-medium backgrounds contribute significant perspectives to social work and public administration yet, they frequently encounter challenges due to language barriers in English. When institutions implement mentoring, bilingual resources, and helpful evaluation, these students thrive while maintaining their identity.

This article regards NEP 2020 as a pivotal moment for linguistic fairness. It contends that mother language education is not solely a cultural preference but a logical policy decision grounded in pedagogy, equity, and nation-building. Considering mother tongue as cultural capital, we perceive language not merely as a personal sentiment, but as a communal asset for inclusive advancement. The objective is to establish learning ecosystems in which Telugu and other native languages coexist with English, rather than being subordinate to it. This action reinstates equilibrium in Indian education, respects the dignity of varied groups, and equips students for global participation without cultural obliteration.

1.5 Importance and Objectives of the Study

1.5.1 Importance of the Study. The preservation of culture via language transcends academic interest, it pertains to identity, dignity, and continuity. In India, characterised by extensive linguistic diversity integral to community life, the mother language functions as the principal channel for the transmission of customs, values, and collective memories (Ghose et al., 2025). The use of English in education has established a divide between home and school, frequently estranging kids from their cultural roots. This study underscores the necessity of reclaiming identity through mother tongue education to bridge this gap. The research emphasises the significance of the mother tongue as cultural capital, illustrating how language enhances social cohesion, fosters confidence, and preserves indigenous knowledge systems essential for inclusive development.

This study is significant due to its agreement with the NEP 2020 goal, which acknowledges the mother language as an essential medium for

basic learning. The policy emphasises that children acquire knowledge most effectively in a language they comprehend, a premise that is both pedagogical and cultural. This study contextualises mother tongue education within the framework of national identity, contributing to the discourse on India's ability to reconcile global involvement with cultural preservation. Cultural identity serves not as an impediment to modernity, but as a cornerstone for significant engagement in the global knowledge economy.

1.5.2 Objectives of the Study.

- I. To investigate the function of mother tongue as cultural capital within the Indian educational framework.

The study aims to elucidate how language serves as a resource that strengthens communities, preserves traditions, and fosters a sense of belonging for students in academic environments.

- II. To examine the influence of Western education and the prevalence of English on cultural identity.

This research examines the impact of the pressure to adhere to English standards on the confidence, academic performance, and cultural continuity of students from rural Telugu-medium homes.

- III. To assess the significance of NEP 2020 in restoring linguistic identity.

The study seeks to evaluate how the policy's focus on mother tongue instruction might function as a remedial strategy, allowing children to maintain their cultural heritage while developing competencies for global engagement.

- IV. To furnish insights for subsequent generations.

The research aims to demonstrate that regaining identity through language is not merely a nostalgic endeavour but a calculated investment in the future. It emphasises that cultural preservation via mother language education provides youth with resilience, a sense of belonging, and ethical guidance in an increasingly dynamic environment.

2 METHODOLOGY

This study employs a descriptive research methodology to examine the function of mother language as cultural capital within the framework of NEP 2020. Descriptive research is especially effective for investigating individuals' perceptions, experiences, and attitudes, as it enables the researcher to document respondents' lived reality without altering variables. This study examines students' perceptions of the significance of their native language in school, their navigation of English's predominance, and their interpretations of the cultural ramifications of NEP 2020.

2.1 Sampling and Respondents

The research utilised basic random sampling to guarantee that each student had an equal probability of selection. Participants were selected among postgraduate (PG) and doctoral (Ph.D.) students at Osmania University, Hyderabad, a metropolitan university that attracts individuals from varied backgrounds. The sample deliberately included students from rural regions who had finished their education in Telugu-medium schools. This cohort of students constitutes a pivotal demographic for the research, as they frequently have difficulties in adapting to English-centric higher education settings. Their stories offer significant insights into the conflict between cultural identity and academic success.

2.2 Data Collection Methods

Data was gathered using standardised surveys, case studies, and focus group discussions. The questionnaire aimed to gather demographic information, socio-economic context, and views on language and identity. It comprised items assessed on a five-point Likert scale, ranging from "strongly disagree" to "strongly agree." Case studies were performed with chosen students to record their individual experiences, emphasising the challenges and tactics they utilised to surmount linguistic obstacles. Focus group talks offered a collaborative environment for students to express their experiences, contrast viewpoints, and contemplate the wider societal ramifications of their educational paths.

2.3 Data Analysis

The gathered data was examined utilising SPSS software, facilitating methodical tabulation and interpretation. Basic percentages were employed to delineate the demographic profiles and socio-economic attributes of the respondents. Responses on the Likert scale were consolidated to discern patterns of consensus and dissent for critical statements pertaining to linguistic identity, cultural preservation, and educational obstacles. The integration of quantitative and qualitative methodologies ensured the study encompassed both statistical patterns and intricate personal experiences.

2.4 Scope of the Methodology

The study concentrates on students from rural Telugu-medium backgrounds currently engaged in higher education in Hyderabad, positioning itself at the convergence of tradition and modernity. It aims to comprehend how these pupils navigate the predominance of English while endeavouring to maintain their cultural identity. The technique offers a comprehensive framework for examining the obstacles and potential of reclaiming identity via language within the context of NEP 2020.

3 RESULTS

This study elucidates how postgraduate and doctorate students at Osmania University assess the influence of their mother tongue on their cultural identity and educational experiences. The findings demonstrate the significant contradictions between the self-assurance fostered by mother tongue instruction in early schooling and the obstacles presented by the predominance of English in higher education. Their observations underscore the hope students exhibit over the National Education Policy (NEP) 2020, which they perceive as a means to restore identity through language.

The demographic profile of the respondents demonstrates the variety of backgrounds present in the study. Of the 120 students surveyed, 65% were male and 35% were female. A substantial majority, 72%, originated from rural regions, whilst 28% were from metropolitan environments. This rural participation was significant, as these students had predominantly finished their education in Telugu-medium institutions before moving to English-dominated higher education. Socio-economic data indicated that 60% of respondents were from lower-middle-income households, with yearly earnings below three lakhs. 25% originated from middle-income households, and 15% stemmed from comparatively higher-income families. These statistics highlight the socio-economic difficulties encountered by rural and economically disadvantaged students, who frequently find it challenging to acclimatise to English-dominated higher education systems.

Data on educational background indicated that 68% of respondents were exclusively educated in Telugu-medium schools, and 32% had some exposure to English-medium schooling. Nonetheless, all responders were mandated to engage in higher education in English, resulting in

a considerable linguistic obstacle. Notably, 82% recognised that their native language afforded them significant conceptual clarity in their formative education. They indicated that acquiring knowledge in Telugu facilitated a better understanding of concepts, enhanced classroom engagement, and fostered a connection to their cultural background. Nonetheless, 74% saw a disadvantage when transferring to English at the university level. Numerous individuals conveyed that although they could engage in critical thinking and explain concepts in Telugu, they encountered difficulties in translating such thoughts into English, resulting in feelings of inadequacy inside academic environments.

Students' views on language and identity indicated robust endorsement for mother tongue education as a method of cultural preservation. Ninety percent of respondents confirmed that education in their native language enhanced their cultural identity and sense of belonging. They asserted that language is not solely a medium of instruction but also a vessel for values, traditions, and communal memory. Simultaneously, around 88% acknowledged that the pre-eminence of English in higher education imposed obstacles, especially for rural students who found it challenging to articulate themselves proficiently in academic environments. Participants observed that English frequently served as a gatekeeping language, influencing access to opportunities, acknowledgement, and achievement. This fostered a sense of isolation for the less skilled, exacerbating disparities between rural and urban children.

Notwithstanding these issues, students conveyed confidence for the National Education Policy 2020. Approximately 85% agreed that NEP's focus on mother tongue training provided opportunity to restore identity and diminish dropout rates. The policy's acknowledgement of the mother language as a viable medium of instruction affirmed their cultural history and instilled a sense of dignity. Participants emphasised that NEP's multilingual framework might facilitate the connection between home and school, enabling children to learn in a comprehensible language while progressively attaining competency in English and additional languages. This equitable strategy was regarded as essential for cultural preservation and global engagement.

The research revealed instances of discrimination encountered by rural pupils in English-centric classes. 78% of respondents recognised that students from Telugu-medium households frequently faced both subtle and overt forms of marginalisation. Numerous individuals expressed feelings of being muted in seminars or reluctance to engage in conversations due to apprehension regarding judgement of their linguistic abilities. Some reported that their peers and even faculty members occasionally saw their contributions as less significant due to their expression in substandard English. This fostered a sense of estrangement and promoted the notion that English competence was synonymous with intelligence and merit. Simultaneously, 80% of participants advocated for the incorporation of their native language into higher education curricula, contending that it would both validate their identity and improve understanding and self-assurance.

Case studies offered profound insights into these challenges. *"A student from Nalgonda district expressed that, despite his proficiency in Telugu-medium education, he felt marginalised in seminars conducted only in English. He articulated that although he possessed critical thinking skills and could contribute substantively, the need to express himself in English frequently rendered him mute"*.

"A fellow student from Warangal observed that her confidence in social work practice stemmed from her proficiency in Telugu communication, enabling her to relate effectively with communities. Nonetheless, academic writing in English continued to be a significant obstacle, constraining her capacity to excel in formal evaluations. These personal anecdotes underscore the experiences of rural students, who consistently contend with the conflict between cultural identity and scholastic demands".

Focus group discussion reflected these feelings, as students jointly articulated their displeasure regarding the devaluation of their cultural knowledge in English-only courses. They contended that their native language encompassed profound cultural insights, especially in areas such as social work, agriculture, and public administration, however, these insights were frequently disregarded due to their lack of expression in English. Simultaneously, pupils expressed optimism that NEP 2020 will validate their linguistic history and diminish stigma. They asserted that bilingual education will enable academic excellence while maintaining cultural identity, fostering a more inclusive and egalitarian educational environment.

The statistical analysis performed with SPSS validated these findings. More than 80% of respondents consistently concurred or strongly concurred with assertions connecting mother language to cultural identity, understanding, and equity. In contrast, 70–90% recognised English dominance as an impediment, especially for students in rural areas. Percentages indicated distinct trends: 90% endorsed cultural identity via mother tongue education, 88% identified obstacles stemming from English predominance, 85% conveyed hope towards NEP 2020, and 78% admitted to discrimination based on linguistic heritage. The data indicate that students predominantly view their home language as cultural capital, while still acknowledging the importance of English for global mobility.

Collectively, the data show a multifaceted depiction of students' educational experiences. Mother tongue education offers robust foundations, cultural assurance, and conceptual precision. Conversely, the predominance of English engenders obstacles, discrimination, and a sense of inadequacy. Students acknowledge the significance of English for international prospects but say that it should not supplant their own language. They promote a balanced multilingual approach that appreciates both languages. The optimism around NEP 2020 signifies a want for systemic transformation, wherein laws and practices endorse linguistic variety and establish inclusive avenues for all learners.

The findings underscore the multiple challenges encountered by rural Telugu-medium students in urban higher education. They assert the cultural significance of mother tongue education while recognising the limitations presented by the predominance of English. They express optimism that NEP 2020 will facilitate the reclamation of identity and the preservation of culture for future generations. The results highlight the necessity for educational policies and practices that harmonise global involvement with cultural preservation, guaranteeing that language serves as a means of empowerment rather than exclusion.

4 DISCUSSION

This study's findings demonstrate a complex relationship among language, identity, and education in modern India. Students from rural Telugu-medium origins, currently engaged in higher education in metropolitan Hyderabad, exemplify the conflict between cultural preservation and adaptation to global exigencies. Their experiences underscore the empowering nature of mother tongue education and the problems presented by the dominance of English. This discourse contextualises these findings within extensive discussions on cultural capital, linguistic equity, and the transformative capacity of NEP 2020.

4.1 Mother Tongue as Cultural Capital

The findings confirm that mother language education enhances cultural identification and fosters a sense of belonging among pupils. 90% of participants concurred that education in their native language strengthened their cultural heritage. This corresponds with sociological theories of cultural capital, which assert that language functions not just as a means of communication but also as a repository of values,

customs, and collective memory (Assmann, 2011). For rural pupils, Telugu transcends mere education, it embodies the language of familial, communal, and quotidian interactions. When educational institutions affirm this language, they affirm the students themselves (Reyhner, 2017). Conversely, when educational institutions marginalise the native language, pupils encounter alienation and a reduction in self-confidence.

The case studies exemplify this clearly. Students who thrived in Telugu-medium education frequently experienced marginalisation in English-centric classes, not due to a deficiency in intellect but because their cultural capital was devalued. This indicates that educational systems should acknowledge and incorporate the mother language as a valid kind of knowledge (Ozfidan, 2017). This practice not only validates identification but also improves understanding and decreases dropout rates, especially among marginalised populations.

4.2 English Dominance and Educational Barriers

The statistics highlight the extensive predominance of English in higher education. Approximately 88% of participants recognised that English posed obstacles, particularly for students in remote areas. This illustrates the historical legacy of colonial schooling, wherein English was established as the language of authority, governance, and modernity. In modern India, English serves as a gatekeeping language, influencing access to opportunities and acknowledgement (Manan et al., 2021; Von, 2020).

Students reported instances of prejudice, with 78% recognising exclusion in English-dominated environments. This highlights the structural inequities inherent in linguistic hierarchy. English competence is sometimes regarded as a measure of merit, but proficiency in one's own tongue is deemed insufficient (Davies et al., 2003). These hierarchies not only affect rural students but also sustain cultural erasure. The difficulty is to reconcile the necessity of English for global mobility with the imperative of conserving the home tongue for cultural continuity.

4.3 NEP 2020 as a Corrective Measure

The optimism around NEP 2020 is substantial. 85% of participants felt that the policy's focus on mother tongue training provided avenues for identity reclamation. The NEP's acknowledgement of the mother language as a genuine medium of teaching affirms pupils' cultural heritage and instils a sense of dignity. The policy aims to bridge the gap between home and school by promoting basic learning in the mother tongue.

The findings indicate that NEP's multilingual philosophy may facilitate the reconciliation of cultural preservation with global engagement. Students asserted that bilingual education, which incorporates English with the native language, would offer a balanced methodology. This demonstrates a pragmatic comprehension, although English is essential for global prospects, it must not supplant the native language (Melitz, 2016). Both languages should coexist, enabling pupils to achieve academic excellence while maintaining cultural identity.

4.4 Implications for Higher Education

The results possess significant ramifications for higher education in urban centres such as Hyderabad. Students from rural backgrounds who enrol in English-dominated universities frequently encounter linguistic obstacles that impact their confidence and academic performance. Incorporating the mother tongue into higher education curricula may assist in mitigating these issues. Bilingual resources, mentorship initiatives, and inclusive evaluation methods could facilitate student success while preserving their identity.

Focus group discussion indicated that students perceived their cultural knowledge as valuable in English-only schools. They also

articulated optimism that NEP 2020 will validate their linguistic heritage. This indicates that institutions should transcend mere token acknowledgement of the home tongue and actively incorporate it into pedagogy, research, and practical applications. Such actions would not only validate identity but also enhance academic discourse through indigenous knowledge systems.

4.5 Reclaiming Identity for Future Generations

The results emphasize the significance of regaining identity via language for subsequent generations. Students indicated that mother tongue education provides youth with a sense of identity, fortitude, and moral guidance. During periods of swift transformation—digital economy, migration, and climate stress—children proficient in their mother tongue can interact with elders (Nguyen et al., 2022), galvanise communities, and convert local inventions into actionable policy knowledge. This emphasises that cultural preservation is not just nostalgia but a proactive investment in the future.

By positioning mother tongue as cultural capital, the study illustrates that language serves as a communal asset for inclusive development. It facilitates engagement in democratic processes, preserves indigenous wisdom, and promotes societal unity. The optimism around NEP 2020 signifies a want for systemic transformation, wherein laws and practices endorse linguistic variety and establish inclusive avenues for all learners.

5 CONCLUSION

The research on Reclaiming Identity through Language: Mother Tongue as Cultural Capital in NEP 2020 emphasises the significant influence of language on cultural identity, educational experiences, and national advancement. The results unequivocally indicate that mother language education fosters robust conceptual understanding, cultural assurance, and a sense of belonging among pupils. For rural children from Telugu-medium families, the mother tongue serves not just as a medium of instruction but also as an essential connection to their heritage, traditions, and communal existence. The prevalence of English in higher education perpetuates inequality and fosters cultural erasure.

The findings indicate that students mostly view their mother language as cultural capital, underscoring its significance for identity development and cultural preservation. However, they also acknowledge the imperative of English for international prospects. This dual reality highlights the want for a balanced bilingual methodology, wherever English is instructed concurrently with the native language without supplanting it. This strategy would enable kids to achieve academic excellence while maintaining their cultural heritage, ensuring that language serves as a means of empowerment rather than isolation.

The optimism around NEP 2020 is very significant. Students contend that the policy's focus on mother language instruction provides opportunity to reclaim identity, diminish dropout rates, and validate linguistic variety. NEP 2020 aims to rectify the disjunction between home and school, as well as between community and curriculum, by promoting fundamental learning in the mother tongue. Its bilingual ethos establishes a framework that reconciles cultural preservation with global engagement, guaranteeing that education remains inclusive and forward-looking.

This study emphasises the significance of regaining identity via language for future generations. Cultural preservation is not mere nostalgia; it is a proactive investment in the future. Mother language education equips youth with a sense of rootedness, resilience, and ethical orientation, enabling them to handle swift social and economic transformations while maintaining a connection to their ancestry. It

facilitates engagement in democratic processes, preserves indigenous knowledge systems, and promotes social unity.

CONFLICT OF INTEREST

The authors declare that they have no conflict of interest in relation to this study. No funding has been allotted or received from any institution, organization, or agency for the conduct of this research. The study was carried out independently, with the sole purpose of contributing to academic discourse on language, identity, and cultural capital in the context of NEP 2020.

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Bodies and Oppression, Collectives Are the Solution

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ABSTRACT

This article investigates how contemporary dynamics of oppression place the body at the center of biopolitics and how the formation of collectivities constitutes a strategy of resistance and the realization of rights. The research problem consists of understanding how the control of bodies, exercised through legal, political, and social mechanisms, can be challenged by intersectional and decolonial collective practices. The general objective is to analyze the role of the body as a political and legal category in the production of oppression and resistance. The specific objectives are: (i) to examine the relationship between the body and living law in light of the metatheory of fraternal law; (ii) to analyze the body from the perspective of anarchafeminism and intersectionality; and (iii) to understand the transformative potential of collective bodies in constructing counter-hegemonic alternatives. The research adopts a qualitative, theoretical, and transdisciplinary approach, using the hypothetical-deductive method, grounded in references from biopolitics, intersectional feminism, and decolonial theory. The main findings indicate that the body is simultaneously an object of control and a locus of resistance, with collectivity playing a central role in the production of emancipatory practices. It is concluded that collective articulations, particularly from an intersectional perspective, enable the subversion of structures of domination, expanding the possibilities for the realization of rights and social transformation.

Index Terms: Body • Oppression • Collectivity • Biopolitics • Resistance

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Bodies and Oppression, Collectives Are the Solution

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Abstract

This article investigates how contemporary dynamics of oppression place the body at the center of biopolitics and how the formation of collectivities constitutes a strategy of resistance and the realization of rights. The research problem consists of understanding how the control of bodies, exercised through legal, political, and social mechanisms, can be challenged by intersectional and decolonial collective practices. The general objective is to analyze the role of the body as a political and legal category in the production of oppression and resistance. The specific objectives are: (i) to examine the relationship between the body and living law in light of the metatheory of fraternal law; (ii) to analyze the body from the perspective of anarchafeminism and intersectionality; and (iii) to understand the transformative potential of collective bodies in constructing counter-hegemonic alternatives. The research adopts a qualitative, theoretical, and transdisciplinary approach, using the hypothetical-deductive method, grounded in references from biopolitics, intersectional feminism, and decolonial theory. The main findings indicate that the body is simultaneously an object of control and a locus of resistance, with collectivity playing a central role in the production of emancipatory practices. It is concluded that collective articulations, particularly from an intersectional perspective, enable the subversion of structures of domination, expanding the possibilities for the realization of rights and social transformation.

Keywords: *Body, Oppression, Collectivity, Biopolitics, Resistance*

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1 Introduction

The issue addressed in this article concerns how chains of oppression place the body at the center of biopolitics, and how its formation into bodies and collectivities is essential for the transformative potential of struggles and the realization of rights. This research is situated within discussions on identity and its relationship with the body, as developed by Michel Foucault, particularly in his understanding of somato-political power within legal and punitive spheres.

This study seeks to analyze how the body, as a living entity, positions itself in relation to oppression and biovigilance. To this end, it aims to understand collective formations and their forms of resistance through the notion of an anarchic and collective body. The research adopts a transdisciplinary perspective and is theoretically grounded in the metatheory of fraternal law developed by Eligio Resta, particularly in relation to the concept of living law.

Intersectionality is employed as a key analytical framework to understand the control of bodies and the ways in which such subjugation can be challenged through collective constructions of mutual support, informed by the anarchafeminist method as articulated by Chiara Bottici. The study aims to contribute to situated critical perspectives, identifying possibilities for constructing forms of resistance capable of subverting the status quo, grounded in notions of human dignity emerging from social struggles. It adopts a transdisciplinary theoretical approach, with a qualitative orientation, enabling a broad epistemological understanding

that, through a hypothetical-deductive framework, is anchored in decoloniality as a plural methodological approach.

This article is based on the recognition that contemporary dynamics of oppression are structured through the control of bodies, placing them at the center of biopolitical strategies that traverse law, politics, and social relations. Within this context, the research problem is to understand how the body, as a legal, political, and social category, is simultaneously an object of domination and a potential instrument of resistance, particularly when articulated through collectivities. The investigation seeks to challenge traditional understandings of law and subjectivity, highlighting how mechanisms of biopower operate on bodies marked by intersections of gender, race, class, and sexuality, while also opening space for insurgent and counter-hegemonic practices.

Accordingly, the general objective of this study is to analyze the role of the body in the production of oppression and resistance, with emphasis on the transformative potential of collectivities. The specific objectives are: (i) to examine the relationship between the body and living law based on the metatheory of fraternal law; (ii) to analyze the body from the perspective of anarchafeminism and intersectionality; and (iii) to understand the formation of collectivities as a strategy for confronting structures of domination. To achieve these aims, the study adopts a qualitative, theoretical, and transdisciplinary approach, grounded in the hypothetical-deductive method. The methodology is based on a critical and interdisciplinary bibliographic review, articulating contributions from biopolitics, intersectional feminism, and decolonial theories, in

order to construct an analysis that highlights the multiple dimensions of the body as a locus of dispute and social transformation.

In the first section, the article discusses the body from the perspective of living law, exploring the proximity between law and the body, considering that law itself may be understood as having a “body” and, therefore, life, thus reinforcing its grounding within the legal field. Fraternal law is employed to position the body in its defense against biopower, as well as to understand its potential to form communities through the construction of identity.

The second section analyzes the body through the lens of anarchafeminism, situating it within political practice and concrete experiences of resistance, using intersectionality—developed by Black feminist thinkers—as a key analytical tool, in dialogue with anarcho-black perspectives and decolonial approaches.

Finally, the third section examines bodies within collective dynamics, drawing on Eligio Resta’s concept of metamorphosis to understand these processes, and exploring examples of collective bodies, further deepened through queer ecology and the connections between bodies and their environments.

2 Body and Living Law

We begin by explaining the relationship between living law and the body, and how it cannot be understood independently of its “soul.” Living law, when conceptualizing law through the body, reveals problems arising from both law and politics, particularly those related to decision-making processes in the formulation of laws and public policies. It is also important to highlight the connection between living law and the metatheory of fraternal law, whose assumptions are considered here as a framework for analyzing rights and their effectiveness.

Given the issues posed by law and politics, and considering that living law is linked to the dual dimension of soul and body, it allows for an examination of the concept of incorporation alongside the concept of community:

“

When politics and law present themselves as the rules of shared life in the city, they are faced with the alternative of privileging either the body—civil, human, political, in short, the body—or the soul—reason, the universal, form, in short, the anima—thus being compelled to choose between the human being as the measure of all things and the idea of *nomos*. Sovereignty is the locus of the ethical-political where such alternatives are sedimented. The solution indicated by philosophy, and never abandoned thereafter, is that of a law that incorporates the soul into its *soma*. It is only by an apparent paradox that this formulation presents all of this as “in-corporation.” From that moment on, the “body” of law will reveal, in all its contours, for better or worse, the history of this coexistence between the body and its soul, or between the soul and its body (Resta, 2008, p. 38).

The incorporation of law becomes evident when politics and law are compelled to choose between the body and the soul, and, as we understand it, the body is chosen as the reference for structuring the system, whether for good or ill. In this context, the body is placed at the center of decision-making processes, giving rise to what may be understood as politics of the body, as well as to those dynamics identified within the scope of biopower. Through new forms of manipulation of the body by law, it is also possible to conceive law as a means of distancing itself from life; yet, in the attempt to reestablish this proximity, living

law constitutes itself as a living body, necessary for reconnecting with the real world.

The soul is understood as *arche*, insofar as it is immortal (Resta, 2008, p. 41). By contrast, the body has no fixed limits to life, and its definition remains difficult, especially when it is understood solely in material terms (Resta, 2008, p. 43). Furthermore, the soul expresses its quality as origin—*arche*—when it is, in some way, connected to the body, which underscores the relevance of the body itself (Resta, 2008, p. 43).

Living law, understood as life, does not exhaust itself as law, since life is irreplaceable. This brings it closer to the protection of bodies, particularly in the face of their transformation into bio-objects. It also challenges the reduction of the body to mere biological concreteness—thus medicalized and controllable—introducing instead the notion of a “revenge” of the body against the mind that seeks to subjugate it.

“

Rodotà (2006) is also correct in stating that “once again, bodies speak and question society,” while, at the same time, society questions its own “bodies.” It is precisely there that much of “our time” sees many of its problems crystallize, at times venturing onto slippery terrain where even the idea of a post-human condition is hypothesized—an idea which, like that of the “end of history,” tends to resolve itself in naïve paradoxes that lead nowhere other than to narrating the history of the end of history. Far removed from a somewhat crude notion that would reduce human beings to “complacent cattle,” the “human, all too human” body once again becomes the site where the problems of life (that “true” life?) take shape (Resta, 2008, p. 38). The idea of the mind’s obedience to the body, understood as “all too human,” and grounded in a humanist conception that places the human being at the center of existence, is related to the exclusion of all animals and living beings, leading to a total catastrophe. From this argument, it becomes possible to assert that law traverses the body, incorporating it in order to form its own language, thereby achieving what is termed a relative autonomy. In other words, law becomes partially concrete through the body, enabling transformations and the multiplication of meanings that accompany ideas of practices, strategies, purposes, and norms (Resta, 2008, p. 40).

Thus, it can be understood that, depending on its context, the language of law also changes its signs, thereby protecting itself from other domains, such as medicine; and when used in favor of life, it prevents life from being invaded by the will of power, restraining biopolitics. Once again, within this framework, the body can be understood as its own measure against the afflictions of disciplinary power, even when such power may carry positive meanings (Resta, 2008, p. 44). The naturalization produced by the body of law, through its systematic language that underpins all social constructions, represents the peak of antagonisms, precisely because it operates as a dual mechanism derived from living law (Resta, 2008, p. 46).

This understanding of the body and living law reflects on the problem of identity, linking it to its specificity and its duration over time. Identity largely belongs to the body, as it is through the body that experiences of pain and pleasure are lived, and even more so through its duration as mutable matter, which is not microscopically inert but constantly transforming. This movement also alters the body itself, which in turn reshapes identity, and it is within this dynamic that belonging is constructed through the body (Resta, 2008, p. 50).

In this context, nominalism escapes order and loses ground to the materialized power of law, in which naming becomes as significant as law itself (Resta, 2008, p. 53). When combined with the concept of incorporation, this leads back to the idea that linguistic codes carry power insofar as they reflect upon the body itself and become real, resulting in processes of identification and belonging. Thus, the words produced through such formulations ultimately dictate what should and should not be done with bodies. Here, there is no neutral concept, but rather one that serves to distinguish opposing meanings for the purposes of cognition and subsequent transformation.

The relevance of analyzing the body within living law becomes evident in its practical applications, as it regulates exchanges, imputes actions, and defines values (Resta, 2008, p. 53). The constitution of legal language helps to position law as an organizationally closed yet cognitively open system, identifying itself through its distinction from what is not law, given that this distinction is constructed through the body and, therefore, respects its semantic field (Resta, 2008, p. 54). There is no doubt that the body guides all the processes of law, long before biopolitics came to fully recognize its centrality:

“The centrality of the body has the unique virtue of increasing, rather than reducing, the complexity of perception, due to the extent of its trajectory, where life is encountered in all its possible meanings, including the most contradictory ones, leading even to the “worlds behind the world” (Resta, 2008, p. 58).

This space of the body within law is grounded in a form of “fantastic metaphysics” that innovates the understanding of the body as composed of two distinct yet compatible dimensions: reality, through the solid exactness of the body, and its fluid discursive construction (Resta, 2008, p. 60). Indeed, through the process of incorporating the body into law, it becomes evident that law acquires and regulates bodily matters from within itself (Resta, 2008, p. 63). This can be understood as an opening of law to the body for its definition; however, law can never fully determine what the body is, except through its symbolic representations, which may carry either positive or negative connotations in expressing their interrelations (Resta, 2008, p. 65).

Living law makes it possible to clearly perceive the encounter between body and law in relation to justice and politics, enabling an understanding of its role in protecting against biopolitics, which specifically takes the living—and therefore mortal—body as the central object of all politics. In other words, there is no politics that is not a politics of bodies, whose historical analysis reveals the different techniques through which power manages the life and death of populations.

Michel Foucault develops the concept of biopolitics to describe the relationship established by power with the social body in modernity. For Foucault, what we call the individual is the effect produced—the result of the linkage, through specific techniques, between political power and somatic singularity¹, biopolitical governmental techniques thus extend as a network of power that overflows both the legal and punitive spheres, becoming a somato-political force—a form of spatialized power that spreads across the entire territory and penetrates the individual body.

In *Discipline and Punish*, Michel Foucault analyzes religious cells of individual confinement as true vectors that modeled the transition from sovereign and violent techniques of controlling bodies and subjectivities, characteristic of the pre-eighteenth century period, to disciplinary architectures and confinement devices as new techniques for managing

the population as a whole². Disciplinary architectures are secularized versions of monastic cells in which, for the first time, the modern individual is constituted as a soul enclosed within a body—a reading spirit capable of interpreting only the directives of the State. Biopolitics establishes this new paradigm, shifting from the old right to “make die or let live” to the power to “make live or reject death.”

Living law does not understand that the preservation of life and its conditions of existence should be grounded in a rigid, cold, and pure law of apparent neutrality, from which its legitimacy would derive. Rather, it requires a law of possibilities that accommodates differences, considering that this “body” of living law may be confused with other forms of language and thus misunderstood within the paradigm of neutrality. In this sense, living law encompasses the excesses of life, creating for itself its own remedy through the ideal of reducing the harms of its own overbearing presence (Resta, 2008, p. 68).

It is precisely because our bodies have become the new enclaves of biopower, and our homes the new cells of biovigilance, that it is more urgent than ever to invent new strategies of cognitive emancipation and resistance, and to set in motion new antagonistic processes.

3 Anarchic Body

The body that precedes law is one characterized by maximum fluidity, to the point of being entirely free and without governance; thus, we refer to it as the anarchic body—one that lacks *arche* and confronts all subsequent constructions that seek to dominate it, such as those previously discussed in relation to law. Moreover, the anarchic body resists oppression through an intersectional lens, as it is also understood here within an anarchofeminist framework.

It is necessary to further develop the concept of the intersectional body as articulated by Black feminist scholars such as Kimberlé Crenshaw (1989), bell hooks (2015), Audre Lorde (2018), and Patricia Hill Collins (2000), who introduced and consolidated the concept within academic and feminist studies.

We begin with bell hooks, who discusses the desire of whiteness to exert control over Black bodies and minds—a dynamic transmitted across generations in order to sustain the exercise of power over Black bodies, expressing the internalization of values and attitudes associated with white supremacy (hooks, 2015, p. 112–113). She further argues that a central concern for feminist activists has been the struggle for women’s right to control their own bodies, noting that the very concept of white supremacy is grounded in the perpetuation of a white race and its ideological framework. hooks denounces the ongoing global interest in maintaining racist domination, ensuring that white patriarchy retains control over all women’s bodies, particularly those of racialized women (hooks, 1984, p. 52).

In connection with this, Patricia Hill Collins argues that the bodies of Black women (Rezende; Tárrega, 2021, p. 230) are perceived as units of capital, and thus commodified; their imposed silence itself serves as evidence of their colonization (Collins, 2000, p. 51). She further explains that the regulation of Black women’s bodies has historically benefited systems of race, class, and gender, while simultaneously protecting spaces for Black women’s self-definition—spaces that often required public silence on issues that affected them (Collins, 2000, p. 125).

²“Disciplinary space tends to be divided into as many sections as there are bodies or elements to be distributed. It is necessary to eliminate the effects of imprecise distributions, the uncontrolled disappearance of individuals, their diffuse circulation, their unusable and dangerous coagulation; a tactic of anti-desertion, anti-vagrancy, and anti-aggregation. It is important to establish presences and absences, to know where and how to locate individuals, to institute useful communications and interrupt others, to be able at any moment to supervise the behavior of each individual, to assess it, to sanction it, and to measure qualities or merits.” FOUCAULT, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Raquel Ramalhete. Petrópolis: Vozes, 1987, p. 123.

¹“What must be called the individual is the effect produced, the result of this linkage—through the techniques I have indicated—between political power and somatic singularity.” FOUCAULT, Michel. *Psychiatric Power*. São Paulo: Martins Fontes, 2006, p. 69.

Collins emphasizes that, just as race and gender oppressions inscribe social meanings onto bodies, heterosexism similarly marks bodies with sexual meanings (Collins, 2000, p. 128). She highlights the existence of highly visible sexualized racism, in which the visibility of Black bodies is reinscribed through the hypervisibility of a presumed sexual deviance attributed to Black men and women (Collins, 2000, p. 130). Furthermore, she notes that commodified bodies of all kinds function as indicators of status within class hierarchies, shaped by the interdependence of race and gender as social markers (Collins, 2000, p. 132).

Collins goes further by demonstrating that efforts to regulate the bodies of Black women illuminate how sexuality operates as a site of intersectionality, drawing on examples such as pornography, prostitution, and sexual violence to show how more powerful groups seek to control Black women's bodies (Collins, 2000, p. 135).

She also argues that one of the most salient historical features of racism has been the assumption that white men with economic power possess an unquestionable right of access to the bodies of Black women—a right historically claimed by slaveholders and their agents over enslaved women, as a direct expression of their presumed property rights over Black people as a whole (Davis, 1983, p. 102). In other words, distinct systems of oppression are part of a global structure of domination, and each system depends on the others to function (Collins, 2000, p. 222).

From the perspective of reproductive justice—which includes sexual freedom and autonomy over one's own body—it is essential to make visible the material consequences of embodiment within intersectional power relations, as the politics of the body constitutes a central pillar in the lives of women. The politics of the body is inherently intersectional, since power relations across gender, race, age, ability, ethnicity, sexuality, and class use the body to determine and explain social inequalities (Collins, 2020, p. 138–139). Furthermore, it is possible to observe dynamics of shared oppression:

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Critical race theory, critical race feminism, gender and sexuality studies, queer theory, ecofeminism, disability studies, and critical animal studies all address how various social categories operate to place certain bodies at risk of exclusion, marginalization, erasure, discrimination, violence, destruction, or othering. Intersectionality has focused on bringing together the isolated struggles of Black and Chicana/o people, Indigenous peoples, women, and other historically marginalized groups. However, this strong emphasis on the significance of collective identity politics for these groups may overlook the importance of broader issues that affect both these groups and others. We therefore ask whether social justice and similar ethical concerns can provide a unifying ethical framework for intersectionality. Shared oppression offers a powerful starting point for dialogue among historically marginalized populations. While it is essential to recognize shared experiences of discrimination and victimization, can this process also generate a common vision for intersectional inquiry and praxis?

An example of the difficulties in the practical application of intersectionality is presented by Kimberlé Crenshaw, who, by citing case law, demonstrates the inability to properly understand intersectional forms of oppression when courts refuse to recognize the possibility of discrimination arising from an intersectional perspective against Black women. Instead, they apply a standard of equality based

on the experience of white women, thereby rendering invisible the discriminatory employment experiences faced by Black women and treating them as equivalent (Crenshaw, 1989, p. 148). It is also necessary to understand, in light of this critique, that labor must be conceived as a concrete unit, as emphasized within the framework of social reproduction feminism³.

When bell hooks states that feminism is for everyone, she echoes what has always been a foundational assumption of Black feminism: not merely a politics of identity, but a revolutionary conversation in constant development, often contested in terms of how the world can be imagined and remade.

Building on this, we connect the politics of the body to the histories of Indigenous peoples, such as the Wichí community, which understands knowledge as emerging from bodily resistance through the study of intergenerational transmission of trauma (Iosa, 2013, p. 85–91). Likewise, the encounter of bodies through multicultural interpellations demonstrates the power of performativizing ethno-racial identities⁴. By bringing this into dialogue with the performativity of the body—often positioned in tension with the politics of bodies—it becomes possible to understand multiple systems of male domination and to mobilize the dissemination of feminist thought as a means of horizontally distributing knowledge and power through bodies⁵. This demonstrates the breadth of the concept of intersectionality as a tool for understanding the specificities of oppression and confronting them. By situating the anarchic body within an intersectional perspective of oppression, it becomes possible to challenge the Eurocentric conception of the world and the domination of bodies, historically imposed by global empires over centuries and foundational to what is now recognized as Western culture.

In response to this, the concept of the coloniality of power is reformulated by María Lugones to incorporate gender, giving rise to the notion of the coloniality of gender (Lugones, 2003, p. 29). Through this concept, Lugones highlights how the binary classification of men and women, along with racial classifications of bodies, produces hierarchical extremes. Both binarism and racism are systems developed by Europeans through colonial expansion, which accompanied the formation of global capitalism.

In other words, although cultures have historically varied in their attitudes toward homosexuality and bodies in which gender is expressed differently, queer eros—queer forms of love—already existed and flowed in diverse ways prior to European colonialism. However, the imposition

³“This potential of social reproduction feminism is grounded in a broad and complex understanding of labor as a ‘concrete unity,’ an ontological category that captures—it is a lived experience that mediates and produces—a contradictory, historical, and richly differentiated totality. It is a multidimensional concept of labor or practical human activity that enables a rigorously integrative theory of the social.” FERGUSON, S. *Intersectional Feminism and Social Reproduction Feminism: Toward an Integrative Ontology*. Cadernos Cemarx, Campinas, SP, n. 10, p. 13–38, 2018. DOI: 10.20396/cemarx.v0i10.10919. Available at: <https://econtents.bc.unicamp.br/inpec/index.php/cemarx/article/view/10919>. Accessed on: Oct. 21, 2022.

⁴“Policies promoting the so-called ‘Toba or Qom music’ in Formosa, and the ‘litoralito’ (littoral) candombe linked to an organization of Afro-descendants in Santa Fe, particularly focusing on the work of two female performers who have been fundamental to their dissemination: Ema Cuañeri and Lucía Molina. Our specific hypothesis is that, in response to multicultural interpellations to perform ethno-racial identities, these and other Indigenous and Afro-descendant performers have been encouraged to select, recreate, and spectacularize certain sounds, movements, and images considered ‘ancestral,’ inscribed both in ‘embodied repertoires’ and in performative ‘archives.’” CITRO, Silvia; BROGUET, Julia; RODRIGUEZ, Manuela; AGUERO, Soledad. *Indigenous and Afro-descendant Performances in Argentina: Sound-Body Recreations of the “Ancestral”*. Revista Hawô, v.1, 2020.

⁵“Through its slogans—‘our bodies belong to us,’ ‘the personal is political’—emphasizing that women’s oppression stems from multiple systems of male domination, feminist thought gradually spread, particularly among intellectualized middle classes, among Brazilian feminists, providing its methodological foundations. Unlike other spaces of organization within social movements, the feminist movement privileged a methodology that considers the horizontal distribution of knowledge and power among its members.” GONÇALVES, Eliane; PINTO, Joana Plaza. *Reflections and Problems of Intergenerational “Transmission” in Brazilian Feminism*. Cadernos Pagu, January–June, 2011, p. 25–46.

of gender binaries through violence intensified as colonial imperialism established this system as central (Bottici, 2022, p. 13). Within this framework, individuals are classified according to skin color or genitalia as if such categories were innate to the human mind, which they are not. The classification of bodies by sex, like racial classification, implies, among other things, a primacy of the visual register. Thus, the emergence of modernity is inseparable from the emergence of racial and gender systems, and the two cannot be understood independently.

An example of this can be found in the mechanisms adopted, at least since the late Early Preclassic period, by Mesoamerican societies, which attempted to channel bodies into more fluid forms. The persistence of these bodily practices may have been responsible for much of their power prior to colonization. Moreover, these practices are often framed as ahistorical due to their continuity, forming a specific Mesoamerican history of bodily appearance and action with a broad field of social acceptability. However, this history was reshaped by the colonial European imposition of classical Maya constructions of dichotomous heterosexual adult genders, through which authorities restricted and limited gender fluidity in Mesoamerican societies (Joyce, 2001, p. 115–116).

Oyèrónké Oyèwùmí argues that both gender and racial classifications are grounded in a form of oculo-centrism—that is, the primacy of vision as the main source of knowledge—characteristic of a so-called Western worldview, and particularly evident when contrasted with precolonial Yoruba cultures (Oyèwùmí, 1997, p. 14).

Consequently, questioning the colonality of gender also entails challenging the primacy of biological determinism and the visual classification of bodies—that is, the assumption that by merely observing bodies we can declare “this is a woman” or “this is a man.” This perspective on bodily control is especially evident in the regulation of the female body, as established by Christianity and other religions, in which women are positioned as carnal, animal, and as bearers of the non-divine⁶, and therefore must be protected and maintained within rigidly defined roles.

Gloria Anzaldúa, as a queer thinker, investigates the queerness of the body and its resistance. She identifies herself as a body in two—namely, an anarchic body, both masculine and feminine—embodying the *hieros gamos*, an original concept she describes as the union of opposing qualities within (Anzaldúa, 1987, p. 19). She argues that from the non-passivity of the body emerges its intelligence for maximum resistance (Anzaldúa, 1987, p. 19).

If we register our experiences in our bodies and emotions, capturing the “music” or feeling of what occurs, then what touches our minds and thoughts also marks our bodies (Gilligan, 2018, p. 36). Racism and homophobia are real conditions of life in this time and place; thus, each of us who reaches this deep place of self-knowledge may still transfer fear and aversion toward any difference we encounter, allowing us to understand how such dynamics are internalized and reproduced (Lorde, 2018, p. 156).

It is therefore possible to confront the anarchic body with the production of the “Third World woman” stereotype generated by globalization—one that depicts her life as essentially incomplete based on her gender, sexually repressed, and as belonging to the “Third World,” characterized as ignorant, poor, uneducated, traditional, domestic, family-oriented, racialized, and victimized. This stands in contrast to the self-representation of Western women as educated, modern, white, in control of their bodies and sexuality, and free to make their own decisions (Bahri, 2013, p. 336).

Furthermore, the anarchic body can be understood through variations across contexts within intersectional theory, as a means of escaping biopolitical mechanisms—especially in relation to the formation of gender identities, the rigidity of gender scripts, and their embodied practices, which emerge from the sexually specific aspects of human reproduction and physiology (Alcoff, 2020, p. 45).

In light of the logic of exploitation and domination inherent in the politics of bodies—that is, the strategies a society adopts in response to the social availability of individuals—we observe a harmful, uncritical reproduction through the connection between body and emotions, intensifying its ambivalence:

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Mechanisms of social bearability constitute a set of “behaviors” around which everyday life is naturalized, while the social processes that produced such conditions are erased and obscured. Emotions are understood through a dialectical process involving impressions, perceptions, and sensations. Impressions, as the first form of engagement with the socio-environmental context, impact bodies and structure the perceptions that individuals accumulate and reproduce. These perceptions, in turn, shape the sensations that agents experience regarding what may be designated as the internal and external world—the social, subjective, and natural realms. Sensations emerge both as a result of and as a precursor to perceptions, giving rise to emotions as effects of processes of adjudication and correspondence between perceptions and sensations. In neocolonial societies, the body and emotions are interconnected and strained by the logic of exploitation and domination (Scribano; Cena, 2011, p. 5).

Moreover, women’s bodies in particular cannot be understood as fixed and stable objects, but rather as processes. We are not things; we are relationships. Women’s bodies are plural bodies precisely because they are processes—processes constituted by affective and associative mechanisms that operate at multiple levels, namely inter-, supra-, and infra-individual (Bottici, 2022, p. 76). Our bodies thus come into being through inter-individual encounters when shaped by supra-individual forces, such as those determined by geopolitical locations, as well as through intra-individual processes, such as the air we breathe, the food we consume, or the hormones we may take—thereby connecting us, through infra-individual bodies, to ecosystems, modes of production, and reproductive structures that are themselves supra-individual (Bottici, 2022, p. 76). Within this possibility of processes unfolding across multiple levels, the anarchic body gains strength from an ontological movement toward transindividuality as a lens for understanding individuality:

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First, instead of developing a form of feminism and then adding ecology as if it were something separate, here the two positions are unified from the outset because, within a philosophy of the transindividual, the environment is not something external to us; rather, we are the environment—something literally constitutive of our individuality (Bottici, 2022, p. 78).

When women’s bodies are theorized as processes—as sites where futures are lived across different levels—it becomes possible to speak of women without falling into essentialisms or culturalisms. From this monist ontology, there is no room to oppose sex, as nature, to gender, as culture; such an opposition is sustained only where there is space for a

⁶“The gorra, the rebozo, and the mantilla are symbols of the ‘protection’ of women in my culture. Culture (read: men) professes to protect women” (my translation). ANZALDÚA, Gloria. *Borderlands: The New Mestiza*. San Francisco: Aunt Lute Books, 1987, p. 17.

dualism between body and mind, or for conceiving being as something static and inert, opposed to a constantly changing process of becoming (Bottici, 2022, p. 15).

By adopting this transindividual ontology for the anarchic body, it also becomes possible to situate the concept of “woman” outside hetero- or cis-normative frameworks and to use it inclusively in relation to all types of women: feminine women, masculine women, women assigned female at birth, women assigned male at birth, lesbian women, bisexual women, trans women, cis women, asexual women, queer women, and others. In short, “women” becomes a generic term for all self-identified bodies that are constituted through an ever-changing narrative of femininity (Bottici, 2022, p. 16).

Thus, developing the concept of women as processes also entails overcoming the dichotomy that opposes the individual to the collective, understood here as non-existent, since all bodies are transindividual processes. There would be no pure, isolated individual separate from—or opposed to—a given collectivity. On the other hand, all axes of oppression converge in the belief that some bodies are superior to others, which in turn sustains and enables the implementation of a politics of domination.

This leads to the impossibility of addressing women’s emancipation as an isolated experience, detached from the broader spectrum of economic, social, psychological, and political forms of oppression. Individual and social struggles are two sides of the same coin, as both individual and collective impulses are interconnected. As Emma Goldman, through her reconfiguration of the organicist metaphor of the body politic, argues: the individual is the heart of society, preserving and reproducing life, while society is its lungs, distributing the elements necessary to sustain life and, therefore, the individual (Bottici, 2022, p. 53). The individual and society are not understood through the traditional analogy of the body and its parts; rather, both are parts—heart and lungs—of a much larger body, which is life itself: the true anarchic body.

Therefore, body and mind are merely two modes expressing two different attributes of an infinite substance that manifests itself through an infinity of attributes (Bottici, 2022, p. 82). This perspective abandons the assumption that action precedes representation, or that there are actors behind actions, recognizing instead that the subject is already constituted prior to the process of subjectivation that transforms bodies into subjects (Bottici, 2022, p. 66).

4 Collective Bodies

Based on the understandings of the body in relation to living law and the anarchic body, the collectivity of bodies is conceived as a mass that contributes to the formation of a plural citizenship, in which we free ourselves from the fear of bodily contact, reclaiming corporeal proximity without hostility. This fear dissipates as the mass forms densely and openly, tending toward a process of transformative growth referred to as metamorphosis (Resta, 2008, p. 62). Ultimately, this process results in a “mask” over the individual body, representing its experience prior to becoming part of the mass (Resta, 2008, p. 62).

Within this framework, the formation of collectivities emerges as a powerful driver of transformation, including in its ecological dimension, where the development of this tendency toward expansion and openness becomes a measure of bodily cohesion (Resta, 2008, p. 62).

The resulting “mask” also represents a tension between the individual body and the mass, serving as a key to understanding the connections between the geometries of bodies and the grammars of action that constitute neo-imperialist forms of domination (Resta, 2008, p. 7–8).

From an anarchafeminist perspective, the politics of bodies must be understood as the structuring of power.

It is important to recall that the logic of capital operates on the premise that each subject can potentially become a commodity. To achieve this, bodily sensations must be regulated so that they can be commodified, to the extent that everyday self-perception ultimately erases the awareness that life itself has become a commodity. Life is thus transformed into a set of objectified meanings, implying the expropriation and plundering of existence under contemporary extractivist capitalism (Resta, 2008, p. 8–9). This idea helps explain the large-scale commodification of life, in which the power of metamorphosis is mobilized toward mass destruction.

From this collective framework, gender can be understood as a constructed and classificatory category. Through this critical lens, it becomes possible to question what is meant by “masculine” and “feminine,” recognizing them as symbolic and cultural dimensions shaped within different societies.⁷ We arrive at the idea of bodies and their collectivity of women who, across cultures and throughout history, have assumed the task of an independent, non-heterosexual, and interconnected existence, to the extent that such existence was permitted within their respective contexts. Due to pervasive violence, many non-conforming women often perceived themselves as isolated in their experiences. These collectivities have always been characterized by autonomy. However, such autonomy was not easily achieved, as few women attained an economic position that allowed them to resist either marriage or forced celibacy. As a result, they were frequently attacked and even killed for being single—attacks that ranged from slander and ridicule to deliberate gynocide. For example, the persecution of millions of women who deviated from the norms of marriage and obedience—burned alive and tortured for being widows or unmarried—during the so-called witch hunts of the 15th, 16th, and 17th centuries in Europe demonstrates that such violence was not, and is not, exclusive to regions considered peripheral. A similar dynamic can be observed in the practice of *suttee* imposed on widows in India (Federici, 2017, p. 631). Thus, the struggle is not merely about maintaining inequality or property relations, but against a generalized set of forces ranging from physical brutality to the control of consciousness, revealing an effort to contain a powerful opposing force: women’s collectivities (Federici, 2017, p. 631).

Once again, the “woman” described here refers to the representation of the *femina*, subjected to oppression precisely because of how her body is identified. These bodies confront compulsory heterosexuality, which facilitates the work of pimps and traffickers in global networks of prostitution and eroticization, profiting from these bodies. At the same time, within the private sphere, it manifests in the daughter coerced into accepting incest, the mother who denies it, and the abused wife who remains with her aggressor (Federici, 2017, p. 631).

Another form of violence highlighted by transborder feminist collectivities—those that blur boundaries (Fleck da Rosa, 2023, p. 95)—is “corrective rape,” which occurs on a large scale against dissident female bodies, while also opening spaces for women’s voices in self-defense, as will be further explored in emancipatory practices.

⁷to refer to the foundational character of the cultural construction of sexual differences, to the extent that social definitions of sexual differences are themselves interpreted through cultural definitions of gender. Gender is thus a classificatory category that, in principle, can methodologically serve as a starting point for uncovering the diverse ways in which societies establish social relations between the sexes and cosmologically delimit the relevance of gender classification. This concept aims to methodologically investigate the symbolic and cultural forms through which social relations of sex are constructed, as well as all the ways in which classifications of what is understood as masculine and feminine are relevant and produce effects across the various dimensions of different societies and cultures.” MACHADO, Lia Zanotta. *Conflicting Perspectives: Gender Relations or Contemporary Patriarchy?* Série Antropologia. Department of Anthropology, University of Brasília, Brasília, DF, 2000, p. 5.

Heterosexuality is imposed both forcibly and subliminally upon women, yet resistance has emerged everywhere, often at the cost of physical torture, imprisonment, psychosurgery, social ostracism, and extreme poverty. Compulsory heterosexuality has even been internationally recognized as a crime against women by the Brussels Tribunal on Crimes Against Women in 1976 (Federici, 2017, p. 631).

We understand that there exists a process of disidentification that enables women to challenge the interpellations of dominant ideology, particularly in the construction of a radical multiculturalism focused on relational and intersectional aspects (Muñoz, 1999, p. 167). Such contestation can take the form of protest, as seen in contemporary feminist movements that adopt new organizational dynamics through assemblies, demonstrations, occupations of public spaces, and the use of bodies as instruments of political expression, especially through technological activism.

The politics of bodies reveals that the bodily effects of colonial histories are not separable into physical and cognitive elements, as the genealogical traces of colonial-sexual violence are experienced alongside the materialization of social and familial arrangements introduced by colonial and imperial power. This results in multidimensional disruptions at the boundaries of identity, revolving around gender, sexuality, race, nationality, and the coloniality of power (Rivera, 2011, p. 5). In this sense, decolonial feminist theories expose the constructed nature of bodily discourse in ways that echo Simone de Beauvoir's assertion that one is not born a woman, but becomes one, thereby contributing to dismantling sexual politics and its broader networks of power.

The objective is to identify the "cracks" (Rivera, 2011, p. 10) that divide collectivities, fragmenting the social body, which, when materialized in unique and complex forms of embodiment, rearticulates its transformations. It is not the elimination of bodily tensions that produces a coherent and unified body, nor the rewriting of a foundational myth of original totality—whose inevitable apocalyptic return would imply a final unity—since such notions conceal multiplicity under ideologies of purity or homogeneity (Rivera, 2011, p. 12). Instead, the aim is to construct visions of redemption in which bodies are capable of embracing their multiplicity without needing to become one. The body thus appears as a site of historical conflict and oppression, as well as a source of creative and mysterious powers capable of resisting, challenging, and transgressing the "knowledge" that sustains subordination, through the memory of an embodied past and the articulation of improbable hopes that materialize a new self (Rivera, 2011, p. 13).

Within this framework of the politics of bodies, there is also a critique of the liminality of bodily matter, which cannot be fully captured by intersectional positioning. Instead, bodies are understood as unstable assemblages that cannot be neatly decomposed into identity formations, thereby questioning the necessity of a fixed subject for the constitution of collectivities (Puar, 2013, p. 354).

Nevertheless, the non-static model proposed by Donna Haraway accounts for the indeterminacy and mutual constitution of embodied configurations of gender, sexuality, race, class, and nation (Puar, 2013, p. 354). The function of the cyborg, in this sense, is to dissolve binaries—between humans and animals, humans and machines, and the physical and the non-physical—positioning it as a being at the intersection of body and technology. More recent theoretical developments seek to distinguish between the biophysical, the biocultural, and the biodigital (Puar, 2013, p. 356). Haraway introduces the cyborg as a creature of a post-gender world, devoid of commitment to bisexuality, which she explains through a pre-Oedipal symbiosis and non-alienated labor:

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The cyborg has no fascination with an organic totality that could be achieved through the ultimate appropriation of all the powers of its respective parts, which would then combine into a greater unity. In a certain sense, the cyborg is not part of any narrative that appeals to an original state, to a 'narrative of origin' in the Western sense. This constitutes a final irony, since the cyborg is also the apocalyptic telos of the expanding processes of Western domination that posit an abstract subjectivity, prefiguring an ultimate self, finally liberated from all dependence—a man in space” (Haraway, 2000, p. 38).

In this sense, the cyborg goes beyond the stage of an original unity, of an identification with nature that cannot be extended into a collective construction, thereby contrasting with such projects. The cyborg is decidedly committed to partiality, irony, and perversity (Haraway, 2000, p. 39)—or rather, it is oppositional, utopian, and far from innocent. Perhaps most importantly, it is no longer structured by the polarity between the public and the private, thus defining a technological *polis* emerging from a revolution in the social relations of the domestic unit, the *oikos*. Consequently, the cyborg does not dream of community, even when disregarding the Oedipal project—that originating in the organic family: “to know what cyborgs will be is a radical question; to answer it is a matter of survival. Both chimpanzees and artifacts have a politics. Why should we not have one?” (Haraway, 2000, p. 43).

Karen Barad reinforces a valuable perspective for shaping dynamic collective practices by considering the human body not as a discrete organic entity and matter not as a thing, but as a doing; in other words, meaning is only one among several elements that give a substance both significance and function (Puar, 2013, p. 357). She further argues that humans are part of the world-body space in its dynamic structuration (Barad, 2007, p. 172). In addition, she defends the concept of bodily materiality as foundational or self-evident, as a notion of gender performativity is developed that links the formation of the subject to the production of the materiality of the body (Butler, 2003, p. 191). She also mobilizes the concepts of biopower and the political technology of the body:

“

This technology is diffuse, of course, rarely formulated in continuous and systematic discourses; it is often composed of bits and pieces; it employs materials and processes that are unrelated to one another. Most of the time, despite the coherence of its results, it is nothing more than a multiform instrumentation” (Foucault, 1987, p. 29).

She continues by referring to domestic violence through the space-event of the home, understood as an undefined event constituted by a single act or a series of actions and activities that fold different temporal dimensions into one another (Puar, 2013, p. 360). This perspective reaffirms the importance of intersectionality in attempting to understand political institutions and their corollary forms of social normativity and disciplinary administration, conceived as assemblages. In an effort to reintroduce politics into the political domain, it becomes necessary to question what precedes and what exceeds what is ultimately established (Puar, 2013, p. 360).

From this understanding of violence, it is also important to note that capitalism does not reflect the authentic economy of society nor the social question itself, but rather an economy that has absorbed cultural, ethical, and psychological dimensions into a material system of needs

and techniques, resulting in the growing domination of human beings over one another (Bookchin, 1982, p. 98).

In this context, theories of democracy that assume a world of active subjects and passive objects appear increasingly insufficient at a time when interactions among human, viral, animal, and technological bodies are becoming ever more intense, rendering human culture inextricably entangled with vibrant non-human agencies. Within this framework, human intentionality is understood as agency; and if such agency must be accompanied by a vast assemblage of non-human actors, then the appropriate unit of analysis for democratic theory is neither the individual human nor an exclusively human collective (Bennett, 2010, p. 120).

This is especially evident in the experience of damage inflicted upon territories and bodies, which relates to the decision to resist and to strengthen identities—connections that can be observed between territory, body, and ancestry. The figure of the tower is presented here as a metaphor for the penetration of territory and the violence inflicted upon bodies, explaining the choice of resistance as a response to state and corporate logics (Alonso, 2018, p. 30). The tower thus represents an enclave of imbalance: rising above the surface while simultaneously penetrating deep into the earth through its pipelines, extracting energy flows that are later converted into capital. Climbing the tower is a highly risky endeavor, exposing bodies to danger and leaving no space for those unprepared to ascend (Alonso, 2018, p. 32).

The tower illustrates extractivism as a model of economic and social relations that produces subjective configurations expressing the pain inflicted upon bodies, as these are treated as separate from the space they inhabit, forming subjectivities that are part of hegemonic systems regulating sensations (Alonso, 2018, p. 34). Within this trajectory, two lines of understanding emerge: on one hand, the recovery of the body as an emancipatory vehicle and a source of knowledge; on the other, collectivization—the practice of feeling and thinking together. By emphasizing the autonomy of bodies and their capacity for self-determination, these dynamics reflect the central struggles in the formation of women's movements and feminist activism in peripheral territories (Alonso, 2018, p. 36). Displacement and violence against women's bodies are thus directly linked to the exploitation of territories and the violation of bodily integrity.

The genealogy of “painful bodies” contributes to understanding collectivities as practices of territorial resistance in response to social harm and suffering, reactivating arguments that affirm the historicity of belonging to a people. These “painful bodies” can be observed among the Mapuche people, who debate, organize, articulate, and confront state and corporate policies. They reveal the foundational dichotomy of modernity and coloniality expressed between the human and the non-human and, consequently, the reinforcement of hierarchies and privileges. Furthermore, bodies and their actions make visible domestic demands, raising questions about the distribution of political space:

“

By channeling their demands into the domestic political spaces of disempowered, if not entirely failed, states, this framework isolates external powers from critique and control. Among those protected from the reach of justice are powerful predatory states and private transnational powers, including foreign investors and creditors, speculators, and transnational corporations. Also shielded are the governance structures of the global economy, which impose exploitative terms of interaction while exempting themselves from democratic oversight. Finally, the framework of the territorial state is self-isolating; the architecture of the

interstate system protects the division of political space that it institutionalizes, effectively excluding transnational democratic decision-making on matters of gender justice” (Fraser, 2007, p. 304).

Nancy Fraser (2007) introduces representation as a means of confronting misframing, as articulated by transnational feminism, thereby making visible this third dimension of gender justice—beyond redistribution and recognition—while seeking to balance it. She argues that representation is not merely a matter of ensuring equal political voice for women within already constituted political communities; rather, it requires reframing disputes over justice that cannot be adequately contained within established regimes (Fraser, 2007, p. 305). From an intersectional perspective, women's collectivities enter the spectrum of representation as painful bodies, body-territories, sexualized, gendered, and racialized bodies.

Reinforced by theories that challenge the notion of the body as passive, plastic matter—by exposing how bodies are discursively produced—we encounter the concept of the abiological body, constructed socially, culturally, experientially, and psychically, thus positioning itself against or beyond purely biological claims. At the same time, the biological body is not bracketed out, so as not to sever its evolutionary, historical, and continuous interconnections with the material world, since a body detached from its biological dimension risks becoming ethically, politically, and theoretically untenable. In this regard, transcorporeality offers an alternative: as a theoretical site where bodily theories, environmental theories, and scientific studies intersect and interact productively (Lara, 2017, p. 126). Understanding transcorporeality can be likened to observing the “gastronomic” relationships between the earth and the stomach, as a digestible example of transcorporeal flows (Alaimo, 2010, p. 13). Although transcorporeality as the interaction between body and environment may appear highly localized, tracing a toxic substance from production to consumption often reveals global networks of social injustice, exposing regulatory failures and environmental degradation.

Consequently, environmental health—which rejects conventional medical models—must also be incorporated into collective constructions, affirming that the human body is permeable and therefore vulnerable to specific places and substances (Alaimo, 2010, p. 15). As a growing scientific, political, cultural, and consumer movement, environmental health addresses how, in contemporary risk societies, bodies are compelled to engage with scientific knowledge and epidemiological frameworks in order to confront the dangers of everyday life (Alaimo, 2010, p. 23).

There is no disjunction between body and territory, as territory is not external to the body. The concept of body-territory is significant as a political category of resistance, offering a distinct conceptual and methodological framework for analyzing processes of struggle and resistance, particularly highlighting the central role of women and their collectivities in these dynamics. We thus propose that the conception of the body intertwined with territory emerges from a Mapuche worldview as a unified entity, rather than two separate ones (Alonso; Díaz, 2018, p. 80).

In this sense, feminist collectivities are also constituted by body-territories that originate from decolonized worldviews, positioning themselves as expressions of decolonization through direct and often informal actions. These collectivities traverse intersectionally all chains of oppression, forming transboundary collectivities of painful bodies, sexualized bodies, racialized bodies, and body-territories that reclaim the meanings of ancestral bodies.

5 Conclusion

This study was grounded in the problem of understanding how the body, as a central category of biopolitics, is simultaneously captured by dispositifs of power and mobilized as a tool of resistance, particularly through its articulation in collectivities. Throughout the analysis, it was demonstrated that the body cannot be understood in a neutral or abstract manner, but rather as a political-legal construction traversed by power relations, as evidenced by the contributions of biopolitics and living law. In this sense, the body, as a locus where power operates, is also reaffirmed as a privileged site of dispute, in which both mechanisms of control and possibilities of emancipation are produced.

Based on the proposed objectives, it was verified that the articulation between biopolitics, intersectionality, and anarchafeminism—when coherently situated—allows the body to be understood as a relational and processual category, constituted by multiple social and historical markers. The analysis revealed that oppression does not operate in isolation but in an interdependent manner, affecting racialized, gendered, and territorialized bodies, thereby reinforcing the need for intersectional approaches. In this context, anarchafeminism contributes by shifting the focus from institutional structures to horizontal and collective practices of resistance, demonstrating that emancipation does not occur solely at the normative level, but primarily within concrete social practices.

As a main finding, the study demonstrates that collectivities constitute a central element in transforming conditions of oppression, as they enable the construction of networks of support, recognition, and political action. The notion of “bodies” adopted here refers to a theoretical category that understands subjects in their relational, historical, and material dimensions, moving away from essentialist or individualizing conceptions. Thus, collective bodies are not merely the sum of individualities, but forms of organization that challenge structures of power and produce new possibilities of existence and the realization of rights.

Bodies, understood collectively, are situated within the concept of biopolitics, which places the living—and therefore mortal—body at the center of all politics. They confront the perspective of controlling the female body as established by Christianity and other religions. They advocate for reproductive justice, including sexual freedom and autonomy over one's own body, making visible the material consequences of embodiment within intersectional power relations, in which the politics of the body emerges as a central pillar in women's lives. They also challenge the construction of the stereotypical image of the “Third World woman.”

Bodies defend the commons, echoing the same defense historically carried out by women through their collective practices. They resist compulsory heterosexuality and engage in processes of disidentification that enable the contestation of dominant ideological interpellations, aiming at the construction of a radical multiculturalism grounded in relational and intersectional perspectives. They seek to trace the fractures that divide collectivities, fragmenting the social body while simultaneously strengthening resistance.

Bodies are part of a dynamic world-body space. They confront capitalism, which fails to reflect the authentic economy of society and the social question itself. They also face experiences of damage to their territories and relate to the decision to resist and strengthen identities grounded in the interconnection between territory, body, and ancestry.

Bodies struggle by placing themselves at the forefront of resistance in the public sphere, making visible domestic demands and opening new possibilities for the redistribution of political space. Bodies are transcorporeal, constituting a theoretical site where bodily theories,

environmental theories, and scientific studies intersect and interact productively. Within this framework, bodies advocate for environmental health, rejecting conventional medical models and proposing a broader ecological understanding of health as existing between living and non-living entities.

Finally, it is concluded that the emancipatory potential of the body lies precisely in its capacity for collective articulation and resistance to forms of biopolitical capture. However, it is also recognized that this construction demands greater rigor in theoretical and methodological delimitation. Future research should deepen the articulation between the theoretical frameworks employed and their contexts of production. Such refinement is essential to ensure greater analytical coherence and to strengthen the contribution of debates on the body, law, and social transformation within contemporary legal scholarship.

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The Educational and National Project of Khalil Totah: A Study in Palestinian Pedagogical Reform (1886–1948)

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ABSTRACT

This study investigates the intellectual and pedagogical contributions of Dr. Khalil Totah (1886–1948), a seminal figure in Palestinian education during the British Mandate. By synthesizing archival data from the Quaker archives and the British Mandate records with an analysis of Totah's writings, this research explores his role in "Arabizing" curricula and his vision of education as a tool for cultural resistance. The study highlights Totah's unique position as a Western-educated scholar who advocated for a modern, yet authentically Arab, educational system. It further examines his progressive stances on female education, practical learning, and his nuanced critique of missionary and colonial schooling.

Index Terms: Khalil Totah • Palestinian Pedagogy • Cultural Resistance • British Mandate • Educational Reform • Friends Boys' School

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This study investigates the intellectual and pedagogical contributions of Dr. Khalil Totah (1886–1948), a seminal figure in Palestinian education during the British Mandate. By synthesizing archival data from the Quaker archives and the British Mandate records with an analysis of Totah's writings, this research explores his role in "Arabizing" curricula and his vision of education as a tool for cultural resistance. The study highlights Totah's unique position as a Western-educated scholar who advocated for a modern, yet authentically Arab, educational system. It further examines his progressive stances on female education, practical learning, and his nuanced critique of missionary and colonial schooling.

Keywords: Khalil Totah, Palestinian Pedagogy, Cultural Resistance, British Mandate, Educational Reform, Friends Boys' School

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1 Introduction: The "Forgotten" Architect of Palestinian Pedagogy

At the dawn of the 20th century, Palestine's educational landscape was a contested terrain where identity was forged. Amidst this transition, Dr. Khalil Totah emerged as a visionary reformer. Despite his pivotal role, Totah remained, as Edward Said noted, a "forgotten figure" in modern Arab historiography. This study aims to bridge the gap by analyzing Totah's synthesis of Western progressive education (Columbia University) and his staunch Arab nationalist identity.

2 Intellectual Foundations: Between Tradition and Modernity

Totah's philosophy was rooted in his 1926 doctoral dissertation, *The Contribution of the Arabs to Education*. He argued that the modern scientific renaissance was fundamentally linked to Arab-Islamic civilization, citing scholars like Al-Khwarizmi and Al-Ma'mun as precursors to European enlightenment.

However, his admiration for heritage did not blind him to contemporary flaws. He critiqued the "rote memorization" and "humiliation" inherent in traditional Eastern schooling, contrasting it with the "independent mind" fostered in American middle-class education. For Totah, the ideal model for the Arab world was a "practical democracy" that elevated individuals based on effort rather than lineage.

3 Institutional Leadership: Dar al-Mu'allimin and the Friends School

3.1 Leadership at Dar al-Mu'allimin (1919–1925)

As the first principal of the Government Teacher Training College in Jerusalem, Totah faced the British administration's attempts to depoliticize Palestinian youth. He insisted on a curriculum that balanced pedagogical skill with deep cultural rooting, viewing teachers as the vanguard of national identity.

3.2 The Friends Boys' School (FBS): A Microcosm of Reform

Under Totah's leadership, the FBS in Ramallah became a laboratory for "Arabization." While English was the medium for sciences, Totah ensured that history and geography were taught in Arabic to maintain the students' connection to their land.

Statistical Context: Archival records indicate that between 1921 and 1948, the school reached a total enrollment of 511 students. However, a significant sectarian gap existed; for instance, Christian students often outnumbered Muslims (363 vs. 148), a disparity Totah worked to address by advocating for broader inclusivity.

4 Education as National Resistance: The Peel Commission and Beyond

Totah's pedagogy was inherently political. In his 1937 testimony before the Peel Commission, he condemned the British Mandate's meager education budget and the marginalization of Arab history. He famously argued that missionary schools, despite their contributions, often prioritized foreign interests over the Arab national cause. He called for "financial and intellectual independence," urging Arabs to stop "extending their hands to foreigners" for the education of their children.

5 Progressive Social Advocacy: Female Education and Islam

5.1 The Reformist View of Islam

Totah held a neutral, scholarly view of Islam's role in education. He asserted that the Qur'an was the "original inspiration" for Arab literacy. He viewed the mosque and the church not as relics of the past, but as the historical foundations upon which the modern university was built.

5.2 The Struggle for Girls' Education

In an era of social conservatism, Totah was a fierce advocate for female education. He linked the "national renaissance" (Nahda) directly to the intellectual liberation of women.

- Critique of the Mandate: He criticized the British for leaving 35,000 girls “in ignorance” while the treasury was “overflowing with funds.”
- Religious Justification: He countered conservative opposition by citing historical precedents of female scholars like Umm al-Darda and the Prophet’s Hadith on the obligation of seeking knowledge for every Muslim.

6 The Paradox of Co-Education

While progressive, Totah’s stance on co-education was pragmatic. While he acknowledged that “supervised co-education” in Western liberal societies helped normalize gender relations, he remained cautious about its immediate implementation in the “artificial and tense” social environment of Mandate Palestine. He viewed it as a long-term goal contingent upon broader social reform.

7 Conclusion

Khalil Totah’s legacy lies in his ability to decolonize the Palestinian mind through a balanced educational diet: adopting Western “mechanical and practical” sciences while fiercely guarding the “Arab spirit and language.” His work serves as a foundational blueprint for institutional education in Palestine, proving that pedagogical reform is, in essence, an act of national survival.

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Community-led Housing as an Alternative to the Advance of Militias in Rio de Janeiro

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ABSTRACT

This article examines the evolution of militias' actions in the urban real estate scenario of Rio de Janeiro, highlighting the complex interaction between these groups and the housing market, particularly in popular neighborhoods and projects under the Minha Casa Minha Vida program. Based on the hypothesis that militia domination over space occurs more easily in demobilized territories, alternative housing practices are investigated, characterized by the strengthening of collective land management forms: housing cooperatives, self-governance, and the Community Land Trust. The study's main objective is to present proposals and draw parallels between these organizational forms and the phenomenon of militias, identifying their potential and limitations in confronting armed territorial control.

Index Terms: militias • urban real estate exploitation • community-led housing • Community Land Trust • housing self-governance

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Community-led Housing as an Alternative to the Advance of Militias in Rio de Janeiro

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Abstract

This article examines the evolution of militias' actions in the urban real estate scenario of Rio de Janeiro, highlighting the complex interaction between these groups and the housing market, particularly in popular neighborhoods and projects under the Minha Casa Minha Vida program. Based on the hypothesis that militia domination over space occurs more easily in demobilized territories, alternative housing practices are investigated, characterized by the strengthening of collective land management forms: housing cooperatives, self-governance, and the Community Land Trust. The study's main objective is to present proposals and draw parallels between these organizational forms and the phenomenon of militias, identifying their potential and limitations in confronting armed territorial control.

Keywords: *militias, urban real estate exploitation, community-led housing, Community Land Trust, housing self-governance*

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1 Introduction

Over the last two decades, Rio de Janeiro has witnessed the expansion and increasing complexity of armed groups known as militias. This phenomenon gained significant public attention in 2007 and 2008, when, respectively, the kidnapping and torture of journalists in the Batan favela, in Rio de Janeiro's West Zone, came to light, and the Parliamentary Inquiry Commission (CPI) on militias was established in the Legislative Assembly of Rio de Janeiro (Alerj). From that moment on, the group's *modus operandi* was more clearly defined: territorial domination sustained by firearms; coercion of residents and shopkeepers through the collection of fees and compulsory services; social legitimacy associated with order and protection; participation of state agents within their administrative structure; and the occupation of political offices and legislatures (Cano and Iott, 2008). Nevertheless, militias are highly mutable groups, operating in diverse ways, across different contexts, and through broad and complex profit-driven schemes. This makes it necessary to examine their new activities and reconfigurations - among which we highlight, in this article, their production and exploitation of the urban real estate market.

The process of militia expansion connected to the growth of the urban real estate frontier in the metropolitan region of Rio de Janeiro - through fraudulent land titling, the establishment of legal and illegal subdivisions, and other operations replicated by these armed groups - began to be uncovered in the late 2000s through the work of Silva, Fernandes and Braga (2008). However, what initially appeared as a dispersed activity among others has since become a highly profitable enterprise, as demonstrated by more recent studies (Geni and Observatório das Metrópoles, 2021; Petti, 2021; Observatório das Metrópoles, 2022).

Despite the relevance and contributions of these studies in evidencing the territorial dimension and the exploitation of the urban real estate market, most reflections on "alternatives" and "confrontation"

remain restricted to the sphere of public security and to state-led mechanisms of control, oversight, and regulation of services - approaches of undeniable importance, though insufficient to fully understand the question (Barbosa Filho, 2025). Going further, this article argues for the need to analyze urban practices and policies that can resist the militia phenomenon, with particular attention to the potential of community-led models of land and housing management.

This work seeks to explore the hypothesis that promoting property and housing models aimed at strengthening collective land management may constitute a way to counter and hinder the militias' advance into the real estate market within low-income territories. Communities that are demobilized, lacking consolidated support networks and effective resident participation in governance, become more vulnerable to militia action and control, which strategically exploit this highly profitable gap.

Beyond individual forms of property and housing, models of land and housing management rooted in collective logics are increasingly gaining ground in public debate. These practices aim to deepen collective governance and community control over territory, challenging the conception of land as a mere commodity (Davis, 2020). In Brazil, particular importance is attached to instruments such as self-management, housing cooperatives, and the Community Land Trust (CLT). This article reflects on how these mechanisms for strengthening community land management intersect with the militia phenomenon, discussing their possibilities, contributions, limitations, and challenges.

The exploratory research presented here points toward an aspect still scarcely examined within academic studies on militias. Even so, it is important to acknowledge the limitations of the proposed argument. The most notable among them is the lack of many robust empirical data to substantiate and reinforce the hypothesis. At present, housing cooperative experiences in Rio de Janeiro remain limited, and no operational CLTs exist - only projects under development. Despite these constraints, the analytical exercise is relevant insofar as it suggests new approaches to the problem.

The text is organized into three sections, in addition to this introduction and the concluding remarks. The first reconstructs a historical interpretation of the formation of militia groups up to the present, emphasizing their new modes of operation. It includes a subsection analyzing the practices and performance of these paramilitary organizations in the production of the city, particularly in the construction and control of housing in low-income areas. The second section situates the debate on community land management models and their potential in Brazil, with emphasis on housing cooperatives and CLTs. The third section explores the potential of alternative management and housing models given the militia issue, as well as some of the challenges they face. In the concluding remarks, we present an overview of the arguments and reflect on possible research developments.

To meet the objectives of this study, two methodologies were employed: first, a bibliographical review, aimed at reconstructing the militias and their evolution in the real estate market, as well as defining the concept of community land management and the housing models that seek to promote it; and second, complementarily, a tracking and monitoring of media coverage on the real estate market, on the control of condominiums within the Minha Casa Minha Vida (MCMV) program, and on the micro-regulations enforced in these developments.

The purpose of this work is not to propose a definitive “solution” to the problem of militia domination over territory, but rather to explore and reflect on new paths and possibilities. The expectation is that investigating the relationship between community land management and forms of armed territorial control can contribute both to exposing militia business practices and to advancing new insights that move toward the construction of the right to the city.

2 The evolution of militias in Rio de Janeiro

It is commonly argued that the emergence of militias is connected to death squads and killer groups that appeared in the 1960s, particularly in the Baixada Fluminense (Alves, 2003; Manso, 2020). In this sense, militias are understood to have originated from the convergence of practices and experiences throughout the second half of the 20th century, among which we can highlight: hitmen groups, police corruption, military repression, involvement with the *jogo do bicho*, clientelism, direct or indirect participation in politics, and relations with branches of government (Barbosa Filho, 2023). In this regard, the Baixada Fluminense, on the outskirts of Rio de Janeiro’s metropolitan region, brought together all of these elements.

Precarious urban infrastructure, the absence of regulation, the lack of oversight of security agents, and the limited monitoring of their actions enabled alternative forms of managing urban problems and conflicts to emerge - ones that transformed violence into both a guarantor of order and a lucrative market for the buying and selling of security.

The perception of the region as a “no-man’s land,” where “the law of the trigger [was] as natural as the law of gravity” (Alves, 2003, p. 41), created a concrete and threatening problem for business owners and residents, namely thefts, robberies, and other forms of “deviant behaviors.” In response to this local demand, killer groups began to organize themselves against robberies in the region, often supported by police officers who were backed by the military dictatorship’s repressive organs and who became part of their “administrative body”: “a militia based on the private use of the judicial apparatus was maintained by the state’s public resources” (Alves, 2002, p. 62).

Local acceptance grew out of the belief that the groups were “ordering” the territories through corrective acts—targeting thieves, neighborhood troublemakers, “vagabonds,” and all other “deviants,” but

never against workers and “decent people”. Nevertheless, numerous massacres were carried out during this period, several clandestine graves were uncovered, and violence came to be interpreted as a constitutive feature of the Baixada Fluminense, functioning as both a structural and structuring element (Rodrigues, 2017).

At first, only a small number of state officials joined these groups, a situation that changed over the decades. Unlike the current *modus operandi* of militias, which exercise control over a defined territory, these early groups operated throughout the Baixada Fluminense without fixed boundaries or rival group demarcations. Their activities also included supporting electoral candidates - through executions and/or intimidation - seeking office in both the legislative and executive branches, as well as providing security services for *bicheiros* and their gambling stalls. It is important to note that these groups’ actions were fundamentally grounded in the logic of fear and explicit violence, with minimal mediation. They employed death as the ultimate instrument for resolving conflicts and were “closer to the *sertanejo* gunmen than to the security dealers found in the city today” (Zaluar and Conceição, 2007, p. 91). In that period, their capillarity was still limited, their practices diffuse, their markets were incipient and fragmented, and their political insertion was indirect.

From the 1980s onwards, with the multiple demands of new urban actors, the weakening of the business-military dictatorship, Leonel Brizola’s first-term proposal to confront homicides in favelas and peripheral areas, as well as growing media exposure of killings, massacres, and torture, killer groups began a process of autonomization from the police apparatus. In other words, civil and military police officers increasingly acted as brokers of services for these groups, remaining involved, but less directly, while a competitive security market began to emerge, with several new groups in operation.

In this process, Alves (2002; 2003) highlights a movement of “peripheralization” of death squads - that is, their expansion and entrenchment into other neighborhoods across the municipalities of the Baixada Fluminense. From that point on, they acted as organizations tied to specific territories rather than as “mobile” groups roaming the region. The spatial division of domains and its consequences (electoral fiefdoms, security provision, ties with contraventions, etc.) marked the first substantive changes in groups that had previously acted diffusely. The groups now bound themselves to a given locality and positioned themselves as defenders of residents’ interests against thieves and bandits, exploiting narratives of morality, proper conduct, and “good customs.”

Entry into institutional politics soon became a path envisioned by many (former) killers, given the advantages of parliamentary immunity from prosecution and the multiple benefits associated with public resources, which could be mobilized to expand their spheres of influence and increase financial gains.

In the Baixada Fluminense, in the early 1990s, members of death squads - under the violence-clientelism nexus - were elected to local legislatures and executive offices (mayors and councilors). Meanwhile, in the Rio das Pedras favela, in Rio de Janeiro’s West Zone, an “ideal type” of militia emerged, much more concerned with legitimacy and local acceptance. In other words, the classic forms of intimidation and physical coercion gave way to a softer, less aggressive, and more publicized approach - though coercion did not cease to exist. In Rio das Pedras, militiamen emphasized the absence of drug trafficking (in contrast with other favelas), highlighted their “philanthropic” work with children (mainly through sports and the distribution of toys), and engaged with residents in discussions about local problems and needs. This process sought to build trust among the population and position militiamen in public institutions as “spokespersons of the community.”

At the same time, the groups' revenues increased significantly, driven by an increasingly diversified portfolio of services, including the sale of LPG gas cylinders, charging of security fees from local businesses, fraudulent land sales, the formation of alternative transport services oligopolies, and the sale of building materials, among others.

The issue of public security and drug factions dominated political discourse and the front pages of newspapers and magazines on a daily basis, saturated with sensationalism and histrionics, in the quest for a savior figure versus a villain (typically "public enemy number one" designated by the authorities). On the one hand, the "battle" against retail drug trafficking built social legitimacy for militias in the eyes of local residents, who perceived themselves as free from the "degradation" of illicit substances, police operations, and clashes among rival factions. On the other hand, militia representatives increasingly inserted themselves into state apparatus, providing support to these groups, even if from a distance or indirectly (Barbosa Filho, 2021). During this period, the press began adopting the term "militia" instead of "armed groups" or other labels, introducing a new nomenclature for organizations that were being structured in certain areas of the state and presenting them as a "real alternative" to violence and organized crime.

According to Alves (2008), for nearly two decades these groups developed in the shadows, without intervention from public security forces, which allowed them to expand economically, politically, militarily, territorially, and hegemonically, establishing sophisticated partnerships with other militia groups and with spheres of public power. This raised another issue for the author: the entanglement and the indistinguishable aspect between the state and organized crime — or, more specifically, "the extent to which the state itself is involved in crime or even promotes and organizes crime" (*ibid.*, p. 37).

In fact, militias only gained visibility as a public problem in 2007, following the torture of three journalists in the Batan favela, in the Realengo district of Rio de Janeiro's West Zone. This led to the creation of the Parliamentary Inquiry Commission on Militias in 2008, which produced a detailed description of these groups and their dynamics. Since then, substantial efforts have been made to unveil their modes of operation, their configurations, and their reconfigurations, with particular emphasis on the studies of Hirata et al. (2022), Santos Junior et al. (2022), and Carvalho, Rocha, and Da Motta (2023), in addition to press reports. Even so, in order to conceptualize these groups today, we may turn to the "established" definition of Cano and Iott (2008), which encompasses a set of practices that have persisted over time:

- 1) The control of a territory and its inhabitants by an irregular armed group;
- 2) The coercive nature, to some degree, of this control over the territory's inhabitants;
- 3) The pursuit of individual profit as the primary motivation of the members of these groups;
- 4) A discourse of legitimacy centered on protecting inhabitants and establishing an order which, like any order, guarantees certain rights and excludes others, while also generating rules and expectations to standardize conduct;
- 5) The active and recognized participation of state agents as members of these groups. (*ibid.*, p. 59)

Notwithstanding this definition, it is important to stress that militias are highly mutable groups, operating in different ways, across diverse contexts, and with a wide range of service portfolios. This presents both

a significant research agenda for the coming years and the challenge of outlining their new activities and reconfigurations, such as: (1) expansion into new areas of the metropolitan region and the state's interior; (2) alliances with drug trafficking, forming what has been referred to as narco-militias; (3) production and exploitation of the real estate and urban services markets; and (4) co-optation of residents' associations.

In line with the purpose of this text, we now turn to explore the production and exploitation of the real estate market, drawing on media reports and other references that contribute to an understanding of the phenomenon.

3 Militia exploitation of the urban real estate market

The unveiling of militia expansion in relation to the growth of the urban real estate frontier in the Rio de Janeiro metropolitan area — through fraudulent land titling, the establishment of legal and illegal subdivisions, and other operations replicated by these armed groups — began in the late 2000s with the work of Silva, Fernandes, and Braga (2008). Their research highlighted that new processes of criminal territorialization, carried out by these "real estate entrepreneurs," were reshaping the landscape of favelas and peripheral areas, while the violent appropriation of land rent by criminal agents created new opportunities to leverage their activities. However, what was merely one activity among others eventually became a major source of profit.

The report *The expansion of militias in Rio de Janeiro: state force, real estate market, and armed groups* (2021), co-produced by the Observatório das Metrópoles (Ippur/UFRJ) and the Grupo de Estudos dos Novos Ilegalismos (Geni/UFF), demonstrated that, transitioning between the legal and the illegal, the formal and the informal, and the licit and the illicit, militias obtain a dual advantage — both political and economic. By cross-referencing data from the Map of Armed Groups, produced by Geni and Datalab Fogo Cruzado (Hirata, Couto, 2022), with data from police operations, the report found that between 2007 and 2020, areas dominated by militias witnessed fewer police operations when contrasted with territories under the control of retail drug factions. This constitutes the political advantage: militia-controlled territories are less subject to state repression. Similarly, an investigation conducted over three years by Igor Mello and Lola Ferreira, published by UOL in 2020 under the title *The invisible hands of the militia*,¹ concluded that only 88 police-related shootouts occurred in militia-controlled areas (2.97% of the total), whereas 2,333 shootouts occurred in areas controlled by retail drug factions (78.8% of the total). Unsurprisingly, the perception of "tranquility," tied to the lower number of shootouts, constitutes one of the pillars of "militia morale" and its legitimacy (Araújo Silva, 2017; Hirata et al., 2022).

With regard to economic advantages, the report's authors analyzed the Map of Armed Groups in conjunction with data from the Rio de Janeiro Urban Planning Department (SMU) on licensing and building regularization. They concluded that between 2009 and 2019, areas under militia domination — primarily in the West Zone — displayed the highest rates of licensed and regularized housing units. In other words, by navigating between legality and illegality, militias assemble a strong and complex structure designed to capture financial gains from urban growth.

Militias acquire land — generally well below market value — displace residents from favelas and peripheral neighborhoods, and expand the urban real estate frontier into environmentally protected areas or low-density zones, often with the acquiescence of oversight agencies. They then build apartment blocks, semi-detached houses, small and medium-sized condominiums, and flats. Depending on location and

architectural style, these developments may appear as low-income housing or as middle-class projects, but they are typically of poor quality and frequently lack mandatory legal documents, such as the General Property Registry (RGI). This process also contributes to the marked trend of verticalization in low-income areas.

This form of activity can be classified as “own housing production”, meaning the direct construction of housing units — always operating within the porous boundaries of legality and illegality. Media attention intensified after two buildings collapsed in the Muzema neighborhood, in Rio de Janeiro’s West Zone, killing more than twenty people. Investigations indicated that the local militia was responsible for the construction (BBC News Brasil, 2019). Following the collapse, other cases came to light and government measures were taken, including the demolition of two militia-built condominiums in Pedra Branca State Park, in Senador Camará (Araújo, G., 2021), as well as the demolition of a militia-constructed building in Rio das Pedras - valued at 2 million Brazilian reais and located on public land (Enfoco, 2021).

Another form of militia involvement in the urban real estate market is the “control of public housing production.” In this modality, militias dominate state-built housing projects, particularly those developed under the Minha Casa Minha Vida (MCMV) program or the Casa Verde e

Amarela program, implemented under the federal government of Jair Bolsonaro. A survey by the Observatório das Metrópoles (2022) of online press coverage revealed allegations of territorial control by armed groups in 67 of the 106 MCMV Tier 1 developments - designed for the lowest-income population - 45 of which involved militias and 22 drug trafficking factions, between 2015 and 2022. When grouped by address (since many condominiums are adjacent but registered under different names due to contractual arrangements), 37 MCMV projects were identified in the municipality of Rio de Janeiro. Of these, 19 (52%) had allegations linked to militias, 6 (16%) to drug factions, and only 12 had no reported allegations.

MCMV housing developments under militia control follow the logic of territorial domination. In other words, a project located in a neighborhood already dominated by an armed group tends to also fall under its control, with management and services subordinated to it. Territorial disputes likewise affect condominium control: when armed control of a given area shifts - whether between militia groups or drug factions - the management dynamics of housing projects shift accordingly. Figure 1 illustrates that most MCMV Tier 1 housing units were constructed in militia-dominated territories, which explains their control over the majority of these projects.

The complaints reveal the extent of the control exercised by militia groups in these housing estates. Management and micro-regulations in the housing units are carried out using various strategies, such as the sale of classic militia services (private security, gas, illegal cable TV and internet services, etc.), the role established between the administration of the residences (building managers) and the militias - in some cases, the militia members themselves are the building managers — and, in addition, the use of communal spaces for private benefit, as leisure areas and internal circulation streets become potential spaces for building apartments and stores.

From media reports, which today play a central role in disseminating perceptions, facts, and analyses about urban violence, illegal activities, and public safety, as well as guiding social actors, it is clear that, in addition to internal control of the condominiums (via fees and services), the militiamen regulate who can and cannot stay in the condominiums, given the fees charged. In other words, if service fees are not paid on time, the group expels residents and puts the property up for sale. However, not infrequently, the “justification” for evicting residents

for non-payment is not used, and the classic form of intimidation is employed, forcibly emptying the residences through the explicit use of force (GazetaWeb, 2019). The militia groups also “mediate” purchases and sales, charging from 10% to 50% of the sale price of properties in their territories (Benmergui and Gonçalves, 2019, p. 382), exercising full control over all transactions and accounting for houses susceptible to appropriation and new residents to whom they can offer their “services.”

It should also be said that the presence of militia groups in MCMV condominiums is not an isolated case, but rather a trend that has been consolidating in the group’s range of activities, confirming the complexity of its articulation. In an effort to expand their influence and legalize their actions, reports on CNN Brasil indicate that the militia has even created a residents’ association with the aim to seek assistance from the Federal Public Defender’s Office (and, when necessary, other competent bodies) to ensure that community residents have access to MCMV housing (Resende, 2020). This effort and transit between the legal and the illegal are neither random nor structured to help residents; on the contrary, they show the sophistication, articulation, and insertion into spaces that are impenetrable to other criminal groups. Therefore, given this bureaucracy, we can see the need for a specialized technical body to manage and promote the entry of militia members into the legal spheres of the public sector.

In other words, the militias act in the interstices of the legal and the illegal, the licit and the illicit, the formal and the informal (Telles, 2010), with institutional support, appropriating government housing complexes or common residences in popular areas. This practice has been consolidating as a form of real estate management of its own, benefiting from the absence of effective territorial control by the original residents. This is the case with the militia’s appropriation of MCMV condominiums, which takes place almost without resistance and sometimes ends up filling a “gap” in non-existent management.

Given this scenario, in which urban space involves its own form of territorial management at the borders of the legal and the illegal, it becomes necessary to search for new possibilities of resistance - practices capable of rivaling the appropriation of popular territories by the militia (Barbosa Filho, 2025). Based on the understanding that militia control is more easily imposed on demobilized territories, lacking mature community organization and pre-existing support networks, it is worth considering other forms of land management, characterized by a more prominent role for residents and the presence of technical assistance and partner organizations. The following sections focus on this theme.

Another important element of these experiences is a collective logic that is established (to a greater or lesser degree) and governs all stages of habitat production, including the planning, construction, management and use of the territory. Many make use of collective property models to formalize their land rights (Nahoum, 2011), as well as creating clear definitions of the limits of land use, established in rulings that are built and approved by the residents themselves. Governance of the territory is also usually carried out in a participatory manner, with residents and external partners are encouraged to take part in day-to-day community management.

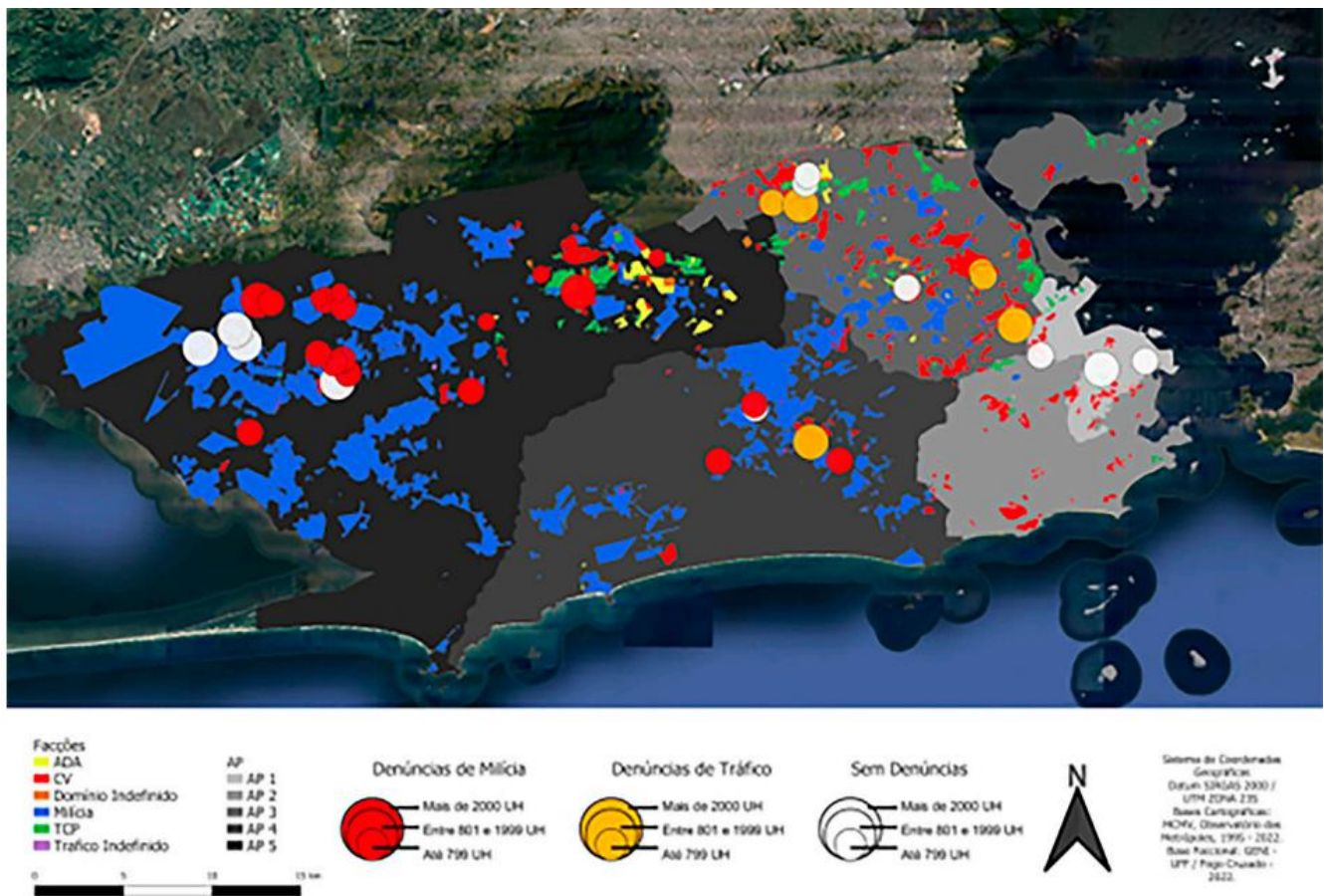


Figure 1. Distribution of MCMV housing developments with allegations of control by territory dominated by factional group — Rio de Janeiro, 2022

Source: Map of Armed Groups — Geni/UFF, Fogo Cruzado (Hirata and Couto, 2022); Reports of control over MCMV Housing complexes — press information gathered by Observatório das Metrópoles — 2015–2022.

4 Community land management and the social production of habitat

What we mean here by community land management refers to a series of housing practices conceived, executed, and managed collectively by grassroots groups. In general, these initiatives seek to break with a logic of housing production and management based on profit, which reinforces the exchange value of housing and its potential as a financial asset, to the detriment of its use value as a fundamental right.

Community-led housing experiences tend to operate outside the state-market duality. This does not mean that they are totally isolated from contact with these two spheres - in several cases we see active dialogue with public authorities and private agencies, especially to obtain funding - but rather that the leading role in the production and management of housing lies with the agents involved in its conception (Ortiz, 2012). When we look at the main actors working with these models, we find social movements, non-profit associations, cooperatives, and autonomous residents organized collectively.

By breaking with a speculative view of urban land, collective housing arrangements have the potential to present alternatives to the commodification and financialization of land. The central objective is not to extract profit from urban land, but to ensure that the territory serves an entire community and that eventual real estate appreciation is not appropriated individually. We see in these initiatives a concern with guaranteeing affordable housing for low-income families who are unable to access housing through formal market mechanisms.

Nevertheless, what is the actual presence of experiences in Brazil? Of community housing management in Brazil? In an analysis of the history of the social production of housing in Brazilian urban planning, Krause and Balbim (2014) identify isolated and localized experiences aimed at housing production through social agents such as residents and technical advisors, with little involvement in public housing policy:

The scale of the effort and the retrospective of housing production and the city allow us to point out the importance of the social production of housing as a form that has historically been little recognized and incorporated by public policy, but which is extremely widespread in the sense of our real cities and in the desires of our social movements. (Ibid., p. 12)

Experiences of community-led housing have historically been practiced by grassroots groups and social movements in Brazil, albeit with little stimulus of housing policy. They offer new approaches to tackling the problem of housing, taking residents as policy agents and not just beneficiaries. In addition to housing provision - that breaks with the dichotomy between the market and public authorities - these models have been developing alternative forms of space organization and management.

In addition, deepening community control over the territory has the potential to make it more difficult for parallel power groups, such as militias, to force them to take it over. A higher degree of collective organization, the existence of structured support networks and links with partner organizations working on the land are elements that provide greater protection against external threats of co-optation. Mobilized

communities erect additional obstacles to attempts at territorial control by groups with their own interests.

For a better understanding of community land management practices, we will analyze two models in this article: Housing Cooperatives and CLTs.

5 Housing cooperatives

Housing cooperatives exist in different countries around the world and take on very different forms. Some experiences are focused only on the construction of new units, while others also focus on their future management; some operate with a high degree of independence, while others work in partnership with the public authorities or the private sector (in terms of financing or subsidies). In some cases, the property is owned by the cooperative, while in others the units are individualized and distributed among the members. Whatever format it adopts, we can say that the cooperative has at least two key points: the adoption of models of collective ownership and/or governance of the territory and housing production and management that is not guided by market dynamics (Baiges, Ferreri and Vidal, 2020).

The first experiences date back to the end of the 19th century, and today the practice of cooperative housing is widely consolidated around the world. In some countries, housing units built and managed by cooperatives represent a significant portion of the total housing stock. By acting outside the provision of housing via the formal market, or the dependence on the public sector for the construction of units (which is often limited or non-existent), cooperatives have often presented themselves as the only solution for guaranteeing the right to adequate housing for people with low purchasing power.

In Latin America, it is worth highlighting the experience of mutual aid housing cooperatives, which are widespread in Uruguay. Inspired by the Swedish cooperatives of the 1960s and the values of Latin American indigenous movements, this system has a number of fundamental principles, including: (1) self-management in housing construction and management; (2) collective ownership of the land and housing units in the name of the cooperative, in order to prevent gentrification and speculation; (3) mutual aid between cooperative members at all stages of the project; and (4) ongoing technical assistance from a multidisciplinary perspective (Arnold and Quintas, 2020).

Through the efforts of the Uruguayan Federation of Mutual Aid Housing Cooperatives (Fucvam), the mutual aid cooperative model is constantly spreading around the world. Today we find initiatives to replicate the model in Latin America, in countries such as Mexico, Bolivia and Chile, and even in more distant regions such as South Asia and parts of the African continent.

In Brazil, it is worth highlighting the experience of the National Union for Popular Housing (UNMP), leading the cooperative movement based on principles such as housing self-management. Based on *mutirão* practices and self-construction of housing units, the complexes built with the support of the popular movement carry elements such as the protagonism of residents, community management and a non-speculative approach to urban land (Lopes et al., 2019). Part of these initiatives were financed with funds from Caixa Econômica Federal, under the *Minha Casa Minha Vida-Entidades* program².

In Rio de Janeiro, there are few concrete examples of cooperative housing practices. In part, this can be explained by the low rate of funding for these initiatives and the choice to produce large-scale developments as a housing policy, as evidenced by the MCMV Program. However, it is worth mentioning a few, such as *Cooperativa Shangrilá* (Lima, 2023) - the first in Rio de Janeiro - and *Grupo Esperança* (Bordenave, 2022), both located in Jacarepaguá, in Rio de Janeiro's

West Zone. To encourage self-managed housing production, in 2021 the Self-Management Bill was proposed³, which seeks to raise funds and regulate the practice, claiming its space and relevance in housing policy.

6 Community Land Trust

The Community Land Trust is a model of collective land management characterized by the separation of ownership of land (collective) and ownership of buildings (individual). The main objective is to remove the territory from the real estate market, guaranteeing continuous affordable housing and security of tenure for communities.

The origins of the CLT go back to the movement for civil rights and racial justice in the United States in the 1960s. At first, it was thought of as a mechanism for acquiring agricultural land for the subsistence and economic development of black communities marginalized by the politics of segregation. From the 1980s onward, the model reached North American cities, adapting to this new context and starting to respond to new challenges, especially the provision of affordable housing. It was at this time that the model was consolidated and spread rapidly (Davis, 2010).

Today, we find CLTs in different parts of the world, mostly in countries in the global north. In 2017, the CLT was recognized by the New Urban Agenda as a sustainable and affordable housing option and should be supported by states, which has contributed to its replication elsewhere. Recently, the model has been adopted in countries of the Global South, being used in the context of informal settlements undergoing a process of land regularization, from consolidated cases in Kenya and Puerto Rico and ongoing initiatives in Bolivia, Bangladesh and Brazil.

The wide dissemination of the CLT around the world was only possible thanks to its flexible nature, which allows it to be adapted to different contexts. However, at least five fundamental characteristics are observed in any situation: (1) spontaneous adherence by its members; (2) collectively owned land; (3) individually owned houses and buildings; (4) community management of the territory; and (5) housing affordability (Antão and Ribeiro, 2020).

Regarding the collective ownership of the land, some clarifications need to be made. In every CLT, the land is owned by a non-profit organization, composed and managed by the residents, whose aim is to administer the territory based on the guidelines expressed in the internal bylaws. This organization cannot sell the land or give it as collateral, which in turn is taken off the market, and only the buildings can be negotiated - which reduces the cost of housing (Guimarães, Diacon and Clarke, 2005).

Experiences with the CLT around the world have demonstrated the model's potential to guarantee security of tenure for residents, protecting them both from removal attempts perpetrated by the state and from processes of gentrification and real estate speculation, which threaten the permanence of communities in their spaces. Community control over the territory - combined with collective governance that can count on the support of former technicians, members of the public authorities, etc. - seeks to give residents a greater voice in defining the direction of their development. In this sense, the experience of Puerto Rico stands out, in which eight communities located in an upscale area of the country's capital, San Juan, underwent a process of land regularization and adopted the CLT as a model for managing their territory, an emblematic experience that demonstrated the model's potential for favelas⁴ (Algoed et al., 2018).

In Brazil, there is still no CLT in operation. The model has been receiving attention from researchers, public managers and members

of social movements for its potential to contribute to the provision of affordable housing and the maintenance of spaces under the effective control of residents. Recently, the CLT was included among the urban policy instruments in Rio de Janeiro's new Master Plan (PLC 44/2021), as well as having been approved in the Master Plan of São João de Meriti (a municipality in the metropolitan region of Rio de Janeiro). There is currently a project underway in Rio de Janeiro⁵ that is trying to make the implementation of the model feasible, working with some interested communities and seeking to create institutional conditions more favorable for its adoption.

7 Community land management in the face of militia control

Before listing and exploring some of the characteristics of community land and housing management experiences that can hinder militia control over popular territories, it is necessary to point out some of the challenges that the militia imposes on these practices.

Firstly, housing initiatives based on community management - such as Housing Cooperatives and CLTs - depend on the active mobilization of residents in order to be successful. They are the protagonists in the direction of territorial governance and must have the freedom to choose definitions that reflect their wishes. The premise for effective community control over land is a high degree of participation by residents in decisions that affect the organization of space and relations between its inhabitants.

Thus, in territories where residents feel constrained to put forward their interests, or even coerced into defending other demands, community organizing may be at constant risk, affecting the proper functioning of territorial management. As we saw earlier, the militia uses a variety of strategies to co-opt agents involved in territorial organization, from spreading discourses that foster a certain legitimacy for the use of brute force and threats of physical harm. It is to be expected that there may be similar attempts at co-optation in collectively managed spaces based on co-operatives or CLTs, which are not immune to this risk.

Community land management experiences face additional difficulties in militia areas due to the constant risks posed to the full exercise of community organizing, one of the conditions for their functioning. The greater the degree of participation by residents, the more successful community management models are in responding to collective desires and promoting appropriate development. The perception that there are constraints restricting the free expression of residents' may lead to a lower degree of mobilization, bringing new challenges to these experiences.

Another challenge faced by community management concerns the forms of association adopted. In both CLTs and Housing Cooperatives, residents organize themselves by creating legal entities to represent their collective interests. These organizations are structured according to internal statutes approved by the residents and have their own councils and internal management bodies. In the case of CLTs (as well as some housing cooperatives), the organization created becomes the formal owner of the land, responsible for managing it and keeping housing affordable for low-income families.

The militia is well known for its familiarity with more complex organizational arrangements. Many residents' associations, for example, have already had their physical spaces seized and used to support criminal activities (Informe Agora, 2023). Others have been completely co-opted by militia groups and have started to act according to their wishes, interests, including charging for services such as issuing proof of residence and mediating the sale of houses (Araújo, V., 2021). Furthermore, as already mentioned, the militia has even created an association of residents to represent its interests before public bodies,

demonstrating its malleability and ability to move between the legal and illegal boundaries.

The appropriation and co-optation of residents' associations by the militias has its reasons in the intermediation of interests in the territory that they have historically constituted, between the population and the government. To dominate the associations, therefore, is to neutralize a possible political rival and bring together an institution that promotes legitimacy.

Thus, community-led housing initiatives may face the challenge of curbing attempts by the militia to appropriate the legal entity, a practice that is already being carried out by these groups. The full functioning of this organization, with residents actually controlling the entity, is an essential factor for the proper functioning of these experiences, and the risk of co-optation brings new obstacles. However, these are not insurmountable and there are ways, in the very structure of the entities, to restrict the risks, as will be discussed below.

Having recognized some serious challenges of community-led initiatives in militia territories, we move on to the focus of the work, which is to reflect on and explore their potential in resisting militia territorial control. The very challenges pointed out suggest some paths and solutions found in the practices adopted by these arrangements.

The focus on strengthening community organizing is the great potential of self-managed housing models to hinder the appropriation of space by the militia. Unlike the MCMV housing policy, where residents are brought to a ready-made development, which they had no part in building, come from different places and have no ties to the new territory, which hinders solidarity, sociability and bonds of unity around improvements, as well as being subjected to management that does not invite them to participate, in community land management models the residents themselves are the agents involved in the production and maintenance of the local neighborhood. The fact that residents play a leading role in all phases of the project, from design and construction to future management, tends to create a much greater sense of collectivity and unity, an environment that encourages collective engagement.

This is the case of the Cooperativa Habitacional e Mista Shangri-lá, for example, located in the West Zone of Rio de Janeiro and which today houses 29 families. In this experience, which dates back to the 1990s, the residents built their houses themselves, using a joint effort system in which each family group dedicated hours of work each week, obtaining funding from various organizations and even producing their own building materials (Litsek and Hernandez, 2023). As part of the self-construction process, there was such concern about the engagement of the future residents that the leaders created a Mobilization Committee, which took on the responsibility of fostering the integration of the cooperative members. In addition, the creation of collective spaces was a central point, with the aim of providing residents and neighbors with places to meet and exchange, both for leisure and for assemblies, and a central courtyard, a community center and a chapel were built in the place (Huguenin, 2013). These measures resulted in the formation of a strong sense of community, fostering support networks based on mutual aid and strengthening the group's internal cohesion.

The Shangri-Lá housing cooperative experience demonstrates a model of housing production and management that relies on community control over the land. From the outset, residents demanded that the houses could not be sold and, in the event of a change, the cooperative member would be reimbursed for the hours worked and the house would go to another family in line with the principles of cooperativism. Huguenin points out that the experience has gained legitimacy within the neighborhood, a greater degree of organization that has helped protect residents from external threats, such as militia groups operating in the area: "The group has achieved a certain autonomy in the

neighborhood, facing the parallel power of the militias, being the only one not to pay a monthly fee to this criminal faction" (ibid., p. 27). Over the years, the Shangri-Lá Cooperative has achieved a high degree of social control over the territory, which is evident from the organizational practices adopted, cohesion around common goals and the development of a sense of internal unity.

A community with such characteristics assumes responsibility for the governance of the territory, a governance based on the residents themselves, together with technical advice. Here, there is no gap in territorial management, no space to be filled by other agents. The militia therefore faces obstacles in taking on the role of property manager, charging fees to finance the operation. In addition, a broad network of solidarity between residents is quite visible in these initiatives, as a way of guaranteeing mutual support in cases of intimidation by militia groups.

A second aspect of collective housing initiatives that can help make it more difficult for the militia to dominate is the associative practices they adopt. As seen above, both Housing Cooperatives and CLTs use the creation of legal entities to make their operations viable and in militia territories, these entities will need to protect themselves against co-optation attempts. However, we can find in the very mechanisms adopted by these organizations ways to hinder the threats of external control.

In the CLT, the non-profit organization that owns the land can never sell it, but is restricted to managing it on behalf of the residents. The buildings can be sold, but it is possible to impose some of these restrictions on the sale in order to keep the cost of the housing affordable. One is to impose a resale formula, in order to set a ceiling for transactions; another is to establish a profile of potential buyers, so that the house is purchased by low-income families with ideals in line with those of the community. It is also possible to create a lottery system so that the houses are transferred to a randomly selected family, based on registration. In short, there are a series of restrictions that can be placed on real estate transactions, restrictions that are present in the organization's statutes - registered at a notary's office - and that may hinder the militia's attempts to act as mediators in real estate transactions.

In addition to rules on the management of housing units, guidelines can be stipulated to increase direct control of the organization by residents. Issues that can only be decided by a general meeting with a set quorum, for example, or even channels for residents to carry out projects and develop activities, avoiding as much as possible centralized management that could be co-opted by the militia. The possibilities for structuring such an entity are vast and can take into account a central concern to avoid co-optation by armed groups. In the case of Puerto Rico, for example, in addition to the CLT, an organization called the G-8 was established, made up of community leaders from the eight slums of Caño Martín Peña, which takes on the role of engaging residents and guaranteeing them the power to influence the direction of the CLT's management. In addition, the participation of women, young people and children is encouraged, with young people having the right to vote on certain issues (Algoed et al., 2018).

Finally, another factor that reveals the potential of community land management experiences in the face of militia domination is the participation of technical allies and organizations in land management itself. In any initiative of this nature, technical advice occupies a central place, not only in the construction of the units but also in the future administration and development of new projects. In CLTs, for example, there is a widespread international practice of reserving seats on the organization's management board for technical allies and local organizations, in order to ensure that these agents act continuously in the collective interest and that there is a greater diversity of voices

represented. The "classic" management structure of CLTs is referred to as tripartite, in which the management board is made up of 1/3 residents, 1/3 neighbors and 1/3 representatives of the public interest (which includes technical advisors and, at times, public officials) (Davis, 2010). This model aims to guarantee proportional representation of different interests, avoiding co-optation by certain groups.

The presence of agents from outside the community on the management board of CLTs or cooperatives may be a factor that hinders co-optation by the militia. Threats or coercion fall much more heavily on people who actually live in controlled areas. Although not impossible, co-opting external agents who are historical partners of the community shall be at least more difficult and may require greater effort. Additional obstacles may exist if the agent in question is a representative of a larger organization with a high degree of social legitimacy or a person holding a prominent position whose representation is at the very least discouraged.

In this sense, a fundamental task for urban theory and practice is to understand and act in the articulation of the territory, contributing to the construction of local patterns of solidarity within a broader political framework, which implies keeping territorially based movements strongly nourished by processes of formation and reaffirmation of local solidarity, and at the same time keeping these movements integrated into broader projects of social transformation (Harvey, 2007).

In self-managed housing experiences, it is common to see the presence of social movements, civil society entities, university extension projects, public bodies, nongovernmental organizations, among other actors. There is therefore a multiplicity of agents working in the territory, bringing their practices and defending their interests. In addition, the possibility of networking with the territory's mediating institutions (schools, cultural groups, etc.) is a fundamental practice to support community management and the construction of patterns of local solidarity within a broader political sphere, which dialogues with what Harvey (2007) calls particularisms and universalisms, i.e. the relationship of solidarity and strong local articulations integrated into social transformation projects.

A scenario in which the territory is crossed by so many forces and processes brings new obstacles to absolute control by the militia, since it will not find a space "free" of any resistance to impose its will.

8 Concluding remarks

Armed territorial control by the militia is wideranging and involves a series of practices and strategies, from charging residents fees under the pretense of providing security, to billing for essential goods and services such as transport, gas, and internet, to building and selling housing units, among other economic activities, always aiming for profit maximization. For the purposes of this article, the emphasis is placed on the role of militias in urban real estate dynamics, identifying the ways in which these groups appropriate and manage built space, and presenting reflections that can help to illuminate this scenario.

The exploratory study presented here highlights underexplored avenues in the scholarly work on the militia phenomenon: what social practices can help curb the advance of militia territorial control over popular territories, particularly regarding their urban-real estate activities. The chosen object was models of community land management, housing practices that break with the traditional state-market dichotomy and emphasize the strengthening of collective action. These experiences carry the potential to protect territories from attempts at forced co-optation, insofar as they create conditions for management by and for residents and rely on a broad and active support network.

The limits of the proposed argument shall not be ignored though. The first, and most evident, is the lack of sufficient empirical data to substantiate the hypothesis. There are few experiences of housing cooperatives in Rio de Janeiro, and there are still no Community Land Trusts (CLTs) in operation. In the map presented earlier, it is not possible to select territories managed by cooperatives and trace the degree of militia control, given the small scale of existing cases. As the number and scope of community housing management experiences in the city increase - especially in militia-controlled territories - it will become possible to carry out more in-depth analyses of their effectiveness in restricting this territorial control. A second challenge is to reflect on elements of urban service provision that can work in tandem with forms of community management; in other words, to rethink and propose new systems for managing, regulating, and supervising transport, water supply, and other essential services, since it is not enough to secure only the housing dimension.

Despite these limitations, the analytical exercise is necessary, as it points to new approaches to the problem. For decades, data, analyses, and theories have been produced on the social phenomenon of militias, but little attention has been paid to alternatives to this scenario and to ways of countering militia strategies of territorial appropriation. If militia activities are becoming increasingly complex, going beyond their traditional criminal practices, new strategies must be sought to confront this process. The adoption of self-managed housing models to contain the advance of militias in real estate appropriation is an open field - a battle in progress, without definitive conclusions - where new analyses, debates, and dissemination of alternatives are very welcome.

NOTES

- (1) The report *As milícias e a exploração de terras na região do Mendanha: estudo de caso*, written by the Research Center of the Rio de Janeiro State Public Ministry (CENPE/MPRJ), is recommended.
- (2) MCMV-Entidades was a modality of the Minha Casa Minha Vida program that allocated financing lines to civil society organizations with the capacity to organize and oversee large affordable housing projects. Despite its importance, the program faced several challenges, the biggest being its limited scope: only 0.7% of all contracts signed under MCMV were allocated to community-led projects (Apsan, Comelli and Landesman, 2021).
- (3) The Bill n. 4.216/2021 (Self-Management Bill) was drafted and presented to the National Congress by popular housing movements. It establishes guidelines for the practice of social housing production through cooperatives, creating the National Self-Management Housing Program to finance initiatives.
- (4) For more information on the Community Land Trust model in Puerto Rico, we recommend Stanchich (2017).
- (5) More information at: <https://www.termoterritorialcoletivo.org/>. Accessed on: 28 Oct 2023.

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