The Observer Actant in the Contemporary Legal Discourse: A Semiotic Meditation

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Massimo Leone, Shanghai University, China; University of Turin, Italy.

"Tempora mutantur, nos et mutamur in illis."[2]

1. Introduction.

Depending on the specific scopic context, a certain range of degrees of visibility is considered as normal in a given culture. Laws and rules in societies accurately regulate the amount of visual access that a trial can grant to external observers. Along a spectrum, at the one end, a trial can be conducted outdoors, and in public, so that maximum visibility is guaranteed to its proceedings. In this case too, however, mostly unwritten codes will determine the position of different kinds of observers, resulting in the hierarchy of a proxemics. At the other end of the spectrum, sensorial access to a trial will be given only to its essential actors, that is, usually, a victim, a suspect, some witnesses, a jury, and a judge (with some variations). Several systems of signs, then, cooperate with the adopted regime of juridical visibility: a courthouse might coincide with the main square of a city, allowing its citizens to have direct sensorial access to the trial, or, on the opposite, solidify and crystallize into an imposing building, where physical access to the scene of the law is restricted and strictly regulated through a codified system of permissions and refusals. Not only systems of signs contribute to the predominant regime of visibility but also media: in some circumstances, no images of the trial will be allowed to circulate outside of its inner scene; in some other cases, instead, media will transport the main visual and auditory features of the trial into the external world, from the drawings representing the main turns of the trial in newspapers to full TV broadcasting.

The ways in which societies disclose the core of their juridical action to their members is not arbitrary but follow a pattern that changes through history and is essentially dictated by a dialectical ideology of transparency and opacity. In some periods, collectivities seem to spontaneously agree that it is preferable to circulate the highest amount of sensorial

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[2] Attributed to Ovid by his German Protestant translators in the 16th Century.

information on the functioning of the law: citizens must see it all, at all time; in some other periods, on the opposite, it is believed that excessive disclosure will actually harm the purity of judgment, so that a both symbolical and material effort is made in order to conceal the law or, at least, regulate its exposure to the external audience. Although this dialectics of transparency and opacity is essential to the discourse of law, it does not originate from it but from more general and abstract configurations of the semiosphere, whose kernel mechanism suggests a certain degree of visibility to many if not all the systems of signification of a community, so that a certain "air of family" comes about among them.

It might seem, on the one hand, that no relation obtains between the eating disorder of an anorexic person, the adoption of a new software for grading students in a university, the diminution of the number of parliament members in a country, the fashion trend of a certain year, and the success of a new TV program broadcasting famous trials for a national audience. As the essay that follows seeks to show, however, they all have in common the same scopic ideology, which then gives rise to similar configurations of the actant observer, as semiotics denominate the narrative macro-function that presides over the distribution of information in a text. Reasoning in these abstract terms allows the semiotic gaze to place the visibility of the law into a broader cultural landscape and investigate the deep roots of its emerging in history. The contraposition between opacity and transparency in the discourse of law, indeed, is nothing but the byproduct of a macro-dialectics that is perhaps consubstantial with the cultural structure of the western civilization, and that has found its crucial expression in the historical tension between the Catholic and the Protestant understanding of mediation and immediacy in the communication of transcendence at the very onset of modernity. In the west, modernity essentially coincides with the beginning of the cultural process that bestows a definite form to this contraposition, ultimately bringing about two opposite and recurring modes of setting the equilibrium between secret and revelation in the constitution of meaning, including meaning that emerges in the juridical arena.

Developing a cultural semiotics of law means also turning entire sets of juridical habits into signs of a subjacent ideology, reconnecting these habits with those surfacing in other discursive arenas, elaborating hypotheses on their historical roots, and seeking to interpret the present in a non banal way, not accepting it as an inevitable cultural determination but as a configuration of meaning patterns that is always the result of an option among other alternatives, which stem from diverging historical paths and lead toward different future developments. It is important that a society reflects on the visibility that it grants to its juridical discourse, and it is even more urgent to stimulate an ensuing reflection on the inevitable social and cultural consequences of the choice of a certain regime of accessibility of the law in the context of a scopic ideology and the observer actants and actors that it produces.

1. Modes of existence of the observer actant.

Structural semiotics has introduced the concept of "observer actant" in order to analyze the ways in which cognitive information circulates in texts (Alexandrescu 1985; Fontanille 1989; Leone 2017). The presence of this macro-narrative function is evident in novels: stories like *Les Bienveillantes* [in English, *The Kindly Ones*] by Jonathan Littell (2006), for example — which describes the Shoah from the point of view of a senior Nazi official — precisely disturb for they push readers (no matter whether they agree or not) towards a spontaneous identification with the protagonist, who is morally negative, at least according to the ethical perspective currently prevailing in the Western world — that is, the one that triumphed against Nazi anti-Semitism — but who is, at the same time, 'perspectively' positive, for the story places him in the cognitive foreground of the narrative.

The observer actant, however, is useful also for the analysis of non-literary and non-verbal texts, for example, in the semiotic study of the body (Finol 2015). It is anthropologically evident that the ways in which a body is seen or, more generally, lets external senses come into contact with it and know it, does not respond to simply a natural dynamic but unfolds according to the needs of various sociocultural influences (Leone 2010). Normally, one has the impression of 'owning' one's body, and that such body is the involucre of a center and principle of psychological intimacy; in some circumstances, the domain of the subject over one's own body even becomes the cornerstone a political platform, as in the history of feminism, for example; but the truth is that the extent to which we decide to let the world penetrate our body always depends on a complex social logic (Leone, Riedmatten, and Stoichita 2016).

2. The anorexic observer actant.

Consider, for example, the case of the physical and psychological condition called anorexia.[3] It would seem a completely individual pathology, which develops within a purely psychological framework, yet the novel look of semiotics encourages the reinterpretation of this suffering as result of an excessive desire for transparency. In the pathological perception

[3] For a semiotic perspective, see Levitt 1997 and Gooldin 2008; on media semiotics and anorexia, see Danesi 2002: 210; for an introduction to the semiotics of fasting, see Leone 2013.

of the anorexic, the body ends up being seen as a kind of filter, which prevents others, but above all prevents the subject itself, from achieving a direct grasp of its supposedly inner core. The anorexic person looks at the body in a mirror, or in a photograph, and what he (or more often, she) sees is an excess of opacity, as if the flesh, immediately identified with a fatty material and, therefore, considered devoid of any translucency, were an obstacle to the gaze's capacity — be it one's gaze or an alien's — for encompassing the identity's essence, its perfectly thin and even diaphanous heart.

As contemporary semiotics has emphasized through several symposia and studies devoted to the subject (Casarin and Ogliotti 2012), 'the diaphanous' is a modality of the gaze that is always determined through a dialectic between two forces: on the one hand, a gaze that seeks to penetrate the object and, on the other hand, the resistance that this object opposes. In the diaphanous, the measure of this dialectic achieves a paradoxical value, since the object seems to get rid of all resistance without, for that reason, disappearing. In the experience of the diaphanous, we continue to perceive a form, although this form no longer presents the same material consistency.

In the desire of the anorexic person, then, one can recognize something similar to the impulse of much mysticism, above all of feminine mysticism, in which — as in the *Libro de la vida* [in English, *Book of Life*] of Teresa of Jesus, for example (1565) — the text evokes the miracle of a face, that of the saint, that is stripped of all its features so as to become a paradoxical mirror of the face of Christ, a face that, while keeping its identity, does not oppose any resistance to a project of total self-absorption into transcendence (Leone 2002). The attitude of those who suffer from anorexia and dream of the transformation of their bodies into pure form is analogous: a form that is significant and expresses the deepest meaning of an identity but has been freed from all inertial matter, from all ballast.

Anorexia, however, like almost all psychiatric illnesses, is not simply an individual event, but a socio-pathology. That is perfectly understood if the structure of the anorexic perception is considered in the abstract framework of the semiotics of Luis T. Hjelmslev (1980): the observer actant that regulates the circulation of information in this pathological text obeys a semiotic ideology according to which, in the dialectic between matter and form (a dialectic that gives rise to the substance of an expression), the former always results in the heavy, brute, dark, and inert mass that the light of the second has to penetrate, overcome, and mold so that meaning can find its manifestation. In this semiotic ideology, on the contrary, the form is interpreted as something pure, essential, and uncontaminated; as something that has to be protected in its contact with the opacity of matter.

Conceiving the anorexic phenomenon within this abstract framework allows one to achieve two objectives: first, it facilitates comparison with dynamics of meaning that seem very distant from this pathology but that are, in fact, underpinned by the same type of observer actant; second, it provides an approach to the deepest sociocultural roots of such individual psychopathology.

On the one hand, then, those suffering from anorexia — to the point of rejecting all nourishment in the suicidal attempt at acquiring a perfectly transparent body — resemble those that manifest various types of excessive behaviors, to be found in different spheres of social life or even in individual habits. One could, for example, speak of 'anorexia of the political discourse', comparable to that of the discourse of the body and food. The politically anorexic person conceives of the body of institutions as a filter and even as a material obstacle to the free expression of a political form without dilution, which would consist of the will of the people or of another collective political subject. Just as anorexic people look at themselves in the mirror and always see themselves as excessively fat — to such an extent that the pure silhouette of their inner identity cannot be manifested — so politically anorexic people observe their institutions and never see them as sufficiently thin: the number of parliament representatives should be reduced more and more, their activities ought to be increasingly exposed to the control of an outside eye, any form of delegation should be eliminated, for it hinders the direct transformation of the people's political will into legislative action or (along a trend that is now current in many European countries) even into judicial action, for example through the direct election of judges or the institution of popular juries.

There are also acute forms of academic anorexia, affecting, that is, those who seek to subtract the whole process of the creation and transmission of cultural contents from the heavy 'university machine' so as to produce a prodigious mirror, in which students would come across the most current and useful knowledge without the mediation of the professors' voice (Leone 2017e). This attitude is currently typical of many new private online universities, which no longer employ teachers but, rather, extensors of *Powerpoint* presentations, a phenomenon that entails a paradoxical meaning (Leone 2015b). These presentations, in a way, confirm the ideology of anorexic communication, in the sense that they are conceived as a crystalline objectification of knowledge, without all the idiosyncrasies that oral discourse inevitably introduces into academic communication, 'contaminating' it. If the old blackboard was the symbol of knowledge that was transmitted in medias res, almost at the same time as it would come about in the mind of the teacher (with all the inevitable but precious solecisms that this modality of academic authoring entailed), *Powerpoint* has become the symbol of knowledge that passes from the screen of the academic classroom to the little screens of the students' smartphones without going through the minds, neither of the teacher nor of the students.

At the same time, as in other discursive spheres, the exaltation of pure form paradoxically produces an emphatic valorization of quantity and accumulation (Leone 2012): since it is assumed that all impurity has been eliminated from transmission, the only measure of value that remains is the quantitative one: since the annoying subjectivity of teachers has already been neutralized through the application of the formalizing patterns of the bureaucracy of knowledge, cultural contents become outputs, an obscene word that in the end means that academic production has to be weighed more than pondered (Leone 2015).

On the other hand, interpreting the varied phenomenology of hyper-transparency as an effect of the semiotic ideology that values form and devalues matter also allows one to attempt a historical-cultural analysis of this socio-pathological tendency. Perhaps, underneath the rejection of the body as a prison and obstacle of the diaphanous, as well as underneath the negation of political institutions as hindrance to the manifestation of public opinion, and even underneath the somewhat robotic bureaucratization of academic communication, there lies a long-term abstract ideology, characterized by the idea of an independence of the signified in relation to the signifier, of the form in relation to the matter, and of the content in relation to the expression (Keane 2007 and Leone 2014). According to this ideology, whose manifestations are multiple and multiform, the expressive components of meaning would only be instrumental, as if there could be a signified without a signifier, an entirely formal substance without any materiality, and a content without expression.

In its moderate version, this ideology is translated into a program of improvement: efforts should be made so that the expressions of intimate, political, and academic meaning are more and more adequate and pure. Thus, for example, various strategies and initiatives will be adopted so that the body might be in shape, that is, literally, purify itself of all residues judged as excessive, as extra in relation to the true form of the body. Similarly, several measures will be adopted so as to bind political representatives to the will of their electors, such as instituting the illegality, for a member of the Parliament, to leave a party after being elected in its lists; analogously, all authors of academic articles will be obliged to adapt their prose to a rigid style sheet; etc.

In its radical version, however, this ideology of the form becomes an anorexic delirium of transparency, the mystical project of creating a diaphanous society, in which the prevailing communication model essentially becomes the angelic one (Poirier 2010): meaning ends up being conceived as an autonomous force, unfortunately subject to annoying material incrustations, which must be totally eliminated in order to achieve the expression of the pure kernel of things, a manifestation of being without language, as if the ontology of human life could emerge spontaneously, without mediation, and as if all mediations were to be objurgated without exception, as a kind of external imposition.

There subsists, in other words, a fundamentalism of transparency that often becomes anorexic. It does not seem inappropriate to surmise that the deep historical roots of this semiotic ideology (both in its moderate and in its radical form) lie in the cultural phenomenon that coincided with the beginning of modernity, that is, the Protestant critique of the expressive forms of Catholicism. This critique, which resulted in an exaltation of transparency, reacted to a long historical period in which an excessive inclination towards opacity had manifested itself, an inclination that, in its turn, touched his apex in the Baroque reaction to the Protestant Reformation (Leone, Ponzo, and Yelle Forthcoming).

3. The deep ideological roots of a semiotic confrontation.

In the history of semiotics, other thinkers have already identified the baroque as the excessive product of an ideology of opacity. For example, the Cuban philosopher and semiotician Severo Sarduy, in his *Escrito sobre un cuerpo* [in English, *Writings on a Body*], and precisely in commenting on the works of the Italian writer Giancarlo Marmori, interpreted this author's *History of Vous* [in Italian, *Storia di Vous*; French original title: *Cerimonie d'un corps*] (1965) as the sadistic account of a female body whose aesthetic and existential destiny is to incorporate all decorative incrustations generated by the gaze and desire of others. The ceremony with which this process ends and that terminates, at the same time, the life of the protagonist is, as Sarduy comments, a ceremony that "has no more meaning than the horror of emptiness, the disorderly proliferation of signs, the reduction of a body to a baroque fetish that from 'an upside down Y, oblong, adorned with a branch that climbs up the belly', by dint of addition, of setting, ends up being hateful"(Sarduy 1969: 40).[4]

The excessive baroque of Marmori is nothing other than a grotesque manifestation of that eternal baroque described by Eugenio D'Ors (1944)[5] and whose fundamental historical roots precisely lie in the dialectic with the semiotic ideology of Protestantism. The historical

[4] "No tiene más sentido que el horror al vacío, la proliferación desordenada de signos, la reducción de un cuerpo a un fetiche barroco que de 'una Y al revés, oblonga, adornada de un ramaje que trepa por el vientre', a fuerza de adición, de engaste, termina por resultar odioso"; unless differently specified, all translations are by the author.
[5] See also Zamora and Kaup 2009.

baroque as well as its postmodern expressions embrace a conception of meaning that is symmetrically opposed to the one described above. In the baroque, the signifier is not a simple means of the signified; the content does not arise in spite of an imperfect expression, but precisely *because* of this imperfection, that is, thanks to a matter without whose redundant and thick abundance there could not be any substance at all.

In ideal Protestantism, transcendence subsists as infinite purity, which has to manifest itself to immanence but always dirt itself in doing it, so that its most perfect revelation would be just a revealing, in the sense of a removal of the veil of matter that covers the form of divine substance (Yelle 2012); on the opposite, in ideal Catholicism, with which ideal Protestantism holds a dialectical relationship of historical and semiotic confrontation, transcendence vanishes when it gets rid of the language that manifests it, so that revelation has to be configured as re-veiling, as new veiling of the void of meaning left by the removal of the previous veil (Leone 2017b). In its extreme form, the first semiotic ideology gives rise to silence, for example in the individual, silent, and interior prayer of the Quakers,[6] while the second semiotic ideology becomes extreme in the exaltation of the ambiguous, of the smoky, of the obscure, that is, in that thickening of the significant matter that translates into a growing opacity of meaning. The god of the Protestants reveals himself in transparency, while the god of the Catholics re-veils himself in opacity (Leone 2009).

On the one hand, the dialectic between these two opposed regimes of (in)visibility, which entail two opposite ways of configuring the observer actant in the texts of the semiospheres that these regimes characterize, is produced from the historical confrontation between the 'Nordic' episteme of Luther and the 'Latin' one of Rome. When the former decided to translate the Bible into German, print it in small-sized books, and put them directly into the hands of the faithful, entrusting them with the interpretation of the biblical text and bypassing, thus, the mediation of priests, at the same time a major topological inversion in the Christian semiosphere took place, a turn in the morphology of its meaning that coincided, at another level, with the genesis of modern individualism. In this historical moment, the ideology of opacity reached its extreme value and produced, consequently, a reaction in the sense of the inverse axiological polarization, a reaction that manifested itself at first as marginal counter-trend but then, thanks to the 'viral success' of Luther's proposal, became more and more central, until it completely reconfigured the ideological semiosphere of early

[6] Literature on the religious meaning of silence is abundant. See Corbin 2018 for a recent survey; for a contemporary interpretation of the theology of silence, see Maffesoli 2016; see also Mortara Garavelli 2015.

modernity and even produced, in this reconfiguration, its division into two independent semiospheres, each with its center and dynamics of significance.[7]

On the other hand, however, this confrontation is nothing but the most resounding manifestation of that eternal dialectic between transparency and opacity that Heinrich Wöllflin (1908) included in his study of the relationship between classical and baroque and that Omar Calabrese formalized with respect to its contemporary manifestations (1988).[8] These would have to include, in the current era, the digital reverberations of the classical-baroque dialectic, reverberations that cannot be explained exclusively in relation to the confrontation between Protestant modernity and Catholic pre-modernity but in any case share with this confrontation the same abstract logic.

When present-day populist leaders get media success and political consensus by proposing a radical elimination of political mediation, conceived as an intrinsically dirty filter of the popular will, they produce a discourse whose semiotic ideology is very close to Luther's, in the sense that it is presented as a marginal reaction to an excess and a drift of the opposite ideological polarization. As this countertrend becomes viral and imposes itself as the normative nucleus of a new semiosphere, the same countertendency often becomes excessive — as it occurred, for example, with the iconoclasm of historical Protestantism — and entails reactions in the opposite direction, that is, reactions back toward a semiotic ideology of opacity. Similarly, 'transparentist' populism can also become excessive, for example in the 'anorexic' proposal of belittling any hierarchy, including those generated by the natural unevenness of knowledge and wisdom that occurs in a society where knowledge is subject to gradual specialization. In this way, the populist leader who invokes the elimination of the parliament may end up proposing, within the same ideological framework, the elimination of all medical faculties. However, the negative effects of the second proposal are so obvious (populist voters would happily accept the idea of writing their own laws and even issuing their own sentences, but many among them would be doubtful about the possibility of pronouncing their own medical diagnoses) that are likely to give rise to a principle of counter-reaction, to a reaffirmation of the value of specialized knowledge that, turning viral, can even produce an anti-populist wave and a total reconfiguration of the semiosphere.[9]

4. An oscillatory model of cultural change.

[7] For an in-depth analysis of this conception of cultural change, see Leone 2018.
[8] For a commentary, see Leone 2018b.
[9] For a semiotic reading of the aesthetics of populism, see Landowski 2018.

In this model, no synthesis subsists in the dialectical confrontation between opposing axiologies, for example in the one that is being analyzed in the present essay, obtaining between transparency and opacity. This synthesis could be configured as a stable equilibrium, in which tensions towards an excessive visibility of the body and opposite tendencies toward its radical concealment counteracted each other until an ideal compromise point, from which movements of rebellion cannot arise any longer towards the opposite axiological polarization. The history of cultures, however, seems to indicate that this synthesis never takes place, especially if the contrast of values is observed from the rather limited perspective of human life or, even, cultural memory. In the long term, opposing values seem to balance in human history, in which, therefore, there would be no progress or true cultural evolution but an incessant oscillation between opposites, a chain of "*corsi e ricorsi storici*" [usually translated in English as "recurring cycles"], as Giambattista Vico would define it, which does not produce a point of static equilibrium but a tension without interruption, a tension that constantly animates the semiosphere.

The morphology of this dialectic is, then, more complicated than that which characterizes the philosophy of Hegel's history. In the case of transparency, for example, in the diachronic development of cultures there arise events that Lotman used to define as explosives, that is, textual productions that, by their conformation and by the reproductive success that this entails, unleash a telluric movement in the semiosphere (Lotman 1998). Undoubtedly, an example of these textual productions, in the field of transparency, was Mikhail Gorbachev's decision, at the 1986 Congress of the Soviet Communist Party, to use the word and the concept of *glasnost* — whose meanings include "transparency" — as one of the keywords of the new ideological line that the Russian leader wanted to promote in the society of the Soviet Union and in those of the geopolitical territories controlled by it (Gibbs 1999).

A deeper analysis would reveal that Gorbachev was not the inventor of this ideological line but his catalyst (Nove 1991). Catalysis processes are very important in the evolution of the semiosphere. Textual productions, no matter how much success and circulation they can achieve, rarely institute a cultural tendency; more often, they catalyze, crystallize, give textual form, and turn into viral agentivities some lines of change that have already manifested themselves, usually in the periphery of the semiosphere, that is, in its topologically marginal regions.

In the same way, the ideology and rhetoric of transparency already had a long history in 1986, globally and at the local level of the Soviet Union, mainly because it was an area of social practices that already existed but that was focused on citizens rather than on politics.

Institutions would ask citizens to shape their lives in the presence of an obsessively scrutinizing observer actant, but they themselves did not allow the constitution, within themselves, of an analogous observer actant. Gorbachev's speech did not invent a social aesthetic of transparency but radically changed its subject: it was the citizens, then, who asked the institutions to open themselves to the critical scrutiny of the masses.

The strategic objectives of this reversal are obvious: Gorbachev embodied a populist tactic in his seeking support not from the party in relation to the people but from the people in relation to the party. The effects of this cultural catalysis were, however, unpredictable, precisely because of the very nature of catalytic processes in the semiosphere. This has a multi-level and porous structure, so that when an explosive and catalyst change occurs in any of its ganglia, all semiospheric regions that are in some way connected to the change are transformed by analogy. Thus, the transparency invoked by Gorbachev, regarding the relationship between Soviet political institutions and citizens, became a principle of aesthetic isotopy and eventually turned into a new text of culture, that is, a new formula that, within the semiosphere, produces discourses into various types of expressive substances.[10]

Transparency was transformed, then, into a kind of magic word, into a concept capable of molding the most different aspects of social aesthetics. After the fall of the Berlin Wall, for example — itself an event that would have been unattainable without the implementation of a new social regime of transparency in East Germany — the government of the new reunified Germany entrusted Norman Foster, the British *archistar*, with the project for restoring the *Reichstag*, destined to become the parliament building of the new German capital. A few years before the beginning of the works, the pair of international artists Christo and Jeanne-Claude decided to 'wrap' the *Reichstag* with their typical style, covering it with an immense gray veil that allowed one to perceive its silhouette but not its color or the details of its architecture. (Fig. 1).

[10] For a Reading of transparency from the point of view of cultural semiotics, see Lozano 2013.

Fig. 1

The sense of the installation, which immediately attracted thousands of citizens, visitors and tourists, was very clear: the German *Reichstag* was an architectural symbol of absolute opacity, of a politico-social configuration in which the highest institutional and political authorities worked uncontrollably in a state of total secrecy, in a regime of concealment that, while asking citizens for total transparency — as masterfully recounted in the Oscar-winning film *The Lives of Others* (Florian Henckel von Donnersmarck 2006) — would hide the totality of its activities, completely withdrawing from all local, national, and international control.

During the works that carried out Foster's project for the restructuring of the *Reichstag*, however, something new was produced, an explosive event that architecturally translated, at a distance of many years and kilometers, that other explosive event that had been the Gorbachev's 1986 inauguration of Glasnost policy. The *Reichstag* ended up being crowned, on top of the main body of the building, by an immense glass dome, perfectly transparent, which was absent in the original project, but soon became the main attraction for those who visited the new German parliament (Fig. 2).

Fig. 2

The local sense of this architectural detail was quite clear: the palace of political opacity — an opacity that Christo and Jeanne-Claude had underlined with their installation — became not only a transparent building but also a monument to transparency; the panopticon was reversed: from the reunification of Germany onwards, it would be the politicians who would be constantly under the lens of citizens, not vice versa. The overall meaning of the building was more complex, as this explosive and highly symbolic architectural text became the source of a wave of contagion, which affected all the contemporary public architecture of the post-cold-war western world. In this architecture, and in the semiotic ideology that it expressed, a rhetoric of glass was developed and imposed as a material that, because of its physical-chemical characteristics, but also because of its cultural history, perfectly embodies the triumph of an exhaustive and omniscient observer actant, which forces all activities within the palaces of institutions to be perfectly visible to the outside world (Leone 2017c).

While the control of the political power over citizens in East Germany had been not so much visual as auditory (the conversations of citizens would be listened to but without their being exposed to an outsider's gaze, so that the giant ear of the regime could surprise them in the spontaneity of their 'failures'), the reversion of the axis of perception and control led to a different sensorial valorization: no matter what power would say or do in its palaces, it was necessary that the protagonists of these speeches and acts would be perfectly visible, active within an essentially transparent perimeter.

The evolution just described exemplifies very well the course of a tension of values within the semiosphere. Starting from an extreme polarization, as the one entailed by the radical contrast between the invisibility of politics and the visibility of citizenship in the countries of the Soviet bloc, a fibrillation emerges that, as its discourse is reproduced in the different levels of the semiosphere, brings about a global reorientation of its axiological balance and, therefore, a passage from a society of opacity to one of transparency.

5. Transparency and Opacity in the Juridical Observer Actant.

The last decade of the second millennium was characterized by a radicalization of this tendency, which encompassed different phenomena in various geopolitical and socio-cultural contexts. In Italy, for example, a revolutionary political event, known as "*Mani pulite*" ["Clean Hands"] — that is, the series of trials that the Milan Courthouse conducted against corrupt Italian politicians of the time — would have been impossible without the support and sustenance of an ideology of transparency that ultimately derived — through very complex paths — from the Soviet and post-Cold War Glasnost and that, in Italy, was embodied in the new television practice of letting such trials be recorded on video and even transmitted live by a very successful television program of the third national television network, that is, *Un giorno in pretura* , ["A Day in the Court"] (devised by Angelo Guglielmi in 1988).[11]

If one looks at the architecture of the Milan court, it appears as a triumph of opacity.[12] Designed in fascist times by the modernist architect Marcello Piacentini,[13] the building features a façade that, due to the almost temple-like conformation of its lines — with the black stairs elevating the main body of the façade and moving it away from the immanent level of citizenship — as well as to the presence of three immense size windows — oblong and black, checkered by black metal networks — and especially due to the symbolic connotation of the material — a marble that embodies a fascist reference to the Roman Empire, a reference further emphasized by the quotation of Ulpian in the gable, with the typical "Mostra" font of Roman imperial epoch, also adopted by Italian fascism — this façade towers over the individual with a triumph of almost Kafkaesque opacity, as if nothing of the mysterious power that unfolds in its interior could become an object of inspection for the citizen that accesses the law. On the one hand, the citizen perceives the law and its ruling as something esoteric, inscrutable; on the other hand, the citizen's little body is swallowed up by the enormous mouths of Milan's Courthouse and completely disappears to the gaze, engulfed into the inextricable mazes of the law.

With the phenomenon of "*Mani Pulite*", on the contrary, although the Milan Courthouse did not become of transparent glass like the German *Reichstag*, its transparency was achieved thanks to the introduction of television, which exposed the judicial procedures and the secrets of corrupt politicians to the entire Italian population. At that time, however, the violent oscillation from a policy of opaqueness to one of transparency and from a regime of esoteric to one of exoteric justice had already manifested some of its limits, which, years later, would

[11] For a semiotic reading, Giglioli, Cavicchioli, and Fele 1997.
[12] For a detailed semiotic analysis, see Leone 2015a.
[13] Rome, 8 December 1881 –18 May 1960.

become the limits of an entire new cultural tendency and its political aesthetics, and, in the end, would end up turning into embryos of an opposite counter-tendency, whose full manifestation is still taking shape in the western semiospheres. Because of the TV exposure of corrupt politics and its judiciary sanction, a kind of Heisemberg effect eventually came about: if, on the one hand, TV cameras attributed total transparency to the trial of corrupt politics, on the other hand, the simple presence of these visual devices in some cases ended up generating the idea of such corruption: it was sufficient that politicians were summoned by the team of "Mani Pulite", their being questioned broadcast live on television, to generate an indelible suspicion about thire life and work. Perhaps for the first time in Italy, a fundamental limit of the ideology and the rhetoric of transparency first manifested itself: the glass of the new political architecture as well as the cameras of the new investigative journalism, not only produced transparency, but also gave place to a *rhetoric of transparency*: at the origin, glass and cameras unmasked the corrupts; in a second moment, however, when a new rhetoric of transparency was consolidated, glass and cameras produced grotesque masks of corruption. It was enough for someone to be placed under the magnifying glass of the law so that an aura of immorality would spread all around.

This phenomenon of involution of the rhetoric of transparency reached perhaps its apex in the mythology of the secret that manifested itself globally and spectacularly with the affaires of Wikileaks and the *whistleblowers* of the first decade of the new millennium.[14] Both are examples of what can happen when a new cultural trend is not only disseminated, strengthened, and turned central in a semiosphere — to such an extent that it 'overflows' into discursive spheres and social practices that are far from its origin — but even radicalizes, and end up giving rise to mirror-like micro-tendencies of reaction. The initiative to publish on the Internet without any filter millions of digital files concerning the informal activities of international diplomacy was an almost direct result of the policy of transparency inaugurated by Gorbachev's Soviet Union. It is thanks to the evolution of the global public opinion in the sense of an emphatic assertion of transparency that a de facto illegal operation like that of Wikileaks could be globally configured as a heroic act; the same can be said about the actions of William Snowden and Paul Manning, who could also wear the clothes of heralds of the new global regime of transparency because it had already been imposed on mass culture.

In the conception of diplomacy that prevailed throughout the modern age, at least until the end of the Cold War, it was generally considered legitimate, although not always legal

[14] For a semiotic look, see the contributions of Madrid GESC, directed by Jorge Lozano: http://semioticagesc.com/articulos/category/wikileaks/

under international law, to practice secrecy, ambiguity, and even lying so as to defend and promote the interests of a national community (Leone 2015b); a *fortiori*, it was considered that the discipline of secrecy was almost necessary in the field of defense, precisely so as not to weaken one nation with respect to the others by revealing its military secrets. It still seems normal, in many countries, that military installations and scientific research concerning defense enjoy a condition of secrecy much higher than that which characterizes the other institutions of a country.

The massive diffusion of a rhetoric of transparency, however, has led to the widespread acceptance of a new heroic figure, which, in the name of supranational human values, in fact betrays diplomacy, the military industry, or the secret services of her/his own country, revealing its actions to the huge international community of the Internet, without too much worrying about either the identities that hide in this digital *mare magnum* or about the uses to which such secret information is put to.

The situation is even more complicated because of the reproduction, on a global scale, of the perverse dynamic that was already described in relation to the Italian phenomenon of the mediated representation of legal processes: many of the revelations of Wikileaks were indeed scandalous, but in many cases an inversion took place of the relationship between secrecy and interest: as we tend to hide what is scandalous, the very act of presenting something as a revealed secret transforms its content into the object of a scandal.[15] Very few, today, remember the concrete details of Wikileaks' revelations; that which remains in the collective memory is, rather, a feeling of rebellion, of affirmation of the *underdogs* of transparency against the hegemonic and hostile forces that seek to defend the opacity of state apparatuses and their local and international actions.

Many states, and in the first place the United States, have not glorified these countertendencies, but have estimated that they constitute a danger, in the sense of an excess of transparency, for national security. The whole global history from September 11 until today contains a line of cultural development that inversely operates in relation to the rhetoric of *Glasnost*. With the spreading of international terrorism and its bloody actions, many states, and even many citizens, have realized that a certain amount of secrecy is indispensable so as to defend the values of a community against the attacks of internally or externally hostile forces.

True reactions to the semiotic ideology of transparency, however, did not become central in the contemporary semiospheres until the radicalization of transparency reached

[15] To this regard, see the semiotic essays collected in Lozano 2012.

the domain of citizens' privacy. With the NSA *affair*, and even more so with the victory of Donald Trump in the latest US presidential elections — a victory that arguably took place also thanks to private information tracked by Cambridge Analytics — citizens have begun to realize in an ever more acute and dramatic way that the same digital frames that facilitate an exhaustive control over the actions of institutions and politicians also allow not so much these as ambiguous third subjects, often with mysterious relations with global geopolitical powers, to use for their own purposes the *big data* produced by the global rhetoric of transparency, which also includes that collective and daily effort of anorexic narcissism that occurs every day in millions of exchanges on social networks (Leone 2017d). In these networks, globalized solitude is fought by constructing simulacra of identity where proliferates the desire for eliminating all filters, all matter, and, therefore, all mediation between the subject with its exhibitionist thirst and its magmatic digital audience. Paradoxically, the digital filters, as well as the small visual strategies with which an ideal presentation of the self — and, particularly, of its face — is sought for in social networks, are nothing but the expression of the wish to eliminate all incomprehension between the idealized image of oneself and its widespread reception in the digital sphere. More and more, the homemade digital post-production of the images of the face and the body is used to communicate a sublimated representation of the self, an ontological *selfie* in which all ballast of the visual context is eliminated so as to present only the subject with its somewhat childish dream of narcissistic perfection.

Presenting others with the totality of this idealized self is the latest stage in the evolution of that rhetoric of transparency that is central to the contemporary communicative ideology: exhibiting oneself is an essential activity of participation in the community; this participation requires such exhibition and stigmatizes, instead, those who hide their life and body from others. In many social environments, refusing to be seen by others is seen as an act of arrogance; it is often punished with social marginalization, as it occurs to those who adhere to minority and reactionary ideologies of concealment because of their awareness of the risks of a regime of generalized transparency (Leone 2017b).

At the same time, however, not only are the religious ideologies of hiding affirmed and propagated, but anti-tendencies of opacity also radicalize; on the one hand they adopt classic devices of concealment, such as the mask, while, on the other hand, they use digital communication precisely to find new practices and strategies for anonymous communication (Maani 2019).

These counter-reactions are characterized by radicalism, since they do not respond to an anthropological desire for privacy but rather develop as a controversial and excessive response to an excess of mediated and digital intrusion in the lives of people, be they individuals or communities. Anonymity, for example, does not appear, in this inversion of tendency, as a search for a poetic dimension of existence, as a retreat towards the contemplation of the inner experiential space of oneself, or as a defense of the sacredness of the intimate; on the contrary, the search for the cancellation of fingerprints is extreme and often manifests itself as provocation, for example in that form of sadism that is *trolling* (Leone 2018c), and that can also be considered as a childish version of the game of seek and hide; trolling, as well as many other capricious actions of digital counter-cultural movements, (*Anonymous* for example) do not denounce the excesses of visibility that occur in the new digital arena and that constitute a new weapon of global power but produce counter-excesses whose effects are sometimes more serious than those that they try to contrast.

6. Conclusions: fashion as a general semiotic framework.

Semiotics has always had the problem, since its foundation, of explaining time and, with time, change. In structural semiotics, time is a side-effect of narrativity; in the semiotics of Charles S. Peirce, a cosmological dimension, whose relations with cultural change are ambiguous; in Lotman's semiotics of culture, the problem of time and the diachrony of sign systems is finally addressed, but the dynamics and above all the agencies of cultural change remain obscure.[16]

The example of the axiological dialectic between visibility and invisibility, between transparency and opacity, between different and opposed aesthetic and political regimes of the observer actant, suggests that semiotics may have to consider fashion — one of its traditional objects, and one of the first to be analyzed through semiotic tools — not only as one of its application areas, but as the ideal model of cultural change. What semiotics has discovered about the genesis, diffusion, marginalization, and also the necrosis of new styles in the field of fashion could be extended as well to the whole cultural evolution, including those phenomena that the academic rhetoric considers as integrally countercultural and, therefore, immune to any fashion.[17] Moreover, if one considers fashion not as a phenomenon of diffusion of forms and styles guided by the hegemonic structure of a society but as the pattern of all cultural change, then rebellion too can be interpreted, with its practices and texts, as a fashion phenomenon.

[16] For an exhaustive analysis, Leone 2017f.

[17] The semiotic bibliography on cultural fashions and trends is copious but rarely considers fashion as a theoretical or, at least, metaphorical framework to study cultural change as a system in its totality. For an introduction to this topic, Leone 2016.

In the preceding pages, a diagram that schematizes the main aspects of cultural change has been described step by step. First, in this diagram, the semiotics of culture assumes that cultural change does not originate outside the semiosphere, for example in a supposed material structure such as that of economy — as Marx opined — but that every cultural change is entirely generated within the semiosphere, as product of complex discursive interactions.

Second, the semiotics of culture also assumes that there is no point of origin of cultural change, since this manifests itself as a topological catastrophe in a diachronic *continuum* where two opposite anthropological polarities confront each other; they never merge into a synthesis but remain in a dialectical tension where triumphs and failures crystallize as "*corsi e ricorsi storici*", as Vico would say.

Third, the oscillation between opposite polarities normally occurs in a period that is very long in relation to human life; that usually gives one the impression of living in an age dominated by a value, without the possibility of glimpsing that not only the opposite value was prevalent in a preceding epoch but also that it will probably be such again in a future epoch.

Fourth, the diffusion of a cultural tendency tends normally to the saturation of the semiosphere, as if aesthetic-political regimes of visibility, for example, were bacteria that do not stop reproducing until they have spread throughout the whole life-space of nutrition they can find (Marino y Thibault 2016). When a new rhetoric of transparency manifested itself together with the change of aesthetic-political direction in the Soviet Union of Gorbachev, for example, the transformation of the trend did not stop there but spread in all the ganglia, at all the levels, and in all the discourses of the semiosphere.

It is as if human communities were incapable of resisting a wave of cultural fashion once it has been deployed from an area of the semiosphere, as if they were programmed to reproduce and contribute to the dissemination of cultural forms that, from time to time, prove fruitful. Conservative communities also exist, of course, but when a catalytic text (whose characteristics semiotics would have to study much more deeply) emerges in them, then the semiosphere changes direction, begins to follow another trend, embraces a different axiological direction, and in the end transforms into a majority *mainstream* what was marginal, despised, and even repressed by the majority.

Fifth point: it is exactly the tendency of fashions to spread through progressive and inexorable radicalization that leads to a resurgence of opposite fashions, which react to the excesses of the current tendencies producing, first, some countertendencies of provocative opposition, then, when a phenomenon of catalysis comes about, gradually conquer the center of the semiosphere, and continue to spread throughout its structure as new hegemonic tendencies, producing then the radical effects against which the tendencies that they themselves have substituted will react, and so on from oscillation to oscillation without much change in the opposition.

This does not mean, however (sixth) that nothing ever changes in the contrast between value polarities. In many cultures, the new trends carry a kind of internal memory of the old tendencies against which they have arisen and reacted, and this memory continues to influence their development even when it has led them to the total occupation of the semiosphere. The affirmation of architectural transparency in the late twentieth century, for example, is not autonomous but a reaction to the opaque and obtuse architectural production of the dictatorships of the century.

Sixth, although oscillations between opposing values occur throughout history, the nature of their confrontation and its effects change as the communicative technology used in the production, circulation, and dissemination of cultural artifacts evolves. The massive introduction of digital communication, for example, has radically changed the dialectic between axiological opposites, greatly accelerating the times of its radicalization.

Through this model, and its application to a precise semantic domain — for example, the field of the contrast between visibility and invisibility — semiotics can not only describe the current state, but also extrapolate a forecast from the analysis of the present moment. It is not easy to foresee the way in which a semiosphere will transform, since this evolution results as the macro product of an incalculable number of micro interactions. The systematic reading of *big data* might, one day, provide new opportunities to foresee the future of cultures; in the meantime, however, this forecast must necessarily be qualitative and based on the application of a theoretical framework to the observation of current cultural phenomena.

From what has been observed before, that is, from the analytical description of the current state of the confrontation between a regime of transparent visibility and one of opaque invisibility, the following developments can be speculated. On the one hand, a radical and irrational flight from the digital will take place, above all in countries that have already given rise to an advanced digital economy. Individuals and even communities will become “analogic Luddites", reacting in extreme ways to the extreme consequences of the digital age. For example, in a society that systematically resorts to the automatic facial recognition of individuals, there will be individuals who will reject all digital reproduction of their face, even the most innocuous ones. Many individuals, and especially groups of digital natives, will begin to hide and adopt anonymity as a natural condition of their communicative actions. It will not take long, however, before the market and its capitals manage to appropriate and commodify these countertrends in the form of controlled simulations of analogic rebellion; there will be, for example, individuals who will pay to be able to be in a condition of digital disconnection and invisibility in relation to their usual sociocultural environment.

Probably, in these conditions, the oppositions between integrated and apocalyptic web users will also radicalize, constituting two universes that cannot be crossed except in the form of violent conflict. On the one hand, the 'digitized ones' will try to control, and even suppress, all forms of analog rebellion. On the other hand, this rebellion will configure itself in the form of provocation and sabotage. More and more individuals and groups will seek digital invisibility, but they will do so in an extreme and marginal way, in the end producing subcultures of the culture of digital exhibition itself. It will not be possible to return to the innocence of human contacts before the invention and massive introduction of social networks, but there will be niches of countertendencies at their side and even inside them. There will be, for example, those who will pay to be able to physically come into contact with other individuals, without the mediation of their treacherous digital simulacra.

In the contrast between those who radicalize their delirium of exhibition, even sharing the details of their intimate life through global algorithms, and those who, conversely, radicalize their delusion of concealment, even fleeing from any digital social situation, it is still not clear who will triumph. What seems certain is that the pace of change imposed by the development of digital communication will hardly admit any moderate compromises. The future world will be divided into tribes, and these tribes will exhibit themselves in an irrational way, or in an equally irrational way they will hide.

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