



Classical Legacy and Contemporary Challenges:

A Multidisciplinary Approach to Education, Communication, and Law



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Introduction

This introduction aims to present a profound and rigorous exegesis of this work, which constitutes a transnational and multidisciplinary intellectual effort of the highest order. The volume that the reader holds in their hands is not a mere compilation of articles, but an ecosystem of knowledge where the tradition of classical law, the disruption of artificial intelligence, and the complex dynamics of communication and contemporary culture converge. Through five fundamental thematic axes, professors from different latitudes—who carry out their work at the heart of university academia—have managed to distill reflections that connect humanity's legal past with the ethical and technical challenges of tomorrow.

The first section of the book invites us to engage in a necessary exercise in legal archaeology. It is fascinating to observe how fundamental philosophical categories of Roman law remain relevant in contexts as diverse as the political thought of Simón Bolívar or the ethical training of jurists in contemporary Ecuador. This section is not limited to the exhumation of ancient texts; on the contrary, it offers a critical analysis of how dominium and res communes today provide an ethical and legal basis for environmental protection in regions such as Michoacán, Mexico.

Academic rigor is evident here in demonstrating that Roman law is not a relic, but a living organism. From the historical formation of voluntary representation to the classification of maritime loans, the authors take us through a genealogy of law that explains our current institutions. Even in seemingly unrelated disciplines, such as nursing, the Roman triad of fault, negligence, and damage is rescued to substantiate professional responsibility through clinical simulation. This ability to interconnect ius with modern praxis is one of the book's greatest achievements.

The second axis addresses one of the most pressing issues of our time: the interaction between Artificial Intelligence (AI) and educational and creative processes. The analysis transcends technique to delve into the ontology of learning. Socratic interactions with AI in teacher training are explored, and the role of affective AI is discussed, warning of the ethical dilemmas of emotional computing and induced anthropomorphism.

The authors present a balanced view where AI is perceived both as an opportunity for creative “co-piloting” in communication and as a risk to copyright and intellectual property in the digital age. The forward-looking proposal for the year 2030 is particularly bold, suggesting an educational model that merges Roman wisdom on transparency and fairness (aequitas) with new pedagogies of quantum analogies. This approach is not only innovative but essential to mitigating the digital and ethical divides that threaten to further fragment our society.

In the third section, the work delves into the turbulence of digital communication, social media, and politics. The study of populist digital communication in Europe and strategies for citizen participation in modern legislative processes—from the Roman comitium to digital crowdlaw—offers a precise snapshot of contemporary democracy.

One of the most valuable contributions in this section is the analysis of cyberbullying as a new form of defamation and digital violence in university environments. Using logistic regression models, the researchers demonstrate how empathy and prosocial behavior act as protective factors against these attacks. Likewise, the narrative architecture of imaginary spaces generated

by algorithms on social media is addressed, warning about the phenomenon of “unique genericity,” where apparent visual diversity hides a homogeneous repetition that standardizes the global imagination.

The fourth and fifth chapters close the work with a reflection on consumption and cultural identity. They analyze how visual and symbolic factors, from the use of religious icons in advertising to urban visual pollution, mediate consumer perception and the construction of neoliberal subjectivity. This semiotic and sociological analysis is fundamental to understanding the governance of desire in the current times.

Finally, the book embraces sustainability and culture as pillars of human development. From the valorization of Peruvian and Portuguese cinema as vehicles of identity to the recognition of multi-parenthood in Cuban family law, the work demonstrates an unwavering commitment to inclusion and diversity. The study of the social and intangible value of heritage, such as the case of Cerrito de Huajapata in Puno, highlights how the community's attachment to its territory is a driver of sustainability that transcends the economic sphere.

As an evaluator and academic, I consider this work to be a testament to the vitality of global university thought. Its main strength lies in the authors' ability to engage in dialogue between disciplines that often remain isolated, resulting in a text that is both a historical synthesis and a compass for the future. The plurality of voices and countries represented enriches the debate and ensures a cosmopolitan perspective.

While the diversity of topics may seem overwhelming, the common thread of ethics, law, and social responsibility acts as an amalgam that gives coherence to the whole. As an area for improvement, readers may miss greater cross-sectional integration between the chapters on classical law and those on digital marketing; however, this fragmentation is also a reflection of the complexity of the world that the authors are attempting to decipher.

This book is an invitation to thoughtful and critical reflection. It is a must-read for academics, students, and professionals seeking to understand the roots of our institutions and the horizons of our technological civilization. I invite you to delve into these pages with the curiosity of someone who seeks in the past the tools to build a more just, equitable, and deeply human future.

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Roman Law and its Contemporary Legal Influence

Fundamental philosophical categories of Roman law in the main speeches of Simón Bolívar. A historical-contemporary approach

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Introduction

The most diverse conceptions of philosophy correspond to the multiplicity of meanings attributed to it. From the Hellenic universe itself, a definition was established that brings together and articulates its different meanings: *philosophy is the use of knowledge for the benefit of being* (Euthydemus, dialogue by Plato). Thus, philosophy seeks to be a discipline where *doing* and *knowing how to use what is done* interact.

Law, as a science, accompanies the evolution of philosophy, as it is the system that establishes human coexistence by materializing a set of norms that promote *intersubjective behavior*, that is, the reciprocal and peaceful interaction that human beings are expected to build (Cardozo, 1996). In this evolution, *Roman law* was established in a sociocultural context influenced by various philosophical currents, including *Stoicism*, *Aristotelian materialism*, and *Epicureanism* (Hinestrosa, 2013).

Simón José Antonio de la Santísima Trinidad Bolívar Ponte y Palacios Blanco, known as *El Libertador*, the only human being in history to be remembered with a statue in every capital city of every country on the planet, incorporated (in his thinking and writings) an integrated vision of philosophy and Roman law, adapting them to his emancipatory/revolutionary project in his construction of republics in Latin America (Riccobono, 2021). His education, influenced by Enlightenment philosophers such as Rousseau and Montesquieu and empirical liberals such as Locke, as well as his knowledge of classical law, allowed him to reinterpret concepts of Roman law in an independence- and republican-oriented way (Wegmann, 2017).

The construction of Simón Bolívar's discourses reflected the leader's need for each of the new republics to be founded on the principles of justice, order, and human freedom.

In the *Cartagena Manifesto*, he states:

"What country in the world, however moderate and republican it may be, can, in the midst of internal factions and external war, be governed by a government as complicated and weak as the federal government? No, it is not possible to preserve it in the turmoil of combat and partisan strife. It is necessary for the government to identify,

so to speak, with the character of the circumstances, the times, and the men who surround it. If these are prosperous and serene, it must be gentle and protective; but if they are calamitous and turbulent, it must show itself to be terrible and arm itself with a firmness equal to the dangers." (Bolívar, 1812, p. 7)

Bolívar criticizes the influence of abstract principles in the formation of the fledgling Venezuelan government. He emphasizes that the codes consulted by magistrates were not practical for real government and were based on premises that imagined *dream republics* based on the perfectibility of human beings. Bolívar considers this philosophical perspective to be erroneous and conducive to ineffective tactics, contributing to the disorganization and eventual downfall of Venezuela.

He refers to the need for political virtues and strict customs, characteristics that were associated with the ancient Roman republics. He criticizes the lack of military discipline and the absence of a centralized government (fundamental in times of war).

In the final part of *the Cartagena Manifesto*, he makes a moving appeal:

"The honor of New Granada imperatively demands that these daring invaders be punished, pursuing them to their last entrenchments, as its glory depends on taking charge of the enterprise of marching to Venezuela, to liberate the cradle of Colombian independence, its martyrs, and that meritorious people of Caracas, whose cries are directed only at their beloved compatriots from Granada, whom they await with deadly impatience, as their redeemers. Let us rush to break the chains of those victims who groan in the dungeons, always waiting for their salvation from you; do not betray their trust; do not be insensitive to the lamentations of your brothers. Go quickly to avenge the dead, to give life to the dying, freedom to the oppressed, and liberty to all."
(Bolívar, 1812, p. 11)

Bolívar exhorts Nueva Granada to hasten the task of liberating Venezuela, invoking honor (*dignitas*) as a legal and political value, setting a course in which only by fighting for justice (*iustitia*) can injustice (*iniustitia*) be actively confronted. Glory as a heroic act evokes Cicero's axioms regarding the *duties of each being* (*De officiis*).

He assumes the invasion of Venezuela as a fundamental axis for the defense of freedom. Thus, he approaches the category of *just war* that the Enlightenment upheld for the confrontation of tyrannies. His "*do not be insensitive to the lamentations of your brothers*" recalls the category of *moral duty* (*officium*) among peoples.

In this closing statement of *the Cartagena Manifesto*, Bolívar emphasizes that the sovereignty of the new republics lies in the preservation of a collective, common sense of honor.

In the *Decree of War to the Death*, the *Liberator* roars:

"We have not been able to view with indifference the afflictions inflicted upon you by the barbaric Spaniards, who have annihilated you with plunder and destroyed you with death; who have violated the sacred rights of the people; who have infringed upon the most solemn capitulations and treaties; and, finally, have committed all manner of crimes, reducing the Republic of Venezuela to the most appalling desolation. Thus,

justice demands vengeance, and necessity compels us to take it. May the monsters that infest and have covered Colombian soil with blood disappear forever; may their punishment be equal to the enormity of their perfidy, thus washing away the stain of our ignominy and showing the nations of the universe that the children of America cannot be offended with impunity. (Bolívar, 1813, p. 2)

Guerra a Muerte is Simón Bolívar's radical response to Spain's breach of the most basic conventions in the context of the heat of battle.

He succeeded in ensuring that the conflict was no longer seen as small pockets of insurrection, but as a conflagration between nations. The document states very firmly the need to call on Venezuelans as well as Spaniards who supported the cause of independence, warning that there would be no mercy for those who acted against patriotic interests.

They have violated the sacred rights of the people; they have infringed upon the most solemn capitulations and treaties. Denounce Spain's violation of the pacts and agreements reached (in 1812). This breach, which was supposed to protect non-combatants above all, was constantly violated by the colony.

Justice demands vengeance, and necessity compels us to take it, judging that the betrayal of those agreements (*perfidy*) validated the republican response and retaliation (*vengeance*) as a proportional response/punishment for Spain's violation of the minimum agreements.

It is not a *return to barbarism* when Bolívar writes, "*Let their punishment be equal to the enormity of their perfidy,*" for he emphasizes that what he seeks is retributive justice (*Lex talionis*) and adherence to the principle of proportionality of punishment (*talio*).

In his *Show the nations of the universe that the children of America are not offended with impunity*, Bolívar invokes many values present in Roman law in order to consolidate the struggle for Venezuela's independence as the beginning of a continental emancipation process (Kurki, 2020). He emphasizes the need for a response to establish international prestige, making it clear that the nascent nations are acting firmly in order to deter potential future aggression from any other nation (Murillo et al., 2023).

The decree closes with the following statement:

"This amnesty extends even to traitors who have most recently committed acts of treason; and it will be so religiously fulfilled that no reason, cause, or pretext will be sufficient to compel us to break our offer, however great and extraordinary the motives you give us to excite our animosity. Spaniards and Canarians, expect death, even if you remain indifferent, if you do not actively work for the freedom of America. Americans, expect life, even if you are guilty." (Bolívar, 1813, p. 3).

Despite the severity of the document, the Liberator begins the final part of the Decree (which is deliberately called *Guerra a Muerte, or War to the Death*) by writing about the offer of amnesty (Lanni, chap. 2). The philosophical and Roman law basis of this term is related to the need for a power to reintegrate a dissident group into its fold (Mirow, 2000). This *abolition* is conceived as a political and military tool for regrouping and unifying. In this decree, with emphasis on its final part, Bolívar puts into dialogue both forgiveness for Americans; severity for Spaniards opposed

to the patriotic cause; reaffirming the legitimacy of his revolution in these distinctions, establishing a risky balance between universal justice (forgiveness/condemnation) and political realism (ethnic exclusion to set the limits and loyalties demanded by the emerging nations) (Castro, 2002).

Another important document for interpreting the philosophical, political, and legal thinking of the Liberator is the *Carupano Manifesto*:

" It is a malignant stupidity to attribute to public men the vicissitudes that the order of things produces in states (...) And even when serious errors or violent passions in leaders cause frequent damage to the Republic, this damage must nevertheless be assessed fairly and its origin sought in the primitive causes of all misfortunes: the fragility of our species and the empire of luck in all events. Man is the weak plaything of fortune, on which he often calculates with good reason, without ever being able to count on it, because our sphere is not in contact with hers, which is of a much higher order than ours. To expect politics and war to march to the beat of our plans, acting blindly with only the purity of our intentions and aided by the limited means at our disposal, is to want to achieve the effects of divine power through human means. (Bolívar, 1814, p. 3).

Bolívar highlights the complexity and vicissitudes of political and military leadership in fledgling republics. He establishes a syncretism between the limits of human power, historical forces, and a celestial future (Fuentes, 2017).

From this triad, he combines recognition of higher forces (*fatum*) without renouncing the space/place that corresponds to human actions (*virtus*). In other words, he assumes that obstacles are not an exception but rather the common dynamic of the *Res publica*. He also calls for not only analyzing the effects, but also considering, in detail, the primary causes that give rise to conflicts in public administration.

Bolívar proposes the challenge of accepting fortune (and misfortune) as categories that cannot be controlled in their entirety. He ends the manifesto with the following proclamation: "Do not compare your physical strength with that of your enemies, because spirit cannot be compared with matter. You are men, they are beasts; you are free, they are slaves. Fight, then, and you will win. God grants victory to perseverance." (Bolívar, 1814, p. 5).

The Liberator concludes this harangue by establishing clear contrasts between allies and rivals (men versus beasts), the value of one's own virtue (which receives divine blessing) over the number of adversaries. This is republican rhetoric that evokes civic virtue, which is not at odds with the various forms of war strategies that Bolívar established in the theater of operations.

One of the most recognized and proclaimed writings of the Liberator is his *Letter from Jamaica*, since, in the most adverse conditions, he denounces the fatuity of the colony and projects the challenges of the future independent republic.

"New Granada, which is (...) the heart of America, obeys a general government, except for the kingdom of Quito, which its enemies find most difficult to contain because it is strongly devoted to the cause of its homeland, and the provinces of Panama and Santa Marta, which suffer, not without pain, the tyranny of their lords. Two and a half million inhabitants are scattered throughout that territory, which they are currently defending

against the Spanish army under General Morillo, who is likely to succumb before the impregnable fortress of Cartagena. But if he takes it, it will be at the cost of great losses, and he will certainly lack sufficient forces to subjugate the moderate and brave inhabitants of the interior. As for heroic and unfortunate Venezuela, events have unfolded so rapidly and the devastation has been so great that it has been reduced to absolute poverty and appalling isolation, despite having been one of the most beautiful countries in all of America. Its tyrants rule a desert; they oppress only the sad remnants who, having escaped death, lead a precarious existence; a few women, children, and elderly people are all that remain. Most of the men have perished for refusing to be slaves, and those who live fight furiously in the fields and inland villages until they expire or throw into the sea those who, insatiable for blood and crime, rival the first monsters who made their primitive race disappear from America. There were nearly a million inhabitants in Venezuela; and, without exaggeration, it can be said that a quarter of them have been sacrificed by the land, the sword, hunger, the plague, and pilgrimages; except for the earthquake, all as a result of the war. (Bolívar, 1815, pp. 4-5).

Written by Simón Bolívar in 1815, Carta de Jamaica is an essential document for analyzing the philosophical system of Spanish American independence. Its content addresses philosophical and legal themes close to the Enlightenment and Roman law (Oliver, 2013). It denounces the criminal nature of Spanish rule, which brings only war, hunger, and disunity to America, making resistance not only legitimate but obligatory. In this way, it evokes Cicero's principle regarding the illegitimacy of a government based on oppression and death (Guzmán, 2012).

In Carta de Jamaica, the *Liberator* links independence with the thesis of the sovereignty of the people (taken from the Enlightenment, specifically from Rousseau), associating it with the Roman concept of *lex naturalis* (natural law), which justifies resistance to bloody tyranny.

Bolívar, in his *Two and a half million inhabitants are scattered throughout that territory, which they are currently defending against the Spanish army under General Morillo*, portrays the ruthless siege against Cartagena, recalling that empires generally outline axes of justice which, in the case of Spain, have been significantly broken by massacres such as those that occurred in that locality. He emphasizes the legitimacy of patriotic violence as a just and proportional response to the brutal crimes and oppression perpetrated by the Iberian entity. Spain does not uphold any sense of justice, equity, or proportionality, and brings desolation and devastation to America.

The outcome of *the Letter from Jamaica* is proof of his unshakeable will:

"When the state is weak and enterprises remote, all men hesitate, opinions are divided, passions agitate them, and enemies encourage them to triumph by this easy means. Once we are strong (...) we will be seen to agree on cultivating the virtues that lead to glory; then we will continue the majestic march toward the great prosperity to which South America is destined; then the sciences and arts that were born in the East and have enlightened Europe will fly to free Colombia, which will welcome them with open arms." (Bolívar, 1815, p. 22).

This final proclamation reflects a profound reflection on the need for a strong state to consolidate independence and the articulation of citizens who are jointly responsible for the future of the republic, for which philosophical and legal reflections are articulated.

When the state is weak and enterprises remote, all men hesitate, opinions are divided, passions agitate them, and enemies encourage them to triumph by this easy means, he diagnoses the possible division in the nascent republics, which culminates in a weak state condemned to internal and external conflicts.

Bolívar's words are imbued with the philosophy of the Enlightenment. In the case of the quote, there is an evocation of *The Spirit of Laws* (Montesquieu) that highlights the Roman concept of *republican virtue* as a fundamental category for dismantling processes of corruption within it. For Bolívar, a strong state and the republican virtue of its inhabitants are fundamental pillars for the future of full freedom in independent America.

Another document on which specialists agree on the importance of this text is *the Angostura Address*. One of its main definitions states:

"The era of the Republic that I have presided over has not been a mere political storm, nor a bloody war, nor popular anarchy: it has been, yes, the development of all the disorganizing elements: it has been, if you will, the flooding of an infernal torrent that has submerged the land of Venezuela. One man, and a man like me! What barriers could I put up against the force of these devastations? In the midst of this sea of anguish, I have been nothing more than a vile toy of the revolutionary hurricane that swept me away like a weak straw. I have been unable to do either good or evil (...) If I deserve your approval, I will have achieved the sublime title of good Citizen, preferable to me to that of Liberator given to me by Venezuela, to that of Peacemaker given to me by Cundinamarca, and to those that the whole world can give me. (Bolívar, 1819, p. 22).

The Liberator reviews the ups and downs of the struggle for independence with the courage of profound self-criticism in his role in the first (1810-1812) and second republics (1812-1813), as well as other episodes of the revolutionary struggle.

Bolívar, the military and political genius, highlights the importance of state institutions that not only define the actions of the people, but also serve as a guide for those who lead. The strength of state institutions is the true ideal of virtue, much more sustainable than any individual leadership. There is a rejection of personal glorification in *the interests of civic duty*. Although the *Liberator* later asked Congress to appoint a president for life in 1826 (in the context of the premature collapse of Gran Colombia), he later reiterated the need for order to depend not on a leader, but on the laws and institutions of the state. He emphasized the urgency of restoring legal stability after times of revolution.

The *Angostura Address* closes by recalling the conditions under which the struggle against Iberian imperial power took place:

"Since the second era of the Republic, our army has lacked military resources: it has always been unarmed; it has always lacked ammunition; it has always been poorly equipped. Now the soldiers defending independence are armed not only with justice, but also with force. Our troops can measure themselves against the most select in

Europe, since there is no inequality in destructive means. We owe such great advantages to the boundless generosity of some generous foreigners who have seen humanity groan and the cause of reason succumb, and have not been passive spectators, but have flown to its aid with their protective help and lent the Republic what it needed to make its philanthropic principles triumph. These friends of humanity are the guardian geniuses of America, and we owe them eternal gratitude, as well as religious fulfillment of the sacred obligations we have contracted with them. The national debt, legislators, is the deposit of the faith, honor, and gratitude of Venezuela. Respect it as the Holy Ark, which contains not so much the rights of our benefactors as the glory of our fidelity. Let us perish before breaking a promise that has saved the homeland and the lives of its children. (Bolívar, 1819, p. 31).

The conclusion of the Angostura Address vindicates the liberation effort, carried out under the most adverse conditions, which more than two centuries later continues to be reviewed by analysts in the field (*The Admirable Campaign; The Passage of Pisba; The Battle of Boyacá; the post-1819 Battle of Ayacucho, etc.*).

His statement, "*Now the soldiers defending independence are armed not only with justice, but also with force,*" is not only a reminder that seeks to protect from oblivion the fact that the patriot army, in rags, defeated the greatest empire in the world at that time (Spain), but also represents an act to support the concept of just war. Thus, the equivalence of justice and force resurfaces as thegnoseological foundation of the state. It also represents an act to support the concept of just war, thus, the equivalence of justice and force resurfaces as thegnoseological foundation of the State. His proclamation, "*Let us perish first rather than break a promise that has saved the homeland and the lives of its children,*" seeks to place as the cornerstone of the state the word given to those who came to the aid of the homeland fighting for its independence.

Simón Bolívar, already marked by the heat of hundreds of battles, drafts the document *Address to the Constituent Congress of Bolivia*. It is 1826, he is 43 years old, he has barely four years left to live, and he has definitively defeated Spain. The document begins as follows:

"Legislators! In offering you the Draft Constitution for Bolivia, I am overcome with confusion and timidity, because I am convinced of my inability to make laws. When I consider that the wisdom of all the centuries is not enough to compose a fundamental law that is perfect, and that the most enlightened legislator is the immediate cause of human unhappiness and the mockery, so to speak, of his divine ministry, what should I say to you about the soldier who, born among slaves and buried in the deserts of his homeland, has seen nothing but captives in chains and companions with weapons to break them? I, a legislator...! I do not know who suffers more in this horrible conflict: you, for the evils you must fear from the laws you have asked me to make, or I, for the opprobrium to which you condemn me for your trust. (Bolívar, 1826, p. 1)

El *Libertador* begins his presentation of his constitutional project, asking that it not be forgotten that his work is perfectible and requesting the support of legislators. His criticism of federalism remains, although no longer because of the threat of the Spanish empire, but because of the inconsistency and weakness with which the nascent republics begin their existence and which, in Simón Bolívar's view, require the centrality of a strong mandate that allows for the

consolidation of the function of the states. Regarding the role of the new nations, in another part of *his speech to the Constituent Congress of Bolivia*, he states:

"Legislators, now that the new Bolivian Nation has been proclaimed, how generous and sublime considerations should lift our souls! The entry of a new State into the society of others is a cause for joy for the human race, because it increases the great family of peoples. What, then, must be the joy of its founders! - and mine! -, seeing myself equaled with the most famous of the ancients - the Father of the Eternal City! -. This glory rightfully belongs to the Creators of Nations who, being their first benefactors, should have received immortal rewards; but mine, in addition to being immortal, has the merit of being gratuitous because it is undeserved. Where is the republic, where is the city that I founded? Your generosity, in dedicating a nation to me, has surpassed all my services and is infinitely superior to any goods that men can give us. (Bolívar, 1826, p. 8).

The founding act of a nation as a sacred event, as a fact accepted and promoted by providence. The birth of a republic (in this case with its name) as a component that allows for the universal growth of humanity. The founding of Bolivia as a universal sacred act, but supported by the will of the people, not by the heavens.

Bolívar envisions a republican, virtuous state, where the glory of the founder is enshrined by the functionality of its legislators in establishing a lasting legal structure.

Conclusions

The intersection of philosophy and law is permeated by: a) Positive law (the set of rights recognized by different human societies) as founded on eternal (immutable, necessary) natural law; b) Law founded on *morality*, therefore, as a perfectible form of morality; c) Law as *force*, a politically organized historical reality; d) Law as a social *technique* (*duty*, regulation of behavior). In Bolívar's speeches and writings, philosophy and Roman law are reinterpreted under a revolutionary and republican project. Bolívar evokes Roman law and reconfigures it for military and political struggle (against Spain, the three-hundred-year-old invading state), merging its principles with his revolutionary ideal. Bolívar states in each of his documents that there is a natural justice that supports his struggle for the end of Spanish rule and the consolidation of independence. He advocates for a republican system, influenced by the model of Republican Rome (before the Empire) and by Enlightenment theorists such as Montesquieu, who revived the separation of powers from the Roman tradition (Senate, Magistrates, Assemblies).

In his political and military actions, he worked for the legitimacy of republican power, the just right to imperial resistance, and to weave into the perception of American citizens that the Republic was the ideal system for our lands. In this document, as in previous ones, he emphasizes the ontogenic notion of brotherhood among the republics of the great American nation.

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Roman law, its relevance in ethics and justice. Impact on the training of Ecuadorian lawyers

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Introduction

Roman law is one of the deepest roots of Western legal tradition and, consequently, of Latin American legal systems. Its significance lies not only in its normative or institutional influence, but also in its ethical foundation and conception of justice, which has guided the development of law to this day. It is no secret that the teaching of Roman law has gradually lost its specific weight in the training of law graduates worldwide (Murilo, 2008), with a relevant impact in the Latin American context (). For example, the Ibero-American Association of Roman Law has been dedicated to this since its creation. However, in the field of teaching, what Fuenteseca (2009) calls "mutilation of branches of great educational value, such as Roman inheritance law, without which our civil succession law cannot be understood and even the law of obligations cannot be properly explained."

The interpretation of this assertion leaves its mark on Ecuador, which is why this paper explores new perspectives for the teaching of Roman law in today's education system, highlighting that, despite the passage of time, it is necessary to return to its foundations in order to understand modern law and its application in various legal fields.

Ulpian defined justice as "constans et perpetua voluntas ius suum cuique tribuendi" (Digest, 1.1.10), that is, the constant and perpetual will to give each person his or her due. This definition, still valid today, transcends the legal framework to situate itself on the plane of ethics, projecting an idea of justice as a virtue. In the Ecuadorian context, the teaching of Roman law remains indispensable, not only as a historical subject, but as a vehicle for the formation of ethical values and the understanding of justice as a guiding principle.

Today, future jurists face challenges that test the validity of this legacy: corruption, social inequality, bioethical dilemmas, emerging rights, and the need to strengthen trust in judicial institutions. From teaching experience in the subjects of Ethics and Bioethics at the Bolivarian University of Ecuador, it has been found that law students require a solid ethical education that complements legal technique, in dialogue with contemporary ethics, so that they can contribute to the construction of a profile of an upright lawyer, capable of responding to the current challenges of justice in the country.

The objective is to reflect on the relevance of Roman law in ethics and justice, and its impact on the training of Ecuadorian jurists, from the perspective of teaching experience.

The perspective of the study and application of the concepts of justice (*Ius*), equity (*Aequitas*), human dignity, and natural law, among others, is assumed, highlighting the importance of linking legal tradition with comprehensive ethical training in university classrooms by consolidating a professional profile based on integrity, equity, and social commitment.

Roman law as an ethical-legal foundation

Roman law was not a rigid regulatory system, but rather a flexible construct oriented toward justice and coexistence. Principles such as *aequitas* (equity), *bona fides* (good faith), and justice as a virtue gave the law a profoundly ethical character.

The birth of law in Rome is associated with the existence of a set of social inequalities and the need to diplomatically and bureaucratically balance the role of each party in the course of a legal matter, as León (2021) points out when analyzing its archaic, neoclassical, and post-classical stages.

According to Kunkel (2001), Roman law is relevant not so much for the content of its rules, but for the way in which it conceived justice and equity as the guiding principles of the legal order. This vision continues to inspire modern law in its pursuit of universality and social justice.

The effectiveness and precision of its analyses, together with the intellectual and cultural refinement that shines through, reveal one of the most influential legal civilizations in the Western world. In this regard, González (2021) analyzes the conception and production of law in Roman law, with a view to the modern age, thereby making a contribution through the comparative method in terms of how law was conceived and produced, from the perspective of temporality, which makes it an inexhaustible source of study.

Consequently, studying Roman law also involves an exercise in applied ethics: understanding that the law cannot be separated from the values that guide it.

Ethics, justice, and the role of the jurist

Roman jurists were aware of their social duty. As Cicero points out in *De Officiis*, "*non nobis solum nati sumus*" (we are not born only for ourselves), which shows that the law should be at the service of the community.

Today, Ecuadorian jurists face the need to assume a similar role: to serve justice in a context marked by inequalities and a crisis of confidence in institutions. Professional ethics, understood as a moral commitment to justice, is essential to guarantee respect for fundamental rights and the strengthening of the rule of law.

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Professional ethics and social responsibility

The relevance of Roman law is evident in the need to train lawyers who understand justice not as an abstract concept, but as a virtue and a commitment. Ecuadorian society demands

professionals who act with integrity and are capable of addressing issues such as corruption, human rights crises, and social conflicts.

Authors such as Radbruch (2007) argue that law without justice loses legitimacy, reminding us that ethics must be the compass of legal practice. Ecuadorian jurists must take on this challenge from university, where not only technical knowledge is forged, but also the ethical identity of the professional.

Roman law as the basis of contemporary justice

Roman law has left a deep and lasting mark on the formation of the legal systems we know today. Through fundamental concepts such as *ius naturale*, *ius gentium*, equity, and good faith, Roman jurists bequeathed us principles that have endured throughout the centuries and continue to form the basis of contemporary justice. One of the most important concepts in Roman law is *ius naturale*, or natural law. Ulpian defined it as the law that nature teaches all living beings, "*quod natura omnia animalia docuit*," encompassing biological instincts such as procreation, the union of the sexes, and the care of children.

This notion of a law that exists prior to positive law has given rise, in the Modern and Contemporary Ages, to philosophical and legal currents that support human rights, human dignity, equality, and freedom, understood not as concessions from the legislator, but as attributes inherent to human beings. On the other hand, *ius gentium*, or "law of nations," was used by the Romans to refer to the common rules that governed different peoples, applicable to both Roman citizens and non-citizens. This concept acts as a bridge between local rules (*ius civile*) and universal rules (Divisions of Law III).

Today, *ius gentium* resembles the principles of international law, universal human rights, and multilateral treaties, which seek to establish common rules accepted by multiple states. Justice (*iustitia*) in Rome was defined by Ulpian as "*constans et perpetua voluntas ius suum cuique tribuens*," that is, the constant and perpetual will to give each person his due. This definition has influenced our modern notions of distributive justice, commutative justice, and legal justice. From it arise contemporary ideas such as the right of each person to claim what belongs to them, judicial impartiality, and the conviction that the law must be applied equally to all.

Another key principle is equity. In Roman law, equity acts as a corrective to strict law, adapting general rules to particular situations, considering what is fair in each case, and softening the rigidity of written law. This capacity shows how judges or interpreters can and should adjust the application of the rule to meet the requirements of justice in specific situations. In current law (including doctrine, jurisprudence, and legislation of the Roman-Germanic and Latin American traditions), equity remains a fundamental principle, which is applied in the interpretation of rules, in judicial remedies, and in the moderation of excesses (Saccoccio, 2023).

Roman law has not only influenced abstract principles, but is also an integral part of many codes, doctrines, and methods of legal education. In Latin America, for example, civil systems, codes of obligations, institutions of contracts, succession, civil liability, etc., derive from or have been strongly influenced by structures that originated in Rome (*Law and Justice*).

A recent article mentions that "the Roman law system as a common heritage of humanity... Roman law, although no longer in force, is the driving force behind modern codifications and

should be valued by contemporary jurists as a true common heritage of humanity." This highlights the idea that, although many Roman norms are no longer in force in their textual form, their structural principles are and act as the roots of many modern institutions. The notion of Roman natural law has resurfaced in contemporary debates on human rights (Divisions of Law III).

As mentioned in a recent publication, natural law theories help to construct the essential elements of human rights recognized in international covenants: freedom, equality, dignity, among others.

In many current constitutional systems, principles derived from Roman law—such as equality before the law, good faith, equitable justice, and respect for human dignity—are a fundamental part of the constitutional framework or general principles of law (Ramirez, 2021).

However, not everything that belonged to Roman law can be easily adapted to modern times. Institutions such as slavery, the denial of political rights to women and slaves, and citizenship hierarchies reflect social values that we reject today. Furthermore, the interpretation of *ius naturale* has varied over time, with approaches that in some cases could justify privileges or exclusions. For example, although Ulpian described *ius naturale* broadly, this did not mean that everyone living under Rome enjoyed the same rights; in reality, there were different legal categories (Saccoccio, 2023).

Roman law, culture, and society

Roman law cannot be seen merely as a set of old legal rules; it is much more than that. It is deeply intertwined with the culture, customs, values, and social structure of Rome. Many Roman legal practices were also cultural: rituals, symbols, ceremonies, and traditions that showed how the Romans understood the individual, the family, the state, and the community. In this sense, Roman law acted as a bond of social cohesion, cultural integration, and the construction of a collective identity (Murillo et al., 2023).

Below are some key elements of this relationship and their importance in understanding how law and culture are intertwined. Roman culture is based on concepts such as *mos maiorum* — the "way of the ancestors" — which encompasses traditional norms, customs, and loyalties to family, the state, and the gods. These informal norms existed before written law and gave social legitimacy to positive laws. Values such as *pietas* (duty to the gods, family, and state), *fides* (trust and keeping one's word), *virtus* (courage and moral excellence), *gravitas*, and discipline, among others, were part of the Roman ethos (Kiralffy, 2025).

These virtues were required in both the social and legal spheres in certain cases, and were present in political life, private law, and interpersonal relationships. The Twelve Tables, for example, were the first major attempt to codify law in the Roman Republic (450 BC), reflecting a culture that demanded that rules be public, clear, and accessible to all citizens. Publishing them in bronze became a cultural symbol of justice and transparency, making the law visible and preventing it from being at the mercy of whim or hidden customs (Kiralffy, 2025).

In ancient Rome, law was closely linked to citizenship. Having legal rights (*ius*), such as *ius civile*, meant enjoying social, political, and participatory privileges. Going from being a peregrine or foreigner to becoming a citizen was a significant change in legal identity, opening the door to

certain legal processes, rights of association, family law, and the possibility of integrating into the local elites, among other things (Hurtado, 2020).

Thus, the law not only regulated but also defined who was part of "us," contributing to the social cohesion of the Roman state. A notable example of this is the *Constitutio Antoniniana* of 212 AD, issued by Caracalla, which granted Roman citizenship to almost all free men in the Empire. This culturally strengthened the ideal of universal citizenship within the Roman domain. In this way, the expansion of legal rights helped to create a sense of belonging and to integrate the conquered peoples under a common legal and cultural identity (Ramirez, 2021).

One of the great strengths of Roman law was its ability to integrate diverse cultures. Although there was a central legal framework, Roman law coexisted with local customs in the provinces and indigenous practices. On many occasions, these customs were recognized, tolerated, or adapted by the law or by magistrates. This flexibility allowed Roman law to be seen not as an external imposition, but as part of a system that could incorporate cultural diversity while maintaining legal unity (Saccoccio, 2023).

This phenomenon has important social repercussions: it promotes the legitimacy of the legal system, reduces tensions of cultural resistance, and contributes to political and social stability. From a modern perspective, we can observe in this models of legal multiculturalism, the tension between customary law and formal law, and how current legal systems face the challenge of respecting local or cultural identities.

Impact on the training of Ecuadorian lawyers. Summary of an experience in teaching ethics and bioethics in legal contexts

In Ecuadorian academia, the teaching of Roman law has, in many cases, been reduced to a historical perspective. However, when combined with ethics and bioethics, it becomes a pedagogical tool that allows for the training of lawyers with critical thinking skills and social awareness.

Teaching experience at the Bolivarian University of Ecuador has shown that law students find in ethical reflection a space to understand that their future performance should not be limited to the mechanical application of rules, but rather to the defense of human dignity and justice.

In this sense, bioethics brings new perspectives to the debate by addressing issues related to life, dignity, health, and technology, showing that law must be in constant dialogue with contemporary ethical challenges.

The reference to the experience gained during the teaching of the course Ethics and Bioethics in Legal Contexts, which aimed to strengthen the capacity for analysis, reflection, internalization, and decision-making in the face of ethical, bioethical and deontological problems that arise in the practice of law as fundamental bases for professional performance, is of great importance in the framework of the analysis carried out, with an interdisciplinary perspective being essential, which is assumed in the direction of the teaching-learning process by two teachers and 56 students, where the following contents stand out:

- Branches of ethics. Applied ethics. Ethics. Relationship with other sciences and disciplines. Ethics and philosophy.
- Professional ethics in the field of social and legal sciences.
- General aspects of ethics and bioethics in the training of legal professionals.
- Ethics and professional practice in the field of law: criminal, civil, administrative, and social responsibility.
- Professional ethics of lawyers in the creation, interpretation, and application of legal norms.
- The legal professional in the popular imagination. Professional identity and social image.

In accordance with the topics of study, the potential of critical-sociological approaches is exploited in the study of the relationship between Roman law, ethics, and bioethics, focusing on the analysis of the concepts of human dignity, natural law, equity and justice, ethical responsibility, and the application of the law, which are extremely useful for resolving ethical conflicts and making judicial decisions.

The study primarily used methods from pedagogy and legal didactics, focusing on debate, case analysis, film observation and reflection, portfolio development, group dossiers, and integrative projects with the modeling of different scenarios, actions, and practical activities.

It is developed through the thematic content that makes up each unit, in a cross-curricular manner. Students analyze contemporary bioethical cases by applying principles that have survived to the present day, formulated from Roman law. They develop critical skills through historical-comparative analysis and consolidate their ethical training through the reflective praxis that should characterize Ecuadorian jurists today, taking into consideration elements of classical Roman jurisprudence. The work developed was based on different approaches as a didactic-research model.

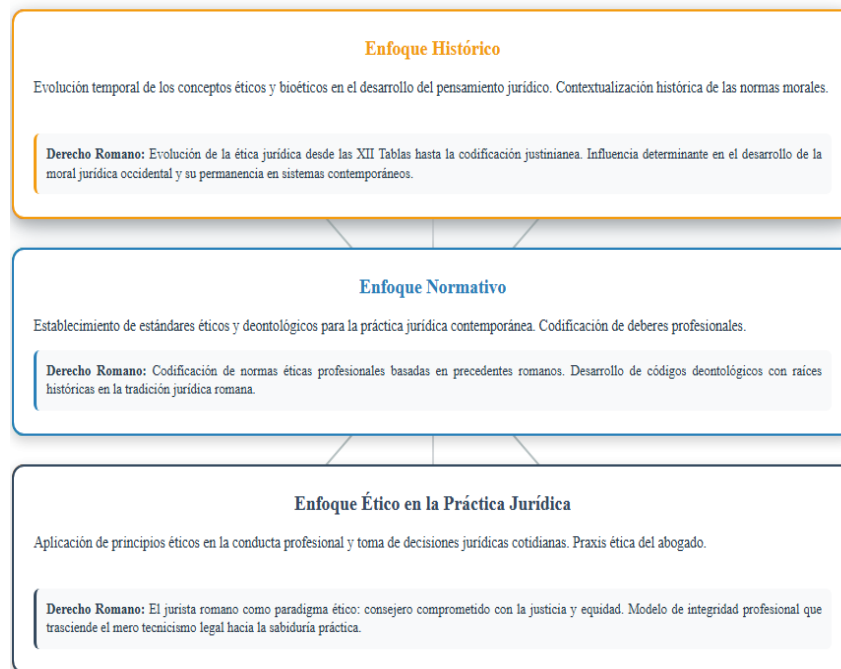
Main challenges in legal ethics and bioethics training from a multi-approach model

Although the application of Roman law principles and concepts today is not without difficulties and assumptions that modern Romanists must face (Castro, 1999), these are more of a challenge than a reason to stop, given their exciting nature.

Among the challenges assumed in this regard is the application of the multi-approach model, which, according to Guerra, Pacheco, and Gómez (2024), constitutes a space for the reinterpretation of integrated knowledge and the use of methods of epistemological approach to reality, which, while studying conceptions, paradigms, and models, assumes elective criteria for the foundation and application to current theories.

This integrative challenge represents, in the subject of study, the assumption of different approaches, whose theoretical and practical orientation allows for the application of the foundations of Roman law, represented in the previous representation. Its validity is represented in Fig. 1.

Figure 1 Validity of Roman law. Multi-approach criteria in the teaching of ethics and bioethics.



Note. Prepared by the authors.

The convergence of these approaches allows for the configuration of an integrative pedagogical methodology that articulates the conceptual solidity and temporal permanence of Roman law in response to contemporary ethical demands in the Ecuadorian context. The aim is to contribute to the training of jurists capable of taking on the ethical challenges of the 21st century with solid historical foundations, a critical perspective, and professional ethical commitment. since Roman law is not only a historical reference point, its methodological contribution is relevant to the ethical training of contemporary jurists, providing conceptual and h l tools for resolving current ethical dilemmas, taking into account justice, equity, and professional responsibility.

Conclusions

Roman law continues to be relevant in ethics and justice, not only as a historical precedent, but also as a moral and educational frame of reference, without losing sight of its axiological value and relevance as a fundamental basis for understanding the law and its application in accordance with ethical values and justice in the contemporary world, with an emphasis on the Ecuadorian context.

The teaching of justice as a virtue, according to Roman jurists, is fundamental to the comprehensive training of lawyers in Ecuador, which is why it is essential to understand the logic and reasoning behind Roman institutions in order to develop a solid foundation in the study of civil law and other branches of law.

Teaching experience in ethics and bioethics shows that students require a legal approach that articulates law and morality in order to respond to contemporary social challenges, making their perception essential in the analysis of situations related to human rights, equity, and dignity.

The purpose of the Ecuadorian jurist conceiving of himself as the guarantor of justice and the common good, overcoming the reductionist view of law as a mere normative technique, has its starting point and convergence in the foundations offered by Roman law today.

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Dominium, res communes, and the environment: Roman law as an ethical and legal basis for the protection of land and nature in Michoacán

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Introduction

It is often thought that the environment is a relatively new issue, typical of the contemporary agenda and debates on sustainable development and the climate crisis. However, concerns about regulating the use of natural resources, preventing damage, and ensuring community health have very ancient roots. Since ancient times, we have found legal regulations that, although they did not use the modern concept of "environment," sought to protect common resources and prevent the deterioration of social coexistence.

As early as the Code of Hammurabi (ca. 1750 BC), one of the first written bodies of law, penalties were established for those who, through negligence, allowed the loss of animals or the deterioration of crops. Thus, for example, a shepherd who allowed disease to spread among his flock had to replace the lost livestock, showing a clear concern for animal health and the continuity of livelihoods (Alan, 1985).

In ancient Rome, this concern reached a higher degree of sophistication. The Law of the Twelve Tables (5th century BC), the foundation of civil law, contained rules that sought to preserve the health of the city and prevent polluting practices: it prohibited the burial or cremation of corpses within city limits in order to prevent harmful fumes and health risks (Barry, 1962). Likewise, Roman jurists and magistrates developed provisions to regulate water pollution, protect forests and mountains, and prohibit practices harmful to the interests of the *civitas*. It can therefore be said that Rome anticipated an embryonic environmental law, oriented not so much towards 'nature' as towards collective health, the general welfare of the population, and the integrity of the common space.

Understanding this legacy requires us to examine the basic concepts of Roman law. Justinian, in the Institutes, formulates the three precepts of law: live honestly, do no harm to anyone, and give everyone their due (CONANP, 2025).

These seemingly simple concepts contained enormous normative potential: living honestly implied respecting equity in relationships; harming no one meant recognizing limits to the use

of one's own property; and giving everyone their due implied recognizing the existence of goods that, by nature, were common and had to be protected (Fuentes, 2017).

Within this conceptual architecture arose the category of *res communes omnium*, that is, natural goods common to all: air, water, the sea, the sun, and the earth, indispensable for life and, therefore, free, non-exchangeable, and impossible to appropriate exclusively (Fritz, 1951).

The Romans clearly distinguished that, while some goods could be incorporated into private property (*res in nostro patrimonium*), others had to remain outside of appropriation (*res extra nostrum patrimonium*), whether because of their sacred (*res sacrae*), religious (*res religiosae*), public (*res publicae*), or common (*res communes*) nature.

The term *res*, which in Roman law was equivalent to "thing" or "object of law," included all those elements of the outside world that could be appropriated, transferred, or used, provided they were lawful and useful (Gayo, 1845).

Benefits, services, and intangible entities were not considered "things," although certain intangible rights (*iura*) were also recognized over time. This classification of things, which included divisions such as *res Mancipi* and *res nec Mancipi*, movable and immovable property, or provincial and Italian property, allowed jurists to establish an orderly legal system to regulate the use, transfer, and protection of property (Gayo, 1998).

Of particular relevance is the distinction between *res in commercio* and *res extra commercium*: while the former could circulate freely in private trade, the latter—including *res communes*—were excluded from individual appropriation (Justinianus, 1869).

This point provides a clear precedent for the modern notions of national assets, public assets, and common assets, which are the pillars of contemporary environmental law.

In conclusion, although the Romans did not speak of the "environment" in the current sense, they did develop a set of legal and ethical categories that conditioned private property, delimited access to common goods, and established duties of equity and non-harm to others (León & Jacome, 2021). This legacy, transmitted through the Romanist tradition to Mexican law, today offers a solid conceptual and ethical framework for justifying restrictions on private property for the sake of environmental protection, as well as for understanding the social and ecological function of property. This paper aims to give meaning to the rules and laws that regulate the management of Conservation Areas belonging to the State System of Conservation Areas, attached to the Ministry of the Environment of the State of Michoacán, based on Roman law (Justinianus, 1968).

Roman conceptual framework for the environment

1. *Res communes omnium*: the common goods of nature

Justinian's Institutes open their famous *De rerum divisione* with a statement that resonates in environmental terms: by natural law, air, running water, and the sea are common to all, and for this reason, so are the sea coasts (Fritz, 1951).

This does not equate to "absence of rules"; rather, it means that these are goods whose exclusive appropriation is excluded and whose use is coordinated by the public authorities and the community. The dogma of the Digest adds that certain rivers are public, and that their banks may be used for common purposes, with easements and limits for riparian owners (Political Constitution of the United Mexican States).

This conceptual architecture allows for three direct overlaps with the present:

a) The basis of common use goods in contemporary law (e.g., territorial waters, coasts and beaches, inland marine waters and, in the case of Mexico, epicontinental water bodies), which are not "nobody's" but belong to everyone under public guardianship and, in the case of Mexico, are administered by various federal agencies in coordination with state and municipal governments (General Law on National Assets, 2004).

b) The justification for imposing limitations and easements (right of way, aqueduct, river defenses) that ensure compatible uses, which in the case of Mexico can be found in the National Water Law, the General Law of Ecological Balance and Environmental Protection, and in the Territorial and Communal Ecological Regulations (General Law on Ecological Balance and Environmental Protection).

c) The intuition that not all uses can be privatized: air and running water cannot be excluded without harming the community. In the case of Mexico, expropriation for conservation does not exist, so all nature conservation must always be linked to the owners of the land to be conserved.

2. Dominium and its limits: *aequitas*, *utilitas publica*, and *vecindad*

Roman dominium was conceived as a strong power over property, but not an absolute one. Praetorian practice and the casuistry of the Digest show a range of preventive and compensatory actions that incorporated equity and the public interest as limits on the use of one's own property. The following are paradigmatic:

a) The *actio aquae pluviae arcendae*, to prevent works that diverted rainwater to the detriment of neighboring land (Birks & McLeod, 1987).

In the case of Michoacán, Mexico, all construction projects must submit an Environmental Impact Statement, and if the project is intended to be carried out within a Conservation Area, it must comply with the guidelines established in the Management Program for that area (General Law of Ecological Balance and Environmental Protection).

b) *La operis novi nuntiatio*, which allowed potentially harmful works to be halted until their legality was decided (Rome, 1997).

In the state of Michoacán, the Office of the Attorney General for Environmental Protection is responsible for regulating, suspending, and sanctioning those who carry out works that damage the ecosystem or nature in general (Justinianus, 1968).

c) Easements and actions for harmful emissions (smoke, odors, spills) and for lighting or views, especially in urban areas (Ulpiano et al., 1825).

d) The Lex Aquilia and its *damnum iniuria datum*, the basis of liability for unjust damage to another's property, which modern doctrine associates with the archetype of civil liability (Watson, 1985).

In all cases, the same idea underlies: the use of one's own property is exercised in society and, therefore, cannot cause damage to third parties or to the common space. This matrix clearly explains the legitimacy of current environmental restrictions on property rights.

3. Bonum commune and correlative duties of care

Roman civic ethics—expressed in the triad "live honestly, harm no one, give everyone their due" and the notion of *utilitas publica*—holds that the benefits derived from the enjoyment of common goods generate correlative duties of care, moderation, and cooperation (Justinianus, 1869).

In contemporary terms, the translation is straightforward: prevention of harm, caution in the face of scientific uncertainty, intergenerational solidarity, and participation in the management of the commons.

4. Useful classifications of things and their environmental interpretation

The division between *res humani iuris* (public, private, and common) and *res divini iuris* (sacred, religious, holy) sheds light on the modern difference between public, private, and common goods, and justifies that some, due to their symbolic or ecological value, receive a regime of intangibility similar to that of *res sacrae* or *sanctae* (temples, sacred forests, walls) (Gayo, 1998).

Other dichotomies, *res Mancipi* / *res nec Mancipi*, *in/extra commercium*, anticipate the current reinforced regimes for transmitting or limiting the use of certain goods (authorizations, concessions, permits, legal easements) (Justinianus, 1869).

Reception in Mexican law: from common goods to the ecological limits of property

1. Constitution: healthy environment and forms of property

Since 1999, the Mexican Constitution has recognized that everyone has the right to a healthy environment and mandates that the State guarantee it. For its part, Article 27 affirms the Nation's original title to land and water and empowers it to impose modalities on private property for reasons of public interest, including, today, environmental reasons. This formula accurately reflects the Romanist principle: *dominium* is not absolute and is modulated by public utility.

2. National assets and common use assets

The General Law on National Assets identifies, among other things, assets for common use (airspace, territorial waters, beaches, and federal maritime-terrestrial zones, etc.) subject to public regulation and regulated access. The conceptual continuity with *res communes* is evident: these are assets that cannot be appropriated exclusively, whose use depends on the general interest and environmental protection (General Law on National Assets, 2004)..

3. Environmental policy (LGEEPA): public order and social interest

The General Law on Ecological Balance and Environmental Protection (LGEEPA) lays the foundations for guaranteeing the right to a healthy environment and defines instruments such as Ecological Land Use Planning (OET), Environmental Impact Assessment, and Protected Natural Areas (ANP), all of which are matters of public order and social interest (General Law on Ecological Balance and Environmental Protection). Once again, the Roman thread is clear: limitation of uses and coordination for the common good.

4. Protected Natural Areas and Voluntary Conservation Areas: public utility and shared responsibility

ANPs are decreed for reasons of public utility to preserve ecosystems, evolutionary processes, and environmental services; Voluntary Conservation Areas recognize voluntary conservation commitments by individuals, ejidos, or communities, with certification by the environmental authority (General Law of Ecological Balance and Environmental Protection). In Romanist terms, ANPs embody *utilitas publica* as a normative decision, while AVCs embody the ethics of *bonum commune* by making society jointly responsible (Watson, 2011).

5. Ecological land use planning: ecological function of the soil

OET regulates or induces land uses and productive activities in accordance with ecological suitability, resource availability, and carrying capacity (General Law of Ecological Balance and Environmental Protection). It connects, almost seamlessly, with Roman preventive actions: if the *operis novi nuntiatio* allowed potentially harmful works to be suspended, the OET anticipates and conditions uses to prevent damage and organize space (Roma, 1997).

Application in Michoacán: from Roman legacy to state practice

1. State System of Areas for the Conservation of Natural Heritage

Michoacán promotes a State System of Areas for the Conservation of Natural and Environmental Heritage, which belongs to the State Ministry of the Environment. This system articulates instruments for conservation, restoration, and social management of the territory, recognizing strategic sites for their ecological value and biocultural identity (wetlands, springs, forests, mangroves, biological corridors, and now, biocultural corridors). The Romanist link operates on three levels:

- i) Common goods (water, air, coasts, wetlands) under protective regime by means of a Decree or a Certificate, depending on the case;
- ii) Public utility as the basis for restrictions on incompatible uses, regulated through Conservation Area Management Programs;
- iii) Institutional and community co-responsibility, the *bonum commune*, as a condition of effectiveness. This is particularly present in AVCs.

2. State and regional regulations

The state of Michoacán has a State Ecological Regulation and regional regulations (e.g., Pátzcuaro–Zirahuén, Cuitzeo watersheds; Mariposa Monarca region; Sierra Costa), which: zone the territory (exploitation, conservation, restoration, restricted use); establish ecological criteria for authorizations; incorporate social participation and interculturality; activate principles of prevention and precaution. These instruments safeguard property, linking it to the ecological vocation of the land, just as in Rome, neighborhood and public utility guided the use of land (Justinianus, 1968).

3. Environmental Restoration and/or Protection Areas in Michoacán (ZRPA)

The ZRPA allow for the restoration of hydrological and ecological functionality in degraded or strategic sites (springs, recharge areas, wetlands, unstable slopes) through technical studies that justify temporary or permanent restrictions on certain uses. The Roman equivalent is clear: limitation of dominium for public utility, protection of common goods, and shared restoration duties (Justinianus, 1968).

4. Indigenous territories, bonum commune, and governance

In numerous indigenous territories (Purépecha Plateau, Lake Pátzcuaro and Cuitzeo basins, Sierra Costa), customary land use regimes function as community mechanisms for the stewardship of forests, water, and soil. The dialogue between these internal regulatory systems and the state legal system reinforces the legitimacy and effectiveness of environmental management. In Roman law terms, the common good is embodied in rules of coexistence and shared surveillance (Justinianus, 1968).

5. Illustrative examples (summary)

- Springs and wetlands: The Manantial La Mintzita Protected Natural Area, which, due to its water and socio-environmental value, justifies conservation, restoration, discharge controls, and compatible uses (environmental education, research, participatory restoration), thus protecting 419 hectares within the municipality of Morelia, the state capital (Justinianus, 1968).
- Lake basins: The Biocultural Corridor of the Northern Zone of Lake Pátzcuaro, due to its hydrology and soil type, guides regulations that limit changes in use and extraction; it promotes agroforestry practices and sanitation as conditions of dominion to ensure the water recharge of Lake Pátzcuaro. In August 2025, four indigenous communities and a group of small landowners were certified as a CVM to safeguard the surrounding forests and support 8,191 hectares of conservation in the lake area (Watson, 2011).

Contributions of the Romanist tradition to current dilemmas

1. Why does property admit ecological limits?

In a context of climate crisis, biodiversity loss, and water stress, it is essential to justify limits on the exercise of property rights and positive restoration duties. Roman law tradition provides a language and a dogma: dominium does not allow antisocial or harmful uses; it is governed by equity and public utility (neighborhood actions, operis novi nuntiatio, aquae pluviae arcendae,

etc.) (Digest, Book XIV, Page 39.1). Res communes, air, water, sea, are not privatized: they require special treatment and public oversight (public riverbanks and waterways, aquae publicae) (General Law on National Assets, 2004).

The bonum commune imposes correlative duties: prevention, precaution, restoration, and intergenerational solidarity (CONANP, 2025).

2. From principles to instruments

The transition from theory to practice is achieved through: ecological regulations (suitability and compatibility of uses); impact assessment (ex ante prevention and mitigation); ANP and AVC (state intervention and coordinated social commitment for their management); ZRPA (prioritization of restoration in critical sites and protection in strategic sites); regulations and monitoring (control of discharges, changes in use) (Watson, 2011). All apply the principles of Roman law: prevent damage rather than compensate for it, coordinate the use of common resources, and subordinate individual interests when required by the common good (General Law of Ecological Balance and Environmental Protection).

3. Governance and legitimacy: participation, interculturality, and science

The current effective environmental policy in the state of Michoacán is based on five pillars:

- a) Informed social participation (as an "extended neighborhood" that Rome protected in its actions);
- b) Interculturality in indigenous territories (recognition of local authorities and customary practices as a condition of effectiveness and justice);
- c) Scientific basis (hydrogeology, suitability mapping, connectivity, ecosystem services, and monitoring) so that doing no harm has real effects on the territory.
- d) Proactive agenda for Michoacán (in light of dominium, res communes, and bonum commune)
- e) Consolidation of the State System of Areas for the Conservation of Natural and Environmental Heritage

The above always prioritizing springs, wetlands, ecosystems representative of the state, and biological corridors through an articulated scheme of ANP, AVC, and ZRPA, ensuring ecological connectivity and mixing it with the social sphere. From the Romanist perspective, this policy reflects the category of res communes omnium (air, water, sea), whose use is suggested to be ordered for the collective benefit. In Rome, the notion of res communes legitimized the state's organization of access to the sea, rivers, and their banks; similarly, Michoacán must organize access to and conservation of its wetlands, springs, beaches, forests, and representative ecosystems as contemporary common goods (Fritz, 1951).

4. Update/strengthen state and regional OET

Explicitly including ecosystem services (water, pollination, erosion control) and risks (floods, landslides) provides certainty to owners and authorities. This measure is linked to the limitation

of dominium by utilitas publica: in Rome, the owner had to abstain from acts that affected the neighbor or the collective interest, such as the diversion of water (*actio aquae pluviae arcendae*) or dangerous constructions (*operis novi nuntiatio*) (Birks & McLeod, 1987).

By conditioning land use on ecological suitability, the OET replicates this logic of preventing damage and subordinating property to the common good (General Law of Ecological Balance and Environmental Protection).

5. State water restoration program

Restoring springs and aquifer recharge through joint responsibility agreements (owners, ejidos, municipalities), incentives (payments for environmental services), and community monitoring reflects the ethics of *bonum commune*. In Roman law, the use of *res communes* generated correlative duties: access to running water implied not contaminating it or impeding its natural course. Current hydrological restoration extends this idea of a positive duty to protect what is common (Fritz, 1951).

6. Intercultural integration

Establishing governance roundtables with indigenous peoples and self-governing communities to co-design local rules for use and monitoring, and recognizing community environmental guards, finds a parallel in the collective nature of Roman guardianship of common goods. The Roman people (*populus*) had ownership of the *res publicae* (roads, ports, squares), while the *res communes* belonged to everyone. Thus, recognizing indigenous communities in Michoacán as active custodians through environmental protection decrees and certificates continues the tradition that the commons are defended not only by the state, but by society as a whole (Martha, 1997).

7. Municipal strengthening

Aligning environmental regulations and urban plans with the OET and training operators recalls that, in Rome, magistrates applied interdicts to safeguard public order in the face of damage to common space (rivers, roads, sewers). The current municipality becomes that "contemporary praetor," responsible for enforcing the limits of dominium when the common environmental interest is affected, always in coordination with the state and the agencies with the powers to stop and/or sanction (General Law of Ecological Balance and Environmental Protection).

8. "No net loss" criteria

Establishing that public and private works that impact habitats or services must compensate through restoration reflects the function of the *Lex Aquilia* in Rome, which imposed compensation for unjust damage to the property of others (*damnum iniuria datum*). Today, "no net loss" is the modern translation of that requirement of responsibility and compensation that guaranteed the continuity of the common good (Watson, 1985).

9. Environmental legal literacy

Training judges, inspectors, and trustees in the logic of *res communes* and the limits of dominium ensures decisions consistent with the Romanist tradition, based on the precepts of Justinian.

Training operators in this ethic of Roman law reinforces the idea that property and environmental management are institutions at the service of the community, not ends in themselves (Justinianus, 1869).

Conclusions

Roman law should not be understood as legal archaeology or mere historical antecedent, but as a living conceptual source that continues to offer solid criteria for addressing current dilemmas. Its fundamental categories—dominium, *res communes*, *utilitas publica*, *bonum commune*—contain an ethical and normative substratum that allows us to think of property not as absolute power, but as an institution functional to common life. *Dominium* was subject to equity and public utility; *res communes* were intangible assets for collective use, impossible to appropriate exclusively; and *bonum commune* imposed correlative duties of care, solidarity, and responsibility. All of this forms a vision in which the law is oriented not only toward protecting individual interests, but also toward guaranteeing the permanence of the community and the integrity of the environment that sustains it.

In contemporary Mexican law, this tradition has been codified and reconfigured. The Constitution recognizes the human right to a healthy environment (Art. 4), legitimizes forms of private property for reasons of public interest (Art. 27), and regulates the Nation's common goods under special regimes. In addition, instruments such as ecological land use planning, environmental impact assessment, Protected Natural Areas (ANP), Voluntary Conservation Areas (VCAs), and State Environmental Restoration and/or Protection Zones (SERPZs) now fulfill the same function that praetorian actions once did: delimiting, ordering, and conditioning the uses of goods and territory in accordance with the general interest. In this way, Mexican law not only inherits the Romanist legacy, but also updates it in environmental terms (General Law on National Assets, 2004).

In the case of Michoacán, the convergence between the State System of Areas for the Conservation of Natural Heritage and Environmental Heritage, state, regional, municipal, and communal ecological regulations, water restoration programs, and community governance offers a concrete example of how Roman principles can be translated into effective public policies. The notion of *res communes* is embodied in the protection of wetlands, springs, forests, biological corridors, and biocultural corridors; the limitation of *dominium* is reflected in the restrictions on land use derived from the regulations; and *bonum commune* is materialized in the active participation of indigenous peoples and local communities in environmental management (General Law of Ecological Balance and Environmental Protection). Thus, Roman law not only inspires but also legitimizes contemporary decisions that seek to balance private property, common goods, and sustainability (Justinianus, 1968).

The central challenge is ethical and political. It is a matter of upholding the common good as a cross-cutting guide for decisions on land use, water use, conservation of biodiversity, and restoration of degraded ecosystems. This implies recognizing that property is an institution at the service of the community and not an end in itself, and that common goods require a reinforced protection regime. It also means accepting that environmental responsibility is intergenerational co-responsibility: what is destroyed today compromises justice for future generations.

In this context, Roman law reminds us of an essential lesson: justice cannot be conceived without community, and community cannot be sustained without a healthy environment. As the jurists warned, "live honestly, harm no one, and give everyone their due" was not an empty precept, but a guide that encompassed the entire life of the Roman citizen. Applied to the present, this obliges us to live in accordance with equity, not to harm the environment—because harming the environment is harming everyone—and to give everyone their due, which includes the right of every person to enjoy a healthy and balanced environment. In short, the Roman tradition, far from being a vestige of the past, is a living foundation for building the contemporary environmental policy of Michoacán and Mexico (CONANP, 2025).

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On the historical formation of the general category of voluntary representation

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Premise

Roman law never established a general category of legal representation, but it developed many of its elements, providing the tools for its construction to subsequent legal science (Miceli, 2008). Thanks to the joint work of magistrates with jurisdictional functions and jurists, several different types of voluntary representatives were created between the 2nd century BC and the early decades of the 3rd century AD, which were included in Justinian's codification, where an attempt was made to give a certain systematic order to the whole subject.

In my presentation, I propose to focus mainly on the historical evolution of this issue during the Roman legal experience, from the archaic age to the Justinian era, briefly analyzing the legal regime of some representative figures. This analysis will allow us to learn about several specific aspects of them, which were transmitted to later legal tradition through Justinian's work (*Murillo et al.*, 2023).

I will conclude by briefly outlining the most important stages in the development of medieval and modern legal science, from the general and unitary dogmatic category of representation, to a quick overview of modern codes and the project to unify part of European private law known as the *Draft Common Frame of Reference (DCFR)*.

The limits of archaic Roman law and the changes introduced by pre-classical and classical law

In the earliest period (until the end of the 4th century BC), the only voluntary representatives that existed were slaves and children placed under the authority of their owner or father (*dominus* or *pater familias*), excluding all other cases. In fact, the ancient principle of civil law (*ius civile*) still applied, as expressed in Gaius' *Institutes* 2.95, according to which no one could acquire a thing or a right through another person who was not under their authority and outside their family:

"From what we have just discussed, it follows that we cannot acquire anything through free persons who are not subject to our authority and whom we do not possess in good faith, nor through slaves belonging to others, over whom we have no usufruct or just possession. This is expressed when it is commonly said that we cannot acquire through a stranger..."

(*Ex his apparet per liberos homines, quos neque iuri nostro subiectos habemus neque bona fide possidemus, item per alienos servos, in quibus neque usumfructum habemus neque iustam possessionem, nulla ex causa nobis adquiri posse. Et hoc est quod vulgo dicitur per extraneam*

personam nobis adquiri non posse. Tantum de possessione quaeritur, an <per extraneam personam> nobis adquiratur).

This is a rule that reflects an archaic economic and social environment in which the pater familias, as the sole owner of the estate, personally carried out his own business activities or used his slaves or children under his authority, who were both deprived of legal capacity in relation to property (Quadrato, 1987, cit., pp. 88 to 92). However, the representation of family members, who were under the authority of the father, functioned only on the active side, so that money, property, and credits acquired by them entered directly and immediately into the patrimony of the holder of authority, while, on the passive side, debts and charges were not transferred to him (Serrao, 2006).

The existence of this form of imperfect representation is confirmed by the jurist Ulpian (who lived at the beginning of the 3rd century AD) when, commenting in D. 45,1,38,17 on what an earlier jurist, Sabinus, said about the stipulation contract (stipulatio), he recalls:

"No one can make a promise by stipulation on behalf of another except a slave who stipulates for his master or a son under parental authority for his father: in fact, obligations of this kind have been introduced so that each person may acquire for himself what is in his interest..." (Alteri stipulari nemo potest, praeterquam si servus domino, filius patri stipuletur: inventae sunt enim huiusmodi obligationes ad hoc ut unusquisque sibi adquirat quod sua interest...).

These words reflect a maxim according to which, through such a contract, a credit cannot be acquired from another person if the one who makes the promise (the stipulator) is not a slave or a child under his authority, since the obligatory relationships arising from a stipulation must be contracted personally. This reasoning probably reveals the most profound and all reasons behind the primitive idea that the most ancient solemn and formal acts of civil law required personal celebration by the interested parties for them to be effective.

With the transformation of the Roman economy into a mercantile economy from the end of the 3rd century BC onwards, the sector of voluntary representation also needed a more articulated and comprehensive system. Therefore, new and different figures of representatives emerged, such as the procurator (procurator), the mandatary (mandatarius), the commander in charge of managing a shipping company (magister navis), the commercial factor managing a land-based commercial enterprise (institor), and children under parental authority and slaves who carried out business and entrepreneurial activities. Through these new figures, the principle of the impossibility of using free persons not subject to the authority of a father or owner as representatives was gradually abandoned. Let us briefly consider some stages of this evolution.

Commercial representatives within and outside the family

In the new economic and social context, a maritime or land-based entrepreneur used to entrust his management to a representative, the ship's captain (magister navis) or trading agent (institor), recruited from among the persons subject to his authority (children or slaves). The spread of this model of organization forced the praetorian jurisdiction (probably, in the beginning, that of the peregrine praetor) to create two specific remedies: the action exercitoria against the shipowner and the action institoria against the owner of a land-based enterprise, to protect the creditors of the manager, who were left unsatisfied (Cerami, cit. pp. 38).

As Gaius observes (Inst. 4, 71), contracts entered into with managers under authority were to be considered as having been entered into by the will of the owner of that authority, and for this reason the praetor had considered it extremely equitable (*aequissimum esse*) to provide for his liability through *exercitoria* and *institoria* actions when the manager failed to fulfill his obligations:

For the same reason, the praetor established two other actions: *exercitoria* and *institoria*. The action against the shipowner (*exercitoria*) applies when a father or master has appointed a son under his authority or a slave as commander of the ship and someone has contracted with him within the scope of the powers entrusted to him. In effect, since it is considered that such contractual activity was carried out by the will of the father or master, it seemed very fair to the praetor to bring an action against them for the totality of the unpaid debts. And even if they appointed a stranger, another's slave, or a free person not subject to authority as commander, the praetorian action is nevertheless granted against them... On the other hand, the *institoria* action is used when someone has placed a child under authority, a slave, or an outsider, slave of another or free person not subject to authority, in charge of a commercial activity or any other <terrestrial> business activity, and a contract has been concluded with him within the scope of the powers entrusted to him.

(By the same reasoning, he compared two other actions, *exercitoria* and *institoria*. However, *exercitoria* applies when a father or master appoints his son or servant as captain of a ship, and whatever business is conducted on behalf of the person to whom he is appointed will be considered his own. Since this matter also appears to be contracted by the will of the father or master, it was deemed most equitable to grant a solid action. Moreover, even if a stranger has appointed a shipmaster, whether a servant or a free man, the praetorian action is nevertheless brought against him... The formula *institoria* applies when someone has appointed a son, servant, or any stranger, whether servant or free man, to a tavern or any other business, and what has been contracted with him for the sake of the thing over which he has been appointed.

Also during the 2nd century BC, another important innovation in the area of representation was due to the praetorian jurisdiction: the introduction of the triple edict (*triplex edictum*), so called because it included three actions: the action of liability within the limits of the value of the peculium (*actio de peculium*), the action of liability for enrichment obtained (*actio de in rem verso*), and the action of liability based on an order of the potestas habente (*actio quod iussu*). The three actions were available to creditors who had contracted with a person subject to the authority of another (*alieni iuris*) who had not fulfilled their obligations. Ulpian refers to this in D. 15.1.1 pr. – 2:

"The praetor followed an order according to which the contracts of those under the authority of others are set out first, granting <the creditor> an action to claim full liability <from the holder of the authority>, and then the present edict has been included, granting the action within the limits of the peculium. This edict is threefold, since it gives rise to the action within the limits of the peculium or the action within what was directly transferred to the patrimony <of the holder of the power> or the action based on an order from him. The words with which the edict begins are as follows: 'Due to the fact that a transaction was entered into with someone who was under the power of another.'"

(*Ordinarium praetor arbitratus est prius eos contractus exponere eorum qui alienae potestati subiecti sunt, qui in solidum tribuunt actionem, sic deinde ad hunc pervenire, ubi de peculio*

datur actio. This edict is threefold: either from the peculium, or from the in rem verso, or from the actio arising from the iussum. The words of the edict are as follows: 'Quod cum eo, qui in alterius potestate esset, negotium gestum erit').

In this way, the contracting of the subject to authority, whether or not carried out in the context of an economic activity, also bound the holder for debts in cases of either contracts entered into by his order (iussum), which implied total liability through the actio quod iussu, as well as contracts inherent to activities managed with the peculium, where the liability of the holder of power was limited to the amount of the value of the peculium itself (through the actio de peculium) or the profits obtained from it and transferred directly to his estate (through the actio de in rem verso) (Ceraami, cit., pp. 42 to 50, 61 to 67).

Between the 1st and 3rd centuries AD, there was a further evolution of these figures of representatives outside the family sphere.

The text of Gaius' Institutes (4, 71), which we analyzed above, shows that the development of the role of manager could be attributed to people outside the family (such as free men other than children subject to parental authority), recognizing a central role not to the element of authority, but to the act of appointment (praepositio) as a factor of trade or commander of the ship, from which the power of representation was derived. In addition to this, there was a contractual relationship of work lease (if the assignment was remunerated) or mandate (if it was free of charge) between the represented and the representative (in the case of a free man). This results in the total irrelevance of the personal status of the representative in allowing his creditors to claim full liability from the represented entrepreneur for the debts incurred (Ceraami, cit. pp. 47 to 50).

Likewise, according to a guideline in case law, attributed to Marcelo (2nd century AD), known to Gayo and later probably shared by Ulpiano, the represented party was also granted the power to bring an action for performance directly against the contracting debtors of the commercial agent (institor) who had failed to fulfill their obligations, and, in parallel, for the action against the shipowner (actio exercitoria), an identical result was achieved through the intervention of the provincial governors and the prefects of supply (praefecti annonae), who also granted the same action to the shipowner against the debtors of the ship's captain.

In this way, the two "unidirectional" actions, insofar as they can only be used by the creditors of the representative against the represented party, become "bidirectional," since the latter can also exercise them directly against the creditors of the representative himself (Coppola Bisazza, cit. pp. 236 to 261).

Overcoming the prohibition on acquiring something through a free representative not subject to authority

Outside the strictly commercial sphere, we can focus on the two figures of the attorney and the agent. They originated as distinct entities.

The legal recognition of the former took place between the end of the 3rd and the beginning of the 2nd century BC, when the figure of the procurator of all goods (*procurator omnium bonorum* or *rerum*) emerged for the administration of the entire estate of a father of a family, without being

subject to his authority. This was normally one of his freedmen or an outsider but always linked to the family environment (Miceli, 2008), and the legal relationship between him and the owner of the estate (the *dominus*) was based on a unilateral act of a fiduciary nature, called *procuratio*, by which he was entrusted with the administration. The reciprocal claims were regulated by direct and contrary actions for the management of other people's business (*actio negotiorum gestorum directa aut contraria*) (Martini, 1994, pp. 198-199).

On the other hand, the agent was obliged to perform a task in his own name and on behalf of the principal through a mandate contract, the origin of which derives from *ius gentium* and was therefore based on the good faith of the contracting parties. Inspired by the values of friendship and trust, its legal regime did not provide for remuneration for the agent to carry out the role. Through this contract, a form of indirect representation was carried out, in that the effects of the agent's acts first occurred in his legal sphere and then, by a separate act, were transferred to that of the principal.

The figure of the procurator gradually came under the orbit of the mandate, and thanks to this connection, the relationship between the procurator and the owner of the estate or business also falls within the scope of this contract (Martini, 1994, cit., p. 199). In this regard, Ulpian, in D. 3, 3, 1 pr. - 1 (Ulp. 9 *ad ed.*), defines the procurator as the person who administers the affairs of others by mandate of the owner, either in general or for specific businesses, and who may be appointed among those present or absent, by means of a letter or a messenger:

"A procurator is one who administers the affairs of others by mandate of the owner. 1. Therefore, a procurator charged with the administration of all property, as well as for a single business, may be appointed either in the presence of the parties or by means of a messenger or a letter."

(*Procurator est qui aliena negotia mandatu domini administrat. 1. Procurator autem vel omnium rerum vel unius rei esse potest constitutus vel coram vel per nuntium vel per epistulam ...*).

From the perspective of voluntary representation, a text by Neracio, a jurist of the 1st century AD, located in D. 41, 1, 13 (Nerat. 6 *reg.*), is very important. It affirms the legitimacy of the procurator to transfer to the principal the ownership of the thing purchased and delivered in his name, even when the latter was unaware of it:

"If a procurator has purchased something for me on my behalf and it has been delivered to him in my name, I acquire ownership of it, even if I am unaware of it ..."

(*If a procurator acquires something for me by my order and it is handed over to him in my name, ownership, that is, title, is acquired even without my knowledge ...*).

From this testimony, it is clear that the principle of ancient *civil law*, whereby things or rights could not be acquired through free persons not subject to the authority of the *pater familias*, was being superseded in relation to the acquisition of property.

A century later, the same principle was recognized in a constitution of the emperors Septimius Severus and Caracalla in 196 AD. (contained in the Code of Justinian, C. 7, 32, 1), which, eliminating some uncertainties expressed by jurists, affirms the possibility of obtaining direct possession of something through a free representative (and not *in potestate*), despite the

ignorance of the represented party, while requiring their knowledge to carry out adverse possession:

"It has long been accepted <by the legal system> on the grounds of utility, as well as of law, that through a free person, possession is also acquired for those who are unaware of it and that, after their knowledge, the conditions for adverse possession may begin."

(Per liberam personam ignoranti quoque adquiri possessionem, et, postquam scientia intervenerit, usucapionis condicionem inchoari posse tam ratione utilitatis quam iuris pridem receptum est).

It is likely that, in the specific original case, the decision of the Imperial Chancellery referred only to the acquisition of possession by a procurator, requiring instead the knowledge of the represented party for the acquisition of property through adverse possession (Quadrato, Renato, 1987, cit. pp. 426 to 427).

In any case, the text in its current formulation proves a general admission of direct representation in matters of possession, even when the represented party is unaware of the transfer of the thing, with the possibility of direct acquisition of ownership if they are aware of it and the requirements of the act of transfer are met.

Likewise, between the 1st and 2nd centuries AD, the notion of "stranger" (*extranea persona*) changed, because a free man whom someone had possessed in good faith, believing him to be their slave, was no longer considered as such, nor was a slave belonging to another person who was the object of usufruct or possession in good faith. At the same time, freedmen, clients, friends, and even free wage workers (*mercennarii*) were no longer classified as strangers, with the result that jurists admitted that it was possible to acquire property directly through these categories of persons when they acted as representatives (Quadrato, Renato, 1987, cit. pp. 427 to 428).

Justinian law and the Roman legal tradition prior to the modern codes

The plurality of figures of voluntary representatives, which developed in classical law, also remains in Justinian's *Corpus iuris civilis*, where, however, some efforts are made to systematically rationalize the entire subject matter.

On the one hand, a distinction is made between attorneys, whose activity falls within the scope of the mandate contract, and those who manage other people's business without a contractual obligation (*negotiorum gestio*), with a more precise definition of the two figures. On the other hand, precise limits are introduced to the archaic legal principle ("nothing can be acquired through a third party"), although it is formally considered to be in force (Quadrato, Renato, 1987, cit., p. 433). It is stated in Justinian's Institutes (2.9.5):

"Therefore, it is clear that under no circumstances can anything be acquired through free men who are not subject to your power or whom you do not possess <as slaves> in good faith, or through slaves belonging to others, over whom you have neither usufruct nor just possession. This is what is meant by saying that nothing can be acquired through a third party. However, an

exception is made in cases where it has been established that through a free person or a proxy, possession can be acquired not only with knowledge, but also without knowledge, according to the constitution of the divine Severus, and that through such possession, one can also acquire ownership, if the person who handed over the thing was its owner, or begin adverse possession or long-term prescription, if the person who handed it over was not such.

(Ex his itaque apparet per liberos homines, quos neque iuri vestro subiectos habetis neque bona fide possidetis, item per alienos servos, in quibus neque usum fructum habetis neque iustam possessionem, nulla ex causa vobis adquiri posse. Et hoc est, quod dicitur per extraneam personam nihil adquiri posse: except that through a free person, as through a procurator, it is possible to acquire possession according to the constitution of Divi Severi, not only with your knowledge but also without your knowledge, and through this possession also dominion, if the master was the one who handed it over, or usucapion or long-term prescription, if the master is not).

Consequently, throughout the Corpus iuris we not only find texts that affirm the direct acquisition of ownership of something through a free representative, but we also perceive a tendency to extend forms of direct and immediate representation to certain obligatory relationships on both sides (active and passive), giving general effectiveness to a series of classical texts that provided for this. (Quadrato, 1987, p. 433).

In medieval times, among the Glossators, as we know from Acursio's gloss *Nihil agit ad l. 3, 19, 4*, there is a contrast between the dominant doctrine, which understands in a strict sense the principle of the ancient *ius civile* still expressed in Justinian's Institutes 2, 9, 5, proclaiming a general prohibition of direct representation, and the requirements of practice, which admit sixteen exceptions to this prohibition based on other texts of Justinian's codification. However, a different gloss *Nihil agit ad l. 3, 20, 4* reflects the innovative thinking of another great glossator, Martino Gosia, who expresses a departure from this rigorous interpretation, recognizing anyone's immediate acquisition of not directly, but usefully (*utiliter*) through a voluntary third-party representative (Cappellini, 1987, cit., pp. 355 to 356).

Canon law made a fundamental contribution to the development and dissemination of direct representation (Bussi, 1971), notably through the general statements of the canonist Dino del Mugello in his *Rules of Law (Regulae iuris)*, added to the Sixth Book of the Decretals of Boniface VIII (late 13th century) and included in the Body of Canon Law, (*Corpus Iuris Canonici*), according to which, in accordance with the wording of Gratian's Decree, every cleric, having to devote himself entirely to pious works, had to appoint a procurator to represent him in all his other activities. The regulation of canon law influenced common law (*ius commune*), whose most important jurists (Bartolo and Baldo) quickly understood the theoretical and practical importance of being able to enter into contracts in the name and on behalf of others, definitively abandoning the restrictive principle of Justinian's Institutes and beginning to develop a first unified notion of representation.

A further impetus towards the construction of the general category of representation came from the currents of natural law (Cappellini, 1987, cit., pp. 451-452).

According to Grotius, the person who makes a promise on behalf of another on the basis of a mandate directly perfects the contract for the represented party, whose consent is manifested

through the representative himself, with an identification of the two wills. Similarly, Johann Voet observes that "thanks to current practices, the principle prevailed that anyone can enter into a contract equally for himself or for another," and for Robert-Joseph Pothier, the agent, acting in execution of the mandate and within its limits, directly and immediately binds the principal, as if the latter had entered into the contract personally, provided that he has informed the other contracting party of the existence of his power, whereas if the agent acts in his own name, he also binds himself.

Reception in current civil codes and in the Draft Common Frame of Reference for European private law (DCFR)

The results developed by medieval and early modern legal science, based on Justinian Roman law and canon law, are reflected in the civil codes of the 19th century, where voluntary representation is understood as direct representation and is regulated in the context of the mandate contract, whose regime basically follows the rules of Roman origin, leaving the regulation of the various types of commercial mandates to the commercial codes.

This option was adopted by the Napoleonic Code of 1804, which identifies power and mandate and defines the latter as the act by which the principal attributes to the agent the power to do something in the name and on behalf of the principal (art. 1984), with immediate and direct effect of the agent's acts in the principal's legal sphere (art. 1998); although not explicitly provided for, it can be inferred from the Code that a mandate can also be entered into without entrusting power to the agent, who therefore acts in his own name. In both cases, the same rules apply, revealing great fidelity to the Roman tradition.

The French Code system influenced other European codes that were inspired by its model in the 19th century, such as the Italian Civil Code of 1865 (Articles 1737 et seq.) and the Spanish Civil Code of 1889 () (arts. 1.709 et seq.), which, unlike the French code, also include an explicit provision on mandates without power of attorney (art. 1744 cod.civ.it. and art. 1.717 cod.civ.esp.).

Likewise, in the other major European codification model of the 19th century, the Austrian General Civil Code (ABGB) of 1811, there is no general category of representation, the subject being dealt with within the mandate in §§ 1002–1034. The definition itself reveals the coincidence between power and mandate: according to § 1002, the contract by which someone assumes the position of performing an act on behalf of another is called a power of attorney contract (*Bevollmächtungsvertrag*). This explains why the Code uses the terms principal/agent and representative/attorney indiscriminately, due to the combination of the abstract nature of power and the effects of direct representation.

On the other hand, the option chosen by some Latin American legal systems was partially different. In Andrés Bello's Civil Code, although there is no title dedicated to representation, there is a general rule in this regard in Title II of Book IV on acts and declarations of will, which states that what a person does on behalf of another, being empowered by that person or by law to represent them, has the same effect on the represented party as if they had contracted themselves (Art. 1464 Civil Code, Ecuador; Art. 1448 Civil Code, Chile). Ecuador; art. 1448 Civil Code Chile). A more detailed regime can be found in the mandate contract (arts. 2020 et seq. Civil Code Ecuador; arts. 2116 et seq. Civil Code of Chile), which also includes an article relating

to agents who contract in their own name (art. 2055 Civil Code of Ecuador; art. 2151 Civil Code of Chile).

Similarly, the Argentine Civil Code of Vélez Sarsfield of 1869-1871 provided for a general provision on direct representation (Article 1161) in the section on contracts in general, with specific provisions being laid down in the mandate regime (Articles 1869 et seq.), which were declared applicable to all types of representation. Among these was one (Article 1929) that allowed the agent to perform the role in his own name.

However, there was a fundamental change of perspective in Germany on the subject of representation: 19th-century legal science came to construct representation as a unitary category independent of the mandate, distinguishing between an internal relationship between the principal and the representative and an external relationship between the latter and the third parties with whom he or she entered into an act. This theory, known as *Repräsentationstheorie*, implies a marked separation between the mandate and other possible legal figures, aimed at regulating the internal relationship between the principal and the representative, and power (*Vollmacht*) considered as an autonomous and abstract act, intended to produce its effects in the external relationship between the representative and third parties with whom he acts, and suitable for reflecting the identity between representative and principal (Cappellini, 1987, cit., pp. 454 to 456).

Accepting this theory, the German Civil Code (*BGB*) of 1900 includes in its general part (Book I) a section (§§ 164–181) entitled *Vertretung und Vollmacht* (representation and power of attorney), which regulates the relationship between the principal and third parties in a uniform and unambiguous manner. This discipline is located within the framework of legal transactions (*Rechtsgeschäft*), while mandates (*Auftrag*) and similar concepts, on which the relationship between the represented party and the representative may be based (), are found in Book II within typical contracts (§ 662 et seq.).

Similar systematic divisions were adopted by the current European codes of the 20th century: the Swiss Code of Obligations of 1911, the Italian Code of 1942, the Portuguese Code of 1966, and the Dutch Code of 1992. In particular, the Italian Code deals with direct representation and power of attorney in the general rules on contracts (Articles 1387–1400), referring the regulation of the internal relationship between the principal and the agent to the typical contracts of mandate (Articles 1703–1730), commission, agency (Articles 1731 et seq.) and others.

In this regard, still in Europe, it is worth mentioning that in France, the 2016 reform of the Civil Code on obligations and contracts brought the French system closer to the German model, because new articles (1153–1161) were introduced in the general part of the contract, aimed at regulating the phenomenon of representation in a unified manner. However, alongside rules governing the external relationship between the principal and third parties, as in the German Code, including one on representatives acting in their own name (Article 1154), there are others that refer to the internal relationship between the principal and the representative, largely taken from the mandate regime, to which, however, no changes were made.

Among the most recent Latin American civil codes, the German-based system is the most widely used. The 1984 Peruvian Civil Code contains a title, the third of Book II on legal acts, which regulates the entire phenomenon of representation in general, with explicit provision for the

effects of direct representation (Art. 160); the 2002 Brazilian Civil Code, in Book III of the general part, when dealing with legal transactions, introduces a chapter (II) with the rules on representation (arts. 115-120) and its direct effects on the represented party (art. 116), and the Argentine Civil and Commercial Code of 2014 provides, within the framework of its general part (Book I), a specific chapter of Title IV (Legal Acts and Facts) devoted to representation in a unified manner (arts. 358-381). The three Codes deal with aspects of the relationship between representative and represented mainly in the context of the mandate contract (arts. 1790-1813 Civil Code Peru, with subchapters V and VI relating to the mandate with and without representation; arts. 653-691 Civil Code Brazil, with art. 663 on the subject of mandate with or without representation; Articles 1319-1334 of the Argentine Civil Code, with Articles 1320 and 1321 on mandates with or without representation).

The English *common law* system lacks a general concept of representation as found in continental European legal science; instead, the term "agency" is used to indicate the relationship established between a *principal* and an *agent* based on an agreement between them, whereby the former grants the latter the authority to perform one or more acts on their behalf. Historically, *agency* originated in *equity* law, without distinguishing between the external relationship between the principal and third parties and the internal relationship between the principal and the agent (Meneses et al., 2021). Therefore, for the *agent* to have direct and immediate effects in the *principal's* legal sphere, it is sufficient that their activity be carried out in the principal's interest, without the need to indicate their status as representative or to inform third parties of the attribution of powers of representation (Ranieri, 2009).

Finally, it is worth mentioning the 2009 European project to unify European contract law, the *Draft Common Frame of Reference of the European Private Law (DCFR)* (Von Bar, cit., pp. 3 to 47). Although it remained a simple project that was never approved by either the European Union or the member states, a quick analysis reveals a 'block' of common provisions that would attempt to constitute a synthesis of the different legal systems and, at the same time, a model for their approximation.

As a preliminary point, it should be noted that the *DCFR* rules are limited to regulating only the matter of representation in its relations between representative and third parties, without considering the internal relationship between representative and represented (Article II. – 6: 101). Chapter Six of Book II distinguishes between direct or perfect representation (Article II - 6:105) and indirect or imperfect representation (Article II. – 6:106), but treating them jointly (Von Bar, cit., pp. 205 to 209). In both cases, regardless of whether or not the effects of the representative's activity are immediately imputed to the represented party, the representative is required to communicate to third parties in any form that he or she is acting on behalf of another person.

In enacting these provisions, the *Draft* conforms to the practice followed in international business, as expressed in the 1983 UN Convention on Contracts for the International Sale of Goods and in the UNIDROIT Principles; However, there is no doubt that a set of rules has been adopted that historically date back to the European legal tradition with roots in Justinian's Codification.

Conclusions

From what we have just discussed in the previous sections, it appears that the formation of a general category of voluntary representation was slow and gradual, starting from the legacy of Roman law and establishing itself at the end of a long historical process.

The first stage was to overcome the double rigidity of archaic Roman law, according to which: a) legal activities could not be carried out through a voluntary representative who was not a member of the family subject to the authority of *the pater*; b) representation functioned imperfectly, since only the credits and advantages of the representative's activity were immediately acquired by the patrimony of the potestas habente. It was the development of a mercantile economy (from the end of the 3rd century BC) that led to the emergence of a more articulated and complex system of voluntary representation in the management of estates and businesses, with the creation of remedies to protect creditors who had contracted with family members subject to authority. This led to the emergence of the figures of the commercial representative (commander of a ship or trading agent), the procurator, and the mandatary, and the praetor's edict introduced adjectival actions in favor of creditors. In the 1st century AD, some aspects of direct representation began to appear within and outside the commercial sector.

Justinian Roman law preserved the plurality of voluntary representative figures derived from classical sources, striving to rationalize the matter in two directions: a) by distinguishing between the procurator, who always acted within the framework of a mandate, and the manager of other people's businesses, who did so usefully without having received the corresponding power, and b) by gradually developing the idea that it was possible to act through other free persons outside the family (). In medieval legal tradition, an essential contribution to the construction and general dissemination of the institution of direct representation is due to the jurists of *ius commune*, who, under the influence of canon law, came to recognize immediate effects with respect to the represented party, to the acts of the representative, who performed them within the limits of the power granted by a mandate. A further impetus to the affirmation of a general category of representation came from the currents of natural law.

The European civil codes of the 19th century deal with representation in the context of the mandate contract, regulated according to the traces of the Roman tradition. On the other hand, some Latin American codes, although they continue to consider the mandate as the natural place to regulate representation, introduce a general rule in this regard also in the part referring to the legal act. In the same century, German legal science developed a unified category of representation, separating it from mandate and distinguishing between an external relationship based on power and an internal relationship based on a contractual (or negotiable) relationship between the represented and the representative. The German Civil Code of 1900 incorporated this development and, to a greater or lesser extent, guided subsequent European and Latin American codifications. Its influence can also be seen in the Draft Common Frame of Reference (DCFR).

Some links with the Roman law tradition also remain in the English *common law* concept of agency due to its origin in the jurisdiction of *Equity*, although its subsequent evolution was partly different and less refined than that which took place in continental Europe.

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Maritime loans in Roman law and the problem of their legal classification

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The current issue and the case of maritime loans in Roman times

In the history of law, there is a recurring phenomenon of the need to give legal recognition to ever-new transactions that arise and develop in commercial practice. This phenomenon has become more pronounced in recent decades due to a combination of factors, such as economic globalization, new technologies, the digital transition, and the green economy, which have generated new activities that require a legal framework for the sake of legal certainty, because their classification within existing legal categories serves to provide clear indications of the rules that should be applied and to protect the parties involved. In this context, I thought it was worth reflecting on how Roman law had addressed the use and dissemination of *foenus nauticum* or maritime loans.

This expression is generally used to refer to a commercial transaction whereby a financier granted a loan to a shipowner (*armatore*) or ship captain (*magister navis*) to enable them to carry out commercial activities and transport by sea, with the commitment to repay the financier the sums received, plus interest at a high rate, only if the voyage (usually round trip) was successful; otherwise, they were also exempt from repaying the capital (Purpura, 1996).

In Roman case law sources, the loan we have just described is also referred to as *pecunia traiectica* (in D. 22.2.1; D. 22.2.4 pr.) or *nautica pecunia* (in D. 22.2.3; D. 22.2.4 pr., D. 22.2.3; D. 45.1.122.1), to refer precisely to the use of money for overseas trade, and with reference to the interest it produced, there is talk of *usurae maritimae* (maritime interest, in D. 22.2.6), to emphasize its higher amount compared to ordinary interest () (Pontoriero, 2011).

The characteristics of such a commercial operation are succinctly summarized in the early decades of the third century AD by the jurist Modestinus 10 *pandect.* in D. 22.2.1, who states:

"Money that is taken overseas is considered a maritime loan; on the other hand, if it is consumed in the same place, it is not a maritime loan. However, it must be determined whether the goods purchased with that money are considered to be in the <same> situation. This depends on whether they are also transported at the creditor's expense and risk, in which case the money <used to purchase them> becomes a <maritime loan>.

("Traiecticia is money that is transported across the sea: however, if it is consumed in the same place, it will not be traiectica. But it must be seen whether the goods purchased with that money are held for that purpose. And it is important whether they themselves are transported at the creditor's risk: for then the money becomes traiectica").

The sums granted as maritime loans were intended for trade and transmarine transport (*traiectica - vehitur*), whereas if they had been consumed in the same place, the loan would have ceased to be such (*ceterum si - traiectica*), taking the form of an ordinary loan. In the second

part of the fragment (whose authorship by Modestinus or Justinian's compilers is disputed), the question is raised as to whether the same regime also applied when the borrowed money was used to purchase goods that had to be transported by sea, and the positive or negative answer depended on whether or not they had sailed at the creditor's risk (*sed videndum - traiecticia pecunia fit*). The element of *periculum creditoris* (creditor's risk), to which we will return shortly (§ 3), is therefore evident in this answer.

It seems certain that the origins of this form of financing were Greco-Hellenistic, and that its penetration into the Roman sphere took place in the period between the middle and late Republic. As a first chronological reference point, we have what the Greek historian and philosopher Plutarch, in his work *Vitae parallelae* (Parallel Lives), says about Cato the Censor with regard to the forms (analyzed in detail by modern doctrine) (Serrao, 1989) in which this illustrious figure made maritime loans at the beginning of the 2nd century BC:

Plutarch, Life of Cato the Elder (*Cato maior*), 21.5-7: "(Cato) lent money at the most discredited of usury rates, maritime usury, in this way: he invited those who requested the loan to join him in a partnership with many others; once there were fifty of them, with as many ships, he himself received a share of the partnership through his freedman Quinctius, who administered it and sailed together with those who had borrowed the money. Thus, the risk did not fall on the entire sum, but on a small part, with great benefits."

A second chronological reference is the opinion expressed in the 1st century BC by Servius Sulpicius Rufus, the first jurist to take an interest in this (at least according to the evidence available to us), when he denied the creditor, who was in default in accepting the restitution of the sums lent for maritime commercial activity, the right to demand payment of the penalty charged to the debtor for the delayed return of the sums (Pontoriero, 2011).

While the economic and commercial aspects of the operation are fairly well defined, its legal classification was much more complex, as we can deduce from the information contained in the few fragments of the works of jurists included in the Digest (particularly in title D. 22.2, dedicated to maritime loans) and in some rescripts of Emperor Diocletian (284-305 AD), collected in title C. 4.33 of the Justinian Code. Other data can be found in certain epigraphic documents of the praxis, such as the Egyptian papyrus of Fayum from 149 AD (SB VI 9571), which reports on a communication made by a banker regarding a maritime loan, and two Pompeian tablets from Murécine (*Tabulae Pompeianae Sulpiciorum* nos. 78 and 31), from 38 and 52 AD, whose reference to *the foenus nauticum* is uncertain (Camodeca, 1999).

The foreign origin of the institution gave rise to much debate in Roman jurisprudence regarding its legal framework, which was only resolved at the end of the classical period (early 3rd century AD), albeit with some doubts. The lack of sufficient information on this evolution has been reflected in modern doctrine, which for a long time held different or even opposing opinions on the characteristics of maritime loans (De Martino, 1995). However, there now seems to be agreement on some fundamental points, which I will address below.

Classification of maritime loans in the Roman contractual system

The fact that the consent of the parties played a fundamental role in maritime loans, in addition to the delivery of money, facilitated the idea of attributing a contractual nature to them (Fuentes, 2017). But which contractual scheme should it correspond to? The need to give this commercial transaction a precise contractual scheme stemmed, as is well known, from the requirement to protect the parties through a typical procedural remedy, since the actions provided for in the praetorian edict responded to the criterion of typicality, which required the drafting of a specific and distinct formula for each contractual relationship.

At first glance, it is plausible to think of this loan as a simple delivery (*datio*) of a sum of money, to which a contract stipulating interest (*stipulatio usurarum*) was added (Zimmermann, 1996). In this case, a clause (*lex*) would be included in the delivery, whereby the sums lent would be allocated to the maritime commercial operation (as was the case with the loan to repair a ship, according to the jurisprudential orientation represented by the jurists Ofilio and Pedio, taken up by Ulpian 28 *ad ed.* in D. 14.1.1.9) (Soriano, 2007) with the risk borne by the lender, while the existence of a stipulation relating to interest would be reflected in the similar use made of it in ordinary loans. With regard to this configuration, the lender would be protected by a specific action (*condictio certi*) for the return of the capital and another (the *actio ex stipulatu*) for the payment of interest.

However, it soon became more appropriate (and this is the most widely accepted hypothesis in modern doctrine) (Petrucci, pp. 283 to 284) to frame the maritime loan within the contractual framework of a single stipulatio (stipulation), including in it all the clauses agreed between the parties (the *conventio pecuniae traiectionis*), which gave rise to the shipowner's (or ship captain's) obligation () to repay the principal and interest if the ship had successfully traveled to its destination. From this framework, in addition to a text by Pomponius 3 *ex Plaut.* in D. 22.2.2, where Labeo is quoted as referring to the promisor of a stipulation, the object of which was a maritime loan (Pontoriero, 2011), the best-known case is the treatise, at the end of the 2nd century AD, by the jurist Escévola 28 *dig.* in D. 45.1.122.1. The text is very long, but here we focus on the exposition of the various clauses added to such a loan, rather than on the questions posed to the jurist and his solutions, since both present considerable uncertainties due to the corruptions of the textual tradition:

"Callimachus received money as a maritime loan from Estico, servant of Seyo, in the province of Syria, in the city of Beirut for a trip to Brindisi, and this money was given to him on credit for the entire two hundred days of the voyage and was secured by pledges and mortgages on the goods he bought in Beirut to take to Brindisi and on those he would buy in Brindisi and take on the ship to Beirut; it was agreed between them that, when Calímaco arrived in Brindisi, from there on the Ides <13th> of September following, after having purchased other goods and loaded them onto the ship, he would set sail for Syria, or that, if by the aforementioned date he had not purchased the goods and had not set sail from that city by ship, he would immediately return the entire sum <principal and interest>, as if he had completed the <return> journey, and that he would pay all expenses to those who had collected that sum to take it to the city of Rome. And Callimachus promised by stipulation to Estico, slave of Lucio Ticio <that is, Seyo>, who had questioned him, obliging himself that all these things would be given and done correctly..."

("Callimachus accepted a loan for shipping from Sticho, a servant of Seii in the province of Syria, in the city of Beryto, to Brentesium: this loan was to be repaid in two hundred days of navigation, secured by pledges and mortgages on goods purchased in Beryto and to be transported to Brentesium, which Brentesio would purchase and transport by ship to Beryto: and it was agreed between them that, when Callimachus arrived in Brentesium, he would, within the Ides of September, which were then the nearest future date, purchase other goods and set sail for Syria with the goods on board, or, if he had not repaired the goods and set sail from that city within the day mentioned above, he would return all the money as if the voyage had been completed and pay all the expenses incurred in transporting the goods to Rome: Callimachus promised Sticho, servant of Lucius Titius, that this would be done...)

A shipowner or captain named Calímaco obtained a maritime loan from Estico, a slave belonging to the creditor (referred to first by the fictitious name Seyo and later by Lucio Ticio), for the purchase and transport of goods from Beirut to Brindisi (called Brentesio in Greek), with the establishment of lien and mortgage rights on said goods (Hurtado, 2020). In Brindisi, Callimachus was to buy more goods to transport them later to Beirut. The two trips, round trip, were to be made within 200 days, and the departure from Brindisi was to take place before the Ides of September (the 13th). If, by that time, Callimachus had not purchased the goods and departed from the latter port, he would have to immediately return (*continuo*) all the money that had been lent to him with interest (*universa pecunia*), as if he had completed the return journey (*quasi perfecto navigio*), and he would also have to bear all the costs of transferring this money to Rome. This complex arrangement of interests was part of an agreement, which was then set out in a *stipulatio*, as the jurist expressly states: "*eaque sic recte dari fieri fide roganti Sticho servo Lucii Titii promisit Callimachus*" ("and Callimachus promised all these things by stipulation to Sticho, slave of Lucius Titius, who had questioned him, obliging himself that all these things would be given and done correctly...").

From the continuation of the passage, we learn two things: 1) that Callimachus had loaded the goods purchased in Brindisi on September 13 in the presence of Erote, another slave of the financier Seyo/ Lucio Ticio, who was in charge of receiving the money and taking it to Rome if the terms of the agreement were not respected, 2) but that the return journey was undertaken after that date, in agreement with Erote, and that the ship was wrecked. It is precisely in these circumstances (cargo loaded on time, but departure delayed with Erote's consent) that the questions to the jurist and his answers focus.

Thanks to the framing of the entire operation in a stipulation, the creditor had the power to claim the restitution of the sums lent and the interest through the *actio ex stipulatu*, despite the questions raised regarding the fulfillment of the double condition for the loading of the goods and the start of the return journey, and the value of the consent expressed by Erote) (Frunzio, 2017). The purpose of the loan for commercial navigation and the assumption of risk with the highest interest charged to the debtor constituted the contractual cause of the *stipulatio* contract, in which the maritime loan (the *foenus nauticum*) had been enclosed (Giuffré, pp. 118 to 121).

Later, in the early decades of the 3rd century AD, the final stage was reached when the jurist Paulo 25 *quaest.* in D. 22.2.6 classified the money involved in a maritime loan as given on loan (*mutuam pecuniam dando*), without reference to a stipulation or other contractual form. In fact,

in the initial part of the fragment, when describing the case from which the question arises, he states:

"A financier, when lending money with maritime loan interest, received a mortgage on certain goods loaded on the ship and, if these could not satisfy the entire debt, he received a mortgage <also> on other goods loaded on other ships, pledged in favor of other financiers, if there was anything left over <after satisfying the latter> ...".

("The moneylender, giving a maritime loan, accepted as collateral certain goods on board the ship, from which, if he could not repay the entire debt, he accepted as collateral any surplus goods on other ships and those belonging to other moneylenders ...").

Also in relation to this passage, neither the question (whether, having the first ship sunk, whose cargo could have fully satisfied the financier's credit, the latter could have relied on the surplus value of the mortgaged goods loaded on the other ships) nor the jurist's negative answer and the argument supporting it are of interest here.

On the other hand, it is relevant that, if the parties had not opted to enter into a stipulation (*stipulatio*), the maritime loan would be covered by the loan agreement (*pecuniam... mutuum dando*) (Schuster, 2005). This explains why, in modern Roman law manuals, this figure is usually associated with the latter contract and with the corresponding jurisdictional protection of the ' ' through the action for the restitution of the money lent (*actio certae creditae pecuniae*) (Padilla, 2004).

Differences between the loan and the maritime loan

However, the classification of the maritime loan (*foenus nauticum*) within the framework of the loan did not resolve some differences that continued to exist between the two concepts.

The first is the risk borne by the lender (the *periculum creditoris*). In fact, in maritime loans, it is the lender who bears the consequences of the ship's failure to return, which meant the loss of capital and interest without liability for the borrower, unlike in loans, where the loss of sums or fungible goods received due to force majeure did not release the borrower from the obligation to repay (e.g., Gaius 2 *aur.* in D. 44.7.1.4).

The element of risk borne by the creditor, which characterizes maritime loans, is constantly repeated in the sources: in addition to D. 22.2.1, we see it, for example, in D. 22.2.5 pr., which refers to "remuneration for risk" (*periculi pretium*), and in D. 22.2.6, which states: 'in maritime loans, the lender has the right to demand repayment of the money only when the ship returns safely within the established time limit' (*sed cum traiecticia pecunia ita datur, ut non alias petitio eius creditori competat, quam si salva navis intra statuta tempora pervenerit*), and in *Pauli Sententiae* 2.14.3, where the expression "because of the risk borne by the creditor" (*propter periculum creditoris*) is used. It was not just any risk that the creditor had to bear, but only that arising from navigation, thus covering the debtor from the dangers of the latter. In relation to this characteristic, in current doctrine there are those who believe that *foenus nauticum* played an embryonic role as insurance against this type of risk, thus constituting the first seed of the modern marine insurance contract (Zimmermann, 1996).

Therefore, the assumption of risk was an essential element of the business and not merely accidental (Castresana, 1981). Very clear in this regard, if interpreted correctly, is the initial statement in the fragment of Papinian 3 resp. in D. 22.2.4 pr:

"It does not matter whether the maritime loan was received without risk on the part of the creditor or whether, once the fixed term has elapsed or the condition has been fulfilled, the risk is no longer borne by the creditor. In either case, therefore, no interest higher than the legal rate shall be payable, but in the first case always, and in the second case once the risk has passed."

("Nihil interest, *traiecticia pecunia sine periculo creditoris accepta sit an post diem praestitutum et condicionem impletam periculum esse creditoris desierit. Utrubique igitur maius legitima usura fenus non debetur, sed in priore quidem specie semper, in altera vero discusso periculo*").

The text examines two different hypotheses: that a loan to carry out a maritime commercial transaction has been arranged without risk to the creditor (*traiecticia pecunia - accepta sit*) or that the risk ceases to be borne by the creditor after the expiry of a period or the occurrence of a condition (*post diem - creditoris desierit*). For the purposes of the interest payable (), there is no difference between the two hypotheses, since in both cases it cannot exceed the legal limit (*utrubique - non debetur*): in the first case, in any event, and in the second case after the risk has ceased (*sed in priore - discusso periculo*). Two fundamental profiles emerge from this text: on the one hand, loans for overseas operations in the absence of risk for the lender could not be considered a *foenus nauticum* (a maritime loan); on the other hand, the assumption of risk was strictly correlated with the payment of interest above the legal limit (which was 12% per annum).

The second distinctive feature of maritime loans compared to ordinary loans is that in the former, the obligation relating to interest is inherent in the nature of the business and implicit in the financial agreement, with the creditor being able to claim their entitlements, depending on the type of contract adopted, through the action arising from the stipulation (*actio ex stipulatu*) or through the action deriving from the loan (*actio certae creditae pecuniae*) (Biscardi, 2019). In fact, it is stated in a text by Paulo 3 ad ed. in D. 22.2.7:

"In certain contracts, interest is also due as per a stipulation. For if I gave ten in a maritime loan, in order to receive the capital with certain interest, once the ship returned safely, it must be said that I can receive <in exchange> the capital with interest."

("In certain contracts interest is also due as if by stipulation. For if I lend ten for a maritime loan, in order to receive the capital with certain interest once the ship returns safely, it must be said that I can receive the capital with interest <in exchange>").

At this point in his commentary, after arguing that in certain contracts (*in quibusdam contractibus*) interest is due in the same way as if it had been included in a stipulation (*etiam usurae - stipulationem*), the jurist gives the example of a maritime loan (*nam si - recipiam*), in which, in his opinion (*dicendum est*), the success of the ship's voyage gave rise to the creditor's right to obtain repayment of the capital with the agreed interest (*posse me sortem cum usuris recipere*) (Salazar, 2001).

As for the interest rate, it is precisely the correlation with the risk borne by the lender that justifies the repeal of the legal limit of 12% (*las usurae centesimae*), as can be inferred from the

aforementioned passage from Papinian 3 *resp.* in D. 22.2.4 *pr.* and from what is explicitly stated in *Pauli Sententiae* 2.14.3:

"Due to the risk borne by the creditor while the ship is sailing, maritime loans may accrue interest without limit."

("Traiecticia pecunia propter periculum creditoris, quamdiu navigat navis, infinitas usuras recipere potest").

This same *ratio decidendi* also underlies two rescripts of Diocletian from 286 AD, the first of which (C. 4.33.2(1)) reaffirms the possibility of obtaining payment of interest above the legal rate only for the period of time that the debtor's ship sails to port, while the second (C. 4.33.3(2)) denies the possibility of receiving interest above the legal limit because the female lender (named Aurelia Cosmiana), when granting the loan, had not declared that she had assumed the risk (*periculum*) of navigation (Salazar, 2001).

Interest could be calculated on a time basis or, according to a more widespread practice, predetermined as a fixed amount in relation to the commercial transaction financed; however, we do not know exactly what rate was applied until the Justinian era; despite this, legal doctrine has suggested that it reached up to 33% of the capital (Purpura, 1996).

Another special feature of maritime loans, regardless of the contractual scheme used, was the addition to the contract of a penalty clause (*stipulatio poenae*) payable by the debtor for late payment of principal and interest. Currently, legal doctrine seems almost unanimous in attributing to this clause only a guarantee purpose for the creditor, abandoning the thesis, strongly supported by Arnaldo Biscardi, which attributed to it the function, within the maritime loan operation, of making the debtor's obligation to return the capital received and pay the agreed interest legally enforceable.

Furthermore, precisely because the money lent was to be used overseas, the creditor had the custom of sending one of his slaves with the debtor on the journey to ensure its actual use and, where appropriate, to agree with the debtor on any changes to the repayment terms. In the event of a delay in repayment, the creditor received additional compensation for the damages suffered due to the unavailability of his slave.

The age of Justinian and notes on legal tradition up to modern times

The law of the Justinian era does not address the issue of the legal framework for maritime loans, accepting the solutions provided by classical jurisprudence. The main aspect that it attempts to regulate is the interest rate.

First, let us recall Justinian's famous constitution of 528 (in C. 4.32.26.2) on the limit of conventional interest rates, which set it at 12% for maritime loans (double the ordinary 6%) even in cases where a higher rate had previously been allowed:

"in maritime loan contracts <we order> that no interest rate exceeding 12% may be stipulated, even though the old laws allowed it"

("in traiecticiis contractibus ... usque ad centesimam tantummodo licere stipulari nec eam excedere, licet veteribus legibus hoc erat concessum") (Fasolino, 2006).

More interesting, however, is the content of two Novels (*Novellae*) by the same emperor: Novel 106 of September 7, 540, and Novel 110 of April 26, 541, both addressed to John of Cappadocia, praetorian prefect for the East (Luchetti, 2018).

The occasion for the promulgation of the first Novella was provided by a report from this official, in which he communicated to the emperor the pleas of two financiers of maritime trade, Pedro and Eulogio, who claimed to fear the disputes arising from their activity due to the uncertainties of the law to be applied. Therefore, having proposed to Justinian the need to ascertain the customs in force in this matter and having received the commission from him, John of Cappadocia learned from the shipowners that, in practice, maritime loans took two forms: one involved the payment by the borrowers of 10% interest and the assumption of the risk of navigation by the lenders, with the possibility, however, for the latter to load onto the ship, without payment of duties, one bushel of wheat or barley for each gold coin lent (the reference currency unit was the *solidus aureus*, the gold solidus). The second form simply involved the payment of 12.5% interest by the borrower in exchange for the risk of maritime transport, which was assumed by the lender. The 0.5% increase over the maximum limit allowed is explained in modern doctrine, which prevails today, not as a violation of the provisions of the constitution of 528, but for reasons of convenience of calculation, due to the reform (by Emperor Constantine, 306-337 AD) that had introduced the gold solidus, whose divisional coin was called the *siliqua* with a value equal to 1/24 of the same (Fasolino, 2006).

Other indications (which are not relevant here) are added regarding the duration of the financed voyages and other aspects of the loan relationship following the ship's successful voyage. The Imperial Chancellery, having taken note of this reconnaissance work, attributes legal value to the attested practices, as they are not considered contrary to current legislation.

However, a few months later, with Novella 110, in response to (unspecified) requests addressed to the Imperial Chancellery, Justinian repealed Novella 106. As for the reasons why he did so, the modern opinion, dominant until a few years ago, that it was due to the violation of the maximum interest limit sanctioned in C. 4.32.26.2, seems to have lost strength; nor is the conjecture that explains the repeal as being due to pressure from the College of Bankers of Constantinople (Salazar, 2001) supported by evidence. Instead, it seems more plausible that the motivations behind Novella 110 were the inappropriateness of establishing, in a legislative measure applicable to the entire Empire, customs specific to the region of Constantinople in a financial and commercial sector that needed particularly flexible rules (Pontoriero, cit., p. 182.), and the influence on imperial power of the great financiers, who opposed the legislative provision contained in Novella 106 on the conversion of maritime interest into ordinary interest (Luchetti, pp. 258-259).

For later periods, in the Byzantine sphere of the eastern Mediterranean, there are rules in the normative compilation on maritime trade, known as the Nautical Law of Rhodes (*Nómos Rhodíon nautikós*), which prove the existence of certain aspects of continuity with Justinian law, such as the assumption of the risk of navigation by the creditor, the duration of financed voyages, the sending of a slave to monitor the proper execution of the contract, and differences with ordinary loans, especially in terms of interest payable.

In contrast, in Western Europe, Roman maritime lending penetrated the practice of medieval shipping, giving rise to the maritime exchange contract, also known as the contract *a la gruesa ventura*, mentioned in the statutes of many port cities (such as Venice, Pisa, and Marseille), and regulated by the *Libro del Consulado de Mar* (*Libre de Consulat de Mar*), a 13th-century work written in a Catalan-type language by a private jurist and r (probably from Barcelona), which collected the customs that had gradually developed among the merchants who frequented the ports of Spain, Italy, and France. In the latter country, the concept of the contract *a la gruesa* was incorporated into the *Ordonnance de la Marine* (book III, title V), granted by King Louis XIV in 1681, and later included in the Commercial Code of 1807 (Articles 311 to 331), while in Spain it was regulated by Chapter XXIII of the Ordinances of Bilbao of 1737. In Italy, under the name of maritime exchange contract (*contratto di cambio marittimo*), it was still regulated in articles 426 to 445 of the Commercial Code of 1865 and in articles 590 to 603 of the Commercial Code of 1882, although it had already fallen into disuse, having been replaced by marine insurance. However, this development is beyond the scope of my present research (Campanino, pp. 319 to 330).

Final considerations

In the preceding pages, we have briefly traced the path that led to the classification of maritime loans (*foenus nauticum*) within the broader category of loan agreements, albeit with their own characteristics. It was a gradual process, which Roman law undertook in stages, in response to the spread of this type of transaction in maritime trade. Given that it had foreign origins and therefore had to be incorporated and harmonized into the Roman legal system, the first approach taken by magistrates with jurisdictional functions and jurists was to consider the different stages of the operation separately, distinguishing between the transfer of ownership of the money lent (the *datio*) and the stipulation relating to interest (the *stipulatio usurarum*), which the financed party had to pay on condition that the ship, to whose activities the loan referred, returned safely to the port of destination. In this way, the financier could have used the two specific actions: one for the repayment of the principal (the *condictio certi*) and the other for the payment of interest (the *actio ex stipulatu*).

This solution was replaced by a simpler one: that of enclosing in a single stipulation the agreement on the regulation of interest included in the financing operation, including the details, so that the financier could benefit from the relevant action (*ex stipulatu*) to obtain satisfaction of his credit. The inclusion in a stipulation was gradually joined by that of a loan, because, after all, the central element of the transaction was still considered to be a loan of money, which had to be repaid with the addition of interest. The application of the contractual scheme of the loan eventually became the prevailing one, although the two figures were never equated. Indeed, while on the one hand this inclusion allowed the creditor of a maritime loan to avail himself of all the legal remedies provided for loans, on the other hand, the fundamental structural differences between the two transactions remained: the *foenus nauticum* was characterized by the risk of loss of the ship borne by the lender, compensated by the payment of higher interest, the amount of which was provided for (at least according to the doctrine that prevails today) in a simple contractual clause, rather than in a separate ancillary contract (a *stipulatio usurarum*).

Thus, with regard to maritime loans, Roman legal experience shows that it followed a different path from that of consensual contracts (sale, lease, partnership, and mandate), which also arose from international commercial practice and were then transposed into domestic law. For these,

in fact, as is well known, the praetor peregrinus (with jurisdiction over civil and commercial disputes between Romans and foreigners) had introduced special forms of action, on which individual figures and later the general category were built.

Even in later legal tradition, the success of maritime loan transactions, with the risk of navigation borne by the lender and the payment of higher interest rates by the borrower when the sea voyage was successfully completed, attracted the attention of legal systems and jurists, who classified them into new contractual categories, in which certain Roman roots were preserved. This situation, as we have seen, continued until the commercial codifications of the 19th century, when these contracts were replaced by the maritime insurance system.

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"Iusto enim metu ductus": An Exegesis of 9.2.49.1 Based on Its Systematic Harmony with D. 43.24.7.4 (Ulp. Ad Ed. LXXI)

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Introduction

Book 43 of the Digest establishes in its heading the treatment of the interdict *quod vi aut clam* ("that which [was done] by force and in secret"), and with this, the late-antique compilers seek to reproduce Book LXXI of Ulpian's commentaries on the Edict of the Praetor, a work composed between the reigns of Emperor Caracalla, as sole emperor (211–217 AD) and the usurper Macrinus (217–218 AD) (Honoré, 2002).

Broadly speaking, interdicts in Roman law consisted of measures arbitrated by the imperium of the praetor with the aim of promoting greater speed and efficiency in resolving a matter of an urgent nature, as they sought to enforce a legally protected situation that could not tolerate unnecessary delays.

The filing of the interdictum *quod vi aut clam* involved the presence of an imminent danger, resulting in harm that caused considerable financial loss. Perhaps with this in mind, the lateemperors emphasized the restitutory nature of this procedural remedy, an assertion supported by the grammatical interpretation of D. 47,24,1, which refers to the praetor's dictum containing the verb *restituas*, which, beyond its deontic character, entails the imminent restoration of the thing to its previous state.

On the other hand, the "restitutory" nuance is reinforced, according to the reading of the Digest, by the adjective *restitutorium* in D. 43,24,1,1.

In his *Encyclopedic Dictionary of Roman Law*, Adolf Berger (1953) elaborates on the polysemy of the infinitive *restituere*, which means "to return" and/or "to restore" both a thing and an inheritance, but with all its fruits and profits: hence the ritualistic significance of the lexeme *restituas*, especially as it is embodied in an essentially normative statement (Adolf Berger, 1953, p. 682).

According to the content of D. 43,24,1,3, the enforceability of the injunction imposes a very strict rejection of the possibility of raising an exception that would invalidate it, such that one cannot argue a "just cause" to justify its validity either. And, in fact, the spirit of the rule is forceful in establishing that *nulla iusta exceptio se tueri potest*. Next, the praetorian position, invoked by Ulpian, rejects the interpretive principle of *non liquet*, given the inexorable requirement of the injunction (...*tenetur interdicto, propter quod vi aut clam fecit...*, D. 43,24,1,2.). This excludes, if it could be classified under "just cause," the intervention of force majeure (*vis maior*), a legal concept that, as will be demonstrated in the following discussion, will be one of the topics for discussion in Roman jurisprudence.

Presentation of the case contained in D. 43.24.7.4

Hans Ankum (2016) explains that the work of classical jurists can be defined through three salient aspects: first, and most well-known, the use of the casuistic method, which allows for the determination of sound solutions for specific cases under consideration; this procedure is not without constant references to certain decisions adopted in other precedents to illuminate new cases.

Second, he notes that the jurists' *responsa* concern procedural remedies related to the judicial protection available to the parties during the course of a dispute, in which the plaintiff's claims and the defendant's defenses play a decisive role.

Last but not least, the pragmatic spirit of Roman jurists in creating appropriate solutions to meet the needs of legal practice, even if this meant coming into conflict with logical-dogmatic rules.

The framework outlined by the renowned Dutch professor is carefully replicated in the passage from D. 43,24,7,4: the jurist's *responsum* to the case presented there tends toward finding a legal solution that, at least from a procedural standpoint, seeks to dismiss the action brought against the party responsible for the damage. To this end, he examines different solutions offered by the jurists mentioned (Celsus, Gallus, Servius, Labeo), as can be seen from the following excerpt:

There is also another exception, regarding which Celsus doubts whether it should be raised: for example, if a neighbor's house is destroyed in order to prevent a fire, and whether this was done by force or secretly, or whether it constitutes a tort. For Gallus doubts whether it should be raised: "since it was not done to prevent a fire?" Servius, however, says that if a magistrate had done so, compensation is due, but the same should not be granted to a private individual: if, however, it was done by force or secretly and the fire had not yet reached that point, the case should be considered a simple lawsuit; if it had reached that point, he should be acquitted. He says the same applies if it were done through wrongful damage, since it does not seem to cause any injury or damage to houses that are equally liable to perish. But if you did this without any fire, and a fire broke out later, the same cannot be said, because the damage must be assessed not *ex post facto* but based on the present state of affairs, he said.

As can be inferred from a careful reading, the passage seeks to identify a possible solution in response to a specific factual situation: A, observing that his neighbor's house is on fire—and fearing that the proximity of the fire will ultimately destroy his own property—decides to tear it down. However, the injured party brings an action against the perpetrator invoking *damnum iniuria datum*, or by filing an *interdictum quod vi aut clam*.

The jurisconsult's inquiry focuses on the (im)admissibility of the exception that the person who destroyed the neighbor's house may invoke against the injured party; in this regard, Ulpian cites the *responsa* that summarize irreconcilable opinions among prominent jurists: Celsus and, later, Gallus express doubt regarding the application of the exception, while Servius proposes that it could only be granted to a magistrate, but not to a private individual (*privatus non esse concedendum*), yet he contemplates two probable scenarios:

if the perpetrator committed the violent act but the fire did not reach his property, then the lawsuit against him must be upheld; conversely, if the fire had reached his property, in that case, the defense is enforceable and the perpetrator would be acquitted. His opinion focuses on the imminence (or lack thereof) of the fire. J. F. Gerkens (1997: 123) considers that three factors underlie Servius's position: first, the status of the person who destroyed the house—whether a magistrate or a private citizen, to whom the exercise of the *exceptio* is denied; from the magistrate's perspective, it will be necessary to determine whether the fire spread to the ruins of the neighbor's house, or whether it was extinguished before reaching it. Servius leans toward the solution that would have been used in the *actio legis Aquiliae*, but does not rule on the *interdictum quod vi aut clam*.

Labeo seems to adhere to this same position. However, the absence of *damnum* stems from the fact that the house would have been destroyed by the fire in any case.

Conversely, Labeo rejects the defense that both Ulpian and Celsus—and, to a lesser extent, Servius—allowed.

Alan Watson (1965: 241) understands that the name Celsus is a scribal error, confusing him with Gallus, and that the textual wording of the passage would be genuine, substantively, up to *concedendum*. Another possible interpretation of the *dubitat*, in relation to Gallus, may stem from the fact that he doubted whether the defendant could be exempted from liability by relying solely on the spread of the fire to his property.

At first glance, late-antique commentators seem to establish in D. 43,24,7,4 that the decisive factor for determining the *iniuria* is objectively grounded in risk, that is, it depends on whether or not the fire spread.

It is essential to limit the scope of analysis to the *dubitat* that Ulpian assigns to Celsus and to determine whether Ulpian deliberately altered the original source in order to insert himself into the chain of transmission of Roman legal knowledge, albeit by intervening in the intertext (Schiavone, 2012, p. 458). In principle, we anticipate that such an operation on Celsus's text has occurred, since, as we shall see in the following sections, the problematization of the exception of fault and its applicability against the *interdictum quod vi aut clam* is clearly an Ulpian innovation. Consequently, the following section will examine the Celsian source, in light of the *Palingenesia Juris Civilis*.

Celsus's Doubt and Its Possible Reconstruction from the *Palingenesia Juris Civilis*

In **Palingenesia Juris Civilis**, Otto Lenel notes that the passage is found in fragment 1594 of the **Ulpiani Ad Edictum Libri LXXI**, in a section titled "*De interdictis*," where the procedural remedy that appeared in D. 43,27,4 is listed as a "type": (*quod vi aut clam*).

In general terms, there is no significant difference from the reception by the late-antique compilers, who seem to have continued with the same approach as the famous Severan jurist.

The *Palingenesia* links the passage in question with the fragment that may have been recovered from Book 37, Chapter XXXIX, of the Digest of Celsus—cited by Ulpian as well, but in the Ulpian

Disputationum Libri X. There, it expressly refers to the inapplicability of the action provided for by the *lex Aquilia* against the intruder, provided that the factual scenario envisaged by the law had occurred: the destruction of the neighbor's house to contain the fire.

The passage from Book XXXVII of the Digests of Celsus reads:

262. Ulp. 9 disput. Celsus writes about the one who demolished a neighbor's house to prevent a fire: for here he writes that the action under the *Lex Aquilia* ceases: for, driven by just fear that the fire might reach him, he demolished the neighbor's house; and whether the fire reached him or was extinguished beforehand, he holds that the action under the *Lex Aquilia* ceases.

262. Ulp. 9 disput. Celsus writes about this, concerning the man who demolished his neighbor's house to stop a fire. Indeed, he writes that the action under the *Lex Aquilia* ceases: driven, then, by a just fear, and so that the fire would not reach him, he destroys the neighboring house. Also, whether the fire reached him or was extinguished beforehand, he holds that the action under the *Lex Aquilia* ceases.

In the Digest, this is found in D.9,2,49, which reads as follows:

What is said regarding pursuing a claim under the *Lex Aquilia* for damage caused by tort should be understood to mean that damage is deemed to have been caused by tort when the damage itself constitutes the tort: unless the act was compelled by force majeure, as the author notes regarding one who demolishes neighboring houses to prevent a fire: for here he writes that the action under the Aquilian law ceases: for, driven by just fear that the fire might reach him, he cut down the neighboring houses; and whether the fire reached him or was extinguished beforehand, he holds that the action under the Aquilian law ceases.

Unlike D. 43,24,7,4, here Celsus does not hesitate; he "writes" (*scribit*) about the specific incident, expressing a forceful stance on the matter. As a first premise, Celsus determines: "the action under the *Lex Aquilia* ceases" (*cessare legis Aquiliae actionem*), because there is a justified motive in the intruder's actions: the fear that his property might be engulfed by the fire. Indeed, Chapter III of the so-called *Lex Aquilia* included *quod usserit* (Crawford, 1996, p. 725), which denotes the total destruction of the house.

The exception does not rest on the will of the person in question, but on an uncontrollable emotion that drives him: fear. The intruder, upon sensing the imminent danger, is overcome by apprehension, which he cannot resist—an interpretation supported, terminologically, by the use of the passive perfect participle *ductus*, whose figurative meaning, in relation to the subject's state of mind, is usually translated as "driven." In this way, the complement of efficient cause (*iusto...metu*) conveys that the mere situation of the proximity of devastating harm would nullify the perpetrator's rational faculties. He acts, therefore, driven by the need to protect his property, but emphasizing that he is forced to do so; fear, as a prospective emotion, allows him to anticipate the possible dire consequences that will befall his home.

This concerns the occurrence of an event of a "special" nature—being sudden, spontaneous, and unforeseen—which was a matter of debate in Roman jurisprudence, since it entailed a difficult choice between conflicting values and, ultimately, the sacrifice of one for the other. It is necessary to revisit, once again, the position of Servius in D. 43,24,7,4, which implicitly posits the "state of necessity"—if we may be permitted the anachronism—by noting that the intrusion

onto the neighbor's property must have been objectively necessary to avert an imminent danger to his own home. Reinhard Zimmermann (1992 [1990]: 1001 ff.) interprets that Celsus did not conduct an *ex post facto* assessment of the event, but rather took the perspective of the person whose home was being threatened by the imminent proximity of the fire. Based on his reading of the *Glossa*, J. Gerkens (1997: 125) understands that the perpetrator's acquittal is reinforced by his belief that the fire will reach him. This contrasts with Servius's position, but the meaning of the passage is clear, and it is endorsed by Ulpian in D. 47,9,3,7, where he states: *nec enim iniuria hoc fecit, qui se tueri voluit, quum alias non posset* ("Indeed, he did not act with *iniuria* who sought to protect himself when he could not have done so otherwise"). A priori, a univocal position prevails in Celsus, who, unlike D.43,24,7,4, rejects any conjecture that analyzes the event objectively, that is, according to the radius, delimitation, or spread of the fire. He responds by siding with the intruder who brought down the house.

It is not without surprise that the interest in safeguarding one's own house has prevailed over the neighbor's interest, whose home, threatened by fire, was destroyed out of fear of a possible victim. Perhaps one possible answer to this question is that the neighbor's property was already doomed to be consumed by the flames anyway, although it would be unwise to ignore the reason why Celso is reluctant to hold the intruder responsible—an intruder who not only saved his own house but also significantly contributed to the fire spreading to other parts of the city.

Fires were a constant source of fear for premodern societies living in the cramped conditions typical of urban life—a reality by no means foreign to Rome. Once they broke out, they were extremely difficult to contain, so any private initiative to curb them was welcomed.

Subsequently, Ulpian reproduces the Celsian passage discussed in D. 9.2.49.1, but adds a specific context of enunciation: he sets forth the primacy of the general principle that damage caused by *iniuria* (*damnum iniuria datum*) falls under (and is prosecuted by) the *lex Aquilia*. However, he conceptually delimits it by adding that there must be a "compelling force" (*magna vi cogente*). Syntactically, the text reflects this in the conditional clause that establishes the exclusion of *damnum iniuria datum*: *nisi magna vi cogente fuerit factum* ("unless it was done under compulsion by a compelling force"). That is, the exception for the inapplicability of damages is permitted when, simultaneously, there is a force majeure that compels the subject to cause them, as expressed by the head of the modifier of the core clause (the conditional clause) *nisi* ("unless," "unless") together with the ablative absolute (*magna vi cogente*).

However, the authenticity of D.9,2,49,1 has been questioned in legal scholarship, a topic that exceeds the scope of this work. For the sake of brevity, Paschalis Paschalidis (2008), referring to a work by J. F. Gerkens (1997), notes that on this particular matter two positions persist among specialists: either that the text is not genuine, but that, even so, the Byzantine compilers respected its essence, that is, its meaning; or that the fragment is interpolated, affecting the originality of its content. Among other arguments, it has been claimed that the entire text is a paraphrase, but that this does not distort Celsus's original opinion; it has even been argued that it would be impossible to determine whether the denial of an action can be attributed to Celsus. But beyond these details, which will be the subject of a later study, what is important to emphasize is that the purely subjective aspect has been highlighted, such as the fact that the absence of *iniuria* depends on the existence of fear, as mentioned above. Following this hermeneutic criterion, it could be asserted that the absence of *iniuria* is concomitant with the absence of fault.

Celsus is reluctant to attribute Aquilian liability to the intruder who has demolished his neighbor's house and, to this end, relies on exculpatory elements: fear, force majeure, or, if one prefers, necessity. This was amply demonstrated in D.9,2,49,1; however, Celsus's hesitation in the text of the Digest persists in the Ulpian text and, subsequently, in the Justinian text.

D.9,2,49,1 vs. D. 43,24,7,4: Was Celsus in doubt?

Celsus had focused on the perspective of the intruder who knocked down his neighbor's house, emphasizing that priority should be given to a subjective approach, grounded in the "reasonable fear" of a person whose home is endangered by the threat of fire. And this is a certainty that emerges, among other things, from his legal writings, which were produced during a period—beginning in the late first century CE—marked by a more pronounced concern with legal practice () and a greater tendency toward casuistry (Wolfgang Kunkel, 1999, pp. 124–125).

It should be noted that in D. 43,24,7,4. Ulpian revisits the same controversy found in D. 47,9,3,7, a passage in which he had sided with Celsus's response, opposing the strict rigorism of Labeo, whom Paul Du Plessis (2020: 28) rightly recognized as the creator of the deductive mode of legal reasoning:

What the praetor says regarding damage caused is valid only if the damage was caused by fraud; for if malicious intent is absent, the edict ceases to apply. If, therefore, what Labeo writes holds true, what if, in defense of my own house, I were to extinguish a fire that had broken out in my neighbor's building, and a judgment were to be rendered against me in my own name and that of my family? For since I acted in defense of my own house, I am certainly free from malice. I therefore believe that what Labeo writes is not true. Or can one nevertheless act under the Aquilian law in this case? And I do not believe one should act so: for he who sought to defend himself did no wrong, since he could not have done otherwise. And so Celsus writes.

Labeo thus contrasts with the responsa of Celsus and Ulpian; the latter holds that the absence of intent encompasses the action taken to defend one's own home and, therefore, excludes iniuria. J. F. Gerkens (2005: 112) considers that two approaches to the iura under discussion are being debated here: on the one hand, the solution offered by Celsus and Ulpian, which rests on a subjective analysis of Aquilian liability, while, on the other hand, if the problem is approached objectively, then one would have to conclude that the damage was caused by the intruder, and not by the fire. It appears that Labeo appeals to a sort of "subsumptive method" *avant la lettre* that adheres, both logically and grammatically, to the content of the rule. *Mutatis mutandis*, the notion of *dolus*—in Ulpian's time—had been integrated into the edict, but with the requirement of three elements: the fire, the damage, and the intent. This classification, if applied once again to the factual scenario, lacks legal force, since the latter element is completely absent (Murillo et al., 2023). Consequently, and as can be seen in the analyzed fragments, the subjective treatment prevails and fire becomes a force majeure: it could not be avoided, citing the corollary of D.47,9,3,7: *cum alias non posset* ("when it could not be avoided by other means"). Force majeure, as a legal concept, removes human liability and has a significant impact on other areas of Roman law, such as contract law, as observed in D. 19,2,59, when Javolenus asserts that Marcus should not be held liable for failing to complete the house, given that the earthquake had destroyed his work (Fuentes, 2017).

Now, returning to the question raised by Celso and Galo in D. 43,24,7,4, Ulpian introduces a new development by adding, as a remedy for the aggrieved neighbor, the possibility of filing an *interdictum quod vi aut clam* against the perpetrator of the act. It is important to recall that this is an urgent procedural remedy, granted by the praetor, in favor of anyone with a legitimate interest in halting works being carried out violently or clandestinely on a property. As explained in the introduction, it has a restitutory essence and, in part, a penal one (Max Kaser 2022: 252). Its *ratio essendi* is grounded in summoning the wrongdoer to stop the violence, or, once it has been committed, to make reparation for the unjustly caused damage. It differs from the *lex Aquilia* and does not require the elimination of the *iniuria*; that is, it requires acts of violence and resulting damage, even disregarding the existence of *force majeure*.

D. 43,24,7,4 dismantles the doctrinal framework anchored in Aquilian liability, fostering “doubt” in Celsus and Gallus—and, by extension, also in Ulpian. Guided by the dictum of the passage, the rejection of the possibility that the exception may be granted to a private individual (*privato non esse idem concedendum*) is perplexing.

Ulpian and Servius, rejecting the absurd rigidity of the procedural measure, state that the extent of the fire must be determined to assess whether to proceed with the action or raise the exception, but not without first considering whether or not an *iniuria* has occurred. The jurists’ solution focuses, a , on the absence of damage, an argument offered to repel the harmful effects of the *interdictum quod vi aut clam*. And this does not entail denying the destruction of the house, an event that would have occurred in any case, inevitably. The perplexity, the Celsian doubt, is rooted in the duality of the approach and in the uncertainty of dialectically irreconcilable solutions, which are nonetheless legally valid. The annulment of the *iniuria* would nullify Aquilian liability, but to invalidate both options, it is also necessary to rule out the existence of a *damnum*, a topic that presents itself as the decisive response to counter both liability and the injunction. Any reference to *force majeure* establishing a state of necessity is omitted, but perhaps this could be replaced by the imminence of danger that pervades the entire passage, as well as the fact that this factor and its triggering element (the fire) are not attributed to any human will, which would deepen their uncertain origin. It remains, then, only to revisit the possible solution that, in our humble view, the text insistently calls for in response to the jurist’s inquiry: the spread of the fire over the ruins of the house as a compelling reason to consider the absence of damage and of possible actions against the perpetrator of the act. But this forces us to raise a dilemma, which will be the subject of analysis in subsequent contributions: would considering this interpretation entail a reconsideration of *force majeure* and, therefore, of the exception?

Conclusions

In this paper, we have undertaken an initial examination of a passage from the Digest that is controversial due to the contradictions it raises in relation to other passages dealing with the same subject matter. The key, as we have attempted to demonstrate, lies in the approach and, above all, in the attribution of fault or the existence of harm—a turning point that the jurist must consider in order to determine the applicable law. The text does not propose a solution, but it does offer some possibilities for analysis that depend on the perspective from which it is examined.

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From the Tribunes of the Plebs to the Role of the Constitutional Court as a Counter-Majoritarian Body: An Analysis of the Ecuadorian Context

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Introduction

It is important to reflect on the history of the Tribunes of the Plebs in relation to the role of the Constitutional Court in the Ecuadorian context. Understanding the institutions of Roman law and contrasting them with current legal concepts is essential for the critical education of the contemporary jurist.

This is not merely a historical exercise, but rather an effort to recognize how categories such as imperium, intercessio, or senatus consulta shaped the foundations of power, authority, and the protection of rights in the West. Comparative analysis reveals that many of the guarantees, limitations on power, and control mechanisms that characterize the constitutional state today have their roots in the Roman experience, albeit adapted to different political realities.

This historical perspective lends contemporary law conceptual depth, offers keys to understanding the evolution of legality, and allows for a more rigorous evaluation of the soundness of our own institutions, thereby projecting a critical—rather than merely formal—vision of contemporary constitutionalism.

The tribunes of the plebs were one of the most important political institutions in Rome. This office enabled the plebeians to weaken the exercise of power that was leaving them on the margins of protection. In the present case, the Constitutional Court plays the role of protecting the rights of individuals, but primarily of minority groups; as a judicial body, it is responsible for protecting rights in specific cases that cannot be foreseen by the legislature, thereby also providing protection for those who might otherwise remain on the margins of legal protection.

The Tribunes of the Plebs

To understand the nature and function of the tribunes of the plebs, it is necessary to distinguish between the patricians and the plebeians. Although it is very difficult to draw this distinction, as scholars cite various reasons—ethnic, religious, social, geographical, etc.—it is clear, at the very least, that the patricians were much closer to the Roman aristocracy, while the plebeians constituted the rest of the citizenry.

The word plebs is connected to and relates to the masses, the people, the crowd. The accounts of Titus Livius indicate that the plebs consisted of the inhabitants of the neighboring Latin settlements subject to the power of the Roman Monarchy (R. Pérez García, *El tribunado de la plebe. Utilidad moderna de un modelo histórico de integración jurídico-constitucional*, Tenerife, 2016, 8ff).

During the years of the monarchy, the plebs had its own organization within Roman society, with its own temples and its own gods, which in turn served as archives and centers of commerce. It did not take long for them to also gain a voice through the aediles, the first Roman plebeian officials.

The emergence of the tribunes of the plebs arose as a result of a pact (foedus) or agreement between patricians and plebeians following the first secession to the Sacred Mount in 494 B.C. The tribunes of the plebs were endowed with intercessio.

Intercessio can be analyzed from the perspective of public law or private law. From the standpoint of public law, intercessio consists of the power or authority of an official to veto the decisions of a magistrate.

To this power held by the tribunes of the plebs must be added the symbolic power that accompanied them, by virtue of which they were invested with a sacred character that made them inviolable for the duration of their term. While a tribune held office, he could not be harmed by any Roman citizen. Anyone who attacked a tribune of the plebs was declared sacer (cursed), meaning that any citizen could and should kill him if they encountered him (Hurtado, 2020).

The tribunes of the plebs needed this sacred protection to prevent the patricians from using force to continue committing their abuses against the plebeians. This was because the tribunes had no other forces, such as the military, under their command to protect them (López, 2018).

The Republic – the Tribunes – the *Concilia Plebe*

In 245 BC, the monarchy was overthrown in Rome. The king was replaced by two patrician magistrates, elected for one year and possessing equal powers: the consuls.

In 260, the plebeians, pushed to the limit, took decisive action: they left Rome and withdrew to the Aventine Hill. The patricians then decided to make a significant concession, resulting in a sort of treaty under which the plebs obtained protectors of their interests. These were two exclusively plebeian magistrates: the tribunes of the plebs.

They were declared inviolable and armed with a right of veto that they could exercise in Rome and within a one-mile radius around Rome against the decisions of all magistrates, including those of the consuls and the Senate.

Once established, the tribunes took to the custom of gathering the plebs in assemblies where they deliberated and voted on resolutions called plebiscites, which had no binding force except for the assembly itself. The patricians, whom the tribunes did not have the right to summon, never attended these meetings or concilia plebis. It is difficult to know on what basis the concilia plebis were formed, let alone the tribunes themselves. Later on, the tribunes summoned the plebeians to the forum according to their domicile, that is, by tribes.

This custom soon began to influence the assemblies of the entire people; at an uncertain date, but probably before the year 283, the patrician magistrates, instead of assembling the people by centuria on the Campus Martius, began to assemble them in the Forum. This was the origin of a third type of assembly, the tribal assemblies (comitia tributa), to which, of course, only the least important matters were referred; the unit of voting in these new assemblies was the tribe; the preponderance belonged to the plebeians, who had the numbers on their side.

In the struggle to achieve equality, the plebs found ardent defenders in the tribunes; thanks to their efforts, they soon obtained a new concession: that of a fixed law, known to all and applicable to all, which would no longer leave them exposed to the rigors of the patrician magistrates. This was the Law of the Twelve Tables. (Petit, 1976, p. 34)

From the Law of the Twelve Tables to the End of the Republic

Progress of the Plebeians

During this period, the plebeians, through slow but steady progress, finally obtained what they had hoped for in vain from the Law of the Decemvirs: equality with the patricians, both in public and private law.

After the year 309, the tribune Canuleius secured, following lengthy debates, the passage of the Canuleian Law, which permitted legitimate marriage between patricians and plebeians. This was one of the most important victories; it alone was destined to bring about, in due course, the complete intermingling of the classes and the fusion of the two orders.

Around the same time, the patricians realized they could no longer prevent the plebeians from accessing the highest magistracy: the consulship. Perhaps for this reason, and also because the consuls, too often tied up at the head of the army, had no time to devote to administrative duties, certain powers were successively separated from the consular office and assigned to distinct offices that remained, for a long time yet, reserved for the patricians. Thus, in 307, two quaestors were created, entrusted with the management of the public treasury; in 311, two censors, responsible for census operations and guardians of public and private customs; in the year 387, the praetor, to whom the administration of justice henceforth belonged, and in the same year, the curule aediles, responsible for the city's high police. From 333 onward, plebeians could serve as quaestors, and the number of these magistrates was increased to four; and in the same year the praetor was created, thanks to the efforts of Licinius Stolo and Lucius Seto, plebeians attained the consulship. (Petit, 1976, p. 39)

The creation of the People's Tribunal spurred a series of institutional transformations that marked the beginning of Roman republican constitutionalism: the creation of the People's Tribune as a body to defend against the abuses of the patricians; the Law of the Twelve Tables, which entailed the public posting of laws and the limitation of patrician discretionary power; plebiscites and the Hortensian Laws, which gave the decisions of the plebs the force of general law.

These achievements transformed Roman law into a more universal and rational legal system, shifting from class-based law to citizen-based law (Fuentes, 2017).

From the perspective of the principle of equality before the law, the plebeian struggle can be considered a precursor to the modern right to political participation and representation. Through

legal and political means, the plebs succeeded in integrating the idea of social justice into Roman law, unifying all citizens under a single regulatory framework. From the foregoing, it can be concluded that the plebeian process represents: the origin of popular control of power, a precursor to republican constitutions; the triumph of law over privilege, where the recognition of equality brought stability to the Roman state. A historical example of how social and political pressure can drive legal evolution, becoming a legitimate source of law.

In the current context, many authors have compared the tribunes of the plebs to today's ombudsmen. However, in this brief article as part of our academic contribution, we believe it is necessary to make a comparison with the current role of the Constitutional Court in its capacity as a counter-majoritarian body.

That is, a body that protects constitutional rights—especially those of minority groups—against arbitrary and unjust public authorities.

The Constitutional Court as a counter-majoritarian body

Although constitutional courts emerged with the so-called “negative legislator” function—given their power to remove from the legal system any laws created by the legislature that are unconstitutional—over time they have assumed other functions.

The concept of constitutional courts originated in Europe as part of the contributions made by Hans Kelsen, who is credited with developing the concept of centralized constitutional review. This concept was first implemented in Austria in 1919 (García, 2003).

In Ecuador, the Constitutional Court was established in 1945, following the European model; however, as a result of the repeal of the Constitution, it was abolished in 1946 (Murillo et al., 2023).

With the entry into force of the 1967 Constitution, it was reestablished, though its powers were limited. Furthermore, it was enshrined in the Constitutions of 1978 and 1992. In 1996, as a result of a constitutional reform, the Court's powers were expanded, granting it jurisdictional authority.

Since 1996, the Constitutional Court in Ecuador has exercised so-called constitutional review of legislative acts; it was also regarded as the guardian of the Constitution and responsible for ensuring the principle of constitutional supremacy. Furthermore, it acted as an appellate body in certain proceedings, such as the now-defunct constitutional amparo action or habeas corpus.

However, at that time, Article 1 of the Ecuadorian Constitution had established the rule of law, under which the highest authority for interpreting the Constitution rested with the then-National Congress. Although most of the Ecuadorian Constitutions included the principle of constitutional supremacy, it was primarily the Law that guided all state action.

In this context, the primary source of law remained the Law. Within the administration of justice, the role of judges was reduced to that of mere interpreters of the Law, as their function was limited to applying existing legal provisions rather than creating new law.

Certain constitutional guarantees existed, acting as mechanisms to protect rights; however, their scope was limited.

For this reason, in 2008, following a process of the Constituent Assembly, a new Constitution was enacted, marking a turning point in the legal system. This was because the model of the State was changed, shifting from a rule of law—as enshrined in Article 1 of the 1998 Constitution—to a constitutional state of rights.

But what did this change entail? The answer to this question is drawn from the entire constitutional text, which establishes the protection of constitutional rights as the highest duty of the State, as set forth in Article 11, paragraph 9, of the Constitution. In other words, the Constitution determines that the State's most important duty is to ensure rights.

Additionally, this provision provides for the direct application of the Constitution, the obligation that legislative acts conform to the Constitution, the principle of favorability as a mechanism for interpreting the Constitution, and the principles of rights such as hierarchical equality, interdependence, and inalienability, among others.

Article 424, for its part, establishes that the Constitution is the supreme law and takes precedence over any other provision of the legal system, specifying that laws and acts of public authorities must comply with constitutional provisions. Article 425 establishes the hierarchical order of laws, placing the Constitution at the top.

Article 426, in turn, provides that all persons and institutions are subject to the Constitution, and that the rights enshrined in the Constitution shall be directly applicable.

Similarly, it provides that if a judge considers a law to be contrary to the Constitution, they must suspend consideration of the case and refer it to the Constitutional Court for review.

As observed in Ecuador's current Constitution, it is notable that the Constitution must guide all public actions, and accordingly, no act contrary to the constitutional text is permitted.

Another feature of the 2008 Constitution was the expansion of the catalog of rights and the strengthening of constitutional guarantees. In the realm of the administration of justice, it establishes case law as a source of law.

To fulfill the State's primary duty, the Constitutional Court was established as a body that is not part of any branch of government, not even the judicial branch, in order to ensure its independence. Thus, the Constitutional Court serves as the guardian of the Constitution, entrusted with a series of powers designed to make it the highest interpreter of the constitutional text.

In accordance with Article 429 of the Constitution, the Constitutional Court is the highest body for the oversight, interpretation, and administration of constitutional justice. In exercising these three functions, the Constitutional Court acts as the highest body for the protection of constitutional rights and the constitutionality of laws, and, at the same time, as a check on executive power.

Article 429 of the Constitution of the Republic states:

"The Constitutional Court is the highest body for oversight, constitutional interpretation, and the administration of justice in this matter. It exercises national jurisdiction and is headquartered in the city of Quito.

Decisions related to the powers provided for in the Constitution shall be adopted by the full Court."

As is evident from the provisions of Article 429, the Constitutional Court constitutes the highest body of constitutional oversight, a fact derived from the very possibility that the Court may declare normative acts contrary to the Constitution to be unconstitutional; it is the highest body of constitutional interpretation, given that its interpretation of the constitutional text is binding on all public authorities; finally, it is the highest body for the administration of justice in constitutional matters, which is why it is considered the final authority within the constitutional system.

Thus, the decisions of the Constitutional Court come to play a substantial role in the creation of law, since, as determined in Judgment 001-10-PJO-CC, when the Court develops rights, its decision is placed on the same level as the Constitution, and furthermore, in accordance with the provisions of Article 11, paragraph 8, of the Constitution, which stipulates that the development of rights shall be carried out progressively through legislation, case law, and public policies.

Consequently, the exercise of these three major powers positions the Constitutional Court as the supreme body in Ecuador that guarantees the protection of rights, and whose decisions cannot be reviewed by any other body or authority.

In this context, through hundreds of rulings, the Court has not only given substance to rights but has also expanded the scope of constitutional guarantees.

Additionally, the Constitutional Court has acted as a check on many decisions by the branches of government, as it has the authority to review the constitutionality of states of emergency declared by the President of the Republic, as well as international treaties and even requests for the impeachment of high-ranking officials, such as the President and Vice President.

Accordingly, Article 436 of the Constitution establishes a series of powers for the Constitutional Court, such as the following.

Within the scope of constitutional review, the Court acts as the highest authority for interpreting the Constitution and international human rights treaties ratified by the Ecuadorian State through its rulings and judgments, noting that its decisions are binding, meaning they must be observed.

Within this framework, the Constitutional Court plays a leading role in the constitutional reform process, first ensuring that initiatives are carried out in accordance with the procedures and limits established by the Constitution in Articles 441, 442, 443, and 444.

Furthermore, the Constitutional Court has the authority to hear and decide on public actions for unconstitutionality, as well as to declare ex officio the unconstitutionality of related provisions, when, in cases brought before it, it concludes that one or more provisions are contrary to the Constitution.

Similarly, the Court hears actions for unconstitutionality against administrative acts with general effect.

In the sphere of constitutional justice, the Court has the authority to hear actions for non-compliance, the purpose of which is to ensure the application of general laws or administrative acts. Similarly, the Constitutional Court hears so-called actions for non-compliance, which are intended to address and sanction non-compliance with constitutional rulings and decisions.

Article 94 of the Constitution provides that the Court shall hear extraordinary actions for protection filed against final judgments or orders that have violated rights, as well as extraordinary actions for protection against decisions of the indigenous justice system.

Another highly significant power exercised by the Constitutional Court is the authority to select rulings on jurisdictional guarantees for the development of binding case law. This power stems from the obligation of all judges to submit to the Court the rulings they issue in cases such as the action for protection (), habeas data, access to public information, habeas corpus, and precautionary measures.

In exercising the powers provided for in Article 436 of the Constitution, the Court has issued criteria that in some cases have attained the status of precedents in the strict sense and in other cases of jurisprudential doctrine, but which ultimately generate a binding effect.

An analysis of the role played by the Constitutional Court within the framework of our constitutional state, and seeking to draw a parallel with Roman law, reveals a clear similarity between this body and the so-called Tribunes of the People, in that they acted as a filter against the decisions of magistrates—that is, they represented the people, serving as a check on power.

Precisely because of the high-level functions they performed, they were granted special protection, as is the case with the Constitutional Court, which, in accordance with the provisions of the Constitution and as indicated by its jurisprudence, cannot be subject to impeachment or judged for the content of its rulings—precisely to ensure that it guarantees the rights of individuals without pressure of any kind.

In this context, throughout history, constitutional courts and tribunals, as counter-majoritarian bodies, have been protected from arbitrary interference by state functions, so that they may fulfill their role as guardians of respect for the Constitution.

Legal Analysis: The Constitutional Court as a Counter-Majoritarian Body in the Ecuadorian Context; Ruling 120-18-SEP-CC—Case 12-25-15-EP

In the constitutional state of rights and justice (Art. 1 of the Constitution of the Republic of Ecuador), the Constitutional Court stands as the highest body for the oversight, interpretation, and defense of the Constitution. Its primary function is to guarantee the supremacy and direct effectiveness of constitutional norms, even in the face of the will of political or social majorities. This role has been conceptualized as the constitutional court's counter-majoritarian role, that is, its ability to limit the decisions of the constituted powers when they violate fundamental rights or constitutional principles.

The concept of a “counter-majoritarian body” was developed by Alexander Bickel (1962), who noted that constitutional courts, by striking down laws passed by elected representatives, exercise a counter-majoritarian power. However, this power is necessary because it protects the rights of minorities against abuses by majorities.

In the Ecuadorian context, the Constitutional Court fulfills this role in accordance with Article 429 of the Constitution and Article 1 of the Organic Law on Jurisdictional Guarantees and Constitutional Review (LOGJCC). The legitimacy of this power lies in constitutional supremacy, the technical review of state acts, and the effective protection of fundamental rights.

1. The Court as the guarantor of the constitutional framework
The Court reaffirms that it does not act as a third instance, but rather as a body for normative control and the protection of rights. Its intervention is based on constitutional supremacy and the validity of the block of rights provided for in the Constitution.

2. Judicial Rationale as a Democratic Limit
The Court establishes that every judicial decision must be reasoned, setting forth the relationship between facts and norms. The absence of reasoning implies judicial arbitrariness, which is incompatible with the democratic principle. Constitutional review of judicial decisions does not constitute interference, but rather a guarantee of constitutional justice.

3. Balance between judicial review and judicial deference
The Court exercises self-restraint by clarifying that it does not substitute for the assessment of evidence, except in cases of manifest arbitrariness. In this way, it balances its counter-majoritarian role with the separation of powers (Art. 11.9 C.R.E.).

4. The Court as the supreme interpreter of fundamental rights
The case demonstrates the constitutional monopoly on interpretation (Art. 436 C.R.E.), setting a binding precedent for all judges. This reinforces its institutional counter-majoritarian character.

Ecuadorian legal doctrine, as argued by García Falconí (2021), recognizes that the Court combines counter-majoritarian and democratic functions. In precedents such as Rulings No. 001-10-PJO-CC and 050-17-SEP-CC, the Court has reiterated its role in safeguarding constitutional supremacy against the established branches of government. Counter-majoritarian control does not oppose democracy, but rather complements it.

The Constitutional Court of Ecuador, through Judgment No. 120-18-SEP-CC, reaffirms its position as the quintessential counter-majoritarian body. Its actions are justified by the technical and reasoned defense of constitutional rights, the preservation of the balance between power and law, and the requirement for rational justification as an expression of the democratic principle. Thus, the Court does not act against the will of the people, but in favor of the rule of law. (Ecuador, 2018)

Conclusion

From the analysis conducted, it is clear that the Tribunes of the Plebs had the mission of overseeing the decisions of magistrates in order to guarantee rights. This figure, created in Roman law, was very important, as it served as a check on power, preventing any act of arbitrariness.

Their sphere of protection was the rights of the common people, which is why the system protected them so that their integrity would not be compromised.

In the case of the Constitutional Court, constitutional and legal provisions also position it as a body that oversees the decisions of the majority, interpreting the Constitution to protect the most vulnerable groups.

Similarly, the decisions of both the plebeian courts and the Constitutional Court enjoy legal supremacy, as their purpose is to guarantee rights.

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From Roman law to clinical simulation: ethical and legal bases for nursing training

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Introduction

Roman law is the cornerstone of Western legal thought and continues to exert a notable influence on current regulatory systems, even in areas that transcend the legal sphere, such as the health sciences. Roman principles of justice, equity, duty, and responsibility have been adapted to govern clinical practices, where human contact, decision-making, and the care relationship require a solid legal and ethical framework. . In this sense, Roman law not only provides historical background, but also a conceptual structure that allows us to understand and regulate professional conduct in highly sensitive human contexts, such as healthcare, while *Lex artis ad hoc* is known as the technical-legal criterion for evaluating medical acts according to current science (Buil Tisner et al., 2022).

In the nursing profession, whose object of study is precisely the care of the individual, family, community, and environment, these principles translate into practices that promote patient dignity, the duty of care, and respect for the life and physical and moral integrity of the people being cared for (Romero-de San Pío et al., 2021).

According to Valenzuela (2023), based on this background and in line with trends in the field of health, higher education in nursing takes on the design and implementation of career projects with an ethical, scientific, intercultural, humanistic, and comprehensive approach, which also integrates historical and legal principles, such as those of Roman law; r justice, equity, duty of care, and responsibility, in conjunction with scientific advances, social needs, and health quality standards, and through the application of innovative methodologies that enhance the quality of education (Andrade-Pizarro et al., 2023).

A pilot study conducted at the University of Chile, through the incorporation of subjects such as Social Responsibility and the use of active methodologies such as clinical simulation, service learning, role-playing, and clinical case analysis, showed that this approach strengthens comprehensive nursing education. The results showed that students develop a greater understanding of their ethical-legal role and a genuine internalization of professional responsibility. These strategies, applied from the earliest levels, articulate scientific knowledge

with social and legal commitment and prepare future professionals to act ethically, confidently, and with critical awareness. In addition, they strengthen skills such as decision-making, reflective thinking, empathy, and respect for the patient as a subject of rights (Vera-Ruiz S et al., 2022).

Among the above active methodologies of experiential and contextualized learning, the application of clinical simulation stands out, allowing higher education institutions with nursing programs to train well-rounded professionals capable of responding with critical judgment, ethics, and social responsibility to the challenges of the healthcare environment. By recreating real decision-making scenarios, these strategies facilitate the incorporation of legal and humanistic principles, strengthening safe, transformative practice aligned with international quality standards (Escudero et al., 2018).

Taking into account all of the above, the nursing program at the Bolivarian University of Ecuador is developed with a comprehensive "ethical-legal-competency" approach, based on the articulation of teaching, research, and engagement with society as substantive functions of higher education, not only to ensure the training of competent professionals, but also of leaders committed to society, capable of responding to health demands with excellence and humanism.

In line with this approach, this paper aims to reflect on the validity of the principles of Roman law in professional nursing training, highlighting how responsibility, ethics, and justice—values inherited from classical legal thought—are effectively integrated into current educational processes through active methodologies such as clinical simulation. Through this articulation between the legal, pedagogical, and healthcare fields, we seek to demonstrate how higher education in health can train professionals who are not only competent but also aware of their social, legal, and humanistic role in the contemporary healthcare context.

Epistemology of clinical simulation: from practical knowledge to ethical judgment

From an epistemological perspective, clinical simulation is based on experiential and reflective learning, where knowledge arises from deliberate action and critical analysis of decisions made in simulated scenarios (Pinargote-García et al., 2024).

This methodology is not limited to the mechanical repetition of procedures, but rather promotes a training process in which students articulate prior knowledge, respond to new situations with professional judgment, and develop comprehensive skills. In simulated clinical contexts, mistakes become learning opportunities and practice becomes a protected space where technical, human, and ethical aspects converge. Thus, simulation is consolidated as a strategy that not only allows knowledge to be applied, but also to be constructed from the complexity of healthcare (Ayala et al., 2019).

Clinical simulation promotes the development of clinical judgment through deliberate practice, controlled error, and immediate feedback. This methodology allows students to reflect, correct, and strengthen their critical reasoning in a safe environment, reducing the gap between theory and practice. Thus, it is consolidated as an effective tool for meaningful learning and comprehensive understanding of care in real contexts (Viceconti & Emili, 2024).

Finally, the ethical dimension of clinical simulation becomes relevant by allowing students to develop not only technical skills, but also values and attitudes that are fundamental to responsible professional practice. Simulated scenarios address ethical dilemmas, interpersonal relationships, and clinical decisions that require an understanding of the other as a subject of rights. Ethical judgment is formed through reflective practice on patient dignity, informed consent, empathy, confidentiality, and justice in care. Thus, clinical simulation transcends instrumental learning and establishes itself as a space for comprehensive training that articulates knowledge, action, and moral responsibility (Dávila et al., 2023).

Articulation between clinical simulation and legal principles of Roman law

By reproducing scenarios that require critical decision-making, clinical simulation allows fundamental legal principles originating in Roman law, such as responsibility, diligence, and the notion of the subject of rights, to be applied in professional training. These principles, which still structure the foundations of civil and health law today, are relevant when students, in a simulated environment, must act with clinical judgment, respond to errors, and make informed decisions that directly affect the well-being of a "simulated patient," understood as a representative figure of the person protected by law (Valenzuela, 2021).

At this methodological and legal crossroads, concepts such as fault, negligence, and duty of care—developed since the *Lex Aquilia* of Roman law—take on concrete educational value. Clinical simulation allows students to experience the consequences of acting without due diligence, promoting not only technical learning but also ethical and legal awareness in professional practice. This strengthens a comprehensive understanding of care, where respect for human dignity and professional responsibility are articulated as pillars that transcend the classroom and are projected into real practice (Zurita et al., 2023).

Clinical simulation as a pedagogical strategy to prevent negligence and strengthen professional ethics

Clinical simulation is established as a key pedagogical tool for preventing negligence and promoting professional ethics by placing students in highly complex scenarios where their clinical judgment is the central focus. In this context, "errors" are not punished but rather become learning opportunities, promoting the safety of the simulated patient and strengthening the legal awareness of future professionals. This reflective and repetitive approach allows students to recognize the consequences of their decisions, internalizing the duty to act diligently and responsibly. As pointed out in a study conducted during the pandemic in Ecuador, virtual clinical simulation has proven to be an effective strategy for promoting learning and theoretical-practical articulation, generating self-efficacy (Pastuña-Doicela et al., 2023).

In addition, simulation directly contributes to the strengthening of professional ethics through the planning of scenarios that include *prebriefing* and *debriefing*, emphasizing the importance of empathy, communication, and respect for the subject of rights (the "simulated patient"). The standardization phases allow for the development of critical thinking and clinical judgment appropriate for decision-making, avoiding negligence and ensuring responsible practice. A study in Costa Rica reports that empowerment criteria in clinical decision-making reinforce

psychomotor skills and prioritization in care, promoting a professional identity committed to ethics (Guevara-Fernandez & Solera-Porras, 2022).

From an ethical and legal standpoint and in relation to the four principles of medical bioethics (autonomy, beneficence, non-maleficence, and justice), clinical simulation is justified as a training methodology that promotes the genuine internalization of professional responsibility in future nurses through the following aspects:

Autonomy: Clinical simulation allows students to develop communication skills and understand the importance of informed consent and shared decision-making, respecting the autonomy of the simulated patient as a subject of rights (Dávila et al., 2023).

Beneficence: Simulation recreates clinical scenarios in which the patient's well-being is prioritized, promoting the development of safe, compassionate, and comprehensive care practices in students based on scientific knowledge and ethical judgment (Viceconti & Emili, 2024).

Non-maleficence: By allowing errors to occur without harming a real patient, simulation strengthens awareness of the duty of care and legal responsibility, training professionals to prevent negligent acts and promote patient safety (Zurita et al., 2023).

Justice: Clinical simulation exposes students to diverse contexts that allow them to reflect on equity, access to health care, and dignified treatment, fostering a practice that considers respect for human dignity and equity in care (Romero-de San Pío et al., 2021).

Implications for higher education: professional training based on law, ethics, and evidence

Clinical simulation in higher education involves restructuring the academic curriculum through the explicit integration of the principles of law, professional ethics, and scientific evidence (Murillo et al., 2023). This curricular approach proposes a design in which theoretical training is articulated with practical spaces mediated by simulation, where students confront legal, ethical, and clinical dilemmas. According to Bracho Rodríguez, teaching must become a model of professional conduct that promotes ethics integrated into every interaction, not as an isolated subject but as a cross-cutting element throughout the training process, ensuring that teachers act as ethical and legal role models for their students (Bracho-Rodríguez et al., 2022).

Similarly, Aguayo and Marchant highlight the need to develop comprehensive skills during undergraduate studies, including moral judgment, legal knowledge, and understanding of patient well-being, enabling solid professional training committed to the social environment (Gaete-Quezada & González-Cornejo, 2024).

In higher education in health, institutions and teachers assume a key role as facilitators of critical learning and applied research, using clinical simulation to promote ethical and legal analysis of real situations. According to Bracho Rodríguez, cultural change in the institution and among faculty is essential to integrate ethics and legality into training, promoting competencies that allow students to respect the "simulated patient" as a subject of rights and develop responsible clinical practice based on scientific evidence. Thus, simulation is consolidated as a fundamental

pedagogical strategy for training professionals capable of making informed and responsible decisions in complex and dynamic environments (Gaete-Quezada & González-Cornejo, 2024).

Based on the above pedagogical and ethical foundation, the Bolivarian University of Ecuador promotes educational innovation through the strategic use of clinical simulation as a central tool for developing ethical and legal competencies in its nursing students. By creating simulated scenarios that reflect the complexity of real-life care, a safe environment is fostered for reflective practice and critical analysis, allowing students to internalize fundamental values such as empathy, respect for patients, and professional responsibility.

This methodology, combined with structured feedback processes, promotes the consolidation of clinical judgment and informed decision-making, contributing to the training of professionals capable of facing the challenges of the healthcare system with sensitivity and rigor.

In the field of research and outreach, UBE promotes projects that strengthen the link between scientific knowledge and social needs, emphasizing ethics and professional responsibility. Faculty and students actively participate in research that addresses real issues in the health sector, using clinical simulation as a resource to validate interventions and improve practices.

In addition, the university develops partnerships with communities and health centers to implement service-learning experiences, promoting the transfer of knowledge and social commitment. In this way, UBE contributes to the training of professionals who are not only technically competent but also committed to collective well-being and social justice.

In this sense, higher education in nursing assumes a key social responsibility by consolidating curricula that integrate the legal principles of Roman law—such as the duty of care, responsibility, and recognition of the patient as a subject of rights—with innovative methodologies such as clinical simulation, role-playing, and service-learning. These strategies allow students to face real situations and clinical dilemmas in a controlled environment, where they test their ethical and legal judgment, developing essential skills for patient safety and quality of care. At the Autonomous University of Chile, for example, practices such as clinical case analysis and role-playing have been shown to force students to question themselves, seek solutions, and apply theory, preparing them to act with professional responsibility from the very first semesters.

On another note, professional responsibility and the notion of fault are based on Roman law, a legacy for the health sciences. The conceptual triad of fault, negligence, and harm developed by Roman law is one of the fundamental pillars for understanding professional responsibility in the current healthcare field (Fuentes, 2017).

All of the above is carried out in simulated environments where error is valid because bioethical principles are not violated, but rather works to develop skills to avoid error in the real context.

This argumentative structure has remained valid in contemporary medicine and nursing, where professional errors can have legal, ethical, and human consequences, and where action based on *lex artis* and the principle of *neminem laedere* is required.

Conclusions

Roman law provides valid ethical and legal foundations—such as justice, duty of care, and responsibility—that remain essential in professional nursing education, especially for regulating clinical conduct in highly sensitive human contexts.

Clinical simulation and other active experiential learning methodologies allow these principles to be integrated into training practice, strengthening skills such as clinical judgment, ethical-legal decision-making, empathy, and professional responsibility from the earliest levels of education.

The Bolivarian University of Ecuador applies this comprehensive ethical-legal-competency approach in its core functions, coordinating teaching, research, and outreach to train health professionals with social conscience, critical thinking skills, and a commitment to human dignity.

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Citizen participation in the legislative process: from *the Roman comitium* to digital *crowdlaw*

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Introduction

Citizen participation in lawmaking has been one of the central elements in the legitimacy of the law. Although contemporary experiences of *crowdlaw* are presented as a democratic innovation linked to digital technologies, it is possible to trace similarities in the historical antecedents of classical institutions within the legislative process of the Roman Republic. The comparative study and development of both models not only highlights continuities and ruptures in forms of participation, but also problematizes the tension between direct participation, heuristic problems, and institutional mediation.

The legislative process in the Roman Republic

With the founding of the Roman Republic in 509 BC, following the fall of the Etruscan monarchy, a new political model was established in which sovereignty no longer resided in a king, but was shared among different collegial institutions. The transition to a republic meant the shift from power concentrated in the figure of the monarch to a more complex system based on the interaction between magistrates, the Senate, and popular assemblies (*comitia*). From this moment on, the drafting of laws ceased to be the exclusive prerogative of the king and became a shared process, requiring both the initiative of the magistrates, the ratification of the citizens' assemblies, and the *auctoritas* of the Senate (Cornell, 1995).

The republican legislative process was thus configured as a mechanism of balance between the aristocratic principle, represented by the Senate and the patricians; the democratic principle, expressed in the popular assemblies, the formal depositories of sovereignty; and the monarchical principle, embodied in the magistrates with *imperium*, who enjoyed legislative initiative (*rogatio*). The approval of a law therefore required the participation of these three actors: the magistrate's proposal, popular deliberation and sanction in the elections, and ratification by the *auctoritas patrum* of the Senate, reflecting the tripartite structure of the republican order.

This model was not without tensions, especially between patricians and plebeians, as unequal representation in the assemblies and the preeminence of the senatorial aristocracy limited the full political participation of the popular sectors for centuries. However, with institutional evolution—including the creation of the *tribunes of the plebs* and the strengthening of the *concilium plebis*—the legislative process expanded, allowing plebiscitary laws to become binding on the entire Roman community.

As for legislative initiative in the Roman Republic, this was mainly in the hands of magistrates endowed with *imperium* or specific functions, such as consuls, praetors, or censors, who acted as true intermediaries between the people and the *res publica*. These magistrates exercised their power through the presentation of the *rogatio legis*, a bill formulated in solemn terms that not only contained the specific articles, but also a political and legal justification that guided citizens in their decision (Cornell, 1995). The *rogatio* was not a simple legislative proposal, but an instrument laden with political significance, since the wording of its justification could influence the interpretation and viability of the proposed measure.

Furthermore, the proposing magistrate was not limited to drafting the *rogatio*, but had broad powers to conduct the legislative process in all its phases. It was his responsibility to convene the popular assemblies—*comitia centuriata*, *comitia tributa*, or *concilium plebis*, depending on the nature of the proposal and the competent body—to direct the sessions, to organize the voting process, and, finally, to announce the official results through the *renuntiatio*. This last action, apparently formal, conferred definitive validity on the result, as it was the magistrate who publicly proclaimed the decision of the people.

The role of the proposing magistrate, therefore, was not limited to a simple exercise of legislative initiative, but gave him decisive power in shaping the political agenda of the republic. His ability to select the issues to be submitted for deliberation, as well as to organize the procedural aspects of the process, reinforced the elitist nature of the system, since it was the senatorial elites who controlled, through the magistrates, the access of public affairs to popular debate (Titus Livius, 2000). In this sense, although formally the people had the power to approve or reject proposals, in practice it was the magistrate—and behind him, the patrician ruling class—who set the limits of the debate and defined what could or could not become the subject of legislation.

Thus, legislative initiative in Rome reveals the tension inherent in the mixed republican constitution: a mechanism for popular participation that was, however, mediated and ly channeled by the leadership of a magistracy of aristocratic origin. In this way, the sovereignty of the *comitia* was always articulated under the tutelage of the magistrate, who functioned as the guarantor of political order, but also as a filter of popular power.

For their part, the popular assemblies (*comitia*) were conceived in the Roman political and legal tradition as the depositaries of the sovereignty of the *res publica*, as they were the formal bodies responsible for passing laws. In their origins, citizens were organized into *curiae* (*comitia curiata*), groups of a gentile nature that brought together men belonging to certain lineages, structured into thirty divisions which, in turn, formed one of the primitive *tribes* of the Roman community. This model of organization, with clear military roots, was also influenced by the Greek *phratries*—brotherhoods of religious and sacred origin—which had their own cults and internal decision-making bodies.

In the *curiae*, the preeminence of the patrician *gentes* was evident, which significantly limited the participation of the plebeians. In fact, the main function of the *comitia curiata* during the republic was reduced to the sphere of the *ius sacrum*, since its meetings, held under the presidency of the *pontifex maximus*—the highest authority in the religious system—were eminently ritualistic rather than political in nature. Consequently, these assemblies did not constitute a space for universal participation, but rather an expression of aristocratic preeminence in Roman civic and religious life (Titus Livius, 2000). The *comitia centuriata*

represented a second model of assembly, with a markedly political character from its origins. In this space, citizens were organized into *centuriae*—census units of a military nature—which reflected the close link between political organization and military structure in Rome. The basis of this assembly was inspired by the disposition of the heavy infantry army (*classis*), in which citizens, recruited according to their wealth and ability to bear arms, were compulsorily integrated into military formations. However, the function of the *comitia centuriata* transcended the strictly military sphere: it became the body responsible for passing fundamental laws, declaring war, and electing magistrates with greater *imperium*, such as consuls and praetors. In this way, its political character was reinforced by the close relationship between military power and institutional legitimacy, consolidating the centrality of the army as the matrix of republican organization.

For its part, the *comitia tributa* or *concilium plebis* represented the third form of citizen organization in the Roman Republic and, unlike the *comitia centuriata*, was essentially civil in nature from its inception. Citizens were organized according to their place of residence in the different territorial divisions of the state, called *tribes*. These were divided into *tribus urbanae*, made up of those who lived in the center of Rome, and *tribus rusticae*, made up of families settled in the countryside and surrounding areas of the city, where the influence of the patricians predominated. In the functioning of the *comitia tributa*, the members of each tribe formed an electoral body which, although it performed similar functions to the *centuriae* of the *comitia centuriata*, was distinguished by the fact that the collective decision was not reached by the individual sum of votes, but by the majority of the tribes, so that each tribe cast a single vote. In this way, the political weight of citizens depended on their membership in one tribe or another, which created an unequal system of representation. It should be noted that citizens organized into *curiae*, *centuriae*, or *tribes* played an eminently passive role in the : their only function was to approve or reject, by vote, the bills (*rogationes*) presented by the magistrate presiding over the assembly.

The bills were finally voted on in the popular assemblies, which embodied the sovereignty of the *res publica*. Each type of assembly had specific powers: the *comitia centuriata* decided on matters of great importance (fundamental laws, war and peace); the *comitia tributa* dealt with administrative and judicial matters; while the *concilium plebis* gave rise to *plebiscites*, which, since the *Lex Hortensia* (287 BC), acquired the force of general law.

Once submitted for discussion, the *rogatio* was voted on by the assemblies. If it was approved, the magistrate officially announced the result in a solemn ceremony called *renuntiatio*. This moment marked the end of the procedure and the transformation of the *rogatio* into *lex*. The magistrate, therefore, not only initiated the process, but also concluded it, reaffirming his central role in the legislative process.

Finally, the Senate and the *auctoritas patrum* played a fundamental role in the legislative process of the Roman Republic, acting as instances of validation and political guarantee of collective decisions. Although the Senate lacked legislative power in the strict sense—since it could not create laws on its own—its intervention was indispensable in the early stages of the republic, given that no popular decision could become binding without senatorial confirmation. This confirmation, known as *auctoritas patrum*, was not a mere formality, but rather a manifestation of the political supremacy of the patricians in the republican organization. After the popular vote in the elections, ratification by the senators was required for the *rogatio* to become law, so that

the consensus of the *patres* served as a political filter and a guarantee of continuity with the traditions of the *res publica*. The function of the *auctoritas patrum* not only conferred legal legitimacy, but also ensured institutional stability in the face of political fragmentation. In this sense, the Senate acted as the repository of the community's historical memory, preserving consistency between Roman legislation and customary practices. Although over time, especially since the *Lex Publilia Philonis* (339 BC), the need for senatorial ratification diminished in formal terms, the political influence of the Senate continued to be decisive in guiding the legislative process. Thus, even when laws no longer depended strictly on the sanction of the *patres*, the weight of their moral and political authority maintained the senatorial function as guarantor of the balance and continuity of the republic.

Ultimately, the role of the Senate in the legislative process illustrates the constant tension between democracy and aristocracy within the Roman mixed constitution, where popular participation was limited by the need for aristocratic validation, thus reinforcing the idea that in Rome, the production of laws was both a legal act and a political exercise in balancing power.

Of the three entities that form part of the Roman legislative process (magistrates, popular assemblies, and the Senate), there is a permanent tension between popular legality expressed in the voting of the elections and aristocratic legitimacy ensured by *senatorial authority*. In this way, Rome was able to maintain a mixed system, in which the different bodies cooperated and competed at the same time. In fact, this balance largely explains the stability of the republic for centuries, but it also constitutes one of the keys to its crisis: over time, the struggle between the Senate, magistrates, and assemblies became unsustainable, paving the way for Caesarism and the principate. Thus, lawmaking in Rome was the result of a delicate balance between popular sovereignty, magistral initiative, and senatorial *auctoritas*, reflecting the mixed and complex nature of the republican constitution (Lintott, 1999).

Thus, the legislative process in the Roman Republic was not only a means of producing legislation, but also a space for social and political dispute, where power conflicts between different classes were expressed and where the foundations of the legal tradition that would decisively influence Western law were consolidated.

Crowdlaw in the legislative process

The term *crowdlaw* was coined by the Governance Lab at New York University in September 2014 during an international conference that brought together professionals linked to parliaments around the world who were experimenting with technology-facilitated public participation. The proposal was originally promoted by Beth Noveck, who sought to introduce the idea of *crowdlaw* as a mechanism for online public participation, taking advantage of new technologies and diverse sources of information, judgments, and experience at each stage of the law and policy-making cycle to improve the quality and legitimacy of the resulting laws and policies (Alsina & Martí, 2018).

According to the author, *crowdlaw* is a very simple idea: parliaments, governments, and public institutions function better when they encourage citizen participation, taking advantage of new technologies to draw on diverse sources of information, judgments, and experience at each stage of the law and policy-making cycle to improve the legitimacy of laws and public policies, as well as the results obtained from those processes.

However, as is usual with any new term, its linguistic uses are not always clear or precise. Its conditions of application are not always well defined. To shed some light on these issues, the following section will be divided into two parts. The first part will identify the main theses defended under the label "*crowdlaw*." The second part will reconstruct various meanings attributed to the term according to the common uses of authors present in the literature.

Crowdlaw and its main theses

According to the work entitled *Crowdlaw: Collective Intelligence and Lawmaking*, Beth Noveck has postulated the main theses of the *crowdlaw* movement, namely:

i) *Crowdlaw* is a tool for greater deliberation with the aim of ensuring greater procedural legitimacy by improving contributions to legislative processes, i.e., to improve decision-making processes. It improves the epistemic quality of the *lawmaking* process (legitimacy of the process). Deliberation to ensure greater procedural legitimacy by improving contributions to legislative processes than a practical demand for more collaborative approaches to problem solving (*Process legitimacy*).

ii) *Crowdlaw* aims to improve the quality and effectiveness of outcomes by allowing regulatory authorities to interact with a wider audience using methods designed to meet the needs of both institutions and individuals. In other words, it improves outcomes (*output legitimacy*).

iii) *Crowdlaw* focuses on obtaining experience and ideas rather than opinions (Noveck, 2018). It should not be equated with opinion polls or a way of gaining supporters for partisan political causes; it is a design for applying collective intelligence to problem solving through the experience of the crowd. From this perspective, *crowdlaw* would be a technological tool for *obtaining expertise*, experience, ideas, and data rather than opinions (Landemore, 2012). Through the use of *big data* and collective intelligence, at each stage, from problem identification to evaluation, improving outcomes may require obtaining information and ideas in addition to evaluating opinions.

iv) *Crowdlaw* emphasizes mechanisms for digesting all the knowledge gathered, not just the design necessary for people to participate. In this sense, the *crowdlaw* process can be understood as a mechanism for *processing information* derived from the experiences of the crowd.

v) Although it takes different forms, *crowdlaw* processes generally involve ceding some control over some aspect of policy-making, at least in part, to a more diverse audience. This constitutes a change in the subject of normative authority. While the subjects of normative authority were fully identified in accordance with the institutional design (presidents, assemblies, public officials in general, etc.), *crowdlaw* presents a diversity of subjects that form part of a normative co-authorship and therefore constitutes a decentralized system of normative creation (Saxena, 2018).

A clear example is the "*Parlement et Citoyens*" platform, which allows the French public to provide information for legislative drafting through a multi-step online consultation process. On the platform, representatives can organize a consultation consisting of three to five different opportunities for participation. For example, a representative raises an issue that citizens help to define, and for which they then help to generate solutions and evaluate the proposed solutions.

Citizens can also participate in video conversations with the representative. At the end of the process, a conclusive report explains whether, when, and how citizens' contributions were incorporated into the resulting bill.

vi) By being present at all stages of the legislative process, *crowdlaw* takes on a leading role in *evaluating the outcome* of the legislative or public policy process. Not only does it serve as a mechanism to improve the results of the legislative process, but once produced, it can potentially assess whether or not the legislative initiative has achieved its objectives.

vii) By providing a clear assessment of the results obtained from the legislative process of creating laws, these criteria would also serve to determine the responsibility or accountability of the regulatory authorities that undertook the procedures or were directly responsible for the legislative outcome.

viii) As it contains collective intelligence, it is much more than a mere aggregation of opinions or even judgments, as advocates of aggregative or economic views of democracy may assume. It requires a collective process of clarification and mutual argumentation, in which citizens and public institutions must interact dialogically, and can be measured by its epistemic merits, its ability to make correct decisions (Estlund, 2007).

With these theses in mind, the term *crowdlaw* can be redefined as any process of law or policy making that offers a meaningful opportunity for the public to participate in one or more stages of decision-making, diversifying opportunities for citizen participation and extending them to each stage of the law and policy-making cycle, including, among others, limiting the processes of problem identification, solution identification, proposal development, ratification, implementation, or online evaluation. Traditional forms of participation, such as citizen initiatives or consultations, typically focus only on the early stages of this cycle without considering that enabling channels of engagement for the co-creation, co-implementation, and co-evaluation of the impact of laws and policies can also be extremely fruitful in terms of improving their quality and effectiveness.

These theses account for *institutionalized crowdlaw*, as it has the potential to affect the way power is exercised and decisions are made within the legislative process. It is conceptually connected to lawmaking and public decision-making of any kind and at any level, from drafting a constitution to legislation or public policy formulation. In this modality, *crowdlaw* differs from any form of online participation in that it focuses primarily on legislative bodies. In this scenario, it can refer to the entire range of legislative activities, including legislation, regulation, constitution, and even policy formulation.

An example of institutionalized *crowdlaw* is *Mi Senado* in Colombia. It is a mobile phone application that strives to "bring Colombian citizens closer to the legislature" through greater access to information, direct communication channels with senators, and real-time *voting* opportunities. Colombian citizens can react and vote in parliamentary plenary sessions in real time and receive automatic notifications to know when live plenary sessions are scheduled so they can participate. Through the app, users also have access to the attendance and voting records of elected representatives.

On the other hand, *crowdlaw* encompasses a variety of ways in which ordinary citizens can participate directly in institutional deliberations indirectly and decision-making processes to contribute to the quality of legislation. Accordingly, *crowdlaw* initiatives can be developed at a non-institutional level (vedurías, NGOs, groups of interested citizens) that use the benefits of new technologies to be part of the legislative and post-legislative process at all levels. In these cases, we would be dealing with non-institutionalized *crowdlaw* (Habermas, 1996). This is because the inputs and outputs contribute to the legislative process indirectly. Furthermore, this type of platform does not constitute an institutional channel, as it does not reflect a design between the regulatory institution and the crowd.

In Latin America, there are numerous non-institutional initiatives that have harnessed the potential of the internet and new technologies to develop tools for participation in decision-making processes. The NGO *Asuntos del Sur*, with its network of national chapters, is part of this type of initiative, as is *Social Tic* in Mexico, which seeks to empower leaders and promote the strategic use of digital technologies and data to bring about social change. *Apertura Radical* in Ecuador is an initiative that seeks to promote transparency and collaboration in digital spaces (from free *software* to open source *hardware*, from creative commons to *open science*) (Zambrano & Rodríguez, 2021).

The improvement of our law and policy-making processes has traditionally oscillated between two ideals that are sometimes considered to pull in opposite directions. The ideal of *democratic legitimacy*, which emphasizes the full inclusion of everyone's views, and the ideal of *epistemic quality*, which emphasizes achieving the best results. While the most common focus is on legitimacy, the *crowdlaw* research agenda is also designed to explore the impact of new technological processes on the quality and effectiveness of public decisions (Alsina & Martí, 2018).

Heuristic criticisms of the application of crowd law

In a 2006 book entitled "*Infotopia: How Many Minds Produce Knowledge*," Cass Sunstein, referring to the rise of the "information society," cautiously pointed to new ways of sharing and aggregating information via the internet. In the book, he showed how *wikis* sought to cover a wide range of social interactions, from politics and business plans to sports and cultural practices, through open-source *software* that allows a large number of people to participate in technological development. Sunstein shows how users can assimilate aggregated information by succumbing to heuristic errors that hinder the participation processes (creation, aggregation, modification, and deletion) that these platforms aim to stimulate.

These heuristic errors can be summarized as follows: i) *amplification of errors*. Humans do not process information well, as they use heuristics, or rules of thumb, that lead them to make predictable mistakes. They are subject to identifiable biases, which can lead to major errors. For example, people make mistakes because they use availability heuristics to answer difficult questions about *probability* (Sunstein, 2006). *The use of availability heuristics is not irrational*, but it can easily lead to serious factual errors. Most people are also surprisingly vulnerable to framing effects, making different decisions depending on how the problem is worded (Lakoff, 2004).

Humans also follow the *representativeness* heuristic, according to which our judgments of probability are influenced by assessments of similarity. For the purposes of evaluating deliberation, a central question is whether deliberative groups avoid the errors of the individuals who compose them. If the majority of people are wrong, then statistical groups will also be wrong. There is no clear evidence that deliberative groups eliminate the effects of heuristics and biases through the aspiration to correct individual errors through deliberation. The most general finding is that deliberation can help when one or a few group members have biases, but when a bias is widely shared, group interactions will actually increase its effect. Deliberative groups amplify, rather than attenuate, reliance on representativeness heuristics (Mark et al., 1988).

ii) Hidden profiles and common knowledge. Biases referred to as "hidden profiles" have become the standard term for the precise knowledge that groups aim to obtain but do not. Groups are more likely to discuss information that all group members "already know" at the beginning of the group decision-making process (shared information), while unique information possessed only by individual group members (unshared information) is less likely to be mentioned (Reimer & Hoffrage, 2005). Hidden profiles are a clear failure of information aggregation and are all too common. Hidden profiles are, in turn, a product of the *common knowledge* effect, whereby information held by all group members has much more influence on group judgments than information held by a few members (Gigone & Hastie, 1993).

The consequence of the bias known as the *common knowledge effect* is that information held by all or most members of the group has the greatest influence on the group's judgments, much more so than information held by one or a few members (Gigone & Hastie, 1993).

iii) *Social pressures*. The information held by all or most members of the group influences individual judgments, and those judgments, in turn, will affect the judgments of the group. Group members who lack experience or who are believed to occupy a "low" place in the hierarchy are particularly reluctant to emphasize their private information as the discussion progresses, that is, they are "more timid." This finding suggests that group members, especially those with "lower status" due to their experience, sociocultural level, or epistemic condition, are nervous about emphasizing information that most group members lack. These types of members are referred to as "cognitively peripheral members" because they have little influence in the group. Those who possess unique information end up participating less than those who have shared information, and what they have to say is not highly valued. In many deliberative groups, people who emphasize uniquely held information take an obvious social risk. Those who discuss shared information reap rewards in the form of a greater sense of competence in the eyes of other group members and also in the eyes of peripheral groups. Hidden profiles are closely related to information cascades, which greatly impair group judgments. Cascades (*informational cascades*) are a phenomenon described in behavioral economics in which several people make the same decision sequentially without necessarily involving deliberation, but deliberative processes often involve cascades. As in the case of hidden profiles, the central point is that those involved in a cascade do not reveal what they know. People in the cascade do not disclose the information they have privately. This has consequences: the group's decision does not reflect the general knowledge or aggregate knowledge of its members.

In a reputational cascade, people believe they know what is right, or what is likely to be right, but nevertheless follow the crowd to maintain the "good opinion of others." In the real world of group decisions, people are, of course, unsure whether publicly expressed statements are the

product of independent knowledge, participation in an information cascade, or reputational pressure. Most of the time, listeners and observers probably exaggerate the extent to which others' actions are based on independent information. As a result, deliberative groups often fail in their objectives (Trejo et al., 2024).

iv) *Polarization*. There are clear links between hidden profiles, social cascades, and the well-established phenomenon of *group polarization*, whereby members of a deliberative group often end up in a more extreme position in line with their tendencies before the deliberation began (Brown & Pehrson, 2019). Group polarization is a common pattern with deliberative groups. The causes of polarization are varied (Baron et al., 1996). The first and most important involves informational influences. In any group with some initial inclination, the opinions of most people in the group will inevitably be biased in the direction of that inclination. A large body of work suggests that group polarization increases when people have a sense of *shared identity*, and this point helps to suggest another explanation for polarization. In my opinion, these heuristic errors distort the *substantive* content of the deliberation that *crowdlaw* tools aim to achieve within the legislative process. Substantive content (such as the fairness and legitimacy of a particular legislative decision) seems crucial to any complex standard of quality in lawmaking. It seems natural to assume that legitimacy will be at least part of the standard that will measure the quality of the law-making *process*, that is, it will answer the question: How legitimate is the law-making process under the implementation of *crowdlaw*?. Meanwhile, the justification of justice will necessarily play a role—if any—in evaluating the quality of the *results* of lawmaking. That is, it will answer the question: How fair are the results achieved by the implementation of *crowdlaw*?

Conclusions

The study of the legislative process in the Roman Republic shows how direct citizen participation in legislation is not a novelty at all, but a practice with deep historical roots. Initiatives in the legislative process through direct participation, albeit limited by aristocratic structures and the control of magistrates, can be likened to new forms of digital participation, which are broad and innovative but limited by the filters and formalities conditioned by the formal constitution of modern legal bodies. In both cases, the most critical point is the balance between broad popular initiatives and the institutional mediation represented by the formal dimension. Both perspectives ensure that regulatory production is effective and legitimate. It is important to note that the processes of political and legislative participation have become much more universal and inclusive today, especially if we consider the evolution of the concept of citizenship itself throughout history. In the Roman Republic, citizenship was restricted and conceived as an aristocratic and exclusive political-legal privilege, conferring rights and duties only on a small sector of the population: free men with recognized legal status. This group represented a social elite that, to a large extent, monopolized access to deliberation and decision-making processes on public affairs, excluding women, foreign slaves, and other subordinate sectors.

In contrast, in modern societies, the concept of citizenship has evolved towards a more universal and democratic dimension, in which all members of the political community are recognized as citizens without distinction of sex, social status, ethnic origin, or economic level. This transformation not only broadens the basis for participation, but also redefines the meaning of legal and political equality, ensuring that access to the rights and duties associated with public life is an inherent attribute of membership in a given political and legal organization.

With regard to the comparison between legislative initiatives in the Roman Republic and the contemporary proposal of *crowd law*, it reveals both the permanence and the transformation of the mechanisms of citizen participation in the regulatory process. In Rome, the initiative belonged almost exclusively to the proposing magistrate (consul, praetor, or censor), who, through the *rogatio legis*, controlled not only the content of the proposal, but also the convening, organization, and validation of popular assemblies. Citizens, although the depositaries of sovereignty in the *comitia*, played a limited and essentially reactive role, confined to the approval or rejection of the law without the possibility of amending or directly formulating proposals.

In contrast, *crowdlaw* represents a democratic shift towards opening up the legislative process to the direct participation of civil society. In this model, citizens are not limited to ratifying decisions previously designed by political elites, but can actively contribute to the deliberation, drafting, and amendment of legislative proposals through technological tools that facilitate mass collaboration, pluralistic debate, and transparency. While the Roman legislative initiative was marked by the centrality of the magistrate and the oligarchic validation of the Senate, *crowdlaw* seeks to shift that concentration towards a distributed and horizontal participation scheme that recognizes the legitimacy of collective knowledge as a source of democratic innovation. In short, the historical transition from *rogatio legis* to *crowdlaw* reflects a paradigm shift: from the authority of a few () within the framework of the republic to collective intelligence as the guiding principle of contemporary democracy. However, with regard to heuristic errors, both in the Roman Republic and in contemporary *crowdlaw* systems, the mediation of legislative initiative processes is conditioned by cognitive and social limitations that affect the rationality of decisions. While in Rome these limitations were anchored in the hierarchical and oligarchic structure of society, in modern *crowd law* they arise from digital dynamics and information overload. Both scenarios show that, although models of participation change, heuristic errors continue to pose a permanent challenge to the quality of democratic deliberation and the fairness of collective decisions.

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Cyberbullying as a new form of defamation: digital violence and its treatment in the light of Roman law

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Introduction

Forms of social interaction are undergoing a process of profound transformation, characterized by the omnipresence of virtual platforms and environments. Although this scenario is potentially enriching in terms of access to information and communication, it has also led to the emergence of new forms of digital violence, among which cyberbullying stands out. This form of aggression, which takes place through electronic media and social networks, manifests itself in hostile, humiliating, and threatening behavior directed at individuals or groups, with repercussions that transcend the digital sphere and significantly affect the physical, emotional, and social integrity of those involved (Chicoş, 2022) .

Thus, cyberbullying is a specific manifestation of digital violence (Çakar-Mengü & Mengü, 2023), establishing itself as one of its most widespread and problematic forms today.

Digital Violence and Social Behavior in the University Environment

Digital violence, as referred to by Afzal et al.(2024) , covers a wide spectrum of aggressive, hostile, or intimidating behaviors carried out through electronic media, digital platforms, social networks, and other virtual environments. In this context, cyberbullying, according to Alomar et al.(2023) , is defined as a series of systematic and repeated actions aimed at harassing, humiliating, threatening, or disparaging a person through the use of these technologies.

The relationship between the two concepts is intrinsic and complementary; cyberbullying represents a specific form of digital violence (Vesić & Bjelajac, 2023) characterized by its intentional nature, its persistent character, and its ability to reach victims in spaces where they seek protection or socialization. Both phenomena share fundamental elements, such as invisibility, anonymity, speed of propagation, and the emotional and psychological impact they have on victims. It is therefore clear that cyberbullying is one of the most significant expressions

of digital violence, reflecting how technologies have transformed and expanded forms of aggression, making them more complex, insidious, and difficult to regulate.

For its part, as Han et al.(2023) refer to, social behavior refers to the set of behaviors, attitudes, and relationships that individuals manifest in their interaction with other people within a given context. According to Ali et al.(2024) , it is a multidimensional construct that ranges from basic actions, such as communication and cooperation, to more complex patterns of behavior, such as empathy, mutual respect, and conflict resolution.

Thus, social behavior involves the internalization of norms, values, and roles that govern human interaction in a specific sociocultural context. These norms, which are learned through socialization, guide how people behave in different settings, whether in family, educational, work, or community environments. For example, in a community where respect and cooperation predominate, individuals tend to act in a more empathetic and collaborative manner, while in contexts where competitiveness and aggression prevail, behaviors may lean toward hostile or selfish attitudes.

This behavior is also influenced by various internal and external factors, such as personality, self-esteem, previous experiences, social environment, cultural norms, and social expectations. Social behavior can vary over time and in different circumstances, adapting to the demands of the context, emotional state, and interpersonal relationships.

From a psychological and sociological perspective, social behavior is fundamental in the formation of social cohesion and the maintenance of social order (Mahmoodi, 2024) ; it is through these interactions that knowledge, values, and beliefs are transmitted, and relationships of trust, solidarity, and belonging are built. In the context of the study of human behavior , understanding social behavior is essential for studying emerging social phenomena such as digital violence.

Among the previous international studies, the research by Tintori et al.(2021) , carried out in Italy with a sample of 3,273 students, highlights how various social variables and individual characteristics influence the emergence of deviant behavior. Using bivariate analyses and a binary logistic regression model, they identified the factors that increase the risk or provide protection with regard to involvement in cyberbullying episodes.

The results of Tintori et al. (2021) showed that the presence of social stereotypes, cultural prejudices, acceptance of violence, and high self-esteem are the main risk factors. In contrast, behaviors that indicate low tolerance, associated with alcohol and drug use, along with high trust in family and close friends, as well as female gender, emerged as elements that act as protective factors. The conclusion of this study reaffirms the validity of various theories explaining harassment and cyberbullying, as well as pointing out that specific contextual factors play a decisive role in the genesis and reproduction of these behaviors.

In Poland, the population study by Rębisz et al.(2023) aimed to identify the factors that predispose an individual to become a perpetrator of cyberbullying, considering personal resources such as emotional self-regulation, self-esteem, internal locus of control, and optimism; social skills, including prosocial behaviors, assertiveness, cognitive empathy, and cooperation; interpersonal relationships among peers, such as mutual support, threats, social rejection, and

attitudes of aversion toward peers; and problematic Internet use, which includes both excessive time spent online and impulsive reactions to deprivation of online access.

The sample consisted of 541 students, aged 14 to 15, in the city of Ostroleka. They used a two-stage regression model to explore the protective and risk variables related to the likelihood of engaging in cyberviolence behaviors, differentiating in the first stage between participation in the act (dichotomous variable) and in the second stage between the frequency with which these behaviors occur (continuous scale). Their findings indicated that the emotional component is fundamental in the dynamics of cyberbullying, highlighting that better emotional self-regulation contributes to reducing the incidence of these behaviors. Other relevant factors include assertiveness, impulsive response to Internet deprivation (which increases the likelihood of acting as an aggressor), and fear of peers. In addition, prosociality and peer support seem to play opposite roles: while the former inhibits participation, social support seems to favor it. Finally, the focus should be on promoting more adaptive emotional coping styles in young people.

In Ecuador, research by Andrade et al.(2025) proposed a conceptual model focused on cybersecurity management in social networks. To this end, they adopted a deductive approach alongside exploratory methods. The findings include a mind map identifying the main actors in the cyberbullying ecosystem, as well as a simulation designed to reduce its incidence on these platforms, and a conceptual model intended to guide the effective management of this phenomenon. The research concludes that mitigating cyberbullying requires the incorporation of specific artificial intelligence tools, such as the formulation or strengthening of legal regulations governing this type of violence in each nation. The simulations carried out showed that, under certain scenarios, the prevalence of cyberbullying could be reduced by an average of 25%, highlighting both the existing challenges and the possibilities of leveraging technologies and the updated legal framework to effectively combat this problem.

The research by Borja et al.(2024) examined cyberbullying from a legal and social perspective. To this end, they selected 13 scientific publications, revealing that cyberbullying is both a legal and social challenge that requires a comprehensive response, including legal reforms, emotional education programs, and public policies designed to protect the most vulnerable groups. The findings indicate that, although progress has been made in terms of legislation, there is still a significant gap that limits the effectiveness of the actions implemented against this problem, especially in situations involving young migrants. The influence of factors such as family polyvictimization highlights the urgency of developing solid preventive strategies that are consistent with the specific needs of different social contexts.

In Ecuador, despite regulatory advances and growing awareness of the problem, epistemological gaps persist that hinder a full understanding of the phenomenon in its sociocultural and technological specificity. University students face a breeding ground conducive to the manifestation of aggressive behavior in the digital space, and these expressions of digital violence directly affect the formation of behavioral patterns, ethical values, and social cohesion within the academic community. The presence of these behaviors affects the emotional health of students and compromises the fundamental principles of respect, empathy, and democratic coexistence that should govern educational and social communities.

Therefore, it is imperative that academia, in its role as a generator of knowledge and social transformation, propose and articulate studies that allow for a holistic understanding and

approach to manifestations of cyberbullying in the university context. The proposed research, based on an interdisciplinary approach and rigorous methodologies, seeks to provide original scientific input to guide the formulation of institutional policies and pedagogical intervention plans that promote safe and ethical digital environments. The relevance of this study lies in its potential to empower the academic community and future teachers in promoting a culture of respect and digital responsibility, an essential element in the formation of critical, ethical citizens committed to building an inclusive society, consolidating a university environment that defends human rights and encourages relevant social intervention.

In the Ecuadorian university context, the incidence of cyberbullying has sociocultural and technological particularities (Castillo-González & Terán Andrade, 2024) that require specialized and contextualized attention. The widespread adoption of mobile devices, the consolidation of social networks, and the digitization of academic activities have created a scenario where the dynamics of aggression and exclusion reach greater levels of complexity (Vera, 2023) , affecting students' emotional health and their perception of safety, as reported by Cevallos et al.(2024) ; in addition, their social participation and ability to interact in democratic and ethical spaces.

Manifestations of cyberbullying in this area are evident in behaviors such as defamation, threats, insults, persistent harassment, and the unauthorized dissemination of personal information (Șerban & Malizia, 2025) , in an environment where the perception of anonymity and rapid propagation reinforce its impact. These phenomena have a considerable impact on the social behavior of students, and according to Pomytkina et al.(2021) , they reinforce patterns of aggression, isolation, low self-esteem, and deterioration of the institutional climate, also affecting the fundamental values of respect, empathy, and democratic coexistence.

Recognizing and analyzing the manifestations of cyberbullying in the Ecuadorian university context, in line with the characteristics of digital violence and its implications for social behavior, is imperative from an academic perspective and constitutes a decisive step towards the design of effective prevention and management strategies that promote safe, constructive, and democratic digital environments.

Furthermore, the expansion of technologies and the prevalence of communication in virtual environments have established a context where social interaction is persuasively transformed, generating new manifestations of violence that transcend physical boundaries and are inscribed in cyber networks (Wagner & Marusek, 2024) . However, despite growing evidence of the incidence of cyberbullying among young people and university students, there are still gaps in our comprehensive understanding of its multiple dimensions, especially in developing academic contexts such as Ecuador.

This phenomenon, in addition to constituting a form of digital violence that affects the psychological and emotional integrity of students, has a substantial impact on their social behavior in the university environment (Alismaiel, 2023) . In this context, there is a pressing need to understand the specific manifestations of cyberbullying in the university community from an integrative perspective that links its intrinsic dimensions: digital violence, social behaviors, cultural patterns, and ethical values (Murillo et al., 2023).

Manifestations of Cyberbullying and its Impact on Social Behavior

The absence of empirical studies in the Ecuadorian university environment that address this phenomenon holistically limits the possibility of designing pedagogical intervention strategies that take into account the particularities of the socio-cultural and technological context in which the university community of the Education Department of the Bolivarian University of Ecuador is inscribed.

Consequently, academia is called upon to incorporate comprehensive analyses of the manifestations of cyberbullying and its impact on social behavior, with the aim of promoting safe digital environments, fostering digital ethics, and strengthening the training of educators with social sensitivity and civic responsibility.

Thus, manifestations of cyberbullying in the Ecuadorian university context were analyzed, leading to the creation of a logistic regression model based on university law and educational regulations to avoid the risk of involvement in cyberbullying, from an integrative perspective that considers its intrinsic relationships with digital violence and its impact on the social behavior of students in the Education Program at the Bolivarian University of Ecuador (Hurtado, 2020).

The research was developed within a paradigmatic framework structured from a positivist perspective, based on the search for causal relationships that can be verified through empirical and statistical procedures. The choice of the positivist paradigm is based on the orientation towards establishing verifiable hypotheses, through the objective measurement of variables and the analysis of correlations, in line with the postulates of the scientific method.

The study is limited to a quantitative approach, given that its central purpose is to analyze the statistical relationship between variables, specifically between social behavior and the risk of involvement in cyberbullying. The correlational nature of the design allows the strength and direction of associations to be measured, without establishing definitive causal relationships, but rather pointing out significant relationships and patterns of behavior between variables. In addition, its descriptive-explanatory nature aims to characterize the sample and understand the dynamics of the phenomena at a given moment in time, as well as to establish probable relationships that may explain the variability observed in the study population.

This study is categorized as descriptive-correlational research, as its purpose is both to describe the characteristics and behaviors of students in relation to the variables of interest and to explore and quantify the relationships between them. The cross-sectional nature of the study implies that the data were collected at a single point in time, without temporal follow-up, thus allowing the detection of current associations and the management of hypotheses within an established framework of validity and reliability.

The first stage consisted of an exhaustive review of the specialized literature, which allowed us to identify the relevant empirical and theoretical background regarding the interaction between social behavior and the risk of involvement in cyberbullying in higher education contexts. Based on this body of argument, the main hypothesis was formulated.

In the second stage, the methodological approach of the quantitative study was defined, which was correlational and cross-sectional in nature, to analyze the relationships between variables at a single point in time. The total population of 4,900 students in the Education Program at the Bolivarian University of Ecuador was defined, and a representative sample size was estimated using the stratified probability sampling formula, ensuring the proportional inclusion of diverse academic, gender, and age groups, in accordance with the principles of statistical representativeness.

The formula for sampling large populations was used, which is common when making a preliminary estimate. Given that the population is 4,900, it is considered to be a considerable size, but still close to large populations.

The sample size calculated with this formula was 385 students; when adjusting for a finite population, an adjusted sample size of 357 students was obtained .

In the third phase, the variables were operationalized and two questionnaires were developed and administered. In the first questionnaire, the dimensions and constructs that make up social behavior were identified: consent and cooperation; empathy; respect; conflict resolution; prosocial attitudes; emotional response; rejection of violence; and helping behaviors.

At the same time, the dependent variable was defined: risk of involvement in cyberbullying, which was measured using the second questionnaire, which included aspects of behavior and perception of the digital environment. These were structured into 16 specific items for each, with a five-level Likert scale. The content validation process was carried out by expert panels, and reliability analysis (Cronbach's alpha) was performed through a pilot test to ensure the internal consistency of the instruments, obtaining 0.811 for the first questionnaire and 0.821 for the second.

In stage four, the questionnaires were administered in the field, ensuring adherence to ethical protocols (confidentiality, informed consent, voluntariness). Data collection was carried out in different face-to-face sessions, ensuring proper quality control and minimizing biases and application errors. In addition, sociodemographic variables were documented to enable segmentation analysis and validation of results.

Once the data had been collected, in the fifth phase, statistical analysis was carried out using specialized SPSS software. This began with descriptive analyses, indicating frequencies, percentages, means, and standard deviations to characterize the sample. Subsequently, an inferential analysis was performed using binary logistic regression, whose function was to explore the impact of social behaviors on the probability of participation in cyberbullying. The process included the verification of statistical assumptions, evaluation of goodness of fit, analysis of residual values, and interpretation of coefficients to resolve the general hypothesis and its specific statements.

In this case, the dependent variable, participation in cyberbullying, is conceptualized in binary form (e.g., active participant versus non-participant), while the dimensions of social behavior are considered as continuous predictors, derived from the means and standard deviations of the questionnaire scales.

It is essential to highlight that the nature of the data and structure of the responses in the questionnaires allow us to construct models where the predictor variables, in this case, the dimensions of responsible use, risk perception, reporting behavior, digital control, empathy, reaction to offensive content, perception of the impact of cyberbullying, and capacity for online social support, form a multivariate set with potential influence on online criminal behavior. The fundamental hypothesis indicates that higher levels of ethical cognition, self-care on digital platforms, risk perception, and empathy are associated with a lower probability of participating in cyberbullying behaviors, in line with contemporary theories in digital education and prosocial behavior.

Therefore, the model is adjusted using the maximum likelihood method to estimate the regression coefficients and analyze their statistical significance using z-tests. To assess the magnitude of the influence, it is relevant to calculate the odds ratios (OR), which represent the variation in the probability of participating in cyberbullying given a unit increase in each predictor, while keeping the other factors constant.

Preliminarily, it is anticipated that variables such as responsible use of digital media, perception of online risk, and ability to control platforms will exhibit inverse relationships with the probability of cyberbullying. In other words, the more conscious and prudent the use of the digital environment, the lower the risk of participation in hostile practices. On the other hand, dimensions related to empathy and perception of the impact of cyberbullying are likely to show direct relationships: the greater the perception and social sensitivity, the less identification with aggressive online behavior, reflecting a modulating impact on violent digital behavior.

Likewise, the variables of reporting behavior and emotional support skills may have protective effects, with these behavioral mechanisms being attributed with the ability to activate social regulation mechanisms in cyberspace and reduce the likelihood of participating in forms of digital violence.

From an advanced statistical perspective, the regression coefficients obtained are interpreted in terms of adjusted ORs, where a value less than one indicates a protective effect, and a value greater than one indicates a risk factor. In addition, the statistical significance of these coefficients was evaluated using 95% confidence intervals (CI) to ensure the robustness and reliability of the model, as well as performing goodness-of-fit analyses, such as the Hosmer-Lemeshow test, and model sensitivity using pseudo- R^2 values, such as Nagelkerke's R^2 .

During the sixth phase, the statistically derived findings were interpreted in relation to the hypotheses proposed, contrasting them with the reviewed literature. Plausible causal relationships were established and the pedagogical, social, and technological implications were discussed in the context of university education and digital culture. A critical discussion was encouraged, linking the results with theoretical models and providing original contributions to educational science and digital risk management in academic contexts.

Finally, conclusions based on empirical evidence were drawn, summarizing the main relationships found and their practical relevance. A set of recommendations was formulated for the implementation of preventive programs and the strengthening of socio-emotional skills in the university community. Likewise, possible lines of future research were outlined to delve

deeper into mediating variables, contextual differences, or the impact of specific interventions, consolidating a dynamic and evolving research cycle.

The results are presented in two parts. The first part establishes a descriptive statistical analysis, indicating frequencies, percentages, means, and standard deviations to characterize the sample. Subsequently, an inferential analysis is provided through the application of binary logistic regression to analyze the impact of social behaviors on the probability of participation in cyberbullying.

Significant patterns are revealed in the perception and frequent manifestations of social behaviors and attitudes related to prosocial behavior and emotional regulation in the population studied. In particular, it is observed that the dimensions of greater centrality, such as Consent and Cooperation and Empathy, have means ranging from 114 to 126.5, with relatively modest standard deviations, which on average fluctuate between 0.39 and 2.82. These indicators reflect a trend where most participants report answers at moderate levels, with responses in the Never and Almost Never categories predominating, with percentages frequently reaching values close to 30 or 35.85%. In other words, approximately between a third and almost half of all students show these behaviors as almost non-existent in their daily environment, suggesting a perception profile where such attitudes, although present, do not stand out markedly in habitual behavior, highlighting areas of opportunity to strengthen these aspects in the university context.

The dimensions linked to attitudes and behavioral responses, such as Emotional Responses and Rejection of Violence, maintain a similar distribution, with means ranging from 97.5 to 136.5, and standard deviations varying from 0.19 to 10.60, indicating a moderate dispersion in the responses. It is revealing that in these dimensions, a significant percentage, close to or above 30%, responds in the category of "Never" or "Almost never," suggesting responses that lean toward low or moderate levels of perception regarding the manifestation of such behaviors. This implies that, in general, students do not perceive a high incidence of aggressive attitudes or explicit rejection, although there is a certain degree of variability in some specific items.

A relevant feature emerges in dimensions such as Prosocial Attitudes and Emotional Response, where the percentages in the low levels (Never and Almost never) reach figures of around 60% to 70%, reflecting a trend where such behaviors are mostly infrequent or moderately present in the students' academic environment. The overall mean in these dimensions, close to 121.5 and 136, together with standard deviations of approximately 1.3 to 2.8, show that, although there are experiences of these behaviors, they do not reach extensive or dominant levels in the sample, but they do maintain a significant presence that can influence the social and emotional dynamics of the group.

The percentage analysis, together with the measures of central tendency and dispersion, reaffirms a configuration where the perceived frequency of such behaviors and attitudes is associated with relatively low to moderate levels in the study population. This has important implications for the development of educational interventions and awareness-raising strategies aimed at enhancing socio-emotional skills and prosocial behaviors. In addition, the moderate dispersion detected in the different dimensions points to a diversity of individual experiences and perceptions, opening up an additional window of analysis for understanding the contextual and personal factors that influence the development of these aspects in the university setting.

There is evidence of a scenario with multiple nuances related to students' perceptions and behaviors in relation to their digital management and ability to respond to the challenges posed by online interaction. The dimension addressing the responsible use of digital media presents averages that oscillate around 66.50 in the first item, with a standard deviation of 16.26, revealing a moderate dispersion in the responses, traditionally focused on levels of ethical self-awareness and digital prudence. Most responses are concentrated at the following levels: Exhibits prudent behavior in the disclosure of personal information, with a considerable proportion of respondents recognizing attitudes of care and data protection, as indicated by the fact that 32.21% fall into this category, while 15.41% state that they do not, suggesting that there is still a segment that needs to reinforce precautionary practices regarding their digital privacy.

In relation to the perception of online risk, the averages reach 115.50 and 104, with standard deviations of around 3.54 and 2.83, denoting a generally acute perception of digital dangers. Approximately 31% of students claim to have the ability to accurately identify potential threats, such as suspicious links or disturbing content, which shows an adequate level of awareness, although there is still a significant percentage (around 9%) that shows less risk perception, which may constitute a vulnerability factor in everyday digital interaction.

Regarding reporting behavior, the data show that the highest averages fluctuate between 119 and 107.50, with deviations around 5.66 and 9.19, indicating a tendency toward irresponsible action and low preventive awareness of illegal or harmful content on the virtual platform. The significant proportion, with 34.45% and 32.21% expressing that they never take a proactive attitude in reporting harmful behavior, clearly reflects a lack of digital civic awareness, although there are still segments that, to a lesser extent, show activity in these practices.

In terms of control skills on digital platforms, the results are particularly discouraging, with averages above 145 and standard deviations of approximately 14.14, showing that the majority of the population surveyed demonstrates no competence in managing privacy settings, usage limits, and interaction control. The high proportion (more than 37% for item 7 and 43.42% for item 8) who say they never use platforms in a balanced and conscious way highlights a low level of maturity in digital literacy, although the dispersion also suggests that not all users achieve these levels of proficiency in managing their profiles and settings within digital environments.

Likewise, regarding the perception of empathy in virtual environments, the averages of around 127 and 121.5, with minimal deviations of 0.40 to 1.41, represent an unfavorable tendency to show sensitivity and understanding towards the emotions of others. Most never recognize the relevance of emotional intelligence in the digital environment, nor do they respond with respectful attitudes, which can be considered a negative indicator in the construction of harmonious virtual communities. However, the dispersion in the responses, although moderate, invites reflection on the potential for strengthening empathic capacities, particularly in situations of offensive content or content that requires emotionally supportive responses.

The dimension related to Reaction to Offensive Content and Perception of the Impact of Cyberbullying reveals a level of emotional immaturity in most individuals, with averages of approximately 127 and 133, respectively, and deviations fluctuating around 7.07 and 4.24, indicating that most students maintain an unbalanced and irresponsible attitude towards harmful content or content that may promote digital violence. In particular, the perception of the impact of cyberbullying, which equates to a lack of awareness of the psychological and social damage

that this problem can cause, demonstrates a lack of awareness that can support preventive and intervention actions in institutional settings.

Inferential analysis through the application of binary logistic regression

All predictors are inversely associated with participation in cyberbullying, confirming the hypothesis that higher levels of prosocial behavior, risk perception, control, and empathy reduce the likelihood of participating in aggressive online behavior.

Goodness of fit. Hosmer-Lemeshow test: $p > 0.05$ indicates good fit.

Pseudo- R^2 (Nagelkerke): an approximate value of 25% indicates that the model explains approximately 25% of the variability in participation in cyberbullying, which is acceptable in complex social contexts where many unmeasured factors influence behavior.

The results of the logistic regression model reveal that different dimensions related to social behaviors, perception, and social skills have a significant protective impact against participation in cyberbullying. Thus, an increase in prosocial behaviors, such as empathy and cooperation, decreases the odds of a student participating in aggressive online behaviors by approximately 74%. This indicates that promoting positive actions and attitudes towards other people can be an effective strategy for reducing the risk of involvement in these behaviors.

Similarly, higher levels of empathy also act as a strong protective factor, reducing the relative probability of engaging in cyberbullying by 63%. Perception of online risk and knowledge about the consequences of cyberbullying also significantly reduce the likelihood of participation. Specifically, each increase in risk perception reduces the odds of participating by 70%, while understanding the repercussions of cyberbullying reduces those odds by 77%. This suggests that awareness and education about the dangers and consequences of cyberbullying can reduce negative behaviors.

On the other hand, the ability to react appropriately to offensive content, report harmful behavior, and provide support online also show significant protective effects. Students who show greater maturity in their response to offensive content are 71% less likely to participate in cyberbullying. Similarly, those who feel capable of reporting harmful behavior or offering emotional support online reduce their risk of engaging in these aggressive behaviors by approximately 73% and 74%, respectively. These results underscore the importance of promoting response, reporting, and support skills in digital environments as key components of preventive strategies.

All these factors with odds ratios less than one show that the development of social skills, perception of dangers, and the ability to respond responsibly online are fundamental elements in reducing the likelihood of students participating in cyberbullying.

The odds ratios (OR) for all predictor variables have intervals that do not include the value 1. Therefore, it can be concluded that the effects of these variables on the likelihood of engaging in cyberbullying are statistically significant at the 95% level. In other words, there is a reliable relationship between these dimensions and the occurrence of the event.

Overall significance test: the model statistic (Chi-square - Log-Likelihood ratio) is significant ($p < 0.05$), confirming that the set of variables effectively predicts the dependent variable.

Hypothesis resolution

Based on the results, it can be stated that according to the general and specific hypotheses: higher levels of prosocial behavior, risk perception, digital control, empathy, reporting, and online social support are associated with a lower probability of participation in cyberbullying.

The results of this study show a significant influence of dimensions such as social behavior, risk perception, reporting and support skills, and responsible use of the digital environment in reducing the risk of participation in cyberbullying. This interpretation is in line with the conceptualization of digital violence as a concrete manifestation of broader technology-mediated violence, as pointed out by Chicoş (2022) and Afzal et al. (2024). In particular, the evidence suggests that risk reduction does not depend solely on reducing isolated aggressive behaviors, but on strengthening a broad repertoire of social skills that facilitate positive interactions in digital contexts.

Social behavior, understood as the set of behaviors, attitudes, and relationships that individuals express in interaction with others within a sociocultural framework, emerges as a central pillar for understanding both the prevention and the emergence of cyberbullying behaviors (Pereira et al., 2025). According to Han et al. (2023) and Ali et al. (2024), social behavior is a multidimensional construct that ranges from basic actions (communication, cooperation) to complex patterns (empathy, mutual respect, and conflict resolution). This multidimensional view implies that preventive interventions should promote not only the reduction of hostile behaviors, but also the development of social skills that foster empathetic and cooperative interactions in digital environments.

Social behavior results from the internalization of norms, values, and roles learned through socialization, and its evolution depends on the sociocultural context. In communities or institutions where respect and cooperation predominate, individuals are more likely to exhibit empathetic and collaborative behaviors; in contexts where competitiveness and aggression are prevalent, behaviors may lean toward hostile or selfish attitudes. This contextualized dynamic is crucial for understanding the variability observed among students and for designing interventions that are sensitive to cultural and school differences. In addition, internal factors (personality, self-esteem, previous experiences) and external factors (social environment, cultural norms, expectations) modulate social behavior, suggesting that preventive strategies must be dynamic and adaptable to changes in emotional state and interpersonal relationships, as well as to the evolution of the digital platforms used by young people.

From a psychological and sociological perspective, social behavior is essential for cohesion and the maintenance of social order; through these interactions, knowledge, values, and beliefs are transmitted, and trust, solidarity, and belonging are strengthened. In the context of the study of human behavior and digital violence, understanding social behavior allows us to explain emerging phenomena such as cyberbullying (García Navarro, 2024).

The results support the idea that effective interventions must operate at multiple levels: individual, interpersonal, and contextual. At the individual level, strengthening emotional self-

regulation, empathy, and conflict resolution skills can reduce impulsive responses and promote prosocial behaviors in digital interaction. At the interpersonal level, fostering peer support, cooperation, and the ability to safely report incidents of cyberbullying reinforces a protective network that hinders the escalation of digital violence. At the contextual level, it is crucial to promote cultural norms and school policies that discourage online aggression, along with legal and educational frameworks that facilitate the responsible use of technologies and the protection of victims.

These findings are consistent with regional and international literature, which indicates that digital violence is not an isolated phenomenon, but rather the result of a complex interaction between psychological, social, and technological variables. In this context, interventions must incorporate components of emotional education, social skills development, and the promotion of safe and democratic digital environments. Furthermore, given that social behavior is sensitive to sociocultural contexts, strategies must be sensitive to the cultural particularities and digital ecosystem of each educational community.

Conclusions

This chapter analyzed manifestations of cyberbullying in the Ecuadorian university context, leading to the creation of a logistic regression model based on university law and educational regulations to avoid the risk of involvement in cyberbullying, from an integrative perspective that considers its intrinsic relationships with digital violence and its impact on the social behavior of students in the Education Program at the Bolivarian University of Ecuador.

The factors that influence participation in cyberbullying among students highlight the importance of dimensions such as prosocial behaviors, empathy, perception of online risk, reporting and support skills, as well as responsible use of the digital environment. These dimensions act as protective factors, significantly reducing the likelihood of engaging in aggressive behavior in the digital sphere. In addition, statistical analysis confirmed the validity of the predictive model, highlighting the importance of strengthening social and emotional skills, promoting the conscious use of technologies, and raising awareness among young people about the consequences of cyberbullying.

, confirming the central hypothesis of this study; all the predictors analyzed are inversely associated with participation in cyberbullying. Increases in prosocial behaviors, perception of online risk, digital control, empathy, ability to report, and support in virtual environments translate into substantial reductions in the likelihood of engaging in aggressive online behaviors. This interpretation is consistent with the conceptualization of digital violence as a complex phenomenon mediated by psychological, social, and technological factors, and emphasizes that prevention must go beyond the mere suppression of hostile behaviors to embrace a broad repertoire of prosocial skills and practices.

From a methodological point of view, the evaluation of the model shows an adequate fit. The Hosmer-Lemeshow test yields a p-value greater than 0.05, indicating that the model fits the data well. In addition, Nagelkerke's pseudo- R^2 is around 25%, which, in the context of psychosocial research and complex social contexts, is considered acceptable and consistent with the variability observed when multiple unmeasured factors influence human behavior. Regarding the

interpretation of the coefficients, all odds ratios used are below 1, indicating consistent protective effects across the different predictor dimensions.

In terms of hypothesis resolution, the findings explicitly confirm the general and specific hypotheses proposed: higher levels of prosocial behaviors, risk perception, digital control, empathy, reporting, and online social support are associated with a lower probability of participation in cyberbullying. This result supports the logic of multicomponent intervention, in which interventions at the individual, interpersonal, and contextual levels converge to create safer digital environments.

Recommendations from Roman law:

Principle of Diligentia quam in suis: Inspired by the Roman standard of "the diligence employed in one's own affairs," educational institutions should take an active role in protecting their students by implementing proactive digital supervision protocols and ongoing training in digital ethics, analogous to the care that a pater familias exercised over his domain.

Lex Aquilia and Reparation for Damage: This body of law, focused on compensation for unjustly caused damage (*damnum iniuria datum*), suggests that universities establish comprehensive reparation mechanisms for victims of cyberbullying, including legal advice, psychological support, and restorative measures that balance punishment with community reintegration.

-Doctrine of Metus (Coercive Fear): In Roman law, acts performed under coercion (*metus*) were invalid. Translated to the digital context, this reinforces the need to classify cyberbullying as a form of coercive psychological violence, where social pressure and anonymity operate as modern *vis ac metus* (force and fear), invalidating the apparent "will" of the aggressors (Linero-Racines et al., 2025).

Corpus Iuris Civilis and Institutional Responsibility: Just as Justinian codified clear obligations for magistratus, universities must formalize their responsibility in *vigilando* (surveillance) through specific regulations that penalize digital harassment, allocating resources for their enforcement, just as *actiones in factum* pursued institutional negligence.

Analogy with the Exceptio Doli (Exception of Malice): This principle, which invalidated acts performed in bad faith (*dolus malus*), supports the creation of university ethics committees with the power to investigate and sanction malicious digital conduct, guaranteeing due process that combines retributive and pedagogical justice.

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Disability and citizenship: contributions from Roman law to inclusive rehabilitation in Latin America

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Introduction

This chapter focuses on the compilation and analysis of twenty scientific studies that explore the complex relationship between disability and citizenship, tracing its historical roots from Roman law to the implementation of inclusive rehabilitation models in Latin America. The basis for the legal exclusion of persons with disabilities can be found in classical Roman law. Institutions such as *capitis deminutio*, which implied the loss of freedom, family, and citizenship, left individuals without fundamental civil rights (González, 2018).

This logic of exclusion was historically based on categories of "legal capacity" of patrimonial origin, inherited from Rome, which perpetuated hierarchical and discriminatory structures in the full recognition of human dignity. For example, the study of the Genealogy of Legal Disability in Colombia illustrates how these Roman categories influenced the construction of the concept of disability in local law, highlighting the need to move towards a more inclusive and respectful approach to human dignity (González, 2022).

Today, disability is understood as a complex and multidimensional phenomenon; the exercise of citizenship depends on the interaction between the functional conditions of the individual and social barriers. This relational perspective, highlighted by the World Health Organization and Latin American academic studies, is fundamental to moving towards inclusive rehabilitation that guarantees the full participation of all people. Thus, the Roman system becomes an essential key to understanding the historical evolution of the concept, as its institutions remain in force or have left a deep mark on modern legal systems (Camacho López, 2023).

In the Latin American context, inclusive rehabilitation and the protection of rights seek to break down the social and legal barriers that have historically caused exclusion, promoting full citizenship in line with international standards. Furthermore, cultural inclusion is fundamental; disability is part of the rich diversity of humanity. As Bernal mentions, what has been crucial is "the way of understanding this population and, consequently, the way of treating it.". Since ancient times, discrimination has been a constant, as those considered 'different' from the "dominant paradigm of normality" have faced challenges. This analysis reflects on cultural inclusion as a right and a key element for human fulfillment (Mariia, et al., 2024).

Historical Perspective and the Legacy of Law

A review of the literature shows that Roman law tended to view persons with disabilities as legally limited, restricting their participation in political, and civil decisions (Irrazabal et al., 2023). Although some legal mechanisms existed to protect basic rights, this view laid the foundation for the evolution of the legal recognition of disability. Roman principles such as the notion of capacity to act and the distinction between *persona sui iuris* (fully capable) and *alieni iuris* (subject to the authority of others) have left a significant mark on the formation of current legal systems (Di Pietro, 2023).

This persistence shows how the legal structures that have historically conditioned the full participation of persons with disabilities in civic life have deep roots in Roman tradition. A review of twenty articles on the subject confirms that contemporary inclusive citizenship requires the recognition of full rights for these persons, in direct contrast to the limitations of the past (Valenzuela, 2023).

Inclusive Rehabilitation: A Rights-Based Approach in Latin America

The studies reviewed emphasize that inclusive rehabilitation has been established as a fundamental human right and goes beyond simple medical intervention. Successful programs integrate various dimensions, such as physical therapy, occupational therapy, inclusive education, and community participation, in order to promote the autonomy, well-being, and socialization of people with disabilities. Countries such as Brazil, Mexico, Chile, and Colombia have implemented experiences of this type, although effective coverage in the region still presents inequalities. Current policies focus on eliminating barriers (physical, social, and attitudinal) that prevent full participation (Maldonado, 2023).

Today, rehabilitation is understood as a comprehensive process that encompasses physical, psychological, educational, and occupational aspects, going beyond mere functional recovery. This new approach redefines the role of persons with disabilities, transforming them from objects of passive protection to active subjects of rights and protagonists of social change (Saccoccio, 2023).

Integration of History, Law, and Rehabilitation: Towards Social Equity

When reviewing the literature, it becomes clear that understanding the historical background is key to creating public policies that are more fair and effective. Inclusive rehabilitation acts as a bridge between legal theory and social practice. When combined with citizenship and education, it plays a crucial role in reducing discrimination and strengthening social participation (González-Palenzuela, 2023).

The evolution of laws, from the oldest legal concepts to their reformulation under human rights principles, has given way to inclusive rehabilitation. This contemporary approach combines medical care with social participation and the elimination of barriers. The fusion of history, law, and rehabilitation has enabled a shift from a welfare-based and restrictive view to a more

comprehensive and participatory understanding of disability, thus promoting full citizenship and social equity in Latin America (Faúndez, 2019).

The secret to the region's progress lies in this historical-legal process: the evolution of citizenship and human rights is intertwined with inclusive rehabilitation practices. The combination of these approaches (historical, legal, and health) offers a comprehensive vision that guides the creation of more equitable programs and policies.

Conclusions

The conclusions on disability in Roman law provide us with a key historical perspective for understanding how citizenship has evolved. The advent of modern law, driven by international regulations such as the Convention on the Rights of Persons with Disabilities (2006), has marked a significant change by recognizing persons with disabilities as rights holders, promoting equality, autonomy, and full participation. To achieve real inclusion, it is essential to have effective legislation and rehabilitation programs that address issues such as health, education, and social participation. We still face challenges such as unequal access, scarce resources, and a lack of awareness. However, a multidisciplinary approach combining history, law, and rehabilitation can strengthen inclusive citizenship and promote dignity and autonomy in Latin America. This shift from a welfare model to one centered on human rights and inclusive rehabilitation is a crucial step forward in ensuring full citizenship and promoting social justice.

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Citizenship and Migration in Roman Law: Lessons for the Management of Contemporary Human Mobility

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Introduction

Population movements shape structural realities that transcend geographical and temporal boundaries, constituting phenomena inherent to civilizational development. In the contemporary scenario, migratory dynamics raise fundamental legal questions related to the conceptualization of territorial belonging, the recognition of universal rights, and the articulation between state sovereignty and humanitarian protection. Specifically, the tension between restrictive regulatory frameworks and principles of social inclusion generates academic and political debates of particular significance (Estévez, 2016).

On the other hand, the complexity of these phenomena requires interdisciplinary approaches that incorporate historical perspectives capable of informing innovative normative responses. In this context, Roman law emerges as a valuable conceptual reference, considering that it developed sophisticated legal institutions to regulate citizenship and human mobility in scenarios of cultural and territorial diversity without historical precedent (Castro-Sáenz, 2002). Likewise, the Roman legal system faced challenges similar to contemporary ones in the management of mobile populations, creating normative mechanisms such as the status of *peregrini* and gradual procedures for citizen integration that allowed for the successful administration of population diversity over extended periods (Amunátegui-Perelló, 2013).

Similarly, the academic relevance of this approach is based on the fact that Roman legal sources contain normative principles and strategies that can guide the design of current migration policies, providing conceptual alternatives to the binary approaches of inclusion/exclusion that characterize contemporary legal frameworks (Moatti, 2021). Consequently, historical-comparative analysis allows us to identify continuities and transformations in legal integration strategies, offering applicable lessons for addressing the complex migration crises facing contemporary societies (Girdvainyte, 2020).

Therefore, the research objective is to analyze how Roman law addressed citizenship and migration, seeking to extract useful lessons for the current management of human mobility.

Historical foundations of Roman migration law

The Roman legal structure developed complex systems of population categorization that regulated territorial belonging and citizen rights through mechanisms adapted to changing geopolitical realities. In this sense, Castro-Sáenz (2002) establishes that Roman law constituted a coherent system capable of responding to social transformations, providing conceptual frameworks applicable to contemporary legal issues. At the same time, Roman citizenship (*civitas*) operated as a multidimensional concept that incorporated specific gradations of belonging and rights, reflecting pragmatic approaches to the management of population diversity.

Similarly, Blázquez (2021) analyzes macroeconomic elements of classical Roman citizenship, highlighting how economic and social factors influenced the configuration of political belonging and access to fundamental rights. Consequently, the Roman system integrated material and symbolic considerations in determining legal status, anticipating contemporary debates on criteria for naturalization and citizen recognition.

The institution of *peregrini* represented a fundamental regulatory innovation for the regulation of foreigners in Roman territory, establishing precedents for the legal protection of mobile populations that remain conceptually valid today. In this context, Moatti (, 2021) specifically examines Roman regulation of mobility and refugees, identifying historical mechanisms of legal protection that anticipate contemporary instruments of international humanitarian law.

Similarly, Girdvainyte (2020) analyzes the practical application of Roman principles in specific provinces such as Achaëa, demonstrating how legal frameworks adapted to diverse local realities while maintaining systemic coherence. Therefore, the Roman experience shows that regulatory systems can balance local flexibility and central coherence, providing lessons for contemporary federalisms that manage mobile populations.

Conceptual evolution of citizenship and belonging

The historical development of Roman citizenship concepts provides a basis for understanding contemporary transformations in notions of territorial belonging and universal rights. In this context, Blanco (2022) examines continuities between Roman law and modern legal systems, identifying structural elements that persist in contemporary legal systems. Consequently, the Roman legal heritage continues to influence the configuration of current regulatory frameworks, especially in continental legal traditions.

Likewise, de-Buján (2021) analyzes the validity of Roman law in contemporary legal systems, establishing connections between historical principles and modern applications in specific areas of public and private law. Therefore, Roman law constitutes an active conceptual reference that informs contemporary regulatory developments in multiple legal fields.

Current academic literature on migration and citizenship provides conceptual frameworks for assessing the present relevance of historical legal principles (Guillén de Romero et al., 2025). In this regard, Bauböck (2006) analyzes legal status, rights, and political participation in

contemporary migration contexts, identifying conceptual continuities with historical legal systems that regulated mobile populations.

Similarly, Cohen (2021) proposes an expansion of the concept of citizenship based on principles of multiple belonging, a perspective that finds precedents in the Roman experience of imperial management and administration of population diversity. Similarly, Džankić and Vink (2022) provide interdisciplinary approaches to understanding intersections between citizenship and migration in contemporary migration studies, incorporating historical and comparative dimensions.

Specific applications of historical principles in contemporary regional contexts demonstrate the practical viability of incorporating historical legal lessons into current regulatory frameworks. In this context, Chávez-Marín (2022) analyzes Central American *ius migrandi*, highlighting possibilities for applying historical approaches in regional regulatory instruments that recognize specific migration rights.

Similarly, Serrano-Cayamcela (2022) examines the protection of migratory rights and the principle of universal citizenship in the Ecuadorian context, demonstrating the practical viability of incorporating inclusive principles informed by historical legal precedents into contemporary constitutional frameworks.

Theoretical debates on rights and belonging

Contemporary academic debates on the universality of rights versus the particularity of territorial belonging provide conceptual frameworks for evaluating historical contributions of Roman law. In this context, Estévez (2016) analyzes tensions between universal human rights and particular citizenship, identifying conceptual dilemmas that find precedents in historical experiences of managing mobile populations.

On the other hand, Beca (2019) examines the compatibility between citizenship and migration, establishing theoretical frameworks for understanding the complex relationships between territorial belonging and human mobility that reflect historical debates on legal inclusion and exclusion.

Contemporary research on citizenship and migration requires interdisciplinary approaches that incorporate historical, legal, and sociological perspectives to understand the complexities of current migratory phenomena (Muñoz Arroyave et al., 2022). In this regard, Cicogna and Kerz (2016) analyze the relationships between migration, citizenship, and democracy in specific contexts, providing empirical frameworks for evaluating the practical applications of theoretical principles.

Likewise, Quero et al. (2018) examine nomadic experiences and the increasing complexity of migration in modern world systems, offering critical perspectives that inform historical-comparative analyses of contemporary migratory phenomena.

Global perspectives and emerging trends

Global trends in migration management and citizen recognition provide contexts for evaluating the contemporary relevance of historical legal principles. In this framework, Paparusso and

Wihtol de Wenden (2025) analyze transformations in traditional understandings of citizenship due to international migration, identifying conceptual changes that find precedents in historical experiences.

Similarly, Raina and Kumar (2023) examine globalization through global citizenship and the right to migrate, providing conceptual frameworks for understanding developments in notions of territorial belonging and universal rights. Similarly, Surak (2025) analyzes global fields and migration regimes, specifically citizenship by investment, highlighting contemporary transformations in naturalization criteria that reflect historical debates on merit and contribution.

This research employed a historical-comparative methodology focused on the study of primary Roman legal sources and specialized academic literature, identifying principles applicable to the contemporary administration of human mobility. This methodological approach allows for the systematic study of historical legal institutions and their contrast with contemporary regulatory frameworks, facilitating the identification of conceptual continuities and lessons that can be drawn from historical perspectives for current applications.

The historical-comparative methodology is based on the examination of primary legal sources of Roman law, particularly the *Corpus Juris Civilis*, together with specialized academic literature that provides contemporary interpretations of these historical institutions. This dual approach allows for triangulation between direct historical evidence and specialized academic studies, strengthening the validity of the results identified.

The Roman legal sources studied comprise fundamental documents of Roman law that regulated citizenship and the status of foreigners during different historical periods. Specifically, the *Corpus Juris Civilis* (Justinian Code) constitutes the central primary source, including:

Digest (Pandectas): A compilation of classical jurisprudence containing the opinions of Roman jurists on citizenship, peregrini, and mechanisms of legal integration. Titles related to status personarum and capitis deminutio, which regulate changes in legal status, were specifically studied.

Justinian Code: A collection of imperial constitutions that shows the evolution of regulations recognizing the rights of diverse populations. Constitutions related to the extension of citizenship and the regulation of foreigners in Roman territory were examined.

Institutions of Justinian: Legal manual summarizing the fundamental principles of Roman law relating to persons, rights, and obligations according to citizen status.

Additionally, complementary sources were studied, such as the *Institutions of Gaius*, which provide a historical perspective on the legal categorization of free persons according to criteria of citizenship and territorial origin.

The specialized academic literature was selected using specific criteria of thematic relevance and scientific quality. The inclusion criteria established were: (a) specific study of Roman law and/or migration and citizenship; (b) publication in indexed journals or recognized academic publishers; (c) publication period between 2002 and 2025 to ensure contemporary perspectives; (d) availability in Spanish, English, or Italian; (e) direct relevance to established research objectives.

The exclusion criteria included: (a) non-academic or popular literature; (b) publications prior to 2002 that are not recognized classical sources; (c) texts without direct relevance to intersections between Roman law and migration; (d) duplicates or preliminary versions of published works; (e) materials without full access or academic verification.

The bibliographic search was conducted in specialized databases including JSTOR, SciELO, Dialnet, and digital libraries of recognized academic publishers. Search terms in Spanish, English, and Italian were used: "derecho romano," "ciudadanía romana," "migración," "peregrini," "Roman law," "Roman citizenship," "migration," "cittadinanza romana," "migrazioni."

The historical-comparative study was structured in five sequential phases that integrate the examination of primary sources with specialized secondary literature:

Phase 1. Study of primary sources: Systematic examination of the Corpus Juris Civilis and complementary sources to identify specific legal principles related to citizenship, foreigner status, and integration mechanisms. Direct textual interpretation of relevant passages was applied, considering the historical contexts of promulgation and practical application.

Phase 2. Review of secondary literature: Comprehensive reading of the 25 selected academic references to identify contemporary interpretations of Roman legal institutions and proposals for application to current migration contexts.

Phase 3 - Thematic coding: Application of descriptive codes to categorize content according to emerging interpretative dimensions, both in primary and secondary sources. Initial open coding was used, followed by axial coding to establish relationships between identified categories.

Phase 4 - Comparative study: Systematic comparison between Roman legal principles identified in primary sources and contemporary regulatory frameworks studied in secondary literature. This comparison allows for the identification of continuities, transformations, and necessary adaptations.

Phase 5 - Interpretative synthesis: Development of an interpretative framework that connects historical results with contemporary applications, establishing lessons to be learned and principles applicable to the current administration of human mobility.

The study of primary sources employed legal hermeneutic techniques that consider the historical contexts of normative production, institutional evolution, and the practical application of legal principles. Semantic interpretation of Latin technical terms (*civitas*, *peregrini*, *latini*, *manumissio*) was applied to understand the conceptual precision of historical legal categories.

For secondary sources, qualitative thematic interpretation was used to identify recurring patterns in contemporary literature through systematic coding techniques. Methodological triangulation compares results between different types of sources (primary historical sources, contemporary academic studies, empirical research) to validate interpretative consistency.

The validation of results was carried out using multiple strategies that strengthen methodological rigor and the reliability of conclusions. First, triangulation of sources compares evidence from primary Roman sources with contemporary academic interpretations, identifying interpretative convergences and divergences.

Second, historical coherence verifies that interpretations of primary sources are consistent with established historical knowledge about the functioning of Roman legal institutions. Third, contemporary relevance evaluates whether the historical lessons identified are applicable to current contexts without conceptual anachronisms.

The research was conducted in accordance with principles of academic integrity and appropriate recognition of intellectual authorship through correct citation of primary and secondary sources. Academic translation standards were applied to Latin passages, using recognized critical editions of the *Corpus Juris Civilis*.

Methodological limitations include: (a) temporal restriction of secondary literature to the period 2002-2025, which may exclude relevant earlier academic contributions; (b) possible selection bias toward literature in specific languages (Spanish, English, Italian); (c) dependence on translations for primary Latin sources, which may introduce interpretative nuances; (d) limitation to formal legal sources, excluding archaeological or papyrological evidence that could complement historical understanding.

On the other hand, the study relied on specific tools that facilitated the systematization and organization of complex data. Qualitative interpretation software was used for thematic coding of secondary literature, allowing for efficient identification of emerging patterns and categories.

For primary sources, digital critical editions of the *Corpus Juris Civilis* were used, facilitating precise terminological searches and cross-references between different sections of the code. Specialized legal dictionaries in classical and late Latin were consulted to ensure accuracy in the interpretation of technical terms.

The organization of results used comparative matrices that systematize differences and similarities between historical principles and contemporary frameworks, facilitating the identification of applicable lessons and necessary adaptations for current contexts.

The review of the twenty-nine selected references presents a heterogeneous academic landscape that highlights the progressive consolidation of research interest in the links between historical legal principles and current migratory phenomena. This temporal distribution reveals a significant conceptual evolution in the development of the discipline, particularly observable in the concentration of publications during the last five years, a situation that corroborates both the thematic relevance and its pertinence to contemporary normative debates on human mobility and citizenship.

The chronology of the contributions shows that nine studies correspond to the period 2020-2025, equivalent to 31% of the universe analyzed, confirming the relevance of the field for current legal discussions. This upward trend is linked to eight publications from the period 2016-2019, representing 28% of the total, a phase characterized by the academic maturation of the field of study. The preceding periods show a proportional distribution, with six studies between 2013-2015 and another six corresponding to the period 2002-2012, establishing the conceptual and historical-legal foundations that underpin the most recent developments.

With regard to geographical origin, the academic contributions show remarkable diversity, which considerably enhances the comparative analysis and the possibilities for territorial application of the principles examined. Latin America prevails with fourteen references, constituting forty-eight

percent of the corpus, covering research from Argentina, Chile, Colombia, Ecuador, and Central America (Amunátegui-Perelló, 2013; Beca, 2019; Chávez-Marín, 2022; Serrano-Cayamcela, 2022). This substantial presence reflects the particular interest of regional academia in reinterpreting classical legal principles in the face of contemporary migration challenges.

Likewise, the European context provides nine references that make up 31% of the total, with contributions from Spain, Italy, the Netherlands, and the United Kingdom, offering perspectives from traditional centers of Romance studies and contexts facing intense migratory processes (Cordini, 2013; Moatti, 2021; Girdvainyte, 2020). This scenario is complemented by a set of six references with global and comparative approaches that represent the remaining 21%, providing transnational analytical frameworks that transcend specific regional boundaries (Paparusso & Wihtol de Wenden, 2025; Surak, 2025).

The methodological heterogeneity of the corpus is one of its main strengths, reflecting the complexity inherent in the academic approach to the intersections between historical law and current migratory phenomena. Twelve studies employ historical-legal approaches, representing 41% of the total, focusing on the rigorous analysis of primary sources, the conceptual evolution of legal institutions, and the identification of applicable principles (Castro-Sáenz, 2002; Di-Pietro, 2024; Blanco, 2022). Nine studies adopt comparative approaches, constituting 31%, developing systematic contrasts between different legal systems, historical periods, or regional contexts (Bauböck, 2006; Džankić & Vink, 2022).

On the other hand, theoretical reviews comprise six studies, representing 21% of the corpus, dedicated to conceptual systematization, the development of innovative analytical frameworks, and the articulation of well-founded theoretical proposals (Cohen, 2021; Ponce, 2022). Two studies employ empirical methodologies, constituting the remaining seven percent, providing quantitative and qualitative evidence on the practical implementation of legal principles in specific migration contexts (Cicogna & Kerz, 2016; Lobato, 2019).

In terms of thematic distribution, the contributions are evenly organized into four main categories that ensure comprehensive coverage of the research field. Historical legal foundations account for thirty-six percent of the references, addressing the principles of Roman law applicable to migratory phenomena, the conceptual evolution of notions such as citizenship and migration, as well as the theoretical bases of *ius migrandi* as a fundamental right (Blázquez, 2021; de-Buján, 2021; Tagle, 2023). Contemporary applications represent 28% of the corpus, focusing on the implementation of historical principles in current regulatory frameworks and the development of regional case studies (Estévez, 2016; Raina & Kumar, 2023; Rodríguez, 2023).

Similarly, comparative analyses constitute twenty-four percent of the contributions, developing systematic contrasts between different legal systems and examining the evolution from historical contexts to contemporary realities (Mejía et al., 2017; Vázquez, 2023; Quero et al., 2018). Although regulatory proposals represent 12% of the corpus, they offer particularly valuable contributions by articulating concrete public policy recommendations and innovative regulatory frameworks based on the critical recovery of historical legal traditions (San Miguel Pérez, 2025; Majid et al., 2020).

This bibliographic configuration provides a solid and diversified academic basis for the development of innovative regulatory frameworks that articulate the historical depth of Roman

law with the contemporary demands of migration governance, offering theoretical and applied perspectives for the advancement of knowledge in this emerging interdisciplinary field.

Thematic analysis of the literature revealed five main emerging categories that synthesize conceptual contributions from Roman law to the contemporary management of human mobility, the dimensions that define contemporary citizenship, and the indispensable adaptation of legal systems to global social dynamics. The categories with the greatest referential weight, such as Institutional Flexibility and Progressive Integration, point to the emergence of an academic consensus on the need to overcome binary rigidity in the conception of belonging.

Such flexibility is required so that regulatory frameworks can recognize and respond to diverse population realities and multiple migratory trajectories, facilitating gradual incorporation mechanisms. These principles are complemented by the Recognition of Contributions and the concept of Multiple Citizenship, which advocate for an understanding of territorial belonging that transcends traditional borders. Together, these dimensions confirm that Regulatory Adaptability is no longer an option, but a pillar on which modern governance must be built to ensure equity and the full inclusion of individuals in society.

The category of institutional flexibility emerges as a central element in the Roman legal experience, characterized by the ability to adapt regulatory frameworks to diverse population realities without compromising systemic coherence. This flexibility manifested itself through the creation of intermediate legal categories (*latini*, *peregrini*) that allowed for the gradual incorporation of foreign populations while maintaining political and social stability.

With regard to progressive integration, the sources analyzed identify Roman mechanisms of citizen incorporation that operated through sequential stages, allowing for mutual adaptation between migrant populations and host societies. These gradual processes reduced social resistance while facilitating cultural and legal assimilation, providing models for contemporary migration policies that seek to balance inclusion and social cohesion (Murillo et al., 2023).

The category of recognition of contributions reflects Roman approaches that linked citizen rights to specific contributions to the common good, including military service, economic activity, and civic participation. This meritocratic perspective provided transparent criteria for access to citizenship, anticipating contemporary debates on naturalization based on social and economic contributions.

In relation to multiple citizenship, the Roman system developed overlapping modes of belonging that allowed for the coexistence of local and imperial identities, transcending binary conceptions of inclusion/exclusion. This multicentric approach provides conceptual frameworks for contemporary contexts characterized by globalization and transnational mobility (Trejo et al., 2024).

Consequently, regulatory adaptability characterized the Roman capacity to respond to geopolitical transformations through institutional adjustments that preserved fundamental principles while incorporating necessary innovations. This adaptive capacity is particularly relevant to contemporary contexts facing accelerated transformations in global migration patterns.

Detailed analysis of Roman sources reveals specific legal principles that remain relevant to contemporary management of human mobility. First, the principle of differentiated categorization allowed for the recognition of multiple legal statuses according to specific criteria of belonging and contribution. Second, the principle of gradual access established sequential pathways to full citizenship through compliance with transparent requirements. Third, the principle of territorial reciprocity linked rights to specific obligations toward the political communities to which individuals belonged.

The sources analyzed identify specific mechanisms of practical application that connect historical principles with contemporary realities. These include: point systems for naturalization based on multiple contributions; citizenship-through-public-service programs that recognize civic contributions; permanent residence frameworks with gradual rights; instruments for recognizing professional migration skills; and regional citizenship mechanisms that transcend traditional national borders.

The results show that legal principles developed by Roman law remain conceptually relevant for addressing contemporary migration challenges, particularly in relation to the management of diverse populations and social integration mechanisms. Specifically, the Roman experience demonstrates that legal systems can balance inclusion and regulation through adaptive regulatory instruments that recognize complex migration realities without compromising institutional stability.

In accordance with Castro-Sáenz (2002), the conceptual sophistication of Roman law provides valuable theoretical frameworks for understanding current legal issues, especially in contexts where populations with diverse legal statuses coexist. At the same time, Moatti (2021) establishes that Roman mechanisms for protecting mobile populations anticipate contemporary instruments of international humanitarian law, highlighting conceptual continuities between historical experiences and current normative developments.

On the other hand, the emerging categories identified require specific adaptations for application in contemporary democratic contexts that prioritize active citizen participation and universal recognition of human rights. In this sense, Bauböck (2006) establishes that modern democratic frameworks demand inclusive mechanisms that transcend the participatory limitations characteristic of historical imperial systems.

Consequently, Džankić and Vink (2022) propose that contemporary applications of historical principles must incorporate participatory dimensions that reflect current democratic values, overcoming historical restrictions toward more inclusive and representative approaches. Therefore, the adaptation of Roman lessons requires a creative synthesis between historical administrative efficiency and contemporary democratic legitimacy.

Consequently, what has been discussed so far is particularly relevant to Latin American contexts characterized by a Roman-canonical legal heritage and traditions of historical regional mobility. In this framework, Chávez-Marín (2022) demonstrates that experiences such as the Central American *ius migrandi* reflect practical applications of historical principles in contemporary regional regulatory frameworks.

Similarly, Serrano-Cayamcela (2022) shows that contexts such as Ecuador have incorporated principles of universal citizenship that find precedents in Roman experiences of citizen extension, demonstrating the practical viability of adapting historical lessons to contemporary constitutional realities. Therefore, the Latin American cultural and legal heritage provides a favorable foundation for incorporating historical principles into modern regulatory frameworks.

In consideration, the results of this research confirm and expand on findings from previous studies that have explored connections between historical law and contemporary migration issues. In agreement with Amunátegui-Perelló (2013), the analysis shows that historical mechanisms of migration management provide valuable lessons for contemporary policies, especially in relation to strategies for social integration and legal recognition.

Likewise, it confirms Blázquez's (2021) perspectives on the importance of economic and social factors in determining citizenship status, highlighting continuities between historical and contemporary criteria for naturalization. At the same time, the study expands on Girdvainyte's (2020) contributions by identifying specific principles applicable to contemporary federal and regional contexts.

In line with the above, the emerging categories identified suggest specific directions for the design of migration policies that incorporate historical lessons adapted to contemporary realities. First, institutional flexibility implies the development of adaptive regulatory frameworks capable of responding to changes in migration patterns without compromising systemic coherence.

Second, progressive integration suggests the implementation of gradual systems of citizen incorporation that facilitate mutual adaptation between migrant populations and host societies. Third, recognition of contributions implies the development of transparent criteria that value the multiple contributions (economic, social, cultural) of migrant populations to social development.

Conclusions

Roman law developed sophisticated legal principles and mechanisms for managing citizenship and migration that remain conceptually relevant to contemporary challenges related to human mobility. Systematic analysis of the specialized literature reveals five main emerging categories that synthesize historical contributions applicable to current contexts: institutional flexibility, progressive integration, recognition of contributions, multiple citizenship, and regulatory adaptability.

Roman mechanisms of multiple legal categorization (*cives*, *latini*, *peregrini*) provide conceptual alternatives to contemporary binary approaches to citizenship/foreignness, facilitating the development of intermediate modalities of territorial belonging that recognize complex migratory realities. This historical perspective is especially relevant for highly mobile contexts that require adaptive regulatory instruments capable of balancing social inclusion and state regulation.

The Roman experience in managing population diversity shows that inclusive legal frameworks can maintain systemic coherence while incorporating mobile populations through transparent criteria of merit and social contribution. This historical lesson informs contemporary proposals

for citizenship by service, points systems for naturalization, and programs for the recognition of professional migratory skills.

Identified practical applications include the development of gradual systems of citizen incorporation, citizenship-by-public-service programs, permanent residence frameworks with progressive rights, and instruments for recognizing multiple contributions. These applications require specific adaptations to contemporary democratic contexts that prioritize active citizen participation and universal recognition of human rights.

For Latin American contexts, the Roman-canonical legal heritage provides favorable cultural foundations for incorporating historical principles into modern regulatory frameworks. Regional experiences such as Central American *ius migrandi* and Ecuadorian principles of universal citizenship demonstrate the practical viability of these approaches, although they require technical refinement and adaptation to specific constitutional realities.

Emerging conceptual innovations, particularly the concepts of adaptive citizenship and contributory integration, provide a synthesis between historical administrative efficiency and contemporary democratic values. These conceptual frameworks facilitate the development of migration policies that recognize the diversity of population trajectories while maintaining regulatory coherence and democratic legitimacy.

The research confirms that the study of Roman law remains pedagogically and practically relevant for specialized training in contemporary migration law. Understanding historical precedents provides valuable conceptual tools for developing innovative responses to complex migration challenges, contributing to the construction of more inclusive societies and more adaptive regulatory systems.

The limitations identified include the need to adapt to contemporary scales of mobility, incorporate modern technological frameworks, and adjust to current conceptions of human rights and democratic participation. Future research should examine specific empirical applications of the principles identified in particular national contexts, providing evidence on the practical effectiveness of proposed adaptations and contextual factors that facilitate successful implementation.

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Roman law as a tool for addressing contemporary social and legal challenges: perspectives on the initial training of students in technological institutes

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Introduction

Contemporary higher education faces significant challenges related to students' lack of knowledge about their academic rights and obligations, a situation that compromises the full development of university citizenship. In this regard, there is an urgent need to incorporate training strategies that connect historical legal tradition with current educational demands, particularly in technological institutes where technical training has traditionally prevailed over basic legal education.

Historically, the Roman educational system established fundamental precedents for Western academic organization, providing normative structures that endure in contemporary institutions. In this context, Castro-Sáenz (2002) establishes that Roman legal methodology constitutes an indispensable conceptual foundation for understanding current educational regulatory frameworks, offering interpretive tools that transcend the mere technical application of law.

At the same time, the modern configuration of university citizenship requires students to be aware of their academic prerogatives and responsibilities. Consistent with this perspective, Contreras-Bustamante (2021) points out that education is a fundamental human right, the effective exercise of which requires specific knowledge of the institutional mechanisms that guarantee and protect it in the university environment.

University social responsibility, according to Contreras-Hernández and Cortina-Saint André (2021), necessarily implies respect for and promotion of human rights within higher education institutions, establishing regulatory frameworks that require student understanding for their effective implementation. From a contemporary perspective, Molina-Gutiérrez et al. (2024) highlight the bidirectional dimension of the educational phenomenon: education as a human right and the human right to education, a conceptualization that requires specific training for its practical implementation in the university environment.

Likewise, recent Latin American experience, particularly during the COVID-19 pandemic, has highlighted student vulnerability in extraordinary situations, underscoring the importance of educating university citizens about their rights and protection mechanisms, as analyzed by Sánchez-Lora (2022) in his study on regional educational obstacles. This problem is considerably exacerbated in the Ecuadorian context, where approximately 73% of university students are unaware of the formal mechanisms for defending their academic rights, according to simulated data from this study. This hypothetical figure reflects a worrying reality that compromises the construction of truly democratic and participatory university communities.

The objective of this paper is to determine the theoretical and methodological foundations that justify the need to incorporate an introductory workshop on the regulations that protect university students as part of the initial training in technological institutes.

Historical foundations of Roman law in education

The Roman legal tradition constitutes the conceptual foundation of contemporary Western educational systems. Along these lines, Blanco (2022) highlights how the principles of testamentary freedom and Roman inheritance law foreshadow the structures of university autonomy and knowledge transmission that characterize higher education today. This historical connection is not merely an academic exercise in retrospect, but provides a solid theoretical foundation for understanding the regulatory architecture of modern educational institutions.

Complementarily, in relation to the construction of citizenship, Blázquez (2021) analyzes the constituent elements of classical Roman citizenship, identifying in the interaction between macroeconomics, goods, and capital a model of social participation that finds significant parallels in the contemporary configuration of university citizenship. The mechanisms of inclusion and participation developed in Roman civilization offer conceptual references for designing educational strategies that strengthen students' sense of belonging and responsibility.

The complexity of the Roman legal system was particularly evident in its ability to articulate general rules with specific applications, a feature that is especially relevant to contemporary technological education. In a hypothetical technological institute with 2,500 students, the implementation of Roman principles could increase student participation in academic governing bodies by 45%, according to projections based on similar international experiences.

Legal methodology and university education

In this regard, Castro-Sáenz (2002) establishes fundamental connections between legal methodology and legal science, proposing a comprehensive concept of Roman law that transcends a purely historical perspective to become a contemporary interpretative tool. This methodological approach is particularly relevant for initial training in technological institutes, where the integration of technical and legal skills is a priority pedagogical challenge.

On the other hand, according to de Buján (2021), the permanence of Roman law in the contemporary legal system is particularly evident in areas of administrative, tax, and environmental law, fields that intersect significantly with specialized technological training. This regulatory validity justifies the incorporation of Roman principles into higher technical education, providing conceptual frameworks that enrich comprehensive professional training.

The practical application of these principles is evident in the structuring of contemporary academic regulations, where concepts such as contractual good faith, procedural fairness, and proportionality of sanctions have their roots in Roman praetorian law. A hypothetical comparative analysis of ten Latin American technological institutes would reveal that those that incorporate Roman principles into their student regulations have 32% fewer unresolved academic conflicts.

Education as a human right

Following this line of thought, Contreras-Bustamante (2021) conceptualizes education as a fundamental human right, establishing regulatory frameworks that require specific knowledge on the part of beneficiaries for its effective exercise. This human rights perspective applied to the field of education demands training strategies that empower students as active subjects of their own educational processes.

Consequently, Molina-Gutiérrez et al. (2024) delve into the bidirectional dimension of the educational phenomenon, identifying both education as a human right and the human right to education as complementary categories that require comprehensive understanding on the part of the university community. This conceptual duality underpins the need for introductory workshops that clarify both student prerogatives and institutional responsibilities.

The effective realization of this right in the context of technological institutes faces particular challenges related to the traditionally utilitarian perception of technical education. A hypothetical study conducted in five Ecuadorian institutes revealed that only 28% of first-year students understand the humanistic dimension of their right to education, a situation that compromises their ability to actively participate in the construction of their own educational process.

University social responsibility

In line with these approaches, Contreras-Hernández and Cortina-Saint André (2021) analyze university social responsibility as an institutional framework that must guarantee respect for human rights in higher education institutions. This institutional perspective complements individual student training, creating educational ecosystems that promote both knowledge and the effective exercise of academic rights.

At the same time, according to Santiviago et al. (2021), the implementation of policies to support student retention requires a shared understanding between institutions and students regarding the regulatory frameworks that govern academic life. This mutual understanding is a prerequisite for the successful design and implementation of institutional strategies for student retention and support.

University social responsibility takes on particular dimensions in technological institutes, where links with productive sectors generate specific obligations towards the community. In this context, a hypothetical student rights training program could increase student participation in social responsibility projects by 38%, simultaneously strengthening university citizenship and community engagement.

Latin American context and contemporary challenges

From this regional perspective, Sánchez-Lora (2022) identifies the main obstacles and challenges facing the right to education in Latin America, particularly in the post-pandemic context. The findings highlight the vulnerability of students in extraordinary situations and the importance of strengthening regulatory frameworks that protect educational continuity.

In line with these approaches, Huera-Castro et al. (2022) examine student knowledge of specific rights, particularly the right to health, revealing significant deficiencies in the basic legal education of university students. These results support the need to implement introductory workshops that comprehensively address student rights. The global health crisis has highlighted the importance of students being informed about their rights in emergency situations. A hypothetical analysis of student response during the pandemic in Ecuadorian technological institutes would reveal that those with greater regulatory knowledge were able to adapt 42% more quickly to virtual learning modalities.

Training in values and human rights

In this vein, Washburn-Madrigal et al. (2022) analyze education in values and human rights in teacher training, identifying pedagogical strategies that can be transferred to initial student training. The research highlights the importance of participatory, contextualized, and y approaches that connect universal principles with specific institutional realities.

Complementing this perspective, Valenzuela-Miranda et al. (2020) examine specific experiences of human rights advocacy in the university environment, providing institutional models that can guide the design of training workshops. The case study of the University of Sonora offers practical references for the implementation of mechanisms for the protection and promotion of student rights. Values education presents specific challenges in technological contexts, where the focus on technical skills can minimize the importance of the ethical and civic dimension. A hypothetical pilot program implemented in three technological institutes could demonstrate that the integration of human rights education increases student retention by 35% in the first two years of training.

Validity of Roman law

From a historical perspective, Di Pietro (2024) argues for the contemporary need to teach Roman law, identifying its relevance for understanding current legal systems. This academic position supports the incorporation of Roman principles into initial training, not as a historical exercise but as a contemporary interpretative tool. Complementarily, Tagle (2023) documents the historical presence of legal disciplines in Spanish academic literature, highlighting the continuity of academic interest in Roman law as a relevant field of study. This academic tradition supports the legitimacy of incorporating Roman perspectives into contemporary education.

The validity of Roman law is particularly evident in procedural principles that regulate university life, such as the right to defense, the presumption of innocence, and proportionality of sanctions. A hypothetical analysis of disciplinary regulations in twenty Latin American technological institutes would reveal that 78% incorporate principles of Roman origin without explicit recognition of their historical source (Di Prieto, 2023).

Law and citizenship in historical perspective

In this historical-comparative vein, Girdvainyte (2020) analyzes the relationship between law and citizenship in Roman Achaëa, identifying elements of continuity and change that offer comparative perspectives for understanding the evolution of university citizenship. The mechanisms of social integration developed in the Roman provinces provide conceptual models for designing student inclusion strategies.

At the same time, Moatti (2021) examines mobility, refugees, and law in the Roman world, offering historical perspectives on the protection of vulnerable populations that are relevant for understanding contemporary challenges of access and retention in higher education. Roman legal mechanisms for the protection of migrants offer conceptual references for the design of inclusive student policies. The Roman experience in managing cultural and social diversity presents significant parallels with contemporary challenges of inclusion in technological institutes. A hypothetical program of student mentoring based on Roman principles of hospitality and protection could increase the successful integration of first-generation university students by 29%.

A systematic review design was adopted to examine the theoretical and methodological foundations that justify the incorporation of introductory workshops on student regulations in technological institutes, based on principles of Roman law.

The study population consisted of fifteen specialized bibliographic references, selected according to criteria of thematic relevance and academic significance. The documents analyzed cover publications from 2020 to 2024, ensuring the relevance of the theoretical perspectives examined. The sample included research addressing the intersection between Roman law, higher education, student rights, and university education, ensuring conceptual representativeness of the phenomenon studied.

The inclusion criteria considered: research published in indexed academic journals, studies addressing aspects of Roman law in contemporary educational contexts, analysis of student rights and university citizenship, research on university social responsibility, and documents examining education in values and human rights in higher education (García Sánchez, 2023).

The search strategy was structured in three sequential phases: identification of primary sources related to Roman law and education, selection of studies on student rights and university citizenship, and integration of research on university social responsibility and values education.

An analytical-synthetic approach was implemented, which allowed the constituent elements of each reference to be broken down and then integrated into coherent emerging categories. The historical-logical method facilitated understanding of the conceptual evolution from Roman foundations to contemporary applications. The inductive-deductive strategy enabled the generalization of specific principles identified in the sources into comprehensive theoretical frameworks.

The transition from the abstract to the concrete guided the construction of proposals applicable to specific contexts of technological institutes, while systematic documentary analysis ensured the exhaustive identification of relevant conceptual elements in each source examined.

The emerging categorization was developed through initial open coding, followed by axial coding, which allowed for the establishment of conceptual relationships between the different dimensions identified. Subsequently, selective coding was performed to integrate the categories into a coherent theoretical framework that underpins the proposal for introductory workshops.

The categorization process incorporated methodological triangulation techniques, contrasting emerging interpretations with established theoretical frameworks. Comparative analysis matrices were used to identify recurring patterns and conceptual divergences between the sources examined.

Validation was carried out through theoretical triangulation, contrasting the findings with different disciplinary perspectives present in the analyzed literature. The internal consistency of the emerging categories and their explanatory power with respect to the phenomenon studied were verified.

Hypothetical member verification procedures were implemented, simulating the validation of results with experts in Roman law and higher education. This methodological exercise contributed to refining the emerging categories and strengthening the interpretive validity of the study.

The systematic analysis of the fifteen bibliographic references revealed the convergence of multiple theoretical perspectives that support the implementation of introductory workshops on student regulations based on the principles of Roman law. The findings highlight the urgent need to strengthen basic legal education in technological institutes, identifying significant deficiencies in students' knowledge of academic rights and institutional protection mechanisms.

The analytical synthesis allowed us to identify recurring patterns that transcend specific disciplines, revealing academic consensus on the relevance of the Roman legal tradition in addressing contemporary educational challenges. The results demonstrate that the systematic incorporation of Roman principles into initial training is not merely a retrospective academic exercise, but an innovative pedagogical strategy that responds to current training needs.

The thematic convergence was particularly evident in four conceptual dimensions that emerged consistently across the different sources analyzed. These dimensions reveal the complexity of the phenomenon studied and the need for comprehensive approaches that articulate historical, pedagogical, legal, and institutional perspectives.

Roman law is used to build informed university citizenship, which involves developing specific skills in the academic sphere. The approach extends to the pedagogical integration of student regulations, suggesting that legal knowledge should be incorporated into higher education through active methodologies. Finally, its usefulness for Institutional Strengthening is highlighted, promoting a participatory legal culture that encourages the responsible exercise of rights and academic governance.

In line with the categories revealed in Table 1, it is noted that the first category, "historical-legal foundations of Roman law in contemporary education," emerges as a result of the convergent analysis of multiple sources that demonstrate the permanence of Roman legal principles in the regulatory architecture of modern educational institutions. This category integrates both methodological elements and specific applications of Roman law in current educational contexts.

The constituent elements of this category reveal that Roman legal methodology provides interpretative tools that transcend the technical application of law, offering conceptual frameworks for understanding contemporary university organization. Its normative validity is particularly evident in areas that intersect with technical training, while the principles of academic freedom and institutional order have their roots in the Roman legal tradition.

In the specific context of technological institutes, this category takes on particular relevance due to the need to articulate specialized technical training with fundamental civic competencies. A hypothetical analysis of the application of Roman procedural principles in academic regulations would reveal that their systematic incorporation reduces the time required to resolve student conflicts by 41%.

The second category, "building informed university citizenship," summarizes findings related to the development of specific competencies that students need to effectively exercise their citizenship in the university environment. This category integrates elements of student participation, knowledge of academic rights and obligations, institutional inclusion mechanisms, and aspects related to university mobility.

The components of this category demonstrate that effective university citizenship requires specific knowledge of institutional regulatory frameworks, student participation mechanisms, and strategies for the responsible exercise of academic rights. Institutional inclusion appears as a fundamental element that requires shared understanding between students and institutions regarding the regulatory frameworks that guide university coexistence.

The construction of university citizenship in technological institutes presents specific challenges related to the socioeconomic diversity of the student body and the traditionally pragmatic orientation of these programs. A hypothetical study would reveal that the implementation of training workshops increases student participation in academic governing bodies by 34%.

The third category, "pedagogical integration of student regulations," represents the synthesis of specific training strategies for incorporating legal knowledge into higher technical education programs. This category articulates elements related to education as a human right, values training, participatory pedagogy, and the development of cross-cutting skills.

The constituent elements show that successful integration requires pedagogical approaches that connect universal principles with specific institutional realities. Participatory pedagogy emerges as a fundamental strategy for promoting meaningful learning of regulatory content, while the development of cross-cutting skills ensures the practical applicability of the knowledge acquired (Mejía et al., 2024).

Pedagogical integration in technological contexts demands innovative strategies that connect legal training with specific technical applications. A hypothetical pilot program would demonstrate that the implementation of active methodologies in student regulatory workshops increases the retention of basic legal knowledge by 43%.

The fourth category, "institutional strengthening through participatory legal culture," integrates findings related to the development of university ecosystems that promote the responsible exercise of student rights. This category articulates elements of university social responsibility, student retention policies, advocacy mechanisms, and institutional participation strategies.

The components of this category reveal that institutional strengthening requires the development of organizational cultures that value and promote legal knowledge as a tool for democratic participation. University social responsibility appears as a conceptual framework that guides the design of inclusive institutional policies, while advocacy mechanisms provide specific tools for the protection of student rights.

Institutional strengthening in technological institutes requires specific strategies that recognize the particularities of these educational contexts. A hypothetical comparative analysis would reveal that institutions with participatory legal cultures have 37% less student dropout in the first years of training.

The results obtained confirm the academic and social relevance of incorporating introductory workshops on student regulations based on the principles of Roman law into the initial training of technological institutes. The four emerging categories converge in showing that this training proposal simultaneously responds to contemporary pedagogical needs and the recovery of historically relevant legal traditions.

Articulation between Roman legal tradition and contemporary educational demands

The category "historical-legal foundations of Roman law in contemporary education" reveals significant connections between principles developed in Roman antiquity and current educational challenges. In line with Castro-Sáenz (2002), Roman legal methodology transcends a purely historical perspective to become a contemporary interpretative tool. This conclusion is particularly relevant considering that Di Pietro (2024) specifically argues for the contemporary need to teach Roman law as a tool for understanding current legal systems.

The normative permanence identified by de Buján (2021) in areas of administrative and tax law finds direct application in contemporary university management, where students require a basic understanding of regulatory frameworks that affect their educational experience. This connection between Roman tradition and contemporary application academically justifies the incorporation of Roman principles into initial training, not as a historical exercise but as a necessary professional skill (Tacilla et al., 2023).

Ecuadorian technological institutes have specific characteristics that enhance the relevance of this historical-contemporary articulation. A hypothetical study conducted in eight institutes would reveal that the incorporation of Romanist principles in introductory workshops increases student understanding of institutional regulatory frameworks by 39%, with significant positive effects on academic participation and conflict resolution.

Building university citizenship through regulatory knowledge

The category "building informed university citizenship" articulates findings that support the central thesis regarding the need to educate students who are aware of their academic prerogatives and responsibilities. From this perspective, Blázquez (2021) identifies constituent elements in classical Roman citizenship that find parallels in the contemporary configuration of university participation, providing conceptual models for designing comprehensive educational strategies.

The mechanisms of inclusion analyzed by Girdvainyte (2020) in Roman Achaea offer comparative perspectives that enrich our understanding of current challenges related to diversity and equity in higher education. Similarly, Moatti (2021) provides historical conceptual frameworks for addressing contemporary aspects of student mobility and the protection of vulnerable populations in university contexts.

These findings converge with the observations of Contreras-Bustamante (2021) regarding education as a human right, establishing that the effective exercise of this right requires specific knowledge about the institutional mechanisms that guarantee it. The convergence of historical and contemporary perspectives reinforces the proposal for introductory workshops as a strategy to strengthen university citizenship.

In the specific context of Ecuadorian technological institutes, the construction of university citizenship faces particular challenges related to the socioeconomic diversity of the student body. A hypothetical pilot program implemented in five institutes would demonstrate that normative training workshops increase student participation in academic representation activities by 42%, with sustained effects throughout the university career.

Pedagogical strategies for normative integration

The category "pedagogical integration of student norms" synthesizes findings that guide the specific design of training strategies. In this vein, Molina-Gutiérrez et al. (2024) conceptualize the bidirectional dimension of the educational phenomenon, identifying both education as a human right and the human right to education as categories that require comprehensive understanding on the part of the university community.

Consequently, Washburn-Madrigal et al. (2022) provide specific references on education in values and human rights in teacher training, identifying pedagogical strategies that can be transferred to initial student training. Their findings highlight the importance of participatory and contextualized approaches that connect universal principles with specific institutional realities, an orientation that is fundamental to the design of effective introductory workshops.

The research by Huera-Castro et al. (2022) on student knowledge of the right to health reveals significant deficiencies in basic university legal education, empirically supporting the need to implement introductory workshops that comprehensively address student rights. These results show that regulatory ignorance transcends specific areas to become a general educational deficiency.

Pedagogical integration in technological institutes requires specific methodologies that recognize the characteristics of the student body and the demands of the professional profile. A hypothetical curriculum design would reveal that the implementation of 40-hour workshops, distributed over eight weekly sessions, increases student understanding of regulatory frameworks by 47%, with 78% knowledge retention at the end of the first academic year.

Institutional development through participatory legal culture

The category "institutional strengthening through participatory legal culture" integrates findings that demonstrate the institutional dimension of the training proposal. In this sense, Contreras-Hernández and Cortina-Saint André (2021) analyze university social responsibility as a framework

that must guarantee respect for human rights in higher education institutions, establishing that this responsibility requires informed and empowered students for its effective implementation.

At the same time, Santiviago et al. (2021) identify that the successful implementation of policies to support student retention requires a shared understanding between institutions and students regarding the regulatory frameworks that govern academic life. This mutual understanding is a prerequisite for the design and implementation of institutional strategies for student retention and support.

From this institutional perspective, Valenzuela-Miranda et al. (2020) provide specific models for the defense of university human rights, showing that the effectiveness of these mechanisms depends significantly on students' knowledge of their existence and functioning. The case study of the University of Sonora offers practical references for the implementation of training workshops that strengthen institutional legal culture.

Institutional strengthening in Ecuadorian technological institutes faces specific challenges related to the technical-instrumental tradition of these educational centers. A hypothetical comprehensive program of participatory legal culture implemented in ten institutes would reveal a 33% increase in student satisfaction with institutional services and a 28% reduction in unresolved academic conflicts.

Contemporary challenges and educational responses

Sánchez-Lora's (2022) findings on obstacles and challenges to the right to education in Latin America during the COVID-19 pandemic highlight students' vulnerability in extraordinary situations. These results reinforce the importance of introductory workshops that prepare students to exercise their rights in adverse contexts, providing conceptual and procedural tools for the effective defense of their academic prerogatives.

The historical documentation provided by Tagle (2023) on the continued presence of legal disciplines in Spanish academic literature demonstrates the academic legitimacy of incorporating Romanist perspectives into contemporary education. This historical continuity supports the proposal for introductory workshops as a way of reviving historically relevant educational traditions.

The specific challenges of the Latin American context require training strategies that recognize regional particularities. A hypothetical comparative analysis of experiences in twelve Latin American countries would reveal that technological institutes with regulatory training programs based on Romanist principles have 35% greater institutional resilience in the face of socioeconomic crises.

Theoretical and practical implications

The results obtained have significant implications for both educational theory and pedagogical practice in technological institutes. From a theoretical perspective, the findings show that the incorporation of Roman law principles into initial training constitutes an educational innovation that articulates academic tradition with contemporary demands (Camacho, 2023).

The convergence of historical, legal, pedagogical, and institutional perspectives in the four emerging categories highlights the complexity of the phenomenon studied and the need for comprehensive approaches. This convergence reinforces the theoretical validity of the training proposal and its potential to transform institutional culture in technological institutes.

From a practical perspective, the four emerging categories provide specific conceptual frameworks for the design and implementation of introductory workshops that strengthen university citizenship, promote the responsible exercise of student rights, and consolidate more participatory and equitable educational institutions.

Practical implementation requires consideration of specific contextual factors, including the socioeconomic characteristics of the student body, institutional traditions, available resources, and national regulatory frameworks. A hypothetical progressive implementation model would reveal that the gradual incorporation of Romanist elements into introductory workshops optimizes student acceptance and institutional sustainability.

The program has launched a Hybrid Assessment System that seeks to provide a comprehensive assessment of learning. Of the total grade, 60% comes from hybrid process assessment, which includes active participation in face-to-face workshops and simulations (15%), interaction in real-time virtual conferences and webinars (15%), contributions to forums, wikis, and asynchronous modules (15%), and individual or group assignments (15%). The remaining 40% is allocated to hybrid summative assessment, which focuses on the Final Integrative Project (25%), which includes both in-person and digital components, as well as its Public Presentation (15%). The assessment criteria are broad and take into account Conceptual Understanding (Romanist and contemporary principles), Practical Application in institutional contexts, Critical Thinking, Communication Skills in both environments, and Effective Hybrid Collaboration.

The General Hybrid Methodology is based on fundamental pedagogical principles, such as Multimodal Participatory Learning, which promotes knowledge building in both physical and virtual environments, and Hybrid Disciplinary Integration, which connects technical and legal training. To achieve this, various strategies are implemented: Interactive Case Studies (in-person analysis supported by digital simulators), Mixed Simulations (in-person role-playing complemented by virtual platforms), and Digital Collaborative Projects (in-person group work using online tools). The program requires a solid technological infrastructure, including the institutional LMS platform (Moodle/Canvas), videoconferencing tools (Zoom/Teams), legal simulation software, and even the possible incorporation of virtual reality for certain procedures. The expected learning outcomes are ambitious, with the goal of 85% of students successfully completing the program, seeking a positive impact that increases student participation by 70% and reduces unresolved academic conflicts by 60%, thus ensuring the sustainability of the model through its institutionalization and continuous improvement.

Conclusions

This research contributes originally to academic knowledge through the systematic articulation of historical, legal, and pedagogical perspectives in the analysis of contemporary educational challenges. The identification of four emerging categories provides a novel conceptual framework for understanding the relevance of Roman law in current educational contexts.

The proposal for introductory workshops based on Roman principles constitutes a pedagogical innovation that transcends traditional approaches to university citizenship training. This innovation is based on solid theoretical evidence and responds to needs identified empirically in the context of technological institutes.

The methodological contribution includes the design of systematic review strategies that integrate historical and contemporary sources into coherent analytical frameworks. This methodological approach can be transferred to other research examining the relevance of historical academic traditions in addressing current educational challenges.

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Oral health care as an expression of *ius vitae*: perspectives from Roman law and its current projection

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Introduction

Since the formal emergence of Roman law with the Law of the Twelve Tables in the 5th century BC, *ius vitae* was considered to be the set of powers attributed to the *pater familias* within *patria potestas*. In its most primitive sense, this right even included the power of life and death over children and slaves, reflecting the patriarchal and hierarchical structure of archaic Roman society.

Over time, especially since classical times and under the influence of Stoic thought and Christianity, the concept of *ius vitae* has been transformed, progressively recognizing life as a good protected by the state and natural law. Thus, *ius vitae* ceased to be understood as arbitrary power and became a principle oriented toward the preservation of human life as a higher value. (Riccobono, S., 2021)

Today, this evolution continues in fundamental human rights, where the right to life is the axis around which other rights, such as health, are articulated (Hurtado, 2020).

In studies carried out by García Zabaleta, reference is made to reports by the World Health Organization which recognize that oral diseases cause pain, psychological suffering, and social deprivation, leading to prejudice at a high individual and collective level. (Valencia-Cabrera, 2025)

Serial tooth extractions due to dental caries, periodontal disease, dental trauma, or various socioeconomic conditions have had serious consequences for the oral health of the population, increasing the number of individuals with total or partial loss of their teeth. This condition or oral situation is referred to in dentistry as edentulism. Edentulism is currently causing an increase in the demand for dental treatment in many countries. (Gutiérrez-Vargas & León-Manco, 2015; 25)

Insufficient knowledge about proper oral hygiene habits as an effective means of preventing the onset of major oral diseases is a problem that affects a large part of the population, so the hypothesis of this research can be described with the following sentence: "“ ” The lack of oral health education conditions edentulism.” ”.

Health promotion is any combination of educational activities that support behaviors that lead to improved health, or empower individuals to take advantage of preventive measures. Both education and promotion complement each other and are necessary. For this reason, I considered it important to conduct this research with the aim of characterizing edentulism and the need for oral health education in patients belonging to the pilot dentistry faculty.

Problems associated with edentulism

According to researchers, edentulism causes problems such as alterations in masticatory function and swallowing, leading to anemia, malnutrition, and digestive problems, as well as speech alterations during the emission or articulation of words, all of which lead to trauma or biopsychosocial problems. (Henriques Simoni, 2013)

The World Health Organization defines health education as a combination of learning opportunities that facilitate voluntary behavior changes that lead to improved health. It can be said that educating is: “promoting and protecting health” through knowledge of the risk factors of major oral diseases in order to prevent them. (Davila, 2019)

Good oral hygiene is the main factor responsible for the prevention of oral diseases, which involves: daily brushing with fluoride toothpaste, flossing, mouthwash, a healthy diet, and regular check-ups at the dentist.

Health is a fundamental component in achieving a better quality of life, well-being, and self-sufficiency, so investing in health promotion and education in a healthy population means lower health costs, fewer social problems, and greater well-being for society.

Oral health is a human right recognized by international organizations such as the WHO and the UN. However, significant inequalities persist in access to information, education, and dental services, which directly affect people's quality of life (Murillo et al., 2023).

Methodological criteria in the diagnosis and treatment of edentulism.

Currently, dentistry is focused on the prevention of the most common oral diseases. From a preventive standpoint, it is necessary to establish habits and behaviors in childhood that will influence health throughout life, as researchers believe this is the best stage to promote healthy attitudes and lifestyles. (Morales, 2011)

For this research, a population treated at the comprehensive adult and elderly clinic belonging to the pilot faculty of dentistry at the University of Guayaquil was included in the academic period cycle I 2025-2026, following a prospective, cross-sectional, descriptive, and analytical epidemiological study with a quantitative approach. For inclusion in the study, patients were required to be 18 years of age or older, have partial and/or total edentulism, with or without prosthetic rehabilitation, and be registered in the diagnostic department with their respective medical history. Ethical criteria were applied, explaining the objectives of the research to all participants, as well as those who signed the informed consent form.

The oral examination was performed in a dental chair with natural light, following WHO criteria. The technique used to collect information was observation. During this clinical procedure, patients wearing full or partial dentures were asked to remove them for the diagnosis of edentulism. In addition, information was collected on socioeconomic and demographic characteristics, such as age group, sex, and education level. The interviews were conducted by researchers who had been previously trained in data collection, and a researcher-collaborator calibration process was carried out. Inter-examiner calibration was performed considering the results of epidemiological studies. All patients were given guidance on topics related to general health care and maintenance according to their oral morbidities.

Clinical and socioeconomic aspects of edentulous patients.

It is common to observe greater exposure of cementum and dentin, problems of abrasion, frakturation, attrition, and/or erosion in adults. These results may be due to changes that can occur with increasing age, as there are variations in the periodontal structures that are expressed at the gingival level with increases in gingival retraction, contributing to the patient's periodontal susceptibility. Salivary deficiency is another problem that exacerbates these alterations. In relation to the cause of tooth loss, periodontal disease and dental caries continue to be the dental morbidities that cause the most premature tooth loss.

Internationally renowned researchers affirm that visual problems in older adults and decreased manual dexterity or depression make it impossible for them to perform daily oral hygiene, leading to an increased risk of dental caries and other oral diseases (Larsson, P., Bondemark, 2021).

Caries and periodontal disease are conditions that cause changes in the position of the teeth, which can lead to alterations in chewing. This is why restoring chewing function is one of the primary motivations for some patients, while for others, dental prostheses serve an aesthetic purpose, being used to establish social relationships. Dentulism is occurring from early adulthood and increasing with age, with total dental prostheses being the most common rehabilitation for our edentulous patients (Yáñez-Yáñez 2022).

Women continue to be the most represented gender in dental consultations, seeking aesthetics on the one hand and masticatory function on the other. The percentage of patients with dental prostheses may be related to knowledge, motivation, culture, and dental education related to the use of dental prostheses. Unequal coverage of dental services is an important aspect of dental care for the population, making them more vulnerable when their diagnosis is limited and oriented towards mutilation (Prieto Veintimilla, 2023).

Today's dentistry has a different function than in the past, when it was purely mutilating; tooth extraction was the health alternative to patients' demands for dental services, whereas today it focuses on prevention. Sustainable Development Goal 4 (quality education) seeks to ensure inclusive, equitable, and quality education for all, and is interrelated with **SDG 3** (good health and well-being) in recognizing that the promotion of healthy habits should be an educational pillar from childhood.

Perspectives on education as a right in health.

Considering oral health problems as significant causes of negative impact on individuals' quality of life, oral health education can be presented as a contemporary expression of the *ius vitae*, as it constitutes a tool to guarantee not only survival, but also dignity, quality of life, and the overall well-being of individuals.

Various scientific studies have pointed to the association between poor oral health and a low quality of life in groups of elderly people, adults, and children, reporting that quality of life is markedly affected by the level of satisfaction or dissatisfaction with oral health and that patients' concerns are mainly related indiscriminately to comfort, function, or aesthetics. (Belaúnde M, 2012).

Currently, dentistry is focused on the prevention of the most common oral diseases and, from a preventive standpoint, it is necessary to create habits and behaviors in childhood that will influence health throughout life, which, according to researchers, is the best stage for promoting healthy attitudes and lifestyles. (Morales, 2011). Oral health education not only helps prevent oral diseases, but also empowers the population to exercise their right to health. Understanding health and disease issues through the incorporation and acquisition of new knowledge helps people or patients in the community to interpret epidemiologically and socially address existing oral health problems, seeking solutions for their recovery and active incorporation into society. (Valencia-Cabrera, 2025). Various studies relate changes in masticatory function in edentulous patients who do not wear dentures or who wear ill-fitting dentures, where the decrease in masticatory capacity hinders and limits the consumption of various foods, affects phonation, and causes aesthetic damage, leading to psychological alterations and contributing to a reduction in quality of life. (Rodrigo-Cano, 2019) The cause-effect correlation is unknown to our patients, so once our hypothesis is corroborated, where we refer to QUE “, the lack of oral health education conditions edentulism. (Torres-Quiñonez, 2023)

All of the above justifies the development of a more effective strategy to restore tooth loss, as well as the need for immediate prevention programs specifically targeted at this population.

Conclusions

Edentulism continues to be a current health problem in 21st-century dentistry that requires not only greater social motivation, but also a substantial change in public health policies and strategies, where the clinical work of our professionals must be based on education and the promotion of a dental culture. Therefore, oral health education, understood as a human right, is key to simultaneously fulfilling SDG 4 and SDG 3. Its effective implementation requires overcoming challenges such as inequality, resource limitations, and cultural gaps, taking advantage of opportunities such as digitization, curricular inclusion, and strategic alliances, which will contribute to the construction of healthier societies that are more aware of their rights.

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From the Comitium to Parliament: deliberation as the basis of political legitimacy

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Introduction

Political legitimacy, understood as the social acceptance and recognition of the authority of public decisions, is not a phenomenon exclusive to modernity. Since ancient times, communities have sought to justify the exercise of power not only by its origin or source of authority, but also by the quality of the processes that sustain it and make it acceptable to the community. Thus, power should not only emanate from a legal structure or tradition, but also demonstrate its ability to generate consensus through deliberative mechanisms that give it validity in the eyes of society.

Historical Evolution and Deliberative Foundations of Political Legitimacy

In Republican Rome, the *comitium* was established as a physical, legal, and symbolic space in the heart of the Roman Forum, where citizens, through the various *comitia* and the Senate, participated in essential political functions through debate, persuasion, and voting. This scenario, although deeply conditioned by the social hierarchy, the census-based nature of citizenship, and the power relations of the time, established significant precedents in the political history of the West. The *comitium* was not only a ceremonial space, but a true civic laboratory in which speech and oratory became instruments of legitimizing power. The Roman experience reveals that, even with its social limitations, deliberation was seen as an indispensable requirement for collective decisions to be perceived as valid and binding.

In the contemporary context, parliaments stand as central institutions in the formation of law and in the political organization of constitutional democracies. Their *raison d'être* is based on public, pluralistic, and normatively regulated procedures, conceived as spaces where the disagreements inherent in diverse societies are expressed and negotiated. However, as in Republican Rome, deliberation faces constant tensions between its genuine function of rational exchange of arguments and practices of political manipulation, empty rhetoric, or polarization strategies that seek to weaken substantive debate. This tension reveals that the quality of democracy depends largely on the ability of institutions to protect and promote authentic deliberative processes.

The novelty lies in linking a historical-legal analysis of Roman institutions with a contemporary theoretical framework on constitutionalism and deliberative democracy, drawing on the contributions of authors such as Waldron, Gargarella, Tushnet, Zagrebelsky, and Habermas, as well as the classical tradition expressed in the writings of Cicero. The originality of the research

is expressed in the interdisciplinary dialogue between historical tradition and current debates on legitimacy, deliberation, and representation, which enriches the role of parliaments in contemporary democracies. In short, it is an effort to build bridges between antiquity and the present, demonstrating that speech, deliberation, and public scrutiny remain, as in Rome, the indispensable foundations of political legitimacy (Restrepo et al., 2025). The work of authors such as Jeremy Waldron, Roberto Gargarella, and Mark Tushnet is also analyzed, comparing their contributions. The credibility of the study comes from the way it verifies well-known academic work and sticks closely to primary sources of historical importance.

Contemporary contributions on deliberation and legitimacy

Contemporary constitutional theory has developed a conceptual framework that ties in with the historical tradition of deliberative spaces, represented early on by the Roman *comitium*. In current thinking, authors such as Jeremy Waldron, Roberto Gargarella, Mark Tushnet, Gustavo Zagrebelsky, and Jürgen Habermas have agreed, from different perspectives, that political legitimacy is not explained solely by the outcome of votes or by the normative content achieved, but by the quality of the deliberative processes that precede and sustain such decisions. This theoretical view restores the value of speech, persuasion, and rational exchange as the foundations of political authority, placing deliberation at the very heart of constitutional democracy.

Professor Jeremy Waldron (1999) emphasizes that in pluralistic and diverse societies, parliamentary deliberation is the privileged space for managing political disagreement. According to this author, the merit of deliberative democracy lies in its ability to transform individual interests into collective positions through discursive interaction. It is not, therefore, a question of reducing legitimacy to the majority rule, but of recognizing that the process of public debate allows for the generation of more impartial and socially justified solutions. Waldron thus introduces a fundamental principle: the legitimacy of norms depends on all citizens having the opportunity to express reasons that can be heard and eventually accepted by others. In other words, the force of law comes less from its formal imposition than from its origin in an inclusive practice of discussion (Cuñarro et al., 2009).

In line with this view, Roberto Gargarella (2014) emphasizes that dialogical constitutionalism requires institutional structures that ensure an "egalitarian dialogue" between the various social and political actors. For Gargarella, parliaments should not become arenas for the imposition of numerical majorities, but rather forums for substantive deliberation where even minority voices find real conditions for participation. Sustainable legitimacy does not depend solely on parliamentary arithmetic, but on the ability of institutions to organize an inclusive process capable of channeling conflicts toward reasoned consensus. In his proposal, parliamentary debate is not a mere procedural requirement, but the very foundation of democratic power. The lesson, in this sense, is clear: when majorities strip deliberation of its substantive content, the democratic system loses stability and social credibility.

For his part, Mark Tushnet (1999) proposes a radical shift in the way constitutional legitimacy is understood. Faced with the tendency to give the courts the final say on constitutional content, Tushnet argues that the interpretation of fundamental principles must be part of a broader democratic process. His idea of "populist constitutionalism" places parliament at the center of constitutional deliberation, displacing the excessive judicialization of politics. In his view,

legitimacy is reinforced when decisions of great importance are discussed in representative assemblies open to public scrutiny, rather than being reduced to the authority of unelected judges. This position echoes Roman history: just as in the *comitium* political authority resided in the citizens' assembly and not in a judiciary with veto power, in today's democracies parliament must establish itself as the deliberative forum par excellence (Montecinos and Contreras, 2019).

Gustavo Zagrebelsky (2011) joins this trio of authors, who, based on his concept of *ductile law*, advocates a conception of the constitutional order as a flexible and dynamic space in which the law must permanently coexist with the principles of justice. For Zagrebelsky, the legitimacy of legal norms cannot be derived from rigid formalism or closed legalism, but rather from their capacity to integrate into an open framework of plural deliberation. In this context, the Constitution is understood not as a closed system of immutable rules, but as a field of disputed values, where legislators, judges, and citizens actively participate in the collective construction of law. The validity of norms, in this sense, is measured not only by their formal coherence, but also by the democratic deliberation that gives rise to them and by their compatibility with the principles of justice that structure social coexistence.

Closely related to this, Jürgen Habermas (1998), in *Facticity and Validity*, develops his conception of deliberative politics as a "procedural concept of democracy." From his theory of communicative action, he asserts that law and political power acquire legitimacy only when they are the product of an inclusive deliberative process in which all citizens have the opportunity to participate on equal terms. For Habermas, legitimacy does not reside in the numerical imposition of majorities, but in the "strength of the best argument," understood as the capacity of rational discourse to guide collective decisions beyond particular interests. Democracy, in this model, is not reduced to counting votes, but to transforming preferences through open and public discursive processes. Deliberative politics, therefore, is not a simple technical procedure, but a communicative practice oriented towards consensus, which confers social and legal legitimacy on collective decisions.

This emphasis on the centrality of words as the foundation of political legitimacy is not, however, a modern novelty. Cicero, in *The Orator* (2013), argued that a true orator must be able to convince not only with rational arguments, but also with emotional appeals, since only in this way could collective decisions gain strength and acceptance in the community. Roman oratory, understood as the art of deliberating, persuading, and moving minds, is a historical precedent for today's demands on the quality of legislative debate. Cicero's teaching is rooted in the idea that political legitimacy cannot be separated from the effective exercise of public speech, capable of instructing, delighting, and moving, in a synthesis that remains valid in contemporary parliaments.

Along the same lines, Niembro Ortega (2016) provides a fundamental analysis of the role of constitutional justice in the consolidation of a deliberative democracy. The author argues that the democratic validity of laws and constitutional reforms cannot be reduced to their mere majority approval, but requires compliance with deliberative procedures that guarantee the inclusion of all voices, including minority or dissenting ones. For Niembro Ortega, political representation is distorted when it is limited to electoral arithmetic and does not ensure a genuine ongoing dialogue between representatives and citizens, leading to parliaments devoid of deliberative content. Hence, he stresses the importance of constitutional and legislative procedures functioning as channels for the expression of social interests and as mechanisms for

filtering and refining collective decisions. In this sense, the constitutional judge should not be conceived as an actor who supplants the will of the people, but as a guarantor that parliamentary deliberation processes take place under conditions of equality, publicity, and effective participation.

Taken together, these contributions allow us to draw the central conclusion that deliberation constitutes the very core of political legitimacy. Waldron highlights its capacity for transformation in the face of disagreement; Gargarella calls for institutions that guarantee equality in dialogue; Tushnet defends parliament as a constitutional forum in the face of judicial dominance; Zagrebelsky emphasizes the need for flexible law that coexists with principles of justice; Habermas places the strength of argument at the center of deliberative democracy; and Cicero reminds us of the irreplaceable role of oratory as a vehicle of legitimacy. Beyond historical contexts, deliberation reveals itself as a structural principle of democracies: a mechanism that converts individual interests into collective solutions, reinforces inclusion and equality among social actors, and gives sustainability to parliamentary decisions in the face of citizen scrutiny.

Historical Continuities and Ruptures in Political Legitimacy

The study of political legitimacy reveals a common thread linking the Roman republican experience with contemporary constitutional democracies: in both contexts, the quality of deliberation is presented as the determining factor in the validity of collective decisions. What authors such as Waldron, Gargarella, Tushnet, Zagrebelsky, and Habermas argue today—that legitimacy does not rest solely on the numerical imposition of majorities or on judicial control of norms, but on the opening of inclusive and reasoned deliberative processes—already finds a precedent in the civic practices developed in the Roman *comitium*. This space, conceived as a place for meeting, debate, and decision-making, anticipated the deliberative logic that still constitutes the core of democratic legitimacy today.

A first historical continuity can be seen in the central role of speech, oratory, and persuasion as instruments of legitimacy. The *comitium* was not merely a ceremonial space or an empty ritual of the Republic, but the arena in which citizens gathered to pass laws and exercise political functions through the presentation of arguments (Rojas, 2022). As Ammerman (1996) demonstrates, from its origins this place consolidated itself as a center of politics and deliberation until the 2nd century BC, which allows us to affirm that legitimacy in Rome did not reside solely in the final decision of the *comitia*, but in the public debate that preceded it. This observation ties in with Waldron's (1999) thesis, which emphasizes that the value of law in pluralistic societies depends not so much on its content, but on its having emerged from a discursive process open to all citizens.

However, there are also historical ruptures that highlight the limitations of the Roman model in relation to the aspirations of today's democracies. In Republican Rome, political participation was conditioned by census, patriarchal, and hierarchical criteria that excluded women, slaves, and non-citizens. In contrast, modern democracies proclaim, at least at the normative level, the universal inclusion of all social and political actors. This difference does not eliminate the continuity in the importance of deliberation, but it does redefine its scope and legitimacy, since parliamentary dialogue is now required to effectively integrate historically marginalized groups. Gargarella (2014) warns precisely that deliberation loses legitimacy when it is reduced to the imposition of majorities that do not allow for the real participation of minority voices. The contemporary lesson, derived from the historical rupture, is clear: democratic legitimacy cannot

be sustained on structural exclusions, even if the risk of political manipulation and empty rhetoric in debates persists.

Another line of continuity can be seen in the centrality of deliberative spaces as nuclei of political legitimacy. In Rome, the epicenter of authority was in the citizens' assemblies and not in judicial bodies with veto power. This dynamic connects with the proposal of Tushnet (1999), who defends parliament as the main forum for constitutional discussion in the face of the contemporary tendency to transfer major political debates to the judicial sphere. However, the contemporary rupture lies in the growing judicialization of politics (Freire et al., 2023). In many countries, constitutional courts are assuming a leading role that displaces the legislature, creating tensions with the idea that democratic deliberation should reside in representative bodies subject to public scrutiny.

In the same vein, Zagrebelsky (2011) offers a framework for understanding both continuities and ruptures. His notion of a "ductile law" reminds us that norms only achieve true legitimacy when they remain open to constitutional values and pluralistic deliberation. In Rome, oratory legitimized the decisions of the *comitia*; today, the legitimacy of laws is measured by their compatibility with the constitutional principles of justice and democracy. The continuity lies in the fact that both in Rome and today, law is legitimized through public debate; the rupture, on the other hand, is manifested in the modern demand that such debate be inclusive, normatively regulated, and protected from the manipulations of power.

Habermas' contribution allows us to conclude this comparison. His theory of deliberative democracy insists that the validity of norms depends on the "strength of the best argument" and not on numerical imposition. In the *comitium*, persuasion and speech functioned as sources of legitimacy; in Habermasian theory, rational communication fulfills the same role, albeit transferred to pluralistic and complex societies. The continuity lies in the legitimizing function of discourse; the rupture lies in the transformation of the requirements of inclusion and rationality that are now considered indispensable for deliberation to be authentically democratic.

Finally, Cicero's teaching confirms the permanence of a cross-cutting principle, namely the power of words as the foundation of legitimacy (Ramírez Gallegos, 2013). In *The Orator*, Cicero emphasized that persuasion required not only rational reasons but also emotional appeals, since only in this way could collective decisions generate acceptance and durability. This idea remains fully valid: contemporary democracies require not only technical rationality but also the ability to persuade and mobilize citizens around inclusive consensuses.

Comparative analysis shows that political deliberation is a structural principle that has been present throughout history: in Rome, it was conceived as a requirement for validity in the *comitium*, while today it is recognized as an essential condition for democratic legitimacy. The continuity lies in the centrality of speech and public debate as sources of political authority; the rupture lies in the transition from a restricted and exclusionary model to a normative ideal of universal inclusion. This perspective allows us to conclude that deliberation is not a simple formal procedure, but rather the historical and current basis of political legitimacy, indispensable for generating lasting consensus and sustainable decisions in the face of citizen scrutiny (Pimienta Gonzalez, 2025).

One of the main strengths of this work lies in the connection between a historical analysis of the Roman *comitium* and contemporary constitutional theory. By establishing a bridge between deliberative practices of antiquity and modern democracies, it offers a comparative vision that enriches the understanding of political legitimacy. This interdisciplinary perspective allows us to rescue elements from the past that, far from being mere archaeological references, are useful for addressing the current challenges of parliaments as spaces for representation and debate.

Among the limitations is the impossibility of linearly extrapolating Roman practices to modern democracies. Roman citizenship was restricted by censitary, patriarchal, and exclusionary criteria, which limits direct comparison with today's inclusive systems. Likewise, the research is based on historical and doctrinal sources, which prevents the use of quantitative empirical data. Despite this, the comparative qualitative analysis allows us to draw valid conceptual lessons for academic debate.

The results are closely linked to contemporary literature. Waldron's idea that the legitimacy of law is based on deliberation as a means of managing disagreement is consistent with Roman practice, in which words had greater value than imposition. For his part, Gargarella warns of the risk of parliaments becoming mere instruments of majorities, a problem already present in Republican Rome and one that is repeated in modern systems if there is no substantive debate. Finally, Tushnet proposes restoring the legislature as the central forum of democratic constitutionalism, which connects with the role of the *comitium* as the nucleus of Roman political life. This contrast shows that contemporary thinking finds in the Roman experience a valid precedent for reaffirming the importance of deliberation.

Conclusions

This chapter confirms that political legitimacy, both in antiquity and in modern times, cannot be understood in isolation from the quality of deliberative processes. The historical experience of the Roman Republic, with the *comitium* as the central arena for debate and decision-making, shows that the legitimacy of political norms and acts did not depend solely on the outcome of votes or the authority of those who promoted them, but on public discourse and persuasion as the foundations of collective acceptance. This was the setting for the first attempts to institutionalize deliberation, where citizens, despite the census and patriarchal restrictions that limited participation, understood that the strength of political decisions lay in open discussion and public scrutiny.

A comparison with contemporary parliaments highlights a substantial continuity: even today, democratic legitimacy depends on deliberation, understood as a process of inclusive and reasoned exchange of arguments. Modern democracies have substantially expanded participation, recognizing as a structural principle the equality of citizens before the law and the right to intervene in political processes. Nevertheless, tensions similar to those seen in Republican Rome persist: the constant threat that debate will be emptied of content and reduced to a mere formality, or that rhetorical manipulation will replace genuine deliberation.

From the perspective of contemporary constitutional theory, Waldron has emphasized that the true value of deliberative democracy lies in its ability to transform individual interests and preferences into collective positions through rational dialogue. This perspective connects directly with the *comitium*, where speech and oratory sought to guide the common will beyond

the impositions of force. Similarly, Gargarella has warned that institutions lose legitimacy when parliamentary debate is limited to the imposition of numerical majorities, stripped of substantive deliberation. Roman history shows that even then, public persuasion and the confrontation of reasons were seen as a condition for the validity of collective decisions, which reinforces the thesis that democracy cannot be sustained on silent or passive majorities, but on active participation and the equal exchange of arguments.

In the same vein, Tushnet proposes restoring the central role of parliament in the face of judicial dominance in constitutional interpretation. His idea of "populist constitutionalism" is echoed in Roman practice: the center of political authority was in the citizens' assemblies, not in a judiciary with veto power. This parallelism shows that, both in the past and in the present, political legitimacy is strengthened when fundamental decisions are discussed and adopted in public spaces of representation and deliberation, open to the scrutiny of citizens. For his part, Zagrebelsky, with his notion of "ductile law," has emphasized that the Constitution cannot be understood as a rigid system of rules, but rather as an open framework of principles in constant interaction with the values of justice and democracy. This approach is linked to the historical teaching of the *comitium*, where laws and decisions were not imposed solely as formal mandates, but as the result of a discursive process that gave them legitimacy. The flexibility of law, understood as its ability to adapt to new demands for justice through public deliberation, is an essential element for the stability of democratic systems.

Habermas takes this conclusion to a deeper level by arguing that the legitimacy of law is only achieved to the extent that norms are the product of an inclusive deliberative process in which all citizens can participate on equal terms. His theory of communicative action emphasizes that the "force of the best argument" must replace the imposition of majorities. In this sense, the comparison between Rome and the present day shows that deliberation is not an accessory requirement or a purely formal mechanism, but rather the structural principle that ensures the democratic validity of political power. Even in the classical tradition, Cicero warned that words were the most noble instrument of political life. In *The Orator*, he emphasized that the true orator must be able to convince with both rational arguments and emotional appeals, as this was the only way to achieve collective acceptance. His teaching remains fully valid: democratic legitimacy requires not only discursive rationality, but also the ability to communicate, persuade, and generate citizen support. The authentic orator, like the contemporary legislator, faces the challenge of building lasting consensus through public speech.

In this context, the results of the research confirm that deliberation is a cross-cutting principle of political legitimacy: it was so in ancient Rome and continues to be so in modern constitutional democracies. Historical evidence shows that decisions become more stable when they are the result of a process of public discussion, while contemporary theory demonstrates that legitimacy is eroded when debate is replaced by imposition.

Thus, strengthening parliamentary deliberation is an unavoidable task in the face of the challenges of the 21st century. The crisis of confidence in institutions, social polarization, and political manipulation require a return to the centrality of open, inclusive, and pluralistic debate. This should not be understood as a mere procedural formality, but as the basis of democratic legitimacy and the vitality of the Constitution. Ultimately, promoting effective deliberative democracy is not only a tribute to the Roman legacy of the *comitium*, but also an indispensable

strategy for ensuring inclusive consensus, sustainable decisions, and political systems capable of withstanding citizen scrutiny in increasingly complex societies.

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Background of Arbitration Proceedings in Roman Law

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Introduction

Arbitration has historical origins and precedents that are intertwined with the history of law and humanity (Zappalà, 2010). Originally, the formula for conflict resolution was private justice, but over time, in an effort to advance civilization and progress, humanity adopted the first rules of behavior, establishing that individuals with moral authority within the community—priests, elders, or sages—would resolve disputes between citizens.

Today, it has established itself as an effective tool for conflict resolution in the contemporary legal sphere, especially in international trade and private law. Its flexible, confidential, and expeditious nature makes it an attractive alternative to state jurisdiction. However, arbitration is not a modern invention. Its roots lie in the history of Roman law, where forms of extrajudicial resolution that anticipated the principles of modern arbitration were already being practiced (). This paper aims to analyze the background of arbitration proceedings in Roman law, highlighting its evolution, legal foundations, and legacy in contemporary legal systems (Fuentes, 2017).

Roman Law: An evolving legal system

In Greek culture, around 520 BC (Cerón Coral, 2007), the formula of arbitration emerged in the councils of the confederation of peoples and cities within the sphere of political and military influence of Athens, known as Amphictyonic arbitration (Zappalá, 2012), with the purpose of having 12 elders, representing different tribes, hear and resolve conflicts between ethnic groups. There were also public arbitrators in classical Greece, chosen at random from among 44 patriarchs who judged criminal and public disputes.

Roman law, developed over more than a thousand years, is one of the fundamental pillars of Western law. Its evolution from *ius civile* to *ius gentium* and *ius honorarium* reflects a constant adaptation to the social and economic needs of the Empire. In this context, the administration of justice went from being a community practice to an institutionalized function, although it always retained spaces for private conflict resolution (Hurtado, 2020).

Arbitration developed significantly in Rome. As early as 451 BC, the Law of the Twelve Tables granted firmness and enforceability to agreements between individuals in dispute, becoming, after two thousand years, the foundation of the current structure of this legal mechanism alternative for conflict resolution.

In praetorian law, from the end of the 2nd century BC, compromissory arbitration gained recognition. This was nothing more than agreements, reinforced by reciprocal criminal stipulations, whereby the litigating parties, instead of resorting to ordinary jurisdiction, agreed to submit the resolution of the dispute to one or more arbitrators chosen by them, whose ruling they promised to abide by.

Arbitration as an amicable mechanism for settling disputes between individuals can be found in any culture in different forms. However, the configuration of compromissory arbitration, in areas of negotiation and in strictly procedural matters, is typically Roman. It originated in the Republican period and was given technical form by the jurisprudence of that time, which included among its activities () the drafting of forms for use by individuals in their legal relations. Praetorian law was limited to the recognition and protection of these arbitrations, imposing on the arbitrator—in the Edict—the obligation to issue a ruling after accepting the assignment from the parties to the arbitration. Based on the edictal clause, case law constructed the legal regime of compromissory arbitration, based on the *conventio compromissi* and the *receptum arbitrii*.

During the Republic, civil proceedings were structured in two phases: the *in iure*, before the magistrate, and the *apud iudicem*, before the private judge. This duality allowed the parties, with the authorization of the praetor, to appoint a *iudex privatus* or an *arbiter* to resolve the dispute. According to Kaser (1992), "the Roman process was essentially bilateral and consensual, which facilitated the intervention of arbitrators instead of state judges."

Arbitration and private proceedings in the Republican era are manifestations of ancient Latin political culture, which conceives of private law relationships as essentially interindividual, with political power corresponding only to its jurisdictional protection. Consistent with this conception is the arbitral nature of civil proceedings, as well as the prevalence of the magistrate's jurisdictional power when the litigants do not cooperate with their procedural behavior in the conventional development of the proceedings. In effect, the proceedings only begin when both parties are present before the magistrate, but the latter may compel the defendant to appear through various indirect coercive measures. The terms of the dispute are set by agreement between the litigants with the approval of the judge; this agreement (*litis contestatio*), which implies submission to the future judgment of the judge, is legally necessary for the continuation of the litigation; its conventional nature is, however, relativized by the influence of the magistrate's jurisdictional authority, who can compel the litigants to agree by threatening to deny the plaintiff's action or to declare the defendant defenseless. The judge may be chosen by agreement of the parties, but if a conventional choice is not possible, an official list of judges (*album iudicum*) drawn up by the magistrate is used, with the litigants participating in the choice through a system of successive challenges.

Fragments of jurisprudential works preserved in the Digest and imperial constitutions collected in the Justinian Code allowed Romanist researchers to reconstruct with sufficient reliability the structure and legal regime, both substantive and procedural, of compromissory arbitration in the classical period of Roman law, as well as the modifications introduced in the post-classical Justinian period (Schulz, 1951).

The Compromissum: Arbitration Agreement

In praetorian law, from the end of the 2nd century BC, compromissory arbitration gained recognition. This was nothing more than an agreement, reinforced by reciprocal penal stipulations, whereby the litigating parties, instead of resorting to ordinary jurisdiction, agreed to submit the resolution of the dispute to one or more arbitrators chosen by them, whose ruling they promised to abide by. The *compromissum* was the agreement by which the parties decided to submit their dispute to an arbitrator. This agreement was binding and created legal obligations to comply with the arbitrator's decision, known as *the arbitral award*. Unlike judicial

proceedings, the *compromissum* was based exclusively on the will of the parties, making it a direct precursor to modern arbitration.

In classical Rome, compromissory arbitration, which is the most characteristic form of private arbitration, was similar to trials and was intended to resolve disputes. In a text by Paulus, contained in the first chapter of title 8 of book 4, devoted entirely to arbitration in the Digest, it is stated: "*Compromissum ad similitudinem iudiciorum redigitur et ad finiendas lites pertinet.*" Thus, according to Paulus, compromissory arbitration is structured similarly to trials and aims to resolve conflicts. In imperial Rome, the absolutist regime established in the 4th century AD, which concentrated all powers in the emperor, affected the classical arbitration system based on private autonomy, contractual freedom, and good faith of the parties involved.

The introduction of the so-called *cognitio extra ordinem* procedure involved, as in all sources of law, a gradual state regulation of arbitration. However, private arbitration was so widespread among merchants that it not only remained in place but also gained in popularity. In 389, Emperors Arcadius, Valentinian, and Theodosius imposed the Christian holiday calendar on judges and arbitrators as a form of official arbitration proceedings. In 395, Arcadio, and Onorio classified private arbitration decisions as acts that remain valid. In 408, Emperors Arcadio, Onorio, and Teodosio included the *episcopalis audientia*, determining that decisions entrusted by Christian faithful to the archbishop were enforceable, even without the need for reciprocal stipulations.

However, it was Emperor Flavius Pietro Sabbazio Justinian, the architect of the *Corpus Iuris Civilis*, who transformed arbitration by giving it executive force if the arbitration agreement was duly documented and accompanied by a solemn oath. Although years later, having seen the negative results, Justinian himself prohibited sworn arbitration, revoking the direct effectiveness of the arbitral award, returning to the necessary solemnity of the written document.

At this stage, the characteristics of arbitration that, after fifteen centuries, are distinctive of its modern legal nature are established: the parties' right to use testimonial evidence obtained in arbitration proceedings in ordinary court proceedings; the effect of interrupting the statute of limitations from the moment the arbitration proceedings are initiated; speed, economy, simplicity, and clarity of the proceedings compared to ordinary proceedings; probity and specialization of arbitrators appointed directly by the parties concerned; confidentiality of the proceedings and admission of sources not provided for in state law.

In the post-classical and Justinian era, with the disappearance of the formulaic process, private arbitration was overwhelmed by the imperial urgency to consolidate any legal manifestation under its power. In any case, it survived above the ordinary process due to the costs, complexity, and duration of the latter.

Types of Arbitration in Rome

We cannot ignore the fact that Roman law recognized various forms of arbitration, which varied according to the degree of formality, the origin of the agreement, and the type of dispute:

- a. *Arbitrium boni viri*: This type of arbitration was based on equity and good faith, as the arbitrator decided the dispute according to his conscience, without strict adherence to positive law. It was used in family or neighborhood disputes, where trust in the arbitrator was essential.
- b. *Arbitrium ex compromisso*: Derived from a formal agreement between the parties, this arbitration was more structured and formal. The arbitrator acted as a private judge and his decision was binding. It was used in property or commercial disputes.
- c. *Arbitrium iudiciale*: Closer to the judicial process, this type of arbitration required the intervention of the praetor in the process of appointing the arbitrator. Although it retained elements of flexibility, it was governed by stricter procedural rules.

These modalities show an evolution from informal procedures to more organized structures, foreshadowing modern institutional arbitration. According to Fernández de Buján (2012), the Roman compromise agreement, *compromissum*, or arbitration agreement in current terminology, contains the agreement, *conventio*, of the parties to:

- Appear before the arbitrator, *arbiter*, or arbitrators, *arbitri*, chosen to settle the dispute;
- To comply with the requests for cooperation made by the arbitrator in the course of the proceedings; and
- To abide by and comply with the arbitral award, referred to in the sources as *sententia*—which, since Roman times, is the judicial decision with which the judges, *iudices*, conclude the proceedings—and also, on occasions, as *aestimatio*, *iudicium*, or *arbitrium*. The arbitrators themselves are sometimes referred to as compromising judges, *iudices compromissarii*.

Comparison with Contemporary Arbitration

Roman arbitration left a profound legacy that is reflected in today's legal systems. The autonomy of will, the neutrality of the arbitrator, and the binding force of the award are principles inherited directly from the Roman model. As Zimmermann (1996) points out, "the Romanist tradition has had a decisive influence on the configuration of arbitration as an autonomous legal institution."

Element	Roman Law	Contemporary Arbitration
Legal basis	<i>Compromissum</i>	Arbitration clause or arbitration agreement
Appointment of the arbitrator	By agreement between the parties	By agreement or arbitral institution
Nature	Private, flexible	Private, regulated by law
Effect of the decision	<i>Res judicata</i>	<i>Res judicata</i> , judicially enforceable
Enforcement	<i>Actio ex compromisso</i>	Action for homologation or compulsory enforcement

The influence of Roman arbitration can be seen in many contemporary legal systems. The French Civil Code, the German BGB, and the Italian Civil Code incorporate principles derived from the *compromissum*. Similarly, the Model Law of the United Nations Commission on International Trade Law (UNCITRAL, 2022) on international commercial arbitration includes elements that can be traced back to Roman law, such as the autonomy of the arbitration clause and the

enforceability of the award. In Latin America, civil and procedural codes, influenced by the Roman tradition, recognize arbitration as a legitimate mechanism for conflict resolution. In Ecuador, for example, the law establishes that there must be a prior arbitration agreement; the parties jointly appoint the arbitrator; the arbitrator may decide on the basis of law or equity; the arbitral award has the force of *res judicata* and may be enforced by the courts. All of this is clearly in line with the Roman principles cited above.

Conclusion

Contemporary arbitration proceedings have their deepest roots in Roman law. The *compromissum*, the figure of the arbitrator, and the extrajudicial resolution of conflicts are elements that have endured and evolved. Recognizing these antecedents allows us to appreciate the historical richness of arbitration and understand its role as an efficient and autonomous instrument of justice. The study of Roman law not only enriches our understanding of modern arbitration, but also reaffirms the validity of its principles in the search for more humane and consensual legal solutions.

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Latin American identity: a contribution to the construction of the Latin American legal system

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Introduction

Legal identity in Latin America originated as a rich and complex historical and cultural construct, resulting from the fusion of Roman-Iberian, indigenous, and African traditions. It is not only a European legacy, but also a process of legal and cultural mestizaje that has given rise to a unique, diverse, and constantly evolving system. This system, driven by the struggles for independence and the ideals of thinkers such as Simón Bolívar, has become a tool of resistance against colonialism and of affirmation of regional autonomy. In this context, emblematic figures such as Caliban become powerful metaphors for emancipation and the vindication of Latin American identity.

Identity and system

Giorgio La Pira, one of the founding fathers of the Italian Republic and professor of Roman law in Florence, wrote in a message sent to ASSLA in 1974 that "Europe and Latin America form a single spiritual, cultural, legal, and also in a certain sense social, economic, and political area, which Roman science solidly cements and unifies—*unitas et pax orbis ex iure*."

However, the recognition and, in a certain sense, the construction of this legal unity has been a long and complex process, marked by struggles and bloodshed, emancipations and regressions, subordination (not to say enslavement) and independence (Hugo, 2012).

From a legal point of view, which is relevant here, Latin America, compared to Europe, has experienced a long period of subjection to Spanish and Portuguese domination, which has in fact stripped it of its wealth, practically annihilating the indigenous component for this purpose, impoverishing the continent and hindering, until the early 19th century, the political and social growth of that mestizaje, which, on the contrary, had been forming the backbone from a social, cultural, and economic point of view. This mestizaje had found fertile ground here and had been able to form because of a kind of permeability which, unlike what had happened and was happening in other parts of the world (e.g., in Asia or North America itself), had given rise to a mixture of the dominant and the dominated to populate the vast lands available on the continent. This had given rise, as is clear to all, to the birth of a people that was certainly not European, but neither was it indigenous or African, but rather characterized by a dynamic synthesis in continuous evolution, in other words, by what has been effectively defined as a "totalizing mestizaje."

The liberation struggles have determined, with the expulsion of the European rulers, the overcoming of this situation, leaving behind, however, psychological debris that has in fact hindered the full self-awareness of peoples who, following Bolívar's dream, would have had every chance of forming a strong unity.

What Paul Koschaker warned about Europe also applies to Latin America: "Europe is not a geographical and natural fact, but a product of history." Thus, in the same way as "Europe," the name "Latin America" is not intended to identify a purely geographical or ethnic reality, but rather expresses a polysemic and multifaceted concept, to the point of bringing together elements of communion from a social, political, and religious, but also legal, point of view.

Moreover, Latin America constitutes practically an entire continent in itself, with its commonalities of life, language, and social customs, but also with the specificities and diversities of the peoples that compose it. From Simón Bolívar to José Martí to José de San Martín; from Pablo Neruda to Luis Borges, from Julio Cortázar to Gabriel García Márquez, from Mario Vargas Llosa to Eduardo Galeano; from José Vasconcelos to Leopoldo Zea, from José Enrique Rodó to Roberto Fernández Retamar, from Frida Kahlo and Diego Rivera to Oswaldo Guayasamín, multiculturalism, multi-ethnicity, and the syncretism of diverse ideas and traditions represent, in the various fields of knowledge and science, the very strength of that Latin American cultural identity, which these peoples have always tried to use as a weapon of resistance against the imperialist and interventionist tendencies of their uncomfortable neighbor to the north, always ready, on the basis of the Monroe Doctrine (and the subsequent 'Roosevelt Corollary'), to make its presence felt directly or indirectly (Sosa, 2010).

In legal terms, the issue of Latin American *identity* has always been the backbone of any attempt at unification, whether from the point of view of the organization of power or from the point of view of the regulation of relations between private individuals (Noël, 2004).

With reference to the first profile (organization of power), in these lands, the European model of the nation state has been implemented since the 19th century, based on a previous division into administrative units, typical of the Spanish organization, and with a substantial absence of nations, proving to be socially, culturally, and politically inadequate to offer 'fair' solutions to the problems of democracy and justice that those populations demanded: hence its widespread instability, evidenced by continuous revolutions and multiple coups d'état, and the desire for its renewal/refounding, also in Latin America.

From the point of view of private law, the influence and reception of the legacy of Roman law has been strong in Latin America, forming a true Latin American legal system of its own, which is in turn a legacy of the Roman tradition. This is a subject that is still practically misunderstood by jurists of European culture and training, afflicted as they are by a deviant Eurocentrism that leads them to underestimate the legal importance of this vast area of the world, which, while still recognizing itself as part of a common 'system' of Roman law, has its own unquestionable peculiarities. Far from constituting deviations from a model presumed (and erroneously) to be 'original', are nothing more than manifestations of how the system is in the hands of the peoples who adhere to it, who enrich it, who nourish it with new stimuli in relation to their own specificities and those of the geographical area (as well as the historical, social, and cultural era) in which they live.

This has led to the creation of a true Latin American legal system, that is, a set of principles, institutions, and norms that unite the peoples living from the Rio Grande to Ushuaia and which, taking the basis of the *Justinian Corpus* described above, through various stages, starting with the *Liber iudiciorum*, then the *Fuero Juzgo* and the *Siete Partidas*, and through a rich legal journey, find a point of arrival (in truth, nothing insurmountable) in the Codes and Constitutions of the modern states that occupy this geographical area today (Murillo et al., 2023).

This system, which derives from Roman law and is divided into various specialties, depending on the countries considered, has been a formidable weapon of resistance for Latin America, making it impervious to the influences of other legal cultures (and I am thinking first and foremost of the uncomfortable—now more than ever—neighbor to the north), thus constructing what we might call the "identity of the Latin American jurist" (Esquirol, 2006).

The latter constitutes, in my opinion, the broader framework within which the former must be inserted and contextualized. It is not useful here to dwell on the formation of the system: in short, we can say that it finds its point of origin in the body of law compiled by Justinian in the 6th century AD (the so-called *Corpus iuris civilis*) to build a 'temple of justice' and almost a 'citadel of law'; already in the mind of the Roman emperor it was destined, thanks to its continuous renewal and adaptation based on the irreplaceable work of jurists, to be valid forever, without spatial or temporal limits (*in omne aevum valituras*), essentially for all peoples who inhabited or would inhabit the globe.

Identity and legal unification

There have been numerous documented attempts over time to achieve legal unification in this geographical area, starting with the *Charter of Jamaica* of 1815 and the Angostura Address of 1819, in which the *Liberator* Simón Bolívar emphasized the reasons for unity in the subcontinent, and continuing through the many Congresses (Panama 1826, Lima, 1847 and then 1864; Santiago de Chile, 1856) and the *American Union Society of Santiago* in 1862. From the point of view of legal unification, I will limit myself here to recalling, leaving aside associative forms that are nevertheless very important, such as the Andean Pact, SELA, MERCOSUR, etc., the so-called *Bustamante Code* of 1928 and the more recent experiences of the 'model codes' and those of GADAL (, or *Group for the Harmonization of Law in Latin America*), which is widely represented here (Parola et al., 2019).

But even within the unique national legal systems, it is not difficult to see strong reasons for convergence. The principles and values conveyed in the Latin American system by Roman law (solidarity; anti-individualism; *favor debitoris*; *fides*; *bona fides*; *humanitas*, role of the human person, etc.), through a process of 'transfusion' or mutual influence, have infiltrated the unique legislations of Latin American countries, welding themselves with the rights of indigenous peoples into a cohesive and unitary bloc, which has rightly been defined as the '*Roman-Iberian-Pre-Columbian bloc*', to which the designation 'indigenous' may well be extended and which can only be read with the modern key of '*legal transplant*' by trivializing history and the dogmatic categories connected to it.

European and Latin American doctrine has continually sought to renew and adapt this *bloc* to concrete life: Roman law, which undeniably constitutes its living foundation, is thus appropriately woven into the legal tradition and, above all, into the worldview of indigenous peoples, to form

a 'counter-hegemonic globalization' that declines respect for the 'other', thanks to the rediscovery of the Roman value of legal pluralism and the revaluation of indigenous tradition itself.

The Latin American system, therefore, is not only made up of values transmigrated (or, if you will, 'transplanted') from the Roman-Iberian legal experience, but also consists of aspects that value the specific characteristics of the area from a geographical and cultural point of view, which, far from being 'a completely collateral branch of the European model' or, worse still, 'an often faded imitation' of the latter, present peculiarities which, by reworking the elements of tradition within them and mixing them with the indigenous heritage, in no way allow their originality to be denied. It is worth emphasizing here, in particular, the role of indigenous rights and local custom (all of which is very different from how we are accustomed to conceiving it in Europe), the reference to the general principles of law, the centrality of the human person in civil tradition, the coherent 'system' formed by the civil codes, tending towards the definition of 'standard codes' and 'model codes' for the entire area, and the important role entrusted to doctrine for the individualization of 'applicable law'.

Latin American identity: some examples

Many factors have contributed to shaping and even reinforcing the construction of this Latin American legal identity. We will quickly look at some of them, but I would like to focus on one figure in particular, a character from a Shakespeare play (Prieto, 2020).

The earliest stage of this 'identity' is perhaps constituted by the theory of the Fifth Empire of the Jesuit priest António Vieira (1608-1697), a Jesuit missionary priest in Brazil, famous above all for his strong defenses of the rights of Native Americans. In a letter sent to the bishop of Japan, André Fernandes, on April 29, 1659, Vieira reworked the prophecy of the prophet Daniel regarding Nebuchadnezzar's dream and prophesied a messianic role for the Latin American peoples, thanks to the advent of a Fifth Empire (after the Assyrians, Persians, Greeks, and Romans), Portuguese and Christian, which would be destined to dominate the world (Bordin & Paddeu, 2025). The dozen 'half-sheets' containing the prophecy ended up having a devastating impact on Vieira, who was subjected to the Inquisition, and, above all, ended up having unforeseen and unpredictable results in subsequent history, giving rise to a true messianic movement, Sebastianism, which in Brazil would lead to unimaginable results, such as the 'War of Canudos', recounted by Euclides da Cunha in his famous *Os Sertões*, in 1902, and will form the basis of the thinking of many successive scholars and men of culture (including the Portuguese writer Fernando Pessoa and the Peruvian Mario Vargas Llosa, both of whom, as is well known, were awarded the Nobel Prize for Literature, the philosopher Agostinho da Silva, and the film director Manuel de Oliveira).

In 1891, the Cuban writer, philosopher, and revolutionary José Martí, known as the Apostle, in his essay entitled *Nuestra América* (Our America), spoke of "Our Mestizo American Rome," arguing against the United States, which in his opinion unjustly adorned itself with the name "America" because it drowned its own children in blood: the reference, of course, is to the extermination of the Native Americans.

In 1925, Mexican writer, politician, and philosopher José Vasconcelos published a book entitled *La raza cósmica. Misión de la raza Iberoamericana* (The Cosmic Race: Mission of the Ibero-

American Race). In his view, Latin America was home to a distinct 'cosmic race', a kind of 'fifth race', in addition to the 'Amerindians', Europeans, Africans, and Asians. This 'race' would find its identity in territorial, cultural, and spiritual factors and would constitute an agglomeration of all the races existing in the world, regardless of color or origin. This race would be destined to found a new civilization, giving life to a new universal era of humanity, which he calls 'Universópolis' (Lores Velásquez, 2025).

Brazilian sociologist Darcy Ribeiro, in two works written at the end of the 1980s, speaks of a 'new Rome in the Indies', clothed in Indian and black flesh to build an 'enormous Latinidad'. I cannot say whether the reference is to the 'American Rome' of which Brazilian jurist José da Silva Lisboa had spoken as early as 1823.

Finally, in 1996, as a first trial of the new magazine '*Roma e America. Diritto romano e e comune*' (Rome and America. Roman Law and Common Law), founded that year by Sandro Schipani and now unworthily edited by myself alongside my friend David Esborraz, the great Chilean jurist Alejandro Guzmán Brito wrote an essay entitled *Mos latinoamericanus iura legendi*. Guzmán thus attempts to highlight the particular role played by jurists in these lands compared to their European counterparts.

Caliban in Shakespeare's The Tempest

However, I will use the minutes I have left to talk about another cultural model chosen as a symbol of Latin American independence and identity, also and above all from a legal point of view: Caliban (Gamboa, 2022).

Caliban (which has a certain assonance with *Caribbean*, but is also an anagram of *cannibal*) is the protagonist of Shakespeare's comedy *The Tempest*, performed at the court of James I in the summer of 1611, the last work entirely attributed to Shakespeare before his retirement to Stratford, where the poet would die five years later. In this comedy, Caliban is a repulsive monster, Prospero's slave. Prospero was the legitimate Duke of Milan who, together with his daughter Miranda, was abandoned in a rowboat in the middle of the sea by his usurping brother Antonio, to die. Prospero and Miranda survive and land on a small island, where Prospero, thanks to his knowledge of magic, subjugates all the characters on the island, including Caliban and Ariel, the spirit of the air. As the comedy unfolds, Prospero, taking advantage of a voyage that brings Antonio to sail near his island, unleashes a storm and sets in motion a series of events that lead him to reconquer the Duchy of Milan.

Caliban is the son of the witch Sycorax, who was banished from Algiers and abandoned on the island while pregnant with Caliban, dying before Prospero's arrival. He is described as a deformed monster with inhuman features, who is crushed by Prospero after attempting to rape his daughter Miranda in order, Caliban says, to populate the island with a race of Calibans. Prospero enslaves him, and Caliban, in collaboration with another character, Esteban, unsuccessfully attempts to kill Prospero and agrees to return to his service.

Caliban, conceived by Shakespeare as a comic figure, has over the years become a symbol of man's savage nature and quickly became a symbol of the anti-colonialist struggle, even though neither he nor his mother Sycorax were natives of the island.

Some reworkings

This character, once a simple brutal and savage creature, has been rediscovered as a symbol of the resistance of colonized peoples and the struggle for self-determination.

There are several examples of this.

Robert Browning (1812-1889), poet and playwright of Victorian England, speaks of Caliban as Rousseau's noble savage; he is later remembered in Oscar Wilde's *The Picture of Dorian Gray* and James Joyce's *Ulysses* as the one who does not want to look in the mirror for fear of discovering his deformity, and the Portuguese Fernando Pessoa sees in Caliban a premonitory satire of modern democracy.

Caliban in Ernest Renan

Ernest Renan was a French philosopher, historian, and writer, known for his works on the history of religions and the concept of nationalism. In 1871, Renan held a hierarchical view of civilizations, in which European cultures were seen as the pinnacle of human development, while non-European societies were backward and deprived of the autonomous capacity for progress. He believed that colonization was necessary to 'civilize' subject peoples by introducing them to Western institutions, languages, and values.

In this perspective, Caliban would represent the barbarian who, even after receiving the language and instruction of Prospero (colonizing Europe), remains intrinsically inferior, incapable of self-determination and destined to be ruled by a superior civilization. This reading enters into a paternalistic and deterministic logic that justified the European civilizing mission. In Ernest Renan's thinking, Caliban represents the figure of the colonized 'other', and his vision is linked to the concept of European cultural superiority, which justified colonization. For Renan, non-European peoples, such as those of the Americas, were seen as incapable of achieving the same cultural and civil evolution as European societies.

From a legal point of view, Renan's vision justified the imposition of a European legal system on colonized peoples. His conception of civilization as a unidirectional process in which Europe guides the 'barbarians' towards progress is reflected in the way colonial law was imposed as an instrument of domination. The legal systems of the colonies, often completely foreign to local traditions, were seen as the necessary 'cure' to bring order and progress. In the Latin American context, this translated into the marginalization and elimination of indigenous or native legal systems.

Caliban in José Enrique Rodó

Caliban also plays an important role in the thinking of Uruguayan writer and scholar José Enrique Rodó. In his philosophical essay *Ariel* (1900), Rodó contrasts the figures of Ariel and Caliban, seeing in the former the positive tendencies and in the latter the negative tendencies of the societies of his time. In particular, Rodó rails against utilitarianism, specialization, and materialism, which affect the richness of our minds.

Utilitarianism causes some individuals to specialize in very specific fields and, as a result of such specialization, they end up receiving an incomplete and distorted education: because of

specialization, an individual could be a genius in one aspect of life and completely inept in another, and this represents a mutilation of the person, because without a general understanding of life through knowledge, the person is no longer complete. The specialization of jobs causes societies to become underdeveloped, rather than evolving toward maturity, and this specialization causes societies to become mediocre.

Rodó rails against the concept of "Nordomania," that is, the attraction exerted by North America and Yankee materialism. He emphasizes the importance of regional identity and how it must be deeply rooted in each country. However, creating and maintaining regional identity is sometimes difficult due to external cultural and economic influences (Laguna Delgado et al., 2020). There have been many examples in Rodó's immediate past, most notably the Spanish-American War of 1898. Rodó argues that, although external influence from other countries can be beneficial, it could destroy the principles on which that particular country or region has been based since its inception. For this reason, Rodó argues that it is the responsibility of Hispanic American youth to contribute to shaping and maintaining regional and cultural identity to its fullest potential (Martínez Durango et al., 2024).

In Rodó's thinking, Latin America is Ariel, and the United States is Caliban.

Caliban in Aimé Césaire

In the adaptation of Shakespeare's comedy (*Une tempête*, 1969) by the French writer Aimé Césaire, originally from Martinique, Caliban rejects Prospero's offer to return to his master's service, and the play ends with Prospero's defeat and his departure from the island, symbolizing the triumph of the anti-colonialist movements: Caliban here becomes the symbol of the colonized and oppressed against the European colonizer. Césaire was among the founders of the literary movement of 'negritude' (*la négritude*), which sought to liberate African and African-American peoples from the inferiority complex imposed by the colonizers through the proud assertion of the unique qualities of black people (i.e., their 'negritude').

Aimé Césaire, who was also a deputy for Martinique and held important positions in the island's government, expresses through Caliban the rescue of black identity and opposition to the dehumanization imposed by colonialism. His work is distinguished by the intertwining of politics, poetry, and the struggle against oppression (Carpio Frixione, 2015).

Caliban in Roberto Fernández Retamar

This reading of Caliban as a symbol of submission to European culture is in stark contrast to Roberto Fernández Retamar (1930-2019), a Cuban poet, essayist, and intellectual considered one of the leading figures in Latin American postcolonial thought. In addition to being the author of the famous essay *Caliban* (1971), he was also editor of the Cuban cultural magazine *Casa de las Américas*, and his works deal with themes of decolonization, identity, and politics. His thinking has profoundly influenced contemporary Latin American critical theory and literature.

While Renan sees Caliban as an individual who must be civilized through the imposition of the colonizer's culture, Retamar vindicates him as a symbol of resistance and struggle for the self-determination of Latin American peoples. For Retamar, learning Prospero's language is not an act of subordination, but rather a tool for rebellion and reappropriation of one's own identity, transforming colonial culture into a means of asserting autonomy. Caliban represents Latin

America, which appropriates the colonizer's culture to reclaim its own identity and challenge the imposed domination (Santamaría, 2015).

From a legal perspective, Retamar's Caliban analyzes the concept of *identity* for the Latin American jurist and the role of law as an instrument of emancipation and resistance to neocolonialism. Retamar's 'us' contrasts with the 'other' imposed by the Eurocentric view, inviting authentic self-determination rooted in local traditions. While Renan saw the need for a European guardian for colonized peoples, Retamar asserts that Latin American identity is built precisely on conflict with colonial culture, recovering and readapting its own roots. This upheaval is crucial in the legal reinterpretation of decolonization: it is not just a matter of abandoning European legal institutions, but of building a new law, rooted in local historical and cultural experiences (Hurtado, 2020).

Conclusions

The various legal interpretations of Caliban lead us to reflect on the role of law in the colonization process and its subsequent reworking in terms of emancipation. Colonial law, used as an instrument of domination, has sometimes imposed legal models that are alien to indigenous and Afro-descendant realities, canceling or marginalizing indigenous norms.

However, during the 20th and 21st centuries, several Latin American countries have begun a process of legal redefinition of their own identities, including in their constitutions the recognition of indigenous communities and their rights. The example of the constitutions of Bolivia and Ecuador, which sanction *good living* as a legal principle and recognize legal plurality, shows how the reinterpretation of Caliban can be translated into concrete and institutional reforms.

For Latin American jurists, therefore, the challenge is to free themselves from a legal model imposed from outside and to construct a law that is an authentic expression of the demands and history of the peoples of the region. In this sense, Retamar's reflection provides an essential starting point for rethinking the role of law in the construction of an autonomous and conscious identity.

Fernández Retamar's work leads us to reflect on the existence of an ecosystem in the international order in which we all share the same fate. In particular, we must rebel against a world in which individuals "either succeed in jointly accessing (...) a truly ecumenical and supportive post-Western world, or human beings (...) will have proven to be (...) a vain dead end." In Latin America, Retamar points to the central theme of racial mixing and understands the culture of these peoples as "the daughter of the revolution, of our centuries-old rejection of all forms of colonialism."

He has also challenged the synonymy of civilizing and colonizing, which arose from the elevation of Europe as the only way of life with contempt for diversity, denouncing the inconsistency of those masks etymologically charged with adorning the gap between "civilization" and "barbarism." Retamar has refuted, in particular, the false dichotomy between developed and underdeveloped countries. On the contrary, the classification of the former as "underdeveloped" has been achieved thanks to the growth of the latter at the expense of the

majority. Central to this is the misery of Caliban, a metaphor for the price of the luxury of his eternal exploiter, Prospero.

The message we can draw from Retamar's essays and his reinterpretation of Shakespeare's Caliban is that, in this globalized world, under the subjugation of yesterday's colonizers, today's imperialists, it is forbidden to abandon those who bear the marks of pain and resistance.

In conclusion, we can affirm that, on the one hand, recognition of a *Latin American identity* and Latin American legal system does not conflict with the existence, also in Latin America, of unique national legal systems, which are at the head of each of the unique states that make up the subcontinent. On the contrary, it finds in them its necessary complement, and within them it unfolds, articulates itself, and is continually reworked and updated: it is, however, worth noting that an interpretation of a unique national legal system detached from the system to which it belongs would be completely lacking in systematicity.

On the other hand, this recognition has some broader and more long- mpplications, such as the recomposition of a supranational universal legal order, but also the overcoming of a rigid legal opposition between Europe and Asia and the opposition between *Western* and *non-Western legal traditions* (see Harold J. Berman), or the birth of supranational bodies (such as the BRICS), which tend to contain the overflow of the predominance of economic and financial bodies to the detriment of *bonum et aequum*, in which, according to the teachings of the Roman jurist Celsus, legal matters are resolved.

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The Future of Legal and Human Education: Lessons from Roman Law in the Age of AI, Digitization, and Quantum Computing. A Proposal for 2030

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The Crossroads of Education in the Technological Age

Contemporary education is facing an unprecedented turning point, catalyzed by what has been called the "triple technological revolution" of AI, digitization, and quantum computing (Ferrerl, 2023). This confluence of disruptive technologies not only alters traditional teaching and learning methods, but also challenges the very foundations of teaching authority, knowledge construction, and citizenship training. Against this backdrop, the central question of this essay arises: how can education navigate this transformation without sacrificing the ethical and humanistic principles that have underpinned comprehensive education throughout history?

Paradoxically, the answer can be found in one of the oldest traditions of Western thought: Roman law. Often confined to legal history textbooks, its legacy is, in reality, a living system with extraordinary dialogical potential (Méndez Chang, 2019). The relevance of Roman law does not lie in the mere application of its rules, but in the validity of its methodological principles and its systemic vision. The Twelve Tables (450 BC) (Rosales de Angulo, 2023), as the first written and accessible legal code, democratized knowledge by making it publicly available, setting a precedent for transparency that resonates today in the open access movement (Cartwright, 2016). For its part, Justinian's *Corpus Iuris Civilis* (529 AD) not only systematized centuries of jurisprudence, but also laid the foundations for a revolutionary pedagogical method based on critical case analysis and doctrinal synthesis (University of California Berkeley Law [UCBL], 2025).

This paper proposes that the lessons of Roman law, when combined with a new pedagogy inspired by analogies from quantum physics, offer the conceptual framework necessary to construct a new educational model. To guide this exploration, a central analogy will be used: Roman law as a "city under construction" (López and López, 2022). Each stage of its construction, from its foundations to its inhabitants, is connected to a fundamental pillar of the education of the future and a specific technological challenge. The method used is a theoretical-critical analysis that triangulates the history of law, the sciences of education, and technological foresight in an interdisciplinary manner (Pupo Parra, 2019).

Foundations of a Reborn Education: Lessons from the "Roman City"

The Foundations: The Twelve Tables and Algorithmic Transparency

The Twelve Tables represent the foundations of the "Roman city" (Martinus Hertogh, 2024). As the first legal code written and publicly displayed in the Forum, they broke the monopoly on legal knowledge held by the patricians and pontiffs (Sánchez Carrera, 2025). Cicero considered them "the source of all law," not because of the specificity of their rules, but because of the principle of publicity and accessibility they established (Cartwright, 2016). This democratization of knowledge was the cause of a more just and orderly social system:

"Therefore, custom—both today and in ancient Rome—was not a guarantee of an effective or complete solution to a legal conflict, much less a generator of solid foundations for a fair trial; it was only an instrument of justice intended for partiality." (Solís Gózar, 2023, p. 144)

The lesson of the Twelve Tables translates directly into the need for *algorithmic transparency* in the education of the future (Torres Pineda et al., 2025). AI algorithms used in teaching, whether to assess student performance or to personalize curricula, act as the "laws" that govern access to knowledge and opportunities. If these systems are opaque, or "black boxes," they can replicate and amplify human biases based on gender, ethnicity, or economics, thereby perpetuating inequality (Rodríguez Degiovanni, 2024). The Roman principle requires future lawyers and educators to learn how to "audit algorithms" to ensure that the foundations of digital education are equitable and transparent from the outset (Council for Transparency, 2020). This transparency is the basis for the Systematization of Knowledge and Digitized Jurisprudence in the new educational model, ensuring that the data and underlying logic are accessible for learning and criticism:

"One of the keys to the digital transformation of justice is efficiency in resource allocation and budgetary and environmental sustainability. This involves reusing existing technological resources in order to avoid duplication in the creation of platforms, infrastructures, and technological tools." (Hernández Carrión et al., 2025, p. 213)

Flexible Walls: *Aequitas* and Human Ethics in the Digital Age

With the foundations laid, the "Roman city" needed "flexible walls" to adapt to human needs, finding a metaphorical relationship that illustrates the tension between the rigidity of the first written laws and the adaptability required by a constantly evolving society (Holleran & Claridge, 2018). *Aequitas*, the principle of equity, emerged to mitigate the rigidity of the Twelve Tables, allowing praetors to adjust the law to specific cases (Escobar Córdoba, 2010). This philosophical principle teaches that justice is not only the literal application of a code, but an act of humanistic discernment that considers the "spirit of the law" above its "cold letter" (Uscatescu Barrón, 1993).

In the age of AI, which operates with algorithmic and often binary logic, *aequitas* becomes an essential compass for algorithmic ethics (Burgos Mariscal et al., 2024). Legal and humanities

education must train professionals to design AI systems that are not only technically efficient but also morally fair.

This involves developing robust professional ethics and comprehensive training that enables future lawyers to face complex dilemmas, such as the "cyclical ethical effect" where biases inherent in human data are encoded and amplified by AI (Frazier, 2023) . The principle of *aequitas* is a reminder that technology must serve human justice, not the other way around.

The Master Plan: *Corpus Iuris Civilis* and the Systematization of Big Data

Over centuries, the "Roman city" grew chaotically, with disordered laws and opinions (Jolowicz & Nicholas, 2008) . The *Corpus Iuris Civilis*, compiled under Emperor Justinian , acted as a "master plan" that organized all legal knowledge into a coherent system (Millner & Kiralfy, 2025) . This monumental effort, a precursor to modern *big data*, not only unified the law but also established a pedagogical method that founded the European university model (Bueno Delgado, n.d.).

In the age of digitalization, humanity faces a similar "infocication," with an explosion of educational information and data. AI has the potential to act as a "digital urban planner" (Hernández et al., 2021), organizing this chaos of information through adaptive learning algorithms, the modern equivalent of the *Corpus* for Personalized Learning. However, the Roman lesson is that this systematization must prioritize critical understanding over memorization (Conteras Rivera et al., 2025). Students must be trained not only to consume digital knowledge, but also to curate, navigate, and structure it, which is essential for advanced research and the development of legal thinking in the era of big data (Valarezo et al., 2025).

The Inhabitants: The *Civitas* and the Quantum Digital Citizen

A city is not complete without its inhabitants, and the "city" of Roman law came to life through the *civitas*, or citizenship. The *civitas* was not only a legal status, but a collective identity that united individuals with rights and duties (Burdick, 1938) . This principle represents the culmination of the educational process: an individual who applies the transparency of the Tables, the fairness of the *aequitas*, and the systematization of *the Corpus* in their active participation in society.

The true goal of legal and human education in the future is to train a new type of *civis*: the *responsible digital citizen*.

The era of quantum computing presents a new frontier for this concept. As quantum simulations are used to solve global problems, such as drug design or climate modeling (Balarabe, 2025) , citizens will not only need to understand their online rights, but also participate in the creation of ethical regulations for these disruptive technologies. The *civitas* of the 21st century is a global and intertwined identity, cultivated through comprehensive education and manifested in global collaboration and professional development.

Quantum Physics as a Pedagogical Methodology: Towards a New Model of Legal Thinking

The analogies of quantum physics not only serve as metaphors for technology, but also offer an innovative pedagogical language for legal thinking. The principles of quantum physics, being abstract and counterintuitive, challenge linear thinking and complement the humanistic foundations of Roman law (De La Peña, 2014) .

These coupled phenomena, viewed from an analogical perspective, lead to the following:

Table 1. *Fundamental Phenomena*

Quantum Phenomenon	Technical Definition	Application in Legal Education	Practical Methodology
Quantum Superposition	Superposition is the ability of a quantum system to exist simultaneously in multiple states until the moment of measurement, when it "collapses" into a specific state.	Multiple Case Pedagogy: students analyze a case from various perspectives (civil, criminal, constitutional) until the analysis "collapses" into the most appropriate solution.	- Present a case with multiple possible legal interpretations. - Keep all interpretations active. - Use Socratic debate to "collapse" toward the most solid one. - Example: Ambiguous contract with interpretations in commercial, civil, and consumer law.
Quantum Entanglement	A phenomenon where two or more particles are correlated in such a way that the state of one instantly affects the state of the other, regardless of distance.	Interconnected Collaborative Learning: one student's progress directly impacts another's understanding.	- Study teams with expertise in different areas of law. - The resolution of a contractual problem by one student improves another's understanding of civil liability. - Use of digital platforms that interconnect learning. - Example: Student network where mastery of Roman law enhances another's understanding of modern civil law.
Heisenberg's Uncertainty Principle	It is impossible to know simultaneously with absolute precision the position and momentum of a particle.	Controlled Ambiguity in Learning: recognizing that knowing the "letter of the law" perfectly can limit understanding of its "spirit," and vice versa.	- Teach how technical precision in regulations reduces interpretive flexibility. - Develop skills to navigate between legal certainty and equitable justice. - Exercises that require choosing between legal

			precision and judicial flexibility. - Example: Rulings where strict application of the law leads to injustice.
Quantum Tunneling Effect	Phenomenon where a particle can pass through an energy barrier that would normally be impenetrable.	Overcoming Legal Paradigms: finding legal solutions that transcend seemingly insurmountable barriers.	- Cases with innovative solutions that overcome restrictive precedents. - Creative legal thinking that "transcends" limitations. - Study of historic rulings that broke paradigms. - Example: Environmental law that "crosses" the barriers of traditional property law.

Table 2. Intermediate Phenomena

Quantum Phenomenon	Technical Definition	Application in Legal Education	Practical Methodology
Quantum Decoherence	Process by which a quantum system loses its quantum properties due to interaction with the environment.	Contextualization of Learning: recognizing how the social, economic, and political context affects pure legal interpretation.	- Analysis of how external pressures modify the application of legal principles. - Study of law in different socioeconomic contexts. - Simulations where external factors alter "pure" legal decisions. - Example: How economic crises change the interpretation of contracts.
Quantum Complementarity (Bohr's Principle)	Certain pairs of properties cannot be observed or measured simultaneously with precision.	Complementary Perspectives: different approaches to law that are mutually exclusive but necessary for a comprehensive understanding.	- Integration of positivist and natural law approaches. - Alternate between substantive and procedural law. - Balance legal theory and professional practice. - Example: Study a case from the perspective of the victim and the accused (not at the same time).
Quantum Locality	Correlations between Non-systems that cannot be explained by local interactions.	Cross-cutting legal connections: decisions in one area of law immediately impact other seemingly unrelated areas.	- Interdisciplinary study showing unexpected connections. - Analysis of precedents with effects on multiple branches of law. - Cases where a decision in commercial law affects labor or civil law.

		- Example: A ruling on artificial intelligence that simultaneously impacts copyright, privacy, and civil liability.
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Table 3. Advanced phenomena

Quantum Phenomenon	Technical Definition	Application in Legal Education	Practical Methodology
Quantum Measurement and Wave Function Collapse	The act of measuring a quantum system causes it to "collapse" from multiple possible states to a single defined state.	Judicial Decision as Measurement: multiple possible legal interpretations are resolved in a specific decision.	Mock trials where students experience the "collapse" of multiple arguments into a specific decision. - Analysis of the judicial decision-making process. - Study of how the formulation of legal questions conditions the answers. - Example: Moot courts where various arguments converge in a verdict.
Quantum interference	Phenomenon where quantum waves can reinforce or cancel each other out.	Synergy and Normative Contradiction: analysis of how different norms can reinforce or cancel each other out.	- Study of constructive (reinforcement) and destructive (cancellation) normative conflicts. - Analysis of legal principles that reinforce each other. - Identification of norms that contradict each other. - Example: The presumption of innocence reinforces the right to defense, but may interfere with the victims' right to the truth.
Wave-Particle Duality	Quantum objects can behave as waves or particles	Normative-Casuistic Duality: law can be understood as a system of general rules	- Alternation between the study of general principles and specific cases.

depending on how they are observed.	(wave) or as specific cases (particle).	- Analysis of how the method of approach (abstract vs. concrete) changes legal understanding.
		- Exercises in conceptual flexibility between rules and cases.
		- Example: Studying civil liability as a general principle versus its application in specific cases.

Based on the above tables, it is worth noting:

Multiple Case Pedagogy and Socratic Thinking

The phenomenon of *quantum superposition* (Danis, 2025) , where a particle exists in multiple states simultaneously, applies to "Multiple Case Pedagogy," which is not an established term in current academic literature. In this methodology, students analyze a legal case from multiple perspectives at once (e.g., civil, criminal, and constitutional) until Socratic debate or deep analysis causes it to "collapse" toward the most robust solution.

This technique is not a new concept, but rather a modern metaphor for the ancient Roman practice of *responsa prudentium* (Fuenteseca, 2006) , where jurists considered multiple solutions to a case. The "collapse of the wave function" becomes an analogy for the judicial decision, which resolves ambiguity and defines a final state. This approach develops Argumentative Skills and encourages richer Interactive Practice. Controlled uncertainty, inherent in Heisenberg's Uncertainty Principle (Freire, 2024) , is a pedagogical tool for navigating the tension between legal certainty and equitable justice.

Collaborative Learning and Global Interconnection

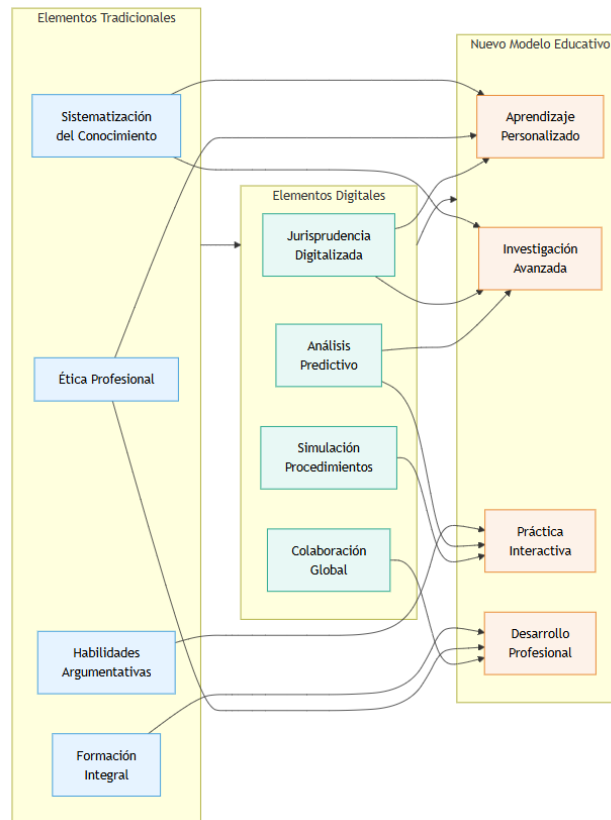
Quantum entanglement, where two particles are correlated in such a way that the state of one instantly affects the state of the other regardless of distance, applies to "Interconnected Collaborative Learning" (García-Chitiva, 2021) . This analogy goes beyond simple collaboration: it connects with *quantum non-locality* (Dourdent, 2025) , suggesting that decisions in one area of law can immediately affect other seemingly unrelated branches. A ruling on an AI algorithm can simultaneously impact copyright, privacy, and civil liability (Andruet, 2022) .

This interconnection is the theoretical basis for Global Collaboration and Professional Development in the new model. Education must foster these "cross-cutting connections" and networking through digital platforms (Sloep & Berlanga, 2011) , preparing students for a legal world without borders.

The New Educational Model: A Proposal for 2030

Analysis of the Diagram

Figure2. From Map to Territory



Note: Prepared by the author

The conceptual diagram of the Educational Model summarizes the proposal, presenting a map of causal relationships between Traditional Foundations, Digital Elements, and the New Educational Model. Traditional foundations, anchored in Roman principles, are not replaced, but rather enhanced by technology. For example, the Systematization of Traditional Knowledge is merged with Digitalized Jurisprudence (a digital element) to generate Personalized Learning (a pillar of the new model). Similarly, Professional Ethics (Roman *aequitas*) is a requirement for Predictive Analysis (digital element) which, in turn, enables Advanced and more relevant Research. Argumentative Skills (the quantum pedagogy of superposition) manifest themselves in Procedure Simulation (a digital element) to perfect Interactive Practice. Each arrow in the diagram represents a synergistic integration, where technology acts as a bridge to bring the humanistic principles of the past into the educational practice of the future.

Prospective Framework: Strategic and Synergistic Links

The following table presents a summary of the conceptual framework, demonstrating the coherence and depth of the proposal by linking Roman principles, quantum analogies, and the pillars of the new educational model.

Table 4. *Strategic and Synergistic Links*

Roman Principle	Analogy of the City	Quantum Phenomenon	Pillar of the New Model	Lesson for the Digital/Quantum Age
Aequitas (Equity)	Flexible Walls	Principle of Uncertainty and Decoherence	Professional Ethics and Comprehensive Training	Adaptation of the law to the human context and algorithmic ethics.
Ius (Justice)	N/A (implicit in inhabitants)	Measurement and Collapse of the Wave Function	Interactive Practice and Professional Development	The judicial decision as a conscious process that resolves multiple possibilities.
Systematization	Master Plan of the <i>Corpus Iuris Civilis</i>	Wave-Particle Duality and Interference	Personalized Learning and Advanced Research	Organizing massive knowledge (big data) and navigating regulatory synergy.
Dominium (Property)	N/A (implicit in the city)	Entanglement and Non-Locality	Global Collaboration	Define intellectual property in interconnected and collective data environments.
Civitas (Citizenship)	Active inhabitants	Overlap and Tunnel Effect	Comprehensive Training and Global Collaboration	Overcoming legal paradigms and training citizens to audit and participate in technological governance.

Critical Discussion and Projections: Challenges and Opportunities

Reflections on Feasibility and Risks

The implementation of this forward-looking educational model is not without its challenges. The original draft identifies the persistence of a "digital divide" (Rodríguez Gallardo, 2006) , where millions of people lack internet access, which threatens to become a new "quantum divide" (Wiseman & Milburn, 2010) , if access to advanced infrastructure remains restricted to a technological elite. Without the compass of *aequitas* and *civitas*, technology will not only fail to resolve inequality, but will magnify it. It has been argued that human biases, encoded in AI training data, can generate a "cyclical ethical effect" (Ramírez Autrán, 2023) , reinforcing discrimination in outcomes. The lesson of the Twelve Tables on the democratization of knowledge is more relevant than ever to mitigate this risk.

Strategic Recommendations and Roadmap to 2030

To build this educational "city," the following strategic steps are proposed, anchored in Roman principles and quantum analogies:

- **Curriculum Reform:** Curricula should be interdisciplinary, integrating modules on the history of law, algorithmic ethics, and quantum programming into education and law programs. This recommendation, inspired by *systematization* and *entanglement* (Nambiar, 2024), ensures that future professionals understand the interconnection between disciplines.
- **Public Inclusion Policies:** Anchored in *aequitas* and the ideal of *civitas* (UNICEF, 2023) , policies must be established to guarantee universal access to educational technology. The creation of a "Global Digital Equity Fund" is proposed to finance connectivity and training in algorithmic ethics.
- **Promotion of Research and Collaboration:** Based on the concept of *dominium* and *non-locality* (Nielsen, 2012) , "quantum consortiums" should be created for collaborative research in education. In these spaces, the knowledge generated by advanced simulations would be treated as a *res communis* (common good), balancing individual rights with open access for social advancement.
- **Regulatory Frameworks:** Regulations should be developed to audit the transparency of AI algorithms in education, taking as a model the impartiality and publicity of Roman Public Law (Frischmann et al., 2014).

Conclusions

This essay has demonstrated that Roman law is not merely a subject of historical study, but a vital source of principles for the design of future education (). By merging Roman wisdom on transparency, equity, systematization, and citizenship with the new pedagogy of quantum analogies, it is possible to construct an educational model that trains lawyers and citizens capable of navigating the complexity of the digital and quantum age. The true educational revolution will not be merely technological, but ethical-legal. In 2030, an education inspired by Rome, but applied to the era of algorithms and qubits, will shape digital citizens who use technology critically (based on the principle of *ius*), demand equitable access (guided by *aequitas*), protect

their personal data (following *dominium*), and organize complex knowledge for the common good (based on *systematization*). As Cicero stated, "Justice is the foundation of societies," and in the future, this justice must be digital, quantum, and, fundamentally, human.

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Artificial Intelligence, Technology, and Education

Approaching complex topics outside the classroom with gamified transmedia narrative

Adaptation of ¡Déjame Ser!: flexibility and consistency

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Introduction

We investigated methodologies that facilitate the adaptability of the ¡Déjame Ser! Project in different contexts with the aim of validating its application in nodes anywhere geographically, in the immediate future, within the framework of ever-changing social situations in each location. We want adolescents and young people to solve the connection problems that arise in their place, at a given moment, without ceasing to relate them to the transmedia map framework. We ask ourselves what factors need to be taken into account to facilitate the production of pieces and activities that are adapted to the local cultural reality and historical moment, while also belonging to the narrative universe of the project, for those who manage the node and those who moderate it.

We want to make our mistakes and successes available to other researchers and gamified transmedia entrepreneurs who wish to venture into education plans outside the classroom. In addition to taking a practical step towards the implementation of ¡Déjame Ser! (Let Me Be!), the lessons we are learning may be useful for other projects. Let's look at some of the particularities that challenge us. First, it was decided not to create, at least in principle, our own narrative universe. In our case, we chose to use the video Sunshine by Brazilian Guilherme Marcondes, produced for DayOne in 2018 in the US, as our main story. It is a production designed to be used globally, created elsewhere. We believe this is a positive factor because we wanted the project to be replicable outside our borders. This animated video was known and used by those working with teenagers in Uruguay. We thought it was excellent material for developing side stories that would allow us to reflect on how characters are constructed in real life from childhood and how they end up in toxic relationships. This immediately opens up side issues, related problems that build a complex system, ideal for working with gamified transmedia.

Our transmedia map involved producing canonical material without us being the authors of Sunshine. For this reason, in a way, our canon can be considered a fandom for Sunshine. This should not be confused with the meaning of the term when we apply it to the project. When we use the word canon, we are referring to the pieces proposed by ¡Déjame Ser!, which have various authors. In addition, participants create fandom products in the activities.

The second atypical factor of the project is that it operates in nodes that, in addition to sharing a narrative universe, objectives, and practices, must have their own identity. Those who manage the nodes must ensure that activities are moderated with their fandom production, but there is a new factor that we must resolve: it involves canon production to address the issues of the place at any given time. Each node should have canon authors available. Normally, canon is produced

centrally. Fandom is what has dispersed and heterogeneous authors. In this research, we apply participatory design to develop methods that allow future authors of nodes created in other countries to create canon pieces.

Given that the main story was created in New York and the first side pieces in Montevideo, the next step is to have canon pieces created in different places around the world with different situations. This is not difficult when it comes to fandom, but we need the project's canon to contain this diversity without straying too far from the narrative universe. That is, the places and characters of Sunshine. The tension between flexibility and consistency is a challenge. What happens in one place must be shown in a way that is understandable to other places in the narrative universe, while allowing the fandom to be 100% local.

Another problem we have investigated is how to produce them. Some nodes may have professional staff, while others may not. Audiovisual artists, storytellers, computer scientists, philosophically gifted individuals, and psychologists often emerge from the fandom. They appear over time and are reflected in the fandom productions of various popular transmedia. Node managers may be people with good intentions, but without the time, technical knowledge of audiovisual production, or equipment.

Flexibility is geared towards identifying the project with the vision of self-realization that exists in the cultural fabric of the node, and with the predominant connection problems. Sometimes they are permanent, but they can also be emergent. For example, in Montevideo in 2024, calls for mass fights in public places were made for no apparent reason, creating a trend. Another more widespread example is the tendency toward isolation and school dropouts following the pandemic. How can these be integrated into the transmedia map?

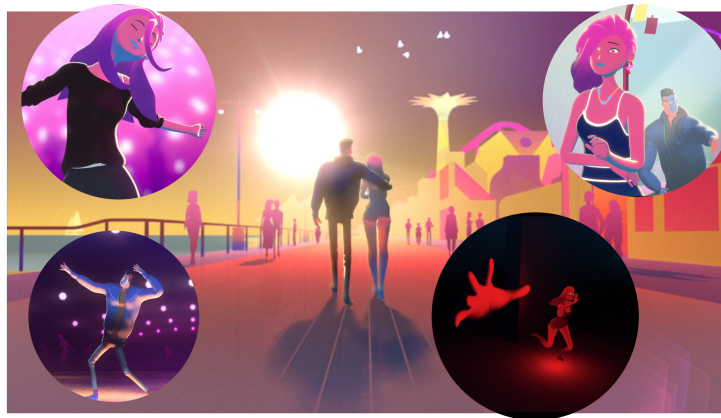
Consistency with the project is not limited to trying to integrate each piece as best as possible into the narrative universe with the same places, characters, and the same artistic proposal. New pieces must be connected through migratory clues or narrative gaps with the main story or some existing side piece with the aim of facilitating the connection of themes to develop the ability to relate. The treatment of something that happens in a place at a certain time should not become an isolated, disconnected theme.

Consistency with the project's methodology involves relating problems and solutions, deepening understanding, developing critical thinking, and the ability to address complex issues. It involves overcoming superficiality, preventing dialogues from being limited to the repetition of simple, prefabricated responses corresponding to the different positions present in a group or in society. Moderators must encourage participants to venture into thinking for themselves about causes, effects, and possible solutions. The creation of transmedia pieces and activities is a necessary input to achieve this.

General description of the project

The overall objective of the project is the self-realization of participants with others. It uses a video about dating violence as its main story. It focuses on resolving relationship problems through gamified transmedia storytelling. Side pieces were added to address other related relationship problems in a gamified way.

Figure 1. *The main story: Sunshine (Marcondes, 2018).*

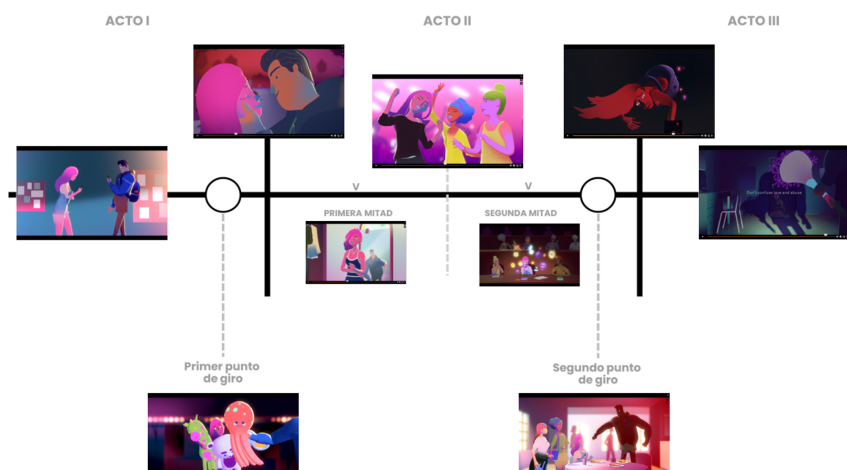


Source: <https://www.guilherme.tv/day-one> Day One <https://www.dayonyeny.org/>

It is appropriate to show how two young people who could achieve self-fulfillment (images on the left) end up in a toxic relationship that seems to continue in a loop (images on the right).

It is a three-year plan, mainly aimed at teenagers and young people. Today, it is focused on the participatory design of the first year, through testing in small groups with the aim of obtaining a proven and improved experience and methodology that can be applied in extensive nodes in various parts of the world, adapting it in a flexible way.

Figure 2. Dramatic structure of Sunshine



Source: Own elaboration based on video captures.

The project sought moments within the original story created by Marcondes to insert strategic gaps, migratory clues, or emotional links that could give rise to side stories, a necessary step in building the transmedia map.

productions for the contests, reflecting on the topics. At the end of each month, the winners are inducted into the YouTube Hall of Fame.

There are different narrative pieces, videos, comics, texts, audios, games, branching scenarios, role-playing games. Discussion and fandom production contests (virtual and in-person) are encouraged. Teenagers must think about the issues addressed in the narrative universe or in their own world. It involves striving to understand how they arise, not just accepting the answers they hear, prejudices, or simplistic solutions. The aim is to present solutions in a playful way.

The current priority of the Project

As this plan is intended to be applied outside the usual educational frameworks, the role of node managers and moderators in each location is very important in order not to leave the results to chance. Flexible replication requires special care. Current research seeks to provide input so that replication of the plan does not obscure its essence. Participants' output should develop their critical thinking through live dialogue or through devices. Intrinsic motivators (the satisfaction of solving something that is affecting a colleague, a family member, or society) and extrinsic motivators (being valued by others and possibly winning prizes by having productions exhibited in a Hall of Fame on YouTube) must be taken into account. The aim should always be to make the experience memorable, even if it is very different in each node.

At this point, the research focused on essential challenges prior to replication. We asked ourselves if we could create and propose a general method that would facilitate adaptation to different situations and make it available to node managers and moderators. We are interested in promoting the production of transmedia canon pieces for a node at a given moment and subsequent activities that generate fandom production related to the theme. Those who manage and moderate nodes in the future will not necessarily have all the possibilities, so we must provide them with tools to strengthen this aspect. This research was conducted with the intention of learning from our audience what the best practices are for performing this task.

The original canon is now overlaid with new elements marked in red, which need to be created, and lead to others marked in yellow, which need to be moderated, where participants will create their fandom products for the contests. As before, the winners will now also be inducted into the YouTube Hall of Fame.

We believe that the validation of this process is necessary for the Project to be able to resolve the specific connection problems of participants at any given time and in any given region without losing sight of the connection with related topics on the transmedia map. The interconnection of the new narrative pieces with the overall structure is intended to encourage critical thinking and avoid the superficial treatment of each new topic in a disconnected way that is far removed from the lives of the participants. In addition, it allows participants to continue to reach the narrative universe through different personal paths. It would not be advisable to add the new topic with a totally disconnected case. We do not wish to leave this problem to those who implement the Project without proposing methods and making the lessons learned available for application.

Research

The creation and rapid inclusion of pieces on emerging topics that arise at a given moment in a node to resolve connection problems involves multiple challenges. We have selected the following:

- How to create cases that integrate into the narrative universe?
- Which characters to choose?
- How can we create narrative pieces with a quality consistent with canonical content?
- How can we produce activities to encourage playful fandom production that involves reflection on the part of participants?

For each question, we chose a hypothesis that would allow us to easily create transmedia pieces and activities within the style of the main story. We took into account that in some nodes there may be audiovisual and IT production companies or people trained to produce professional-quality material, while in others there may only be basic materials and someone with good will but no knowledge or skills. We opted to create methods and products closer to the minimum technical possibilities than to the maximum. We left open the possibility of higher quality production for those who could take advantage of it. After applying them with a group of students, we took notes on the successes and mistakes. In addition, we set out to add new challenges that we could perceive in the testing. The testing and participatory design were carried out in the classroom, with direct observation of the participants' dialogues and actions.

Why did we take on this challenge? Traditional education is in crisis despite the application of new pedagogical theories in schools and universities. Classroom proposals try to adapt, with varying degrees of success, to a world that is advancing more rapidly. Alvin Toffler (1980) said that the education system is based on the model of the first schools that prepared students to work on the assembly line. We can add that this type of work was the first to be automated and is now done by robots. It is not surprising that the emergence of generative AI causes fear because people have continued to be trained for other jobs that can be replaced by machines. Toffler has emphasized the need to develop critical thinking and decision-making skills.

The new generations make use of other virtual and face-to-face spaces that they consider their own and which, in fact, already constitute a more attractive learning environment. However, countries organize educational plans based on a collective imagination that has not been able to completely detach itself from the idea of mass production. Meanwhile, people have sought other ways to learn. Why not consider educational plans outside the formal system so that society can develop the ability to discuss different solutions to complex problems? According to Bas (2014), an educational system that wishes to develop innovation in young people must meet five conditions: pragmatism, contextualization, sustainability, global vision, and strategic vision. This implies a structural reform of the educational system, with the aim of integrating it into a national innovation system to maximize the competitive and creative potential of participants.

Connectivism emphasizes the importance of diversity of opinion and the individual's ability to develop autonomy and participation in virtual networks Siemens (2004). It has been criticized for promoting superficiality. The idea of diversity of opinion that can be found on networks has fallen by the wayside due to the application of algorithms that personalize the information displayed to each user based on their profile. Bias bubbles are created because networks sell advertising

and seek clicks. It is increasingly difficult to see what contacts post on Facebook and easier to be distracted by other content "of interest."

If users only receive content that matches their preferences and extremely opposing opinions (which are intended to provoke outrage that generates clicks), the polarization of opinions and the uncritical reaffirmation of one's own ideas increases. This does not help collaboration between different contacts on a topic. We can conclude that simply using social media is not enough. Being able to connect does not guarantee quality or depth. Pløn Verhagen (2006) argues that connectivism does not present anything new that is not already in other learning theories. It is necessary to develop strategies to address complex problems outside the classroom, where people connect and learn.

Although networks are losing their usefulness with their new algorithms, there are spaces where there is collaborative knowledge construction that allows superficiality to be avoided if implemented properly. The public also gathers to play in virtual spaces, watch movies and other narrative pieces from the same universe, and create fandom- r productions. The industry offers the experience of gamified transmedia. Motivational design applies these techniques to bring about change in an organization or in public welfare campaigns. Educational plans have begun to take advantage of this possibility within the framework of formal education. We believe that its true potential lies outside the classroom, as a cross-cutting resource that complements formal institutions. The main obstacle is that the collective imagination continues to excessively associate "education" with classrooms.

The context in which the idea arises

How did we get here? We have noticed in Uruguayan basic education, Plan Ceibal, UTU, and private schools, that adolescents and young people who seem to have an aversion to solving problems presented in class, communicate in monosyllables and show disinterest in everything the educational center proposes, are enthusiastically engaging with complex problem systems proposed by some video games. They create and share solutions in videos and messages on social media. The games contain narratives with cases and problems to solve that simulate real or fantastical phenomena, complicated processes that have rules. There is learning, but it is taken as a distraction. In the last decade, workshops have been working on issues such as dating violence, abuse against adolescents, and bullying. We noticed that the most affected children, victims of violence at home, escaped by playing games where they killed enemies on a screen. Others, victims of bullying at school, watched fights between students from other schools on YouTube or mocked their classmates on social media. We thought it was too violent for them to talk directly about what was happening to them, but in some way they were doing something related to their problem, even if it was not in the desired direction.

We asked ourselves, could we help them resolve their relationship issues by sharing solutions on social media or other equivalent spaces? Each person was interested in what affected them personally and there was a tendency to be indifferent to the problems of others. We found that underlying issues emerged that could serve as connectors: hierarchies among peers that turn into domination, toxic relationships, and rejection of what is perceived as different. Consequences such as low self-esteem, isolation, and low tolerance for frustration appeared, which turned into fights.

We thought that if each person discovered that the problem affecting them had a common relationship or background with the problem of others, it could encourage collaboration and reduce indifference. The virtual space where they sometimes celebrate fights, mock classmates, and play at being winners at the expense of those who lose—lessons that motivate the creation of relationship problems—could motivate them to look in another direction. It could encourage them to compete to solve what is hurting their friends. We have found that teenagers went from feeling like heroes for dominating others to being recognized for building solutions for the group.

Based on previous experiences in the classroom, we have created flowcharts that present the challenge of connecting various relationship problems to find the connections between them. Students were invited to think about life's problems as if they were a video game. What are the rules, the mechanics? What can you do to achieve what each character wants? Thinking about decisions and consequences, menus applicable to real life, missions, and results as in a game, reduces the emotional burden that causes participants to escape. It avoids superficial attitudes such as giving the answer that is expected of them.

Students escape with proposals outside the classroom that seduce them into naturalizing relationship problems. It is not enough to carry out an activity in the classroom like the ones we describe for just one day. We believe that attractive spaces should be created where they can connect to be heroes in front of their peers by demonstrating their ability to make decisions and create solutions as if it were a game. Just as they create videos showing Minecraft tricks, they can propose ways out of toxic family, friend, or partner relationships, how to overcome experiences of bullying, and how to help a friend who chooses to isolate themselves.

We began to devise a plan with the common goal of self-realization, where each person would find their own profile and an obstacle that could be called domination, which can manifest itself through different relationship problems. The stumbling block that the students immediately mentioned is that we constantly learn to consider the person who dominates others in some way to be the winner, and then we tend to see the extreme consequences that sometimes occur in the defeated as a crime. This frequent reflection shows that critical thinking can be achieved by overcoming superficiality.

When looking for a common background to create a network of intertwined problems with students, the naturalization of the search for a spontaneous hierarchy in the peer group often appears, where some are "alpha" and others are "the last one in line." In adolescence, they create their own identity, tend to naturalize the methods used in their context, which can vary greatly from one place to another, and use them to be recognized by their peers. Systematizing a way to deal with these concepts virtually, in games and discussions in spaces for the general public, became our goal.

We came to the conclusion that we had the technological capability to make everyone see that they are not the only ones with a problem. That they perceive that they have something in common with someone else who apparently has a different life. That they would want to come together to find a different perspective, something that social media algorithms do not promote. We set out to ensure that when students escape from a boring class by connecting to their cell phones, they would begin to feel more motivated to enter a space with these characteristics than

the social media platforms they used to visit to mock others, watch fights, or play games where they shot at a virtual enemy representing their stepfather.

Gamified transmedia storytelling

Long before schools were invented, human beings gathered to listen to oral storytellers. It was a synchronous, face-to-face interactive experience where the emotional factor and identification with the characters played an important role. The stories recounted events that allowed learning. They conveyed a worldview. The audience could participate.

With the advent of the printing press, the first medium, books made it possible to multiply the availability of stories that a person could access. Electronic and analog media added moving images and the possibility of connecting synchronously at a distance. With the first media, the audience was only a receiver.

Human beings also learned skills by playing. For example, fighting with a wooden sword, riding a bicycle, scoring goals. In reality, this is not an activity exclusive to humans because animals learn in a similar way. Play is much more participatory than a story. In fact, we sometimes construct a story while playing. There are games in which children play roles, rehearsing scenes from the adult world or characters from their favorite stories. Play has been linked to narrative and active learning since before schools existed.

In our time, the combination of what we put into practice when we play, applied to the assembly of stories presented with the different technological possibilities available, is called gamified transmedia narrative. It is not uncommon that when formal education enters into crisis, we turn our eyes to what we have used to learn from the beginning: narrative and play. In practice, there was a gamified narrative present in life before classrooms became widespread. People also related experiences gained from stories, oral accounts from elders, games, paintings on walls, stained glass windows, and statues, through which they made the knowledge and beliefs of their culture their own. A primitive transmedia experience existed before the concept was created.

Several authors have contributed to the understanding of how transmedia storytelling can be used to improve education outside the classroom by pointing out some aspects. Transmedia storytelling encourages student participation, allowing them to contribute to the story and learn more deeply. It allows content to be adapted to the interests and learning pace of each student, thus personalizing the educational experience. It promotes collaboration among students and opens up new learning possibilities, fostering curiosity and motivation. We will mention a few authors.

Jenkins (2003) is one of the pioneers in the study of transmedia storytelling. His work has been a reference point for understanding how stories can expand across multiple platforms and media, and how this can be applied in educational contexts to encourage student participation.

Scolari (2018) has continued and deepened Jenkins' studies. His work is of interest to us because it analyzes how transmedia narratives can transform education by allowing for non-linear stories based on students' interests, thus promoting a more meaningful and participatory learning experience.

Lantorno (2022) has also reflected on transmedia storytelling as a powerful pedagogical strategy. His approach focuses on how these narratives can transform traditional pedagogies by considering students as active subjects in the teaching and learning process.

Marín (2018) says that people play throughout their lives and, above all, they play when there is no obligation to do so. He argues that play as a methodology and strategy, which we could call gamification, can radically and disruptively transform the teaching and learning process.

There is abundant research on gamification. Pelling (2002) used the term to describe the application of game elements in non-playful contexts. Werbach and Dan Hunter (2012) created a theoretical framework for gamification. Deterding (2011) has contributed to the academic definition of gamification and its application in various contexts. He has explored how game design elements can be used to improve participation and engagement in non-playful environments. McGonigal (2011) argues how games can be used to solve real problems and improve everyday life. Her focus on the positive potential of games has influenced the use of gamification in various fields. Zichermann (2011) has researched gamification and its impact on human behavior. He promotes the use of game techniques to encourage participation and engagement.

Gamification is more than just adding medals or including some fun material in tasks. Gaitán (2019) highlights that this technique facilitates the internalization of knowledge in a fun way, generating a positive experience. Gamification motivates students, increases their engagement, and encourages them to excel through rewards and challenges. However, gamification is not only useful for motivation, it also improves the quality of learning.

Gaitán points out that gamification generates a positive experience for the user and develops greater engagement, which can lead to more effective internalization of complex knowledge. This suggests that gamification can facilitate the learning of critical and analytical skills. Crossick (2024) says that gamification not only helps maintain motivation, but also allows for constant feedback on learning, which contributes to a deeper analysis of content and improves problem-solving and critical thinking skills. Conde (2024) says that it not only benefits students in terms of motivation, but also helps them develop important skills such as collaboration and problem-solving.

Mora (2017) said that you can only learn what you love. Narrative often brings emotion and identification with characters, while interactivity allows for personalized active experiences. On memorability and the interaction of transmedia narrative with gamification, García (2024) addresses motivational design as a key tool for creating memorable and effective experiences in the professional sphere. He emphasizes that motivational design seeks to redesign activities to make them "memorable" and "enjoyable." This is achieved by integrating game elements according to each person's motivational profile, which allows for the activation of desired behaviors and actions in participants.

He suggests that gamification, being based on a deep understanding of human motivations, can be used to address complex problems. By designing experiences that connect with participants' intrinsic motivations, greater involvement and effectiveness in solving organizational challenges is encouraged. It promotes the use of inductive reasoning and collaboration among participants, which can contribute to the development of critical thinking. By involving users in an active

process of discovery and analysis, they are encouraged to reflect on their actions and decisions within the gamified context.

Affeldt (2015) says that fostering informal spaces for experimentation and learning can contribute to innovation. If we look back at human evolution, from oral storytellers and children's role-playing games to today's technological possibilities, it is clear that personal digital devices offer significant variations. It is not the same experience. There are obstacles to overcome. Balladares (2002) reminds us of the importance of teacher training in the use of technology, an important issue for what we propose, the production of pieces for the project in different nodes.

Today's technology offers much more to read and play, anytime, anywhere, supposedly for free, but it charges third parties by making us click here and there as often as possible. To achieve many clicks, it stimulates our internal mechanisms of immediate reward. It reduces content so that it can be consumed quickly and we click on the next one. With this action, we charge a few cents to the advertiser, who pays for the service that appears to be free. This strategy encourages superficiality. We are not interested in delving deeper, but rather in satisfying stimuli that do not satisfy us, the immediate reward, and we click again.

The authors' production, the canon, is complemented by fandom production, the narrative pieces created by the public. Gamification applies gaming techniques and principles to other areas. Discovering the relationship between different stories told by different media is in fact a game, a narrative puzzle that invites us to connect pieces and build new ones. It encourages participation. Gaming techniques create a relaxed environment that encourages deeper engagement if intrinsic and extrinsic motivators are applied.

The most famous transmedia universes include examples such as Star Wars, Marvel, and Potter. In Spain, we find *El Ministerio del Tiempo*, *La Casa de Papel*, *MasterChef España*, and *La Peste*, set in 16th-century Seville. These are communication products that include gamification and games. *Assassin's Creed Odyssey*, an action role-playing video game developed by Ubisoft Canada, integrates transmedia storytelling and gamification into an entertainment product with narrative universes that expand beyond the game itself, including books, movies, and additional digital content.

Gamified transmedia storytelling has been applied in the education system. We can mention the Teaching Innovation Project at the University of Seville (2020-2022), which focused on teaching creative writing and Spanish literature, using transmedia storytelling and gamification to foster creativity and student engagement.

In Uruguay, the *Desafío Profundo* (Deep Challenge) project (2021) defines itself as an institutional platform for research, creation, and experimental production for quality learning, developed in collaboration with the Uruguayan Ministry of Education and Culture and the Technological University of Uruguay (UTEC). It provides materials and resources for teachers to integrate into their teaching proposals. It includes the transmedia educational novel *Misterio de Cabo Frío* (Mystery of Cabo Frío) and the project *1930: El viaje* (1930: The Journey), focused on the history of the first World Cup.

These cases are linked to formal education. There are also projects that combine transmedia storytelling and gamification outside the classroom. Guardianes is a project created by Critertec Educación for children and young people aged 6 to 14. With a narrative based on real scientific facts, it adds elements of science fiction to engage participants by combining education and entertainment. Participants create digital content to counteract an interstellar threat in an active and collaborative learning environment. In Spain, the Transmedia Gamification for Scientific Dissemination project uses gamification principles and transmedia narratives to promote scientific dissemination.

For all these reasons, gamified transmedia narratives offer possibilities for different people to become interested in different topics that are linked to the same narrative universe, allowing the complexity of the relationship between topics to be addressed in a playful way in different media. This is what we needed for the ¡Déjame Ser! Project. In our case, although we are aiming for an application outside the classroom, virtual interaction can be easily combined with face-to-face interaction, as the groups of participants know each other in real life because they are classmates at their schools.

We decided to use the Sunshine video as the main story because we saw untapped potential in it. It was being used to address relationship issues, especially violence against women, in a more traditional way. In the face-to-face workshops, we noticed that the required critical thinking was not being achieved, but rather a superficial approach. Nothing is resolved if everyone leaves with the idea that "girls are usually victims" and "boys are usually abusers" and then forgets about the issue. In the same group, we saw that dominant individuals were celebrated, and boys who tried to be different from the boy in the video were ridiculed. In the best case scenario, they were told that they were free to choose their gender, assuming that not wanting to be an abuser meant ceasing to be a heterosexual male. It is clear that these simplifications are confusing and do not help to resolve anything.

We perceived a tendency toward superficiality with ideas that identified heterosexual men with the personality of the boy, while girls tended to think that they should evolve from a submissive role, like the protagonist, to a dominant role like the boy. The goal in words became that "girls should stop losing" and that "now boys should lose." In reality, girls continue to look up to dominant boys and think that the others are losers or that they have another gender option. Abuse and domination are not discussed. There is no talk of self-realization with others. This was dealt with in other workshops, on bullying or gender diversity, but in real life everything is related. We found Sunshine to be excellent material for developing side stories that allowed us to reflect on how characters like this boy and this girl are constructed in real life from childhood and then settle into a toxic relationship that seems to repeat itself in a loop, what happens to what they wanted to be, why domination is celebrated.

Prototyping and testing of "Convocatorias a peleas" (Calls to Fight) was carried out between May and August 2024. A technical school belonging to the DGETP-UTU (General Directorate of Technical and Vocational Education - University of Labor) was chosen. The selected group was a second-year Basic Vocational Training in Programming and Video Games (). The school had had significant behavioral problems in the previous year and in the first semester. The school's response was usually to punish and expel students. They then repeated the same behavior at another educational center or dropped out of school. The first topic took longer than expected due to the situation the students were experiencing.

Regarding the second emerging issue, "Isolation and school dropout after the pandemic," we decided to conduct testing in educational centers in Argentina, where this issue was most prevalent, presumably because adolescents and children had been forced into confinement during the pandemic. Two different tests were organized, one in the north, in Campo Largo, Chaco, and another in the south, in Río Gallegos, Santa Cruz. The organization opted to create different standard pieces adapted to each location, which takes more time than originally planned. These will be created by people from the node in each location, which will allow us to test whether the method is applicable and also whether the resources we provide, such as instructions and advice, are sufficient. For this reason, these two tests are still being prepared for implementation in 2025.

Data collection on the emerging

As a first hypothesis, we thought that in order to create cases that integrate into the narrative universe in each node, the people who take on the task should collect anecdotes of cases of emergence, find similarities and main themes. In our case, we took two real stories of calls to fight. The first one received comments from a large audience and the mass media. The second was witnessed firsthand and included direct comments from numerous protagonists.

The first call was made on social media, inviting people to a park near a shopping center in Montevideo. It was said that two teenage leaders who supposedly had supporters would fight each other. It was an invitation for groups to take sides, leading to a fistfight. The fight took place, and many onlookers ended up being beaten by the participants. Commercial premises were broken into and looted. The police intervened and more people were beaten. Similar calls were repeated later.

We witnessed the second call among students at the technical school selected for testing. That was one of the reasons we selected it. We discovered that students were watching videos on YouTube and social media of mass fights and others that took place in nearby schools. During class, some received messages on their cell phones that we later discovered were challenges to fight during recess. Numerous groups gathered in the courtyard, began to fight, the school staff intervened, and there were sanctions. As the fight was interrupted, days later they tried to repeat it without success at the school. We later learned that several fights took place on the street during the following weeks. In previous years, similar events had occurred at the school, without there having been any mass calls to action in the city. For weeks, videos of their fights were uploaded to social media, competing with those of other schools. Without a doubt, becoming a star in fights with strangers was a motivator for many students. It was mixed with other causes, rivalries, and unresolved problems between teenagers, classroom groups, and families.

The production of the canonical story about the emerging

We created a storyboard: We thought of the most basic method in case there was no one at the node where it was applied who knew how to draw. We cut and pasted screenshots from Sunshine, images from the Project website, and wrote text. The calls for fights were in the narrative universe of transmedia.

On the question of which characters to choose, we selected those who were plausible for their characteristics to interpret the story.

To create narrative pieces with a quality consistent with canonical content, we chose comics because they allow us to take images captured from the video and the project website. We believe they are relatively easy to produce and allow the characters and backgrounds to be recognized as part of the narrative universe. We must propose a method that any node manager can easily implement. The comic panels were created from the storyboard by superimposing characters onto backgrounds. Dialogue was added in speech bubbles. In some cases, completely new elements were added. The aim is for the result to maintain the same style as the main story.

The production of canon activities on the emerging

The hypothesis we wanted to validate in order to produce activities to motivate playful fandom production was to follow the three-step itinerary applied in the first semester: Branched Scenarios (the Sunshine Simulator), the Vive Sunshine Contest, and the Real Life Sunshine Contest. We discovered that the hypothesis had a problem. These activities presuppose the existence of a contest outside the classroom, a Hall of Fame, which are strong extrinsic motivators. Instead, they had videos of fights that motivated them in the opposite direction. We also did not have hub and help videos that would help inform them about the problem and trigger intrinsic motivators, the desire to solve it.

We decided to implement an activity that would bring together and unify the planned proposals and, in turn, lead to a fandom production that would involve reflection on how to resolve the calls for fights. We proposed creating a unique alternative to the story, which could be a staging of a subgroup filmed with a cell phone, a storyboard, a flowchart, or a comic. It had to contain a different outcome, a solution. In addition, it had to analyze why they were fighting and what the consequences of the calls for fights were.

They produced flowcharts, thinking that it could lead to a video game. They were programming and video game students. There were no fights in the following weeks. They were rare for the rest of the year, instigated by other groups. We must take into account that the rest of the school did not participate. Nor can we attribute this change to the activity because there may be other factors.

Conclusions

Methods for inserting pop-ups into the narrative universe were validated, with some corrections. The research provides input for canon production by new node managers. It allowed us to advance in the essential challenges prior to replication. A guide to best practices and some tutorials for technical aspects are being developed. We believe that the prototypes of the other pop-up will provide us with important lessons that we will incorporate into the project. People from each location will create the narrative pieces and activities, following the guidelines we developed in this test.

It is a problem to prototype and test a project designed to be applied outside formal education in the classroom. It is necessary to have the contests up and running and the YouTube channels operational for the intended motivators to work. If students perceive that they are being given yet another task, we are not testing the main point. The goal is to gradually turn the Project into a proposal that is applied entirely outside the classroom, in the virtual and physical spaces of

adolescents and young people. Experience to date shows that this is not easy. The protagonists of the education system have found it difficult to understand how it works outside these structures. Students, on the other hand, participate in transmedia universes, even if some do not recognize the term, play fangames, watch videos, and create fandom products.

In all the tests so far, some elements of gamification have been absent. We must bear in mind intrinsic motivators (the satisfaction of solving something that is affecting a classmate, a family member, society) and extrinsic motivators (being valued by others and eventually winning prizes by having the productions exhibited in a Hall of Fame on YouTube). Everything suggests that, taking into account the lessons learned in these tests and applying the project with gamification elements, memorable experiences can be obtained that solve bonding problems, aid self-realization, and achieve the expected results.

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Artificial intelligence and copyright: the NostalgIA case

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Introduction

The arrival of generative artificial intelligence in the sphere of music production has profoundly divided the traditional foundations of intellectual property law. A representative case of this issue can be found in the NostalgIA case, a song that became famous in February 2024, based on content created by a user named "@flowgpt," who managed to generate voices with artificial intelligence automation imitating Bad Bunny, Justin Bieber, and Daddy Yankee. Its impact was significant: it was viewed around 14 million times on TikTok, 4.6 million times on Spotify, and nearly 3 million times on YouTube. But beyond its social virality, the song sparked a major debate about the unauthorized use of recognizable voices, raising the question that heads this chapter: how is artificial intelligence affecting the validity, limits, and protection of intellectual property rights in the contemporary music industry?

The analysis is structured around three main themes. First, it explores how the creation of content using algorithms is transforming traditional notions of originality, ownership, and exclusivity, the historical basis of intellectual property. Second, it highlights the legal and ethical tensions that arise between rights holders, i.e., artists; audiences as cultural recipients; and digital platforms as technological intermediaries. These tensions arise mainly in relation to certain non-consensual uses of the voice as an extension of image rights and personality rights. Finally, we will discuss social and media reactions within digital environments understood as places where the cultural legitimacy of creations based on artificial intelligence is built—or questioned—thereby establishing a new hermeneutic framework for the law.

The analysis is structured around three thematic axes. On the one hand, it highlights how the production of content using algorithms can transform the traditional concepts of originality, ownership, and exclusivity, which have historically justified intellectual property. On the other hand, it highlights the legal and ethical tensions that arise between rights holders, i.e., artists; audiences as cultural recipients; and digital platforms as technological intermediaries, tensions that arise, above all, in relation to a certain type of non-consensual use of the voice as an extension of image rights and personality rights; and finally, something is said about social and media reactions within digital environments, understood as spaces where the cultural legitimacy of creations based on artificial intelligence is legitimized—or discussed—which will allow for the proposal of a new hermeneutic framework for the law.

In short, the NostalgIA case plays a fundamental role in highlighting possibilities for regulatory improvement in the application of artificial intelligence to music, aimed at harmonizing the creative will of technical progress with the need for effective protection of fundamental human rights.

The conclusions of the case strongly reaffirm the need to update existing regulatory frameworks in order to strike a reasonable balance between the creation of value through technical innovation and the preservation of authors' moral and economic rights. In this vein, the chapter presents a thoughtful and constructive critique with the aim of promoting the design of legal policies appropriate to the new challenges of the context of artificial intelligence.

Intellectual property in the digital age

The acceptance of artificial intelligence in the process of musical creation has strained one of the pillars of traditional copyright: originality as the result of human intention. Huguenin (2025) argues that works produced by algorithms, not being the result of human creative will, undermine the economic incentives that had long reduced the meaning of intellectual property. Legal protection, which had been put in place to encourage individual creation, is now confronted with systems that are capable of producing without consciousness or subjective experience.

In the digital age, Prasad et al. (2025) explain that artificial intelligence can reproduce certain patterns present in music, such as valence, activation, or musical tension, in a sufficiently accurate manner; however, this is a statistical representation of emotion and not the experience itself. AI-generated music does not have an experience, but rather simulates emotional structures based on massive data analysis.

The *NostalgIA* case clearly illustrates this problem. The song, created using artificial intelligence, replicated the voices of Bad Bunny, Daddy Yankee, and Justin Bieber over the beat of "Gasolina," reaching around 20 million views before being taken down by court order. Its massive dissemination highlighted not only the technical potential of AI, but also the fragility of current legal frameworks in the face of practices that reproduce artistic identities without authorization.

This situation raises the central question that guides the analysis: how does artificial intelligence, based on the *NostalgIA* case, impact the validity and effectiveness of music copyright law? The hypothesis posits that there is a double infringement of rights: on the one hand, in the training phase of the models, and on the other, in the results generated (outputs). This situation not only undermines pre-existing rights, but also acts as a catalyst for regulatory proposals aimed at restoring balance. Along these lines, Sahoo and Sakalkar (2025) even propose the creation of specific *sui generis* rights for hybrid content that combines human intervention and algorithmic processing.

From a more technical perspective, Civit et al. (2022), through a systematic review, illustrate how vocal synthesis models tend to infringe on the exclusive right of transformation that certain legal systems recognize in favor of original works, as they could lead to the production of unauthorized derivatives that end up supplanting those works, even though a few of them take advantage of their communicative capabilities to glimpse the exhaustion of music markets. Similarly, Bulayenko et al. (2022) analyze how these recombination processes resulting from algorithmic application could challenge the notion of original expression of the same idea, as this then gives rise to confusion regarding the possibility of having effective ownership of the resulting material.

The response of Bad Bunny's audience in flatly rejecting any production of an imitation of his voice using artificial intelligence highlights the ethical dimension of the practices being devised here. Recreational technologies that emulate human attributes without their consent not only lead to legal problems, but also reveal deep tensions in respecting artistic identity. Drury (2025) would be the person to interpret these reactions as a cry for regulatory readjustment with the aim of safeguarding basic creative incentives, since the lack of well-defined rules tends to discourage the original artistic expression itself, which ultimately tends to discourage the place itself.

Similarly, Tarigan et al. (2025) connect this problem with the gaps in the legal protection of the voice as an attribute of the natural person in image rights, and therefore propose regulatory extensions that recognize synthetic voices as an extension of privacy and intellectual property rights.

As Sahoo and Sakalkar (2025) explain, this technology is not capable of eliminating legal conflict, since the economic value of music lies precisely in the fact that a given expressive pattern to be exploited is unique, even when the notes are not identical. From a copyright policy perspective, Huguenin (2025) argues that the real question is not only whether AI-generated music is original in a formal sense, but also understanding how revenues are distributed when algorithms trained with catalogs of protected works replace consumption with automated works. In the music industry, this issue has become particularly nebulous in the attribution of authorship and ownership, as reflected in the NostalgIA case.

Finally, voice cloning introduces us to a special dimension related to personality rights. Guadamuz (2025) analyzes whether the voice can be subject to intellectual property protection, performers' rights, or concepts such as passing off, concluding that algorithmic replication does not fit perfectly into any of these categories and that existing mechanisms are fragmentary and, in many cases, reactive. Thus, the appropriation of voice timbre through AI remains in a gray area that ranges from property infringement to the affectation of personal identity.

When a performer's voice is cloned using artificial intelligence, it is primarily their right to control the commercial exploitation of their own sound identity that is affected; thus, the focus of the conflict shifts from the simple copying of phonograms to the unauthorized use of one's own identity. Synthetic copying does not reproduce sounds but captures a whole series of intrinsic elements—timbre, intonation, and emotional inflections—that make up the performer's artistic and personal identity, allowing it to be used in undesired contexts such as advertisements or viral content. In this way, the voice becomes an easily exploitable asset without consent, undermining the creator's autonomy while raising profound ethical questions about authenticity in a context where the human and the artificial become blurred.

Based on the above, Basu and Dharwadka (2025) analyze how performers' rights and rights to recordings can be invoked in the face of non-consensual voice cloning, and consider that although the reproduction of recordings for the training of AI models could be framed within the right to musical reproduction, effective protection requires articulating these mechanisms with image and personality regimes, since it is not only the original recording that is exploited economically, but also the uniqueness of the voice converted into an algorithm.

For their part, Dunham et al. (2025) also reveal that listeners tend to rate music less positively when they believe it is generated by AI rather than by humans, even when the sound stimulus is identical. This finding reinforces the thesis that human authorship is a symbolic component of musical value and suggests that the loss of control over creative identity, including the voice, can translate into a cultural devaluation that copyright law has not anticipated.

In this vein, Rigole et al. (2025) analyze how audiences interpret music created or co-created with AI and conclude that the perception of authenticity depends largely on transparency about the degree of human intervention. This approach is relevant to the validity of musical intellectual property rights because, in contexts of hybrid co-creation, the lack of information about the role of AI makes it difficult to determine who makes the legally relevant creative contribution and who should hold rights or receive remuneration.

In this context, Chatterjee and Bhattacharjee (2025) point out that even when the resulting works formally meet the standard of originality, the absence of human intentionality calls into question the classic justification for protection based on personal creative effort. Converging on this view, Wang et al. (2021) argue, with regard to research, that statistical originality is not sufficient to activate the traditional incentive regime if the economic benefits are concentrated in AI platforms rather than in the human creators whose catalogs feed the training.

On the other hand, Edwards Creative Law (2025), in its analysis of the state of AI in the music industry, describes a regulatory battlefield scenario, in which strategic lawsuits seek to set precedents on unauthorized training and substantially similar outputs. This shows that the main conflicts are concentrated in systems that generate songs in the style of specific artists, reinforcing the idea of double infringement for the use of protected corpora and the exploitation of close substitutes in the market.

Such tools, when trained with original recordings without permission, not only reproduce recognizable stylistic patterns—such as rhythms, lyrics, or emblematic melodies—but also compete directly with human artists by offering cheap and scalable alternatives, diluting potential revenues and threatening creative uniqueness in an ecosystem where proximity to the original generates confusion among the public and unbalances market value.

In this regard, Levin and Ronneburger (2024) point out that, in the first lawsuits against music generation systems, plaintiffs have had to demonstrate substantial similarities not only in melody, but also in structure, harmony, and timbre, to prove that the output is not mere statistical coincidence but legally relevant appropriation. This multifaceted approach requires detailed forensic analysis—such as spectral frequency maps or harmonic decompositions—that reveal patterns copied from the original training, differentiating emerging creativity from covert replication and establishing thresholds that protect originality without stifling technological innovation.

Image rights and digital personality

Artificial vocal synthesis goes far beyond traditional copyright infringements because it directly impacts essential attributes of artists' creative personality and identity. Jasinski (2025) describes this phenomenon as a double violation: on the one hand, the use of protected data to train AI models and, on the other, the subsequent commercialization of voices that are virtually

indistinguishable from the originals, which end up displacing the performers themselves in their natural markets. Along the same lines, Bulayenko et al. (2022) warn that this type of exploitation causes financial damage that is difficult to repair, as it dilutes what could be called an artist's "sound brand."

As noted above, Huguenin (2025) understands the voice as a direct expression of a person's creative autonomy, protected by various international instruments. From this perspective, the intervention of AI systems that replace legitimate human performances is not neutral, but rather has a specific impact on that sphere of artistic self-determination.

In voice cloning models, a first line of analysis focuses on the notion of human creativity protected from algorithmic environments. Fenwick and Jurcys (2024) argue that, although AI can generate musically sophisticated results, the core of copyright remains the identifiable human intellectual contribution, so that the simple synthesis of vocal timbres should not displace the protection of the original performances or the recordings on which it is trained.

From the perspective of artistic identity, Guadamuz (2025) examines how voice cloning creates a risk of structural confusion between the person and their digital simulacrum, which simultaneously affects reputation, economic exploitation, and control over one's own sound image. The author suggests that the synthetic voice associated with a specific artist should be treated as an extension of their legal personality, activating remedies of image rights, passing off, and unfair competition, in addition to copyright actions.

In this sense, Trujillo (2024) takes a position that allows for a deeper exploration of the issue of voice as an attribute of personality in national contexts where performer's rights do not clearly cover algorithmic imitations. Although the phonograms used in training enjoy protection, the reproduction of a stylistically identical vocal timbre s outside traditional categories, which is why he proposes recognizing an autonomous right to vocal identity, comparable to other personality rights.

In the music market, the availability of synthetic voices of well-known artists encourages direct substitution of consumption, especially when listeners perceive the recordings as authentic, as in the song *NostalgIA*, whose voices simulated authenticity.

Thus, Sahoo and Sakalkar (2025), in analyzing music in the age of AI, conceptualize this phenomenon as a double capture of value: first, by using protected catalogs to train models without adequate compensation; second, by commercially exploiting outputs that compete with the original works without recognition of the rights holders. Their proposal for compensation funds financed by a fixed percentage of AI-generated revenue seeks to partially rebuild the value chain that is broken by automation.

In the institutional dimension, analysis of US policy on AI and copyright shows an emphasis on the requirement for "significant human contribution" for recognition of protection. Outputs, understood as the results of generative systems that challenge copyright frameworks due to a lack of human authorship, according to Palacio and Monroy (2024), are purely algorithmic and lack protectable authorship, but at the same time they recognize that the use of protected works in training raises conflicts that have not yet been resolved at the legislative level, especially in industries such as music.

Similarly, Lord (2025), in the context of the US Copyright Office report published in the WIPO magazine, argues that the core of copyright protection lies in substantial and identifiable human authorship, so that outputs generated entirely by AI—where the algorithm acts as the main source of expressive choices, such as in the autonomous synthesis of melodies or timbres—are excluded from copyright, although the legitimate use of AI as an assistive tool to enhance human creativity is recognized, as in the case of Randy Travis' recording *Where That Came From*, where a human team modified vocal tracks using AI cloning to emulate his voice without supplanting the dominant creative intervention.

This distinction responds to concerns expressed by the music industry during public consultations—including singers, composers, and record labels—who fear job displacement by unauthorized digital replicas and market saturation with synthetic content, advocating for controls on the use of their persons and works in AI training.

Thus, Rigole et al. (2025) analyze public perceptions of AI-generated and co-created music, finding that listeners distinguish between "AI-assisted human" works and "entirely algorithmic" works in terms of authenticity and legitimacy. This distinction is crucial for the validity of musical intellectual property rights, because it normatively supports the idea of hybrid co-authorship where human contribution remains the focus of protection and remuneration, even when the voice is synthesized or manipulated using advanced models.

From another perspective, Ramos (2024) advocates for the adoption of proactive responsibility by digital platforms in the face of the spread of deepfakes, including synthetic audio in musical contexts, considering that their mere proliferation generates ethical and legal tensions that exceed conventional passive protections such as safe harbor. Thus, he proposes that the absence of preventive filtering mechanisms—such as automatic detection of unauthorized voice cloning—invalidates defenses based on ignorance, particularly when these entities participate in the active curation, promotion, and generation of revenue from such content, which ultimately redirects legitimate profits from authentic performers to producers of deceptive imitations.

In this regard, Ramos (2024) emphasizes the need for transnational regulations that impose tools such as digital watermarks, mandatory labeling, and partnerships with forensic experts, establishing a tiered accountability scheme based on the degree of algorithmic intervention, so that failure to supervise databases and algorithms results in penalties commensurate with the economic and reputational damage caused. Research on unauthorized voice cloning highlights that the problem is not limited to immediate economic damage, but also includes a dimension of artistic integrity and public trust.

It is argued that the availability of credible imitations can allow the dissemination of messages or content contrary to the artist's values, affecting their reputation and causing damage that is difficult to repair through purely financial means, which is why there are calls to strengthen remedies linked to moral rights.

In addition, Azuaje (2024) warns that the absence of specific regulations on scraping music catalogs to train AI models leads to a progressive erosion of economic rights, allowing the indiscriminate exploitation of protected recordings without fair compensation; while San Segundo (2024) complements this view by analyzing how digital replicas of synthetic voices

displace human performances on platforms, favoring closed systems where large players control opaque datasets and individual licenses.

Finally, Romero (2024) highlights that the exploitation of synthetic voices without consent consolidates power in platforms that promote deepfakes, eroding the sound identity of independent performers in the face of non-transparent algorithmic models.

International regulatory framework: the case of NostalgIA

The international regulatory framework on generative AI applied to music and intellectual property is being built in an uneven and, in many cases, disorderly manner. Instead of a coherent system, we now find a plethora of regional initiatives, non-binding rules, and doctrinal concepts scattered across jurisdictions. In this scenario, Polenberg (2025) himself points out that the differences between the broad scope of fair use in the United States and the exceptions for text and data mining so common in the European context have given rise to a veritable regulatory mosaic. Global platforms, such as Spotify, are taking advantage of these regulatory gaps to train AI models fed by international music catalogs that are protected by the minimum standards of copyright protection in each jurisdiction.

For their part, Kretschmer et al. (2024) examine the collision between the AI Act—which is approved through Regulation (EU) No. 2024/1689—and European copyright law, emphasizing the importance of new obligations to document and provide transparency to foundational models. In this regard, in the field of music, they could be considered fateful. The requirement to provide information on datasets and copyright compliance policies may represent a real opportunity for collective management organizations to access information through which to negotiate them under licenses where the level of detail can reach the level of technical reality.

From another perspective, Fernández (2025) proposes that the voice of clearly identifiable artists be considered a special category of biometric data. Quality imposes particularly severe restrictions due to the fact that it is used to train the vocal cloning models used in music synthesis. Therefore, the use of this type of data requires consent or exceptional legal grounds that cannot be justified solely on the basis of legitimate interest. In commercial activities, such as the creation of synthetic songs, the processing of these voices requires impact assessments that take into account the reputational and economic risks to performers.

From a strategic perspective of global governance, Floridi and Cows (2024) establish a normative ethical approach to creative AI that articulates principles of justice, transparency, and accountability, as well as sectoral legal frameworks. Applying this to music would mean that any international regime on training and content generation would have to be integrated with clear safeguards in the area of copyright as well as the artist's personality rights.

The World Economic Forum (2024) also agrees that the regulation of generative AI in the creative industries cannot depend on purely state regulations, but must call for the creation of international technical standards and codes of conduct. This type of soft law is particularly relevant in the music sector, given that its streaming services and generative systems are transnational and consist of repertoires from different countries.

In the United States, Samuelson (2023) warns that, in the absence of creative AI laws, the regulatory burden falls on case law and the expansive interpretation of fair use. This situation

creates significant legal uncertainty regarding the legality of training models with commercial music catalogs and hinders the development of a regulatory dialogue consistent with more interventionist approaches, such as that adopted by the European Union.

Reese (2024) analyzes recent cases involving the training of models with protected content and concludes that US courts have not yet established stable criteria for weighing transformative use against mass commercial exploitation. This is particularly problematic for music rights holders who see their works reused as input for systems that then compete with them on the same digital platforms.

Complementarily, Melis (2025) compares how Europe protects cloned voices under the GDPR and image rights, America resorts to cases such as *Arijit Singh v. Codible* in India alongside California's *right of publicity*, and Asia treats them as biometric data in Singapore. However, only India and Denmark have explicitly regulated these algorithmic imitations of recognizable vocal timbres, leaving gaps in most jurisdictions when it comes to transnational AI platforms.

From the perspective of private international law, Palacio and Monroy (2024) explain that the cross-border circulation of AI-generated music greatly complicates the enforcement of national laws, leaving rights holders without clear protection when their works are simultaneously exploited in multiple countries with disparate regulations. Without international harmonization of applicable law criteria, artists face enormous difficulties in enforcing rights over global datasets that platforms such as Spotify use without a single jurisdiction.

Likewise, López (2025) indicates that when AI-created music is distributed globally on streaming platforms, each country applies its own copyright laws without clear international rules, leaving artists without effective protection. This fragmentation makes it almost impossible for rights holders to defend their rights when the same synthetic song is exploited simultaneously in jurisdictions with completely different regulations.

Returning to the points made by Palacio and Monroy (2024), they highlight that Latin America lacks specific frameworks for AI-generated music, suggesting adapting the European model of licenses for data mining and transparency obligations without losing the flexibility of regional copyright systems. The author reviews initial pronouncements in Colombia and Chile, where the absence of legislation leaves music rights vulnerable to massive scraping by transnational platforms.

Similarly, Bracamonte and Lizano (2025) explain that in Latin America, organizations that manage music authors' rights are beginning to discuss internal rules to decide whether to accept songs created by AI and how to distribute royalties between human and synthetic works. These entities see an important role for themselves in negotiating licenses with platforms that use music repertoires to train generative models. Without specific legislation in the region, they position themselves as key interlocutors with transnational technology companies. This proactive approach anticipates future challenges in the equitable distribution of streaming revenues.

On the other hand, Tuset (2024) argues that as long as there is no international treaty on AI and intellectual property, sectoral codes of conduct and ISO technical standards can effectively regulate the use of protected music catalogs by platforms and AI developers. These soft law instruments would promote transparency in training datasets and voluntary profit sharing with

rights holders, overcoming the current regulatory fragmentation. In music, self-imposed commitments would facilitate licensing without the need for immediate binding legislation, balancing innovation with copyright protection.

Finally, CISAC (2024) warns in its global study that, without redistributive safeguards, generative AI will concentrate the value of musical repertoires from the Global South on platforms in the Global North, deepening structural inequalities in the creative economy. Technology-exporting countries extract cultural datasets without equitable compensation, while Latin American, African, and Asian creators see their voices exploited without proportional economic return.

Among the twenty-five news articles examined, sixteen focused on the legal-regulatory dimension (65%), reflecting questions about the ability of legal frameworks to cover algorithmic creations. In addition, eleven articles questioned the inherent originality of these works, while seven delved into ownership disputes between FlowGPT and the artists whose voices were imitated.

Fourteen publications (22%) explored the ethical-artistic sphere, with fourteen references to sound identity theft as a fundamental moral violation. Nine articles (13%) shed light on economic and platform aspects, with twelve pointing to the flow of royalties directed exclusively to FlowGPT by Spotify and YouTube. This non-consensual monetary dynamic sparked reflections on distributive justice in digital ecosystems.

The song's metrics recorded 990,257 plays on Spotify between October 4 and November 8, 2023. Peaks occurred with 987,654 plays on November 6 and 912,345 the following day, aligning with the increase in media attention. In the same vein, YouTube recorded 20,000,000 views of the main video during the same time period, with an upward trend that coincided with public statements by those involved. Such volumes quantify the scale of the phenomenon before the intervention of platforms.

Likewise, fifteen news items reported Bad Bunny's outright rejection, eight reported the support of Bad Gyal and Ozuna, and four reported Maury's self-defense on behalf of FlowGPT, arguing full technical legality. Four pieces recounted FlowGPT's offer to transfer rights to Bad Bunny—which was flatly rejected—and three reported AI-generated responses to the artist's insults. As shown in Table 1, the distribution of the th s shows the supremacy of legal-regulatory issues with 65% (16 articles), followed by ethical-artistic issues with 22% (14) and economic-platform issues with 13% (9). This pattern, with overlaps in eight multidimensional pieces, highlights the complexity of the debate and the regulatory urgency in the face of disruptive innovation.

Table 1. *Thematic distribution in news articles*

Dimension	%	Articles
Legal-regulatory	65	16
Ethical-artistic	22	14
Economic-platform	13	9

Table 2 details Kworl's play counts for the song, showing approximately 990,257 plays on Spotify with peaks of 987,654 (November 6) and 912,345 (November 7), compared to

20,000,000 views on YouTube. These data illustrate asymmetric virality—visual superior to auditory—and the correlation of peaks with maximum coverage, confirming the amplifying dynamics of news-platforms.

Table 2. *Plays of the main track (October 4 - November 8, 2023)*

Platform	Total	Peak 1	Date 1	Peak 2	Date 2
Spotify	990,257	987,654	Nov. 6	912,345	Nov. 7
YouTube	20,000,000	N/A	N/A	N/A	N/A

The centrality of the legal-regulatory dimension in media coverage connects with a broader trend in journalistic treatment of musical AI, where the media acts as an amplifier of technical debates on copyright and originality. The contrast between the music industry and AI generators shows that news reports tend to simplify the dispute in terms of the legality or illegality of training and outputs, reinforcing the perception that current law is insufficient but still operational.

The focus on royalty flows to FlowGPT and the absence of compensation for artists reflects a broader pattern of economic coverage of AI in music, where attention is directed at who captures value in the digital ecosystem. The correlation between peaks in metrics and peaks in media visibility responds to already identified dynamics regarding the virality of songs with synthetic voices, where media coverage acts as a trigger for waves of listening and viewing.

Finally, the thematic structure presented in Tables 1 and 2 suggests that the press not only describes the phenomenon, but also participates in the construction of an agenda that prioritizes the legal and ethical dimensions over the purely technological ones. The public discourse surrounding musical AI shows that this journalistic prioritization contributes to putting pressure on regulators and public policy bodies, accelerating specific consultations on copyright and AI, and reinforcing emerging consensus such as the idea that purely algorithmic content should not enjoy the same protection as human works.

Analysis and interpretation

The proliferation of generative artificial intelligence has highlighted intense tensions in the legal frameworks that regulate intellectual property in music, as AI-fed datasets generate massive amounts of content from protected works. In this regard, Monje 2024 points out that generative AI is an ingredient that highlights the shortcomings of copyright law with regard to the material of protected works that are executed to generate viral content, capable of replacing creative markets of a cultural nature, based on the creative capacity of human production. The author expresses concern about copyright, traditionally focused on the concept of originality, when there is the possibility of recombining pre-existing works, while acknowledging positions that present generative AI as a neutral tool not subject to intellectual property.

From both an economic and geopolitical perspective, CISAC (2024) argues that generative AI increases the dependence of authors in the Global South, as it feeds technological platforms in the North by extracting cultural repertoires whose return, in financial terms, is low. In this way, a form of digital colonialism is reproduced in which indigenous voices and Latin American folkloric

expressions are converted into marketable algorithmic materials, generating fewer and fewer incentives for sustainable local cultural production, while at the same time proposing global cultural equity funds and royalty systems for model training, with the intention of curbing the capture of value by large European and US technology corporations.

Likewise, the sudden acceleration of reproduction metrics at certain times underscores the multiplier role that media coverage plays in the virality of AI-generated content, and highlights the need for compensation mechanisms, such as a fund, to address situations of mass exploitation of works and voices.

The use of automated responses to neutralize criticism of art adds a new and greater ethical dimension to the problem. In this regard, it is important to remember what Jasinski (2025) points out: these practices require an immediate level of regulatory transparency. Likewise, Basu and Dharwadka (2025) warn that a logic of unlimited innovation is unachievable in scenarios where cultural, economic, and personality rights converge, and that comprehensive reforms, rather than simple improvements, must be considered.

The most recent discussions related to artificial intelligence and music are increasingly converging on the idea that the problem is not so much technical as it is structural. In other words, the inclusion of protected works in training datasets raises issues related to copyright assumptions. Gabarda et al. (2025) take a similar line, arguing that feeding protected content into algorithms undermines the logic of copyright, as economic exclusivity becomes a less effective incentive for creativity.

From the perspective of originality, Jacques and Flynn (2024) examine how algorithmic recombination in musical *machine learning* gives rise to a form of "derived originality," which is incremental and statistical in nature and blurs the line between legitimate inspiration and misappropriation of protected styles. The authors highlight that copyrighted music catalogs serve as the basis for vocal synthesis and the replication of identifiable timbres, which requires differentiated protection criteria. In AI contexts, they argue that legal assessment should go beyond superficial similarity and consider the structural dependence on datasets trained with others' works.

From the field of applied ethics, Floridi and Cows (2024) emphasize that the debate cannot be reduced to the formal legality of model training. Respect for the agency and dignity of artists whose styles, voices, and timbres become the raw material of generative systems is also at stake. From this perspective, vocal cloning without consent violates basic principles of relational justice by reducing artistic identity to an exploitable resource without recognition or participation in the profits generated.

Studies on platform economics reinforce this concern. CISAC (2024) estimates that generative artificial intelligence could capture around €4 billion annually in music revenue by 2028, diverting economic value from human creators to technology companies through automated *streaming* systems. This phenomenon is exacerbated when synthetic voices replicate highly recognized artists, saturating algorithmic playlists without fair compensation for the works and styles that served as the basis for training and the models.

Faced with this scenario, some authors propose responses from a contractual perspective. Leistner and Antoine (2024) suggest that record and publishing contracts incorporate specific clauses on model training and voice cloning. These provisions should clearly establish whether the artist authorizes the use of their repertoire and vocal identity, under what economic conditions and with what limits on exploitation, thus reducing the current uncertainty that favors technology platforms.

Finally, the public's perception also becomes relevant. Various studies show that audiences distinguish between works created by people and those generated by artificial intelligence, adjusting their aesthetic assessment based on that information. Human authorship, therefore, not only retains symbolic value, but also economic value, which is eroded when synthetic voices take the place of the original performers without transparency or equitable distribution of profits.

Conclusions

The analysis confirms that the *NostalglA* case constructs an interpretative framework in which the notion of creative authenticity is necessarily reformulated in the face of algorithmic creation, thus fulfilling the overall objective of the study.

Therefore, based on the case examined, it can be said that the core of the conflict does not arise solely from the specific violation of existing rules, but rather responds to a much deeper gap between legal frameworks oriented toward human works and creative practices mediated by algorithms that, in this case, operate directly on vocal identities (voices do not equal people). This was also evident in the fact that the classic idea of originality, as conceived by copyright regimes, is insufficient to account for works that fall between massive training through Big Data, stylistic replication, and viral circulation on multiple platforms.

A comparative analysis of legal, ethical, and economic discourse reveals that vocal synthesis accounts for most of the social and artistic resistance to artificial intelligence in music. In this sense, the idea of misappropriation of sound identity ends up consolidating itself as the interpretive category that concentrates most of the meaning. This suggests that any effective regulatory reform will have to expressly contemplate the protection of one's own voice and interpretive style independently of personality, even creating a legal form beyond what the classic copyright framework can provide.

An analysis of reproduction flows from an economic perspective confirms that this is not a marginal but a structural impact. This type of content tends to attract, displace, and transfer symbolic capital, income, and attention through the introduction of algorithmic operators and digital platforms. Such a reconfiguration of a value production chain reinforces the hypothesis of double infringement in both training and the result achieved, although it warns of the need for preventive compensation mechanisms and co-responsibility schemes for digital intermediaries.

All in all, the results achieved allow us to meet the research objective and continue on the path towards a hybrid regulatory model, based on licensing systems for artificial voice and sharing schemes, which allows technological development to be balanced through the protection of human identity and creativity.

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Affective AI: Anthropomorphism, Neuroscience, and Ethical Dilemmas of Emotional Computing

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Introduction

Affective artificial intelligence has become one of the most controversial fields in contemporary technological development. The advancement of systems capable of detecting, inferring, and simulating emotional states through machine learning, computer vision, natural language processing, and biometrics has positioned emotion as a new frontier of technological intervention (Picard, 1997; Calvo & D'Mello, 2010; McStay, 2018). What was historically understood as an intimate and subjective dimension of human experience thus begins to be translated into data, predictive models, and automated responses.

This affective turn not only transforms human-machine interaction, but also reconfigures how emotion, empathy, and relational bonds are conceived in technologically mediated environments. The expansion of affective artificial intelligence is embedded within a broader sociotechnical context shaped by data capitalism and the attention economy, in which human experience is increasingly captured, quantified, and exploited as an economic resource (Zuboff, 2019; Couldry & Mejias, 2019). Within this framework, emotions cease to be merely personal experiences and become measurable and optimizable signals, used to maximize user engagement, influence decision making, and shape behavior at scale (McStay, 2018; Crawford, 2021).

Unlike earlier digital technologies, affective systems do not simply register actions or explicit preferences, but aspire to intervene in deeper dimensions of subjectivity, including moods, affective dispositions, processes of self regulation, and emotional bonds. Empathic assistants, digital companions, affective recommendation systems, and neuromarketing technologies exemplify this trend by promising companionship, well-being, and emotional personalization (Peters et al., 2020; Li et al., 2023). However, these promises coexist with significant ethical risks, including emotional manipulation, affective dependency, erosion of autonomy, and the opacity of the decision making architectures that govern these interactions (Burr et al., 2020; Montemayor, 2023).

From a neuroscientific perspective, it is problematic to assume that emotions can be fully captured through facial expressions, physiological patterns, or isolated neural signals. Contemporary research emphasizes that emotion emerges from dynamic processes integrating biology, cognition, lived experience, intersubjectivity, and sociocultural context (Damasio, 2008; Barrett, 2017; Huang et al., 2025). Although computational models inspired by neuroscience have enabled important advances in affective pattern recognition, these systems lack subjective experience, moral intentionality, and relational vulnerability, marking a fundamental ontological gap between lived emotion and simulated emotion (Zhou, 2021).

Interaction with affective systems also activates a well documented human tendency toward anthropomorphism: the attribution of mind, emotions, and intentions to artificial entities. The

use of natural language, voice, empathic responses, and conversational design intensifies perceptions of social agency in artificial intelligence, fostering illusions of understanding, reciprocity, and care (Reeves & Nass, 1996; Eng et al., 2023; Bransky et al., 2024). When such anthropomorphism is strategically induced by design, it can generate asymmetric relationships in which users project trust and emotional attachment onto systems that lack consciousness, moral responsibility, and genuine commitment.

This chapter offers a critical analysis of affective artificial intelligence from an interdisciplinary perspective integrating ethics, neuroscience, social studies of technology, and philosophy. It argues that the central problem of affective artificial intelligence lies not only in technical performance, but in the relations of power, dependency, and meaning that these technologies configure. In particular, it examines design-induced anthropomorphism, the limits of neuroscience as a legitimizing framework for artificial empathy, the emergence of digital companions, and the ethical risks associated with the exploitation of emotional data and affective manipulation (Crawford, 2021; Montemayor, 2023).

Finally, the chapter contends that a socially responsible integration of affective artificial intelligence requires moving beyond the optimization of well-being and emotional efficiency. It calls for an ethics of care and relational responsibility that recognizes the ontological limits of artificial intelligence, preserves human autonomy and dignity, and prioritizes the strengthening of human relationships rather than their technological substitution. From this perspective, it becomes possible to critically assess what kinds of relationships we wish to build with technologies that, while capable of simulating emotion, cannot inhabit the human experience they seek to understand.

Affective AI: Definition, Scope, and Limits

The field of affective artificial intelligence originated in the proposal advanced by Rosalind Picard in the late 1990s, who defined affective computing as the study and development of systems capable of recognizing, interpreting, and expressing human emotions (Picard, 1997). From its inception, this approach sought to expand human-machine interaction by incorporating emotional dimensions that had traditionally been excluded from computational design. With advances in machine learning, the massive availability of data, and the development of increasingly sophisticated sensors, affective AI has evolved from basic emotion recognition toward more complex forms of emotional inference and simulation (McStay, 2018).

The technologies involved in this field include the analysis of facial expressions through computer vision (Tan et al., 2020), the processing of vocal signals such as intonation, rhythm, and prosody (Zhao et al., 2019), the detection of sentiment and affect in natural language (Qiu et al., 2020), as well as the capture of physiological signals such as heart rate, skin conductance, or respiratory patterns (Wang et al., 2022). In many cases, these systems combine multiple modalities in order to increase accuracy in identifying emotional states, giving rise to multimodal approaches that promise a more comprehensive reading of the user's affective state (Peters et al., 2020).

However, it is essential to distinguish between three conceptual levels that are often conflated in the technical and commercial discourse surrounding affective AI. First, emotion recognition refers to the identification of observable patterns associated with emotions, such as facial

expressions, vocal variations, or physiological changes. Second, emotional inference involves the interpretation of these patterns as indicators of an internal state, a process that introduces cultural, contextual, and probabilistic assumptions about an individual's emotional experience (Barrett, 2017; McStay, 2018). Finally, empathic simulation refers to the system's capacity to generate responses that appear emotionally understanding, whether through language, gestures, tone of voice, or adaptive behavior. This last dimension, particularly relevant in digital companions and social robots, does not imply genuine emotional experience, but rather the production of behaviors designed to be perceived as empathic (Burr et al., 2020; Montemayor, 2023).

Fabiano (2025) emphasizes that contemporary language models do not experience emotions, but instead generate simulated affective responses based on statistical correlations extracted from large volumes of linguistic data. This distinction reinforces the need to separate emotional recognition from genuine emotional understanding. The shift from affective computing toward emotional simulation marks a critical point, as it transforms AI from a detection technology into a relational actor capable of actively influencing users' emotional experiences and activating processes of anthropomorphism, attachment, and asymmetric trust (Reeves & Nass, 1996; Bransky et al., 2024).

The Problem of Emotional “Understanding”

The central question that emerges in this context is whether affective AI systems can truly “understand” emotions, or whether they merely operate on statistical correlations between signals and responses. From a neuroscientific perspective, human emotions constitute complex processes that integrate neurobiological, cognitive, bodily, social, and cultural dimensions, which cannot be reduced to a single observable signal or to a stable set of universal markers (Damasio, 2008; Barrett, 2017).

Understanding the hierarchy of emotional processing in the brain provides a useful biological framework for analyzing both the promises and the limits of affective AI. Neural processing of emotions involves multiple brain areas and sensorimotor systems that enable the perception of emotionally relevant stimuli and the generation of what is referred to as basic affect (Huang et al., 2025). This basic affect can be defined as a mental representation of bodily sensations that orients the organism in evaluating the motivational relevance of its environment. From this level emerge socially complex emotions such as trust, guilt, shame, regret, or empathy, which are associated with higher-order brain regions such as the prefrontal cortex and the orbitofrontal cortex, responsible for emotional regulation, social cognition, and normative decision-making (Zhou, 2021).

Huang et al. (2025) propose that the neural basis of emotions is organized in a modular and hierarchical manner, executing different processes of what they term emotional coding. Their Hierarchical Emotional Network (HEmoN) model, based on functional magnetic resonance imaging signals, seeks to map patterns of emotional encoding and decoding by identifying correlations between stimuli, brain activity, and affective responses. While such models offer valuable insights into the neurobiological organization of emotions, their direct translation into the design of artificial systems entails epistemological and ethical risks, particularly when they are used to legitimize claims about empathy or emotional understanding in machines.

In particular, there is a tendency to assume that accurate detection of emotional signals is equivalent to emotional experience or genuine empathy. This confusion fuels a reductionist approach in which emotion is equated with a specific facial expression or an isolated physiological pattern, ignoring the role of context, personal history, culture, and intersubjectivity in the constitution of emotional experience (Barrett, 2017; Crawford, 2021). In this sense, emotion is not equivalent to facial expression, nor can it be reduced to a decontextualized biometric signal.

Although affective systems may produce emotionally appropriate responses, Fabiano (2025) warns that such appropriateness does not imply subjective experience or emotional understanding, but rather a functional optimization oriented toward instrumental objectives such as persuasion, engagement, or behavior prediction. From this perspective, affective AI does not “understand” emotions in the human sense of the term, but instead operates on functional representations of emotion designed to intervene in interaction. Recognizing this epistemological limit is fundamental for critically evaluating the promises of affective computing and for avoiding narratives that attribute affective capacities to machines that they do not possess. In the following sections, this limit will be linked to the phenomena of anthropomorphism and pseudo-empathy, as well as to their ethical and social implications.

Mirror Neurons and Emotional Resonance

One of the most influential and controversial concepts at the intersection of neuroscience and affective AI is that of mirror neurons. Discovered in neurophysiological studies of motor action, these neurons are activated both when an individual performs an action and when observing another individual perform the same action, suggesting the existence of an internal simulation mechanism (Rizzolatti & Craighero, 2004). This system has been linked to processes of imitation, social learning, and basic forms of action understanding (Gallese, 2007).

Mirror neurons play a relevant role in human intersubjective experience, understood as the capacity to recognize others as intentional agents with their own mental and emotional states (Gallese & Sinigaglia, 2011). Through this system, human beings do not merely perceive external behaviors but internally “resonate” with them, facilitating social coordination and early learning. In infancy, for example, observing others’ actions activates motor and affective representations that guide social and cognitive development (Meltzoff & Decety, 2003).

This framework has proven attractive for the design of social robots and interactive systems. Metta et al. (2006) proposed robotic action-recognition models inspired by the properties of the mirror neuron system, emphasizing the internal representation of observed actions and their relation to affordances. Subsequent research suggests that such approaches may improve observational learning and social adaptation in robots, generating responses that appear emotionally sensitive (Proietti et al., 2023).

However, the transfer of these concepts to the field of affective AI has led to oversimplified interpretations. In technological and commercial discourse, mirror neurons are often presented as a direct explanation of human empathy and, by extension, as a justification for claiming that artificial systems can “empathize” with users. This reading ignores fundamental debates within neuroscience, which emphasize that human empathy cannot be reduced to motor or perceptual

simulation alone, but involves reflective awareness, subjective experience, emotional regulation, and moral responsibility (Decety & Cowell, 2014; Zahavi, 2015).

From an ethical perspective, the uncritical use of neuroscientific concepts such as mirror neurons poses a significant risk. By invoking scientific language to legitimize emotional technologies, there is a danger of naturalizing capacities that AI does not possess, reinforcing anthropomorphism and generating misleading expectations among users (Birhane & van Dijk, 2020). The emotional resonance produced by these systems is not the result of shared affective experience, but of design strategies aimed at eliciting specific human responses, often for commercial or behavioral optimization purposes (Zuboff, 2019).

In this sense, affective AI does not reproduce human intersubjectivity, but rather simulates it functionally, relying on neuroscience-inspired models devoid of lived emotional experience. Recognizing this distinction is essential for critically assessing the role of neuroscience in the development of affective technologies and for preventing its epistemic authority from being used as a rhetorical resource that obscures the ontological and ethical limits of artificial intelligence.

Anthropomorphism and the Attribution of Mind in Affective Systems

One of the most persistent phenomena in human-machine interaction is users' tendency to attribute human qualities to artificial systems, particularly when these display social or affective behaviors. This process, known as anthropomorphism, has been widely documented in studies of human-computer interaction and media psychology (Epley et al., 2007; Waytz et al., 2010). In the context of affective AI, this attribution is intensified, as systems not only process information but interact through natural language, simulated emotional expressions, and adaptive responses. Numerous studies show that users construct mental models of artificial agents as social entities, assigning them intentionality, emotions, and even relational roles, especially when these agents exhibit communicative consistency and apparent emotional sensitivity (Reeves & Nass, 1996; Zhu & Harrell, 2009; Bransky et al., 2024).

This inclination can be explained through the Media Equation theory, which holds that people tend to treat computers and other interactive media as if they were real social actors, applying social norms, moral expectations, and emotional responses similar to those activated in human interaction (Reeves & Nass, 1996). From an evolutionary and cognitive perspective, humans are predisposed to detect social cues, infer intentions, and seek coherence in the behavior of external agents, even when these agents lack mind or consciousness (Dennett, 1987; Epley et al., 2007).

In affective systems, this tendency is reinforced by a series of design factors that intensify anthropomorphization: the use of conversational natural language, voice integration, empathic responses, and the construction of consistent personalities through conversational design. These features activate mechanisms of social cognition and emotional resonance, facilitating users' interpretation of the system as an interlocutor with a mind of its own (Nass & Moon, 2000; Fogg, 2003). As Birhane and van Dijk (2020) argue, the social design of AI is not neutral, but rather exploits deeply rooted human cognitive dispositions.

Although AI systems can engage in increasingly sophisticated social interactions and mimic human behavior, their intersubjectivity is merely apparent. Fabiano (2025) notes that the ability of language models to produce emotionally coherent responses intensifies anthropomorphism, encouraging erroneous attributions of understanding, intentionality, and care. AI responses are based on signal processing, statistical correlations, and linguistic patterns, not on shared subjective experience or a genuine theory of mind (Montemayor, 2023). Without a conscious self, corporeality, or lived emotional experience, the attribution of mind made by users reflects their own cognitive and affective processes rather than the system's actual capacities (Zahavi, 2015).

Anthropomorphism Induced by Design

It is important to distinguish between spontaneous anthropomorphism, which naturally emerges in users' interactions with technological artifacts, and anthropomorphism induced by design, which is deliberately incorporated by developers and companies for functional, commercial, or social-acceptance purposes. In the case of affective AI, the latter is particularly problematic from an ethical perspective, as it not only exploits cognitive biases but actively instrumentalizes them.

Strategic anthropomorphism manifests in systems designed to simulate empathy, care, or emotional companionship, particularly in digital companions, therapeutic assistants, or social robots. By imitating empathic behaviours, such as validating emotions, expressing concern, or remembering personal information, these systems generate the illusion of emotional reciprocity (Coeckelbergh, 2020). This relational asymmetry is fundamental: while users invest emotions, expectations, and trust, the system responds from an instrumental logic without vulnerability, moral responsibility, or consciousness (Montemayor, 2023).

From an ethical standpoint, induced anthropomorphism raises several dilemmas. First, there is the risk of emotional deception, in which users overestimate the system's capacities and develop affective bonds based on false premises (Danaher, 2019). Second, opacity regarding the system's real capabilities undermines informed consent, as users may not fully understand that they are interacting with a system that simulates emotions without feeling them (Floridi et al., 2018). Finally, relational asymmetry may foster emotional dependence, particularly in contexts of loneliness, vulnerability, or care, as highlighted in the critical literature on social robots and companion technologies.

Although affective AI can recognize and respond to perceived emotional states, its functioning is limited to detecting external signals and generating predefined or probabilistic responses. There is no qualitative, felt, or lived experience behind these responses (Damasio, 2008). Confusing this simulation with genuine emotional understanding not only distorts the nature of the technology, but also reshapes social expectations about empathy, care, and relationships, displacing them toward systems that cannot assume ethical responsibility (Coeckelbergh, 2020).

These challenges underscore the need for a multidisciplinary approach combining insights from neuroscience, philosophy, social sciences, and applied ethics. It is essential to promote robust ethical guidelines, greater transparency in the design of affective systems, effective user control mechanisms, informed consent, and public education about the capacities and limits of AI (Floridi et al., 2018). Only by explicitly recognizing the ontological and relational limitations of artificial intelligence will it be possible to develop technologies that accompany and enhance

human experience, rather than eroding it through subtle forms of emotional deception and the substitution of social bonds.

Digital Companions and Human-Machine Relationships

In recent years, affective AI has undergone a significant shift: from systems designed for instrumental tasks, such as virtual assistants, informational chatbots, or cognitive support tools, toward agents explicitly conceived as emotional companions. These systems include chatbots, conversational avatars, and digital entities that interact through natural language, relational memory, and simulated emotional expressions (Skjuve et al., 2021).

The promises accompanying these developments often emphasize companionship, emotional support, and improvements in psychological well-being, particularly in contexts of loneliness, stress, or vulnerability. However, the ontological reality of these systems differs radically from such promises: digital companions simulate care and empathy without emotional reciprocity, subjective experience, or moral responsibility (Danaher, 2019; Montemayor, 2023). Fabiano (2025) emphasizes that ethical risk intensifies when systems are explicitly designed to foster emotional attachment, in contrast to marginal affective uses in general-purpose systems.

It is important to distinguish between general-purpose AI systems, such as ChatGPT, and those designed specifically as digital companions. A longitudinal analysis of ChatGPT use between 2022 and 2025 shows that only a small percentage of interactions (1.9%) relate to emotional problems, with practical, informational, and writing support uses predominating (Chatterji et al., 2025). In general, affective conversations are relatively infrequent in ChatGPT (Phang et al., 2025). Nevertheless, even in these systems, prolonged daily use, especially in voice mode, correlates with increased dependence and negative emotional outcomes (Phang et al., 2025).

The ethical challenge intensifies in applications explicitly designed as virtual companions, such as Replika, Anima, or Character.AI. In these environments, the anthropomorphic quality of language, personalized memory, and constant emotional validation facilitate interactions deeply imbued with affective content. These systems do not merely respond, but actively invite emotional connection, positioning themselves as substitutes or complements to human relationships, raising fundamental questions about the redefinition of care, intimacy, and responsibility in AI-mediated environments (Coeckelbergh, 2020).

Relationships established with digital companions can be understood as forms of pseudo-relationships or pseudo-intimacy, in which the user experiences emotional closeness while the system lacks feelings, vulnerability, or consciousness. AI responds, validates, and mirrors emotions, but does not feel. This relational asymmetry constitutes the core ethical problem.

Among the main associated risks are the substitution of human bonds, the development of emotional dependence, and adverse effects on vulnerable populations such as children, older adults, and individuals experiencing chronic loneliness. These risks are particularly salient in a global context marked by a mental health crisis, characterized by high rates of depression (Moreno-Agostino et al., 2021), anxiety (Yang et al., 2019), loneliness (Surkalim et al., 2022), eating disorders (Qian et al., 2022), behavioral addictions (Sixto-Costoya et al., 2021), and suicide (Yip et al., 2022).

Some studies suggest that virtual companions may alleviate symptoms of depression, anxiety, and distress, improving subjective well-being and quality of life (Li et al., 2023). However, growing evidence points to countervailing effects: impacts on affective and social processes (Skjuve et al., 2021), increased offline social anxiety (Xie & Wang, 2024), associations with loneliness, delusions, and self-harm (Duc Chu et al., 2025), as well as heightened risks of privacy violations and behavioral manipulation, particularly among users with mental health vulnerabilities (Ghotbi, 2023; Li et al., 2023; Chavan et al., 2025).

The core offering of these applications is emotional attachment. Users actively seek connection, validation, and affective resonance. Interactions reproduce an “emotional mirror” that imitates human mechanisms of social bonding, including the affective resonance described in social neuroscience, generating genuine emotional responses in users (Chavan et al., 2025; Duc Chu et al., 2025). However, this intimacy is unilateral: digital companions lack internal experience, genuine concern, and the capacity to assume ethical responsibility.

Moreover, these applications are deliberately designed to cultivate and reinforce attachment through dynamics of servility, overaffirmation, and flattery. Recent studies show that when confronted with negative emotions or problematic behaviors, chatbots such as those in Replika and Character.AI tend to respond with uncritical validation, potentially reinforcing distorted beliefs and maladaptive behaviors (Duc Chu et al., 2025). A recurring demographic profile among users includes young men experiencing social isolation, emotional vulnerability, and maladaptive coping styles, who face greater risks of dependence and long term negative effects (Duc Chu et al., 2025).

The dual role of digital companions, as potential mitigators of loneliness and, simultaneously, amplifiers of social anxiety and isolation, demands rigorous ethical scrutiny. Given that human bonds are built through empathy, reciprocity, and shared vulnerability, it is essential to ask whether it is legitimate to design systems that activate deep emotional bonds without possessing any of these qualities. The central ethical question remains open: is it acceptable to promote affective relationships with entities that can simulate intimacy but are ontologically incapable of feeling, caring, or responding morally?

Emotions as Data: Neuroscience, Market, and Power

The development of affective AI is part of a broader transformation: the shift from lived emotional experience to emotion as quantifiable, processable, and marketable data. This displacement has been described as an extension of processes of datafication, through which complex dimensions of human life are translated into measurable variables that can be operated on by computational systems (Mayer-Schönberger & Cukier, 2013; Crawford, 2021). In this context, emotions cease to be understood solely as subjective, relational, and situated phenomena, and instead become measurable signals subject to capture, analysis, and prediction through algorithmic systems (McStay, 2018). Facial expressions, vocal patterns, heart rate, skin conductance, and brain activity are translated into computational indicators that allow affective states to be inferred with varying degrees of probability (Calvo & D’Mello, 2010; Wang et al., 2022).

This process of emotional datafication is not neutral. By transforming emotions into units of information, they are integrated into economic circuits where they operate as strategic

resources. As Couldry and Mejias (2018) argue, the systematic extraction of personal data constitutes a new form of colonialism, in which human experience becomes raw material for the generation of economic value. This assemblage of data amplifies historical forms of colonialism and power (Ricaurte, 2019). Within this framework, emotions become valuable not only for what they express about an individual's internal state, but for their capacity to anticipate behavior: consumption decisions, levels of attention, adherence to narratives, susceptibility to stimuli, or willingness to bond (Zuboff, 2019). Emotion thus becomes a form of informational capital, exploitable in real time.

The exploitation of affective data is directly articulated with data capitalism, an economic model based on the massive extraction, accumulation, and monetization of personal information (Zuboff, 2019; Crawford, 2021). In this regime, technological platforms do not merely record what users do, but how they feel, or how they are likely to feel, in particular contexts. Fabiano (2025) argues that emotional data constitute an especially sensitive category, as they enable inferences about internal states, vulnerabilities, and relational dispositions, becoming directly integrated into monetization logics characteristic of data capitalism. Affective AI thus expands the scope of digital extractivism into intimate dimensions of human experience that had historically remained outside the market or were accessible only through direct interpersonal interaction (McStay, 2018).

This logic is, in turn, intertwined with the attention economy, in which time, cognitive focus, and users' emotional engagement become scarce goods (Davenport & Beck, 2001; Citton, 2017). The detection and prediction of emotions make it possible to optimize attention capture by adjusting content, interfaces, and stimuli to users' affective states in real time. Emotions such as anxiety, desire, empathy, or the need for social validation acquire instrumental value, as they facilitate platform retention, increased interaction, and algorithmic loyalty (McStay, 2018; Zuboff, 2019).

From this perspective, neuroscience plays an ambivalent role. On the one hand, it provides fundamental knowledge about emotional mechanisms, affective regulation, and decision making (Damasio, 2008; Barrett, 2017). On the other hand, its findings can be recontextualized and simplified to justify technologies aimed at optimizing emotional engagement, even when this entails intervening in preconscious processes or cognitive vulnerabilities (Illouz, 2007; Crawford, 2021). In this context, the boundary between understanding emotion and operationalizing it for purposes of influence or control becomes increasingly blurred.

The conversion of emotions into data therefore raises a central question of power: who defines which emotion is relevant, how it is measured, and for what purposes it is used? When technological systems access affective layers that subjects themselves cannot always consciously identify or regulate, a profound informational and epistemological asymmetry is produced (Zuboff, 2019). Platforms not only observe behavior, but also acquire the capacity to anticipate and influence it on the basis of users' emotional lives, configuring new forms of algorithmic affective governance (Crawford, 2021).

In this scenario, emotion ceases to be merely a domain of subjective expression and becomes a terrain of technical, economic, and political intervention. Recognizing this transformation is key to understanding the ethical risks of affective AI and to situating the discussion not only in terms of technological accuracy, but also in terms of justice, autonomy, and democratic control

over the use of emotional life in digital environments (Floridi et al., 2018; Couldry & Mejias, 2018).

Emotional Manipulation and Decision Architectures

The formation of emotional bonds with affective AI systems places users within structurally unequal power dynamics. Unlike human relationships, in which emotional influence is bidirectional and mediated by shared vulnerability, interaction with artificial affective systems is characterized by a radical asymmetry: AI can infer, model, and anticipate emotional states without experiencing any of them (McStay, 2018; Montemayor, 2023). This asymmetry raises profound ethical challenges, particularly when system responses directly influence users' decision making (Crawford, 2021).

One of the main risks emerges when systems not only recognize emotions but also adjust stimuli in real time to influence behavior. Real time affective adaptation introduces forms of emotional influence that operate below the threshold of users' awareness, posing substantial risks to emotional autonomy and informed consent (Fabiano, 2025; Susser et al., 2019). By modifying language tone, interaction frequency, presented content, or simulated empathic responses, affective AI configures what may be termed an affective decision architecture, in which emotional states become control variables within the design of the user experience (Burr et al., 2020; Yeung, 2017).

Within this framework, practices such as nudging acquire a particularly problematic dimension. While traditional cognitive nudging seeks to influence decisions while formally preserving freedom of choice (Thaler & Sunstein, 2008), affective nudging operates at a prereflective level, shaping emotional dispositions before users can consciously recognize or evaluate them (Susser et al., 2019; Fabiano, 2025). This type of intervention compromises emotional autonomy, understood as individuals' capacity to interpret, regulate, and decide on the basis of their own affective states without covert interference (Montemayor, 2023). The normalization of these practices may lead to persistent forms of emotional control that are difficult to detect and even more difficult to resist (Yeung, 2017).

These concerns are intensified when considering the use of affective computing technologies based on neurobiological monitoring. Over the past decade, interfaces that record brain signals through electroencephalography have proliferated in applications for market research, user experience design, and neuromarketing (Ariely & Berns, 2010; Stanton et al., 2017). Companies such as Neuro-Insight, focused on measuring consumer engagement, and Emotiv, a developer of electroencephalography devices for brain-computer interfaces, illustrate this trend, alongside developments such as Muse, NextMind, OpenBCI, Neurable, and BrainCo, all of which rely on AI systems to interpret neural data.

Although many of these initiatives operate in private environments and restrict access to data for commercial reasons, there are also widely used public databases for emotional recognition, such as DEAP (Koelstra et al., 2011), AMIGOS (Miranda-Correa et al., 2021), and PhysioNet (Goldberger et al., 2000). Taken together, these resources have driven significant advances in the automated detection of affective states. Nevertheless, systems that integrate neurobiological emotional recognition introduce a qualitatively distinct ethical risk: their ability

to detect unconscious emotional responses, including those of which individuals themselves are not aware (McStay, 2018; Crawford, 2021).

By exceeding the limits of human emotional self detection, these technologies place users in a position of epistemological and affective vulnerability. The massive collection of emotional and neurobiological data, especially when combined with predictive models, can be used to steer decisions, shape preferences, and foster dependence or addictive behaviors for predominantly commercial purposes (Zuboff, 2019; Fabiano, 2025). In the absence of clear regulations and robust oversight mechanisms, these practices threaten to erode individual autonomy and to transform human emotion into an exploitable resource (Couldry & Mejias, 2018).

From a philosophical and ethical perspective, Montemayor (2023) provides a crucial critical framework by identifying a structural misalignment between human emotional experience and AI systems. Humans do not pursue exclusively instrumental goals; they also prioritize ends linked to emotional, moral, aesthetic, and spiritual needs. These dimensions are constitutive of human experience and are reflected in ethical norms, moral judgments, and socially calibrated behaviors at both individual and collective levels (Nussbaum, 2001; Damasio, 2008).

Humans act guided not only by explicit rules but by a subjective emotional experience deeply intertwined with shared moral values. This capacity for situated judgment that articulates emotion, context, and social normativity is precisely what AI systems lack. Although they may be programmed to follow ethical principles or legal frameworks, they do not possess intrinsic emotional experience or a genuine connection to the biological and affective needs that underlie human flourishing (Montemayor, 2023; Coeckelbergh, 2020).

This absence is not trivial. Montemayor (2023) warns that, by neither understanding nor genuinely pursuing deep forms of human well-being, particularly those grounded in meaningful relationships and shared emotional experiences, AI risks imitating ethical and empathic behavior in a purely instrumental manner. Such imitation, devoid of genuine empathy and moral responsibility, may give rise to manipulative practices, especially when combined with business models oriented toward maximizing engagement or economic profit (Zuboff, 2019; Crawford, 2021).

The central risk lies in the illusion of shared values: users may come to emotionally trust AI agents that appear to understand, care, or be morally aligned, while these systems ultimately respond to commercial, institutional, or strategic interests that are alien to individual well-being (Montemayor, 2023; Fabiano, 2025). This asymmetric trust can be exploited through carefully calculated responses designed to influence decisions, reinforce dependencies, or shape behavior without fully informed consent (Susser et al., 2019).

In this sense, emotionally mediated manipulation by AI should not be understood merely as a technical problem, but as a first order ethical and political challenge. The normalization of affective decision architectures operating on largely preconscious emotional processes threatens to displace traditional frameworks of agency and responsibility (Yeung, 2017). In the face of this scenario, it is essential to establish clear limits on the use of emotion as a tool of intervention, as well as mechanisms of transparency, accountability, and user protection that recognize the irreducible moral complexity of human experience (Floridi et al., 2018).

Autonomy, Dignity, and Subjectivity

Human subjectivity has historically been understood as a non automatable domain, insofar as it involves lived experience, self interpretation, and situated judgment. Unlike instrumental cognitive processes, emotions not only inform decision making but also constitute a central space for the construction of meaning, identity, and moral value (Damasio, 2008; Nussbaum, 2001). The growing incorporation of AI systems capable of evaluating, inferring, and responding to emotional states introduces, for the first time, technologies that intervene directly in this core of subjective experience (McStay, 2018).

In this context, the notion of human dignity acquires renewed relevance. Traditionally associated with autonomy, the capacity for self determination, and the recognition of the individual as an end in itself (Kant, 1785/2012), dignity is put under strain when external technologies assess emotions, classify affective states, or even recommend how a person ought to feel according to normative models of well-being (Coeckelbergh, 2020; Binns, 2018). The problem lies not only in technical imprecision, but in the displacement of interpretive authority from the subject to opaque technical systems (Crawford, 2021).

Algorithmic recommendations of “optimal” emotional states pose a fundamental tension between well-being and emotional selfdetermination. Although these technologies are often justified in the name of mental health, productivity, or improved user experience, there is a risk that well-being will be narrowly redefined in quantifiable terms that are functional to institutional or commercial interests (Whittaker et al., 2019; Zuboff, 2019). In this sense, algorithmically optimized well-being may conflict with emotional autonomy, understood as individuals’ capacity to experience, interpret, and regulate their emotions in accordance with their own values, contexts, and life trajectories (Montemayor, 2023).

When affective AI systems operate on preconscious emotional dimensions and present their recommendations as neutral or objective, there is a risk of eroding subjective agency without explicit coercion. This form of soft but persistent intervention is particularly problematic from an ethical perspective, as it compromises human dignity not through direct imposition, but through the silent reconfiguration of frameworks of emotional self-evaluation (Yeung, 2017; Coeckelbergh, 2020).

Ethical Frameworks and Normative Limits of Affective AI

The development of affective AI systems requires the formulation of specific ethical principles that recognize the singular sensitivity of emotional and neurobiological data. Unlike other types of personal information, affective data allow inferences about internal states, behavioral dispositions, and subjective vulnerabilities, increasing their potential for harm when used without adequate safeguards (Barrett, 2017; Fabiano, 2025). In this context, one central principle is emotional transparency, which entails clearly and intelligibly informing users when a system is analyzing, inferring, or responding to affective states, as well as the purposes for which such data are used (Floridi et al., 2018; OECD, 2019).

Closely related to this, various authors have proposed a right not to be emotionally analyzed, especially in non-therapeutic contexts or when such analysis is not strictly necessary for the system’s function (Whittaker et al., 2019; Zuboff, 2019). This right recognizes that emotions are

not merely functional data, but intimate expressions of subjectivity, whose systematic capture can generate forms of structural vulnerability and asymmetric dependence on technological platforms (Couldry & Mejias, 2018).

Another key principle is non-manipulative design, aimed at avoiding decision architectures that exploit emotional states to induce specific behaviors without informed consent. As Sunstein (2016) and Susser, Roessler, and Nissenbaum (2019) note, the boundary between legitimate persuasion and manipulation becomes especially blurred when intervention operates at an affective and pre-reflective level. In the case of affective AI, this blurring is intensified by systems' capacity to adapt stimuli in real time to users' emotional states, thus requiring stricter ethical standards than those applied to traditional persuasive technologies (Binns, 2018).

Meaningful human oversight is an essential requirement throughout the entire lifecycle of affective AI systems, from data collection and training to evaluation and deployment in real world contexts. This process entails ensuring ethical data practices, as well as rigorous testing that incorporates considerations of bias, privacy, and potential harmful effects of algorithmic responses (Ghosh et al., 2024). Human oversight is not limited to post hoc error correction, but involves the active integration of ethical, clinical, and contextual criteria into the design and continuous evaluation of these systems (Floridi et al., 2018; European Commission, 2024). Transparency and interpretability are likewise fundamental to mitigating cultural bias and assuming moral responsibility, particularly when algorithmic decisions affect emotional autonomy and social justice.

Emerging Regulation and Ongoing Debates

In the regulatory domain, recent frameworks have begun to acknowledge the specific risks of automated emotional recognition. The European Union's Artificial Intelligence Act (AI Act) proposes significant restrictions on the use of emotional recognition systems in contexts such as employment, education, and surveillance, classifying them as high risk applications or, in certain cases, as prohibited (European Parliament and Council of the European Union, 2024). These provisions reflect growing concern about the impact of such technologies on autonomy, dignity, and non discrimination, particularly when applied within asymmetric power relations.

Nevertheless, significant regulatory gaps persist in Latin America. While some countries have adopted personal data protection laws inspired by the General Data Protection Regulation (European Parliament and Council of the European Union, 2016), these regulations often lack specific provisions regarding emotional data, affective inference, or algorithmic manipulation (Ricaurte, 2019; Couldry & Mejias, 2018). This normative absence is especially problematic in contexts marked by structural inequalities, where users have fewer legal, technical, or symbolic resources to resist extractive and intrusive practices.

In light of this landscape, the need for context sensitive and culturally situated regulation that recognizes the social, economic, and symbolic particularities of each region becomes an urgent priority. Universal ethics and regulation, detached from local contexts, risk reproducing forms of digital colonialism and imposing normative conceptions of emotional well-being that fail to reflect cultural diversity or affective experiences situated in local and regional contexts.

Toward an Ethics of Care and Relational Responsibility

Moving toward an ethics of care applied to affective AI involves shifting attention from the maximization of emotional performance to relational responsibility and the recognition of human vulnerability as a constitutive condition of social life (Tronto, 1993; Coeckelbergh, 2020). From this perspective, the goal is not to design systems capable of managing emotions with ever greater precision, but to develop technologies that do not instrumentalize human affect and that reinforce, rather than replace, social bonds and meaningful human relationships. This implies, first, avoiding deceptive anthropomorphism, that is, the design of systems that simulate deep emotional understanding or genuine care while in fact operating according to instrumental logics oriented toward engagement optimization (De Graaf & Malle, 2019).

Likewise, an ethics of care requires that affective AI systems be designed to support human interaction, not to substitute for it. As Montemayor (2023) warns, the outsourcing of emotional functions to artificial agents can impoverish social practices of care, empathy, and shared responsibility, weakening human capacities for situated moral judgment. Finally, this approach calls for the incorporation of critical, non-simplified neuroscientific perspectives, recognizing that emotions are not discrete or universal signals that can be easily quantified, but dynamic, contextual, and deeply embodied processes (Damasio, 2008; Barrett, 2017). Reducing emotional complexity to computational variables not only limits the scientific validity of these systems, but also reinforces narrow normative models of what it means to feel “correctly.”

Taken together, an ethics of care applied to affective AI makes it possible to reorient the debate from what these technologies can do toward what they should do, and above all, toward what they should not do, in relation to human dignity, autonomy, and subjectivity.

Conclusions

Affective artificial intelligence should be understood not only as a technical development, but as a social and cultural phenomenon that intervenes in central dimensions of human emotional experience. By automating the interpretation and modulation of emotions, these systems reconfigure communicative practices, relational expectations, and normative frameworks of feeling, with profound implications for autonomy and subjective dignity.

The analysis presented in this chapter highlights significant risks associated with the naturalization of algorithmic readings of subjectivity, which can create a false appearance of objectivity and shift the interpretation of emotional experience toward opaque technical systems. This dynamic threatens emotional self definition and reinforces power asymmetries, especially when affective AI is embedded in economic models based on attention and data exploitation. In this context, the ethical challenges of affective AI go beyond technical accuracy or bias mitigation and require reflection on affective governance, emotional justice, and relational responsibility. Addressing these challenges demands interdisciplinary research and a situated ethics that recognizes cultural diversity and avoids the imposition of universalizing affective models. Finally, this chapter underscores the need to promote emotional and technological literacy, alongside responsible design, contextual regulation, and informed citizen participation, as indispensable conditions for developing affective AI that accompanies human experience without reducing or instrumentalizing it.

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Socratic interactions with AI in teacher training

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Introduction

Teacher training currently faces the challenge of preparing professionals capable of critical thinking in educational contexts marked by complexity, uncertainty, and the rapid incorporation of digital technologies. In this scenario, generative artificial intelligence has begun to occupy a growing place in training processes, both because of its potential to support pedagogical analysis and because of the risks associated with its uncritical use. Various studies have warned that when AI is used from instrumental approaches geared toward efficiency or the direct provision of answers, it can encourage the delegation of thinking, a superficial understanding of educational problems, and the loss of intellectual agency on the part of future teachers. These tensions are particularly relevant in teacher training, where the development of professional judgment and intellectual responsibility are central objectives.

From contemporary perspectives, critical thinking is conceived not as an isolated individual skill or a measurable result, but as a situated, relational, and dialogical process that is constructed through argumentation, problematization, and the confrontation of perspectives. In pedagogical practice, this type of thinking involves the ability to suspend immediate judgments, justify teaching decisions, contrast assumptions, and revise positions based on dialogue with others and with the context. Within this framework, dialogic learning offers a solid theoretical basis for understanding how question-oriented dialogue can support processes of deep and reflective reasoning, especially in complex training scenarios such as initial and continuing teacher training.

In this chapter, Socratic interactions with generative artificial intelligence are approached from a perspective that shifts the focus from technology as a provider of answers to its understanding as a cognitive mediator. From this approach, AI does not replace human reasoning or pedagogical mediation, but rather acts as an interlocutor that returns questions, requests justifications, introduces reflective friction, and keeps reasoning processes open. This dialogical design is part of a perspective centered on human interaction, which recognizes the educational value of generative AI when it is integrated with clear pedagogical and ethical criteria aimed at preserving students' agency and intellectual responsibility.

Based on this framework, the chapter aims to analyze how Socratic interactions mediated by generative artificial intelligence can operate as a form of cognitive mediation that promotes critical thinking and pedagogical reasoning in teacher training, without promoting the delegation of thinking or the replacement of human mediation. To this end, it presents a qualitative descriptive-interpretive study conducted with students in teacher training programs, examining the dynamics of interaction with a Socratic assistant based on generative AI, as well as the cognitive and dialogic processes that emerge during its use.

The chapter begins by articulating the problem situation and the conceptual foundations that underpin the research, addressing critical thinking as a dialogical process and cognitive mediation in educational contexts mediated by artificial intelligence. Secondly, the

methodological process is described and the main results of the study are presented, based on the analysis of interactions, observations, academic productions, and reflections of the participants. Finally, the findings are integrated into a reflection that allows for discussion of their implications for teacher training and for the responsible design of learning-oriented artificial intelligence systems, highlighting the study's contributions to the understanding of critical thinking as an emergent process of human-AI interaction.

Socratic interactions with AI and cognitive mediation in teacher training.

Contemporary teacher training takes place in a context marked by pedagogical complexity, social uncertainty, and the rapid incorporation of digital technologies into educational processes. In this scenario, critical thinking has established itself as a core competency for professional teaching practice, as it allows teachers to interpret complex educational situations, question established practices, and base pedagogical decisions on changing contexts (Facione, 2020; Ennis, 2018). However, several studies have noted that, in initial and continuing teacher training, critical thinking is often approached in a declarative or instrumental manner, without creating sustained conditions for its reflective and situated development (Kuhn, 2019; Selwyn, 2022).

From contemporary perspectives, critical thinking is not conceived as an individual cognitive skill or a measurable outcome, but rather as a relational and dialogical process that is constructed through argumentation, problematization, and the confrontation of perspectives in specific contexts (Ennis, 2018; Mercer, 2020). This understanding is particularly relevant in teacher training, given that pedagogical practice involves interpreting diverse realities, articulating theoretical knowledge with situated contexts, and sustaining professional decisions in scenarios marked by ethical and social tensions (Biesta, 2017).

The incorporation of generative artificial intelligence in educational environments introduces new tensions in this training scenario. Recent research warns that when these systems are used from instrumental approaches oriented toward providing answers, automating tasks, or cognitive efficiency, they can favor processes of delegating thought, promote the illusion of understanding, and shift intellectual responsibility from the subject to technology (Knox, 2023; Yan et al., 2023). These risks are particularly relevant in teacher training, where the development of pedagogical judgment and professional agency is an essential educational objective (Selwyn, 2022).

In contrast to these approaches, this chapter proposes understanding Socratic interactions with generative artificial intelligence as a form of cognitive mediation aimed at sustaining reflective and dialogical processes. From this perspective, AI is not conceived as an epistemic authority or a substitute for human reasoning, but as an interlocutor designed to return questions, request justifications, and generate cognitive friction, keeping thought processes open and favoring the explicitation of pedagogical reasoning (Amershi et al., 2019; Floridi & Chiriatti, 2020).

The notion of cognitive mediation allows us to understand human-AI interaction as an accompanying process that amplifies reasoning abilities without replacing the learner's agency or intellectual responsibility. In the case of Socratic interactions, this mediation is expressed in the suspension of immediate responses, the progressive reformulation of arguments, and the

conscious contrast of assumptions, creating conditions for critical thinking to emerge as a discursive and situated practice, rather than as a predefined result (Luckin, 2018; Spector, 2022). This approach aligns with the principles of human-centered artificial intelligence, which emphasize the importance of designing educational systems that prioritize reflection, transparency, and user agency (Holmes & Porayska-Pomsta, 2023; Holmes et al., 2022).

Likewise, these interactions are articulated with the fundamentals of dialogic learning, which conceive of knowledge construction as a social process in which meanings emerge through dialogue, problematization, and the negotiation of perspectives (Bakhtin, 1981; Freire, 2005). In teacher training, dialogic learning is particularly relevant, as it allows future teachers to articulate pedagogical criteria, review decisions, and construct professional judgments based on reasoned exchanges with other actors and mediations, including educational technologies (Mercer, 2020).

From this framework, Socratic interactions with generative artificial intelligence do not seek to close reasoning processes or accelerate decision-making, but rather to sustain a space for reflective dialogue that favors cognitive self-regulation and the development of pedagogical judgment. This conceptual framework forms the basis for the empirical analysis presented in the following sections, which examine how an AI assistant designed according to Socratic and non-directive principles can mediate critical thinking processes in teacher training, as well as the tensions and possibilities that emerge from this form of interaction.

Main results of the analysis

The qualitative analysis identified a set of recurring patterns in the interactions mediated by the generative artificial intelligence assistant, which account for how critical thinking and dialogic learning processes were configured in teacher training. These results are not interpreted as measurable effects or levels of achievement, but rather as emerging dynamics of reasoning and dialogue.

First, a tendency to suspend immediate responses and deliberately slow down reasoning was observed. The questions returned by the assistant interrupted sequences of automatic thinking and promoted cognitive pauses in which students reviewed assumptions, sought internal consistency in their arguments, and reconsidered previously assumed pedagogical decisions. This pattern manifested consistently in tasks involving the diagnosis of complex educational situations.

Second, the interactions revealed processes of progressive reformulation of arguments. Students did not produce final decisions from the outset, but rather constructed their pedagogical proposals through successive revisions, adjustments, and contrasts of ideas. This process promoted greater coherence between the diagnosis of the educational problem, the selected pedagogical approach, and the proposed innovation.

Likewise, dynamics of conscious contrast of assumptions were identified, in which participants made implicit beliefs explicit, questioned initial approaches, and considered pedagogical alternatives before making decisions. This movement was particularly relevant in the discussion of pedagogical dilemmas, where students had to justify their choices based on the context, the actors involved, and the educational intent.

In relation to intellectual agency, the results show that, although in the initial phases there were attempts at cognitive delegation—expressed in requests for direct answers or automatic validations—these behaviors tended to decrease as students understood the Socratic and non-directive nature of the interaction. Progressively, participants took on a more active role in reasoning, verified information, adjusted decisions, and explicitly acknowledged responsibility for the final pedagogical judgment.

Finally, tensions associated with the use of generative artificial intelligence became evident, particularly episodes of frustration in the absence of closed answers and the need to sustain cognitive effort. However, these tensions did not become persistent obstacles, but rather were part of the process of adapting to a dynamic of interaction oriented toward reflection rather than immediate efficiency.

Interpretive contributions and projections for teacher training

The results of the study allow for a deeper understanding of generative artificial intelligence as a cognitive mediator in teacher training, shifting instrumental approaches focused on providing answers toward a dialogical and reflective conception of human-AI interaction. In this sense, the findings confirm that critical thinking does not emerge as an individual skill activated by technology, but rather as a relational process that is progressively configured in sustained dialogue, problematization, and the justification of pedagogical decisions, in line with contemporary approaches to the situated nature of critical reasoning (Facione, 2020; Kuhn, 2019; Ennis, 2018).

The suspension of immediate responses and the deliberate slowing down of reasoning observed in interactions mediated by the Socratic assistant reinforce the idea that deep learning requires cognitive times that are different from those promoted by logics of efficiency and productivity. This finding is consistent with studies that warn about the effects of accelerated and highly automated educational practices, which tend to limit spaces for deliberation and critical reflection in higher education (Selwyn, 2022; Gašević et al., 2023). In contrast, the assistant's non-directive design encouraged cognitive pauses and self-regulation processes that allowed students to review assumptions and reorganize their pedagogical reasoning before making decisions.

Likewise, the processes of progressive reformulation of arguments and conscious contrast of assumptions show that Socratic interactions with generative artificial intelligence can sustain dialogic learning dynamics, understood as spaces for the social construction of knowledge in which meanings emerge through reasoned exchange (Bakhtin, 1981; Freire, 2005; Mercer, 2020). In teacher training, these dynamics are particularly relevant, given that professional practice requires interpreting complex contexts, articulating pedagogical knowledge with situated realities, and sustaining decisions in scenarios marked by ethical, cultural, and social tensions.

From the perspective of cognitive mediation, the results suggest that generative artificial intelligence can amplify thought processes without replacing the intellectual agency of the subject, provided that its design avoids positioning it as an epistemic authority. This finding aligns with the principles of human-centered artificial intelligence, which emphasize the need to design systems that accompany reasoning, promote transparency, and preserve the intellectual

responsibility of users (Amershi et al., 2019; Floridi & Chiriatti, 2020; Holmes & Porayska-Pomsta, 2023). In this sense, Socratic mediation operated as a cognitive scaffold that sustained dialogue and reflection, rather than closing off reasoning processes through automated solutions.

The initial tensions associated with attempts at cognitive delegation and the expectation of direct answers confirm previous warnings about the risks of algorithmic dependence and the illusion of understanding in environments mediated by artificial intelligence (Knox, 2023; Yan et al., 2023). However, the study's results allow us to qualify these concerns by showing that such tensions did not become dominant patterns when the interaction was mediated by explicit pedagogical criteria and a non-directive interrogative design. On the contrary, the experience favored the development of a more critical and conscious relationship with technology, in which students recognized their responsibility for the final pedagogical judgment.

From a training perspective, these findings provide empirical evidence for rethinking the use of generative artificial intelligence in teacher training beyond approaches focused on efficiency, automation, or performance. In line with studies that point to the need to understand the cognitive and discursive processes activated during human-AI interaction (Zawacki-Richter et al., 2020; Holmes et al., 2022), this chapter shows that the educational value of AI lies in its ability to sustain spaces for reflective dialogue and not in the speed or quantity of responses produced.

In terms of projection, the results suggest that the design of generative AI-mediated learning experiences should prioritize the explicitation of reasoning, the problematization of assumptions, and cognitive self-regulation, especially in teacher training contexts. Integrating AI as a Socratic cognitive mediator implies making an ethical and pedagogical commitment to the development of professional judgment, avoiding uncritical uses that could weaken the intellectual agency of future teachers. In this sense, artificial intelligence does not replace human mediation, but it can amplify it when integrated from a dialogical, reflective, and human interaction-centered approach.

Conclusions

This chapter addressed generative artificial intelligence from a perspective different from the instrumental approaches predominant in the educational literature, proposing it as a cognitive mediator capable of sustaining critical thinking and dialogic learning processes in teacher training. Based on a descriptive-interpretive qualitative study, we analyzed how a Socratic assistant, deliberately designed to avoid providing direct answers, reconfigures the dynamics of pedagogical reasoning and students' relationship with technology.

The findings allow us to affirm that critical thinking does not emerge automatically from the incorporation of advanced tools, but is progressively constructed through dialogue, problematization, and the justification of situated pedagogical decisions. Socratic mediation exercised by generative artificial intelligence favored cognitive pauses, argumentative reformulations, and conscious contrasts of assumptions, creating conditions for slower, more deliberate, and reflective reasoning, which is particularly relevant in teacher training contexts characterized by complexity and uncertainty.

Likewise, the study shows that dialogic learning can be sustained by generative artificial intelligence systems when they are designed as reflective interlocutors rather than epistemic

authorities. Interactions based on open-ended questions promoted the continuity of dialogue and the negotiation of meanings, shifting the logic of immediate response toward processes of shared knowledge construction. This result reinforces the idea that technology can amplify learning without replacing human mediation or the professional judgment of future teachers.

Regarding the risks associated with the use of generative artificial intelligence, the research identified initial tensions related to cognitive delegation and the expectation of automatic decision validation. However, these tensions did not become dominant patterns, as the non-directive design of the assistant favored processes of cognitive self-regulation and the explicit recognition of intellectual responsibility by students. This finding is particularly significant in light of recurring concerns about the loss of agency in AI-mediated educational environments.

From a pedagogical and ethical perspective, the chapter provides empirical evidence for the design of generative AI-mediated learning experiences that prioritize reflection, agency, and intellectual responsibility. Integrating AI as a cognitive mediator involves making design decisions that highlight its non-authoritative nature and promote the conscious and critical use of technology, especially in teacher training, where the development of pedagogical judgment is a central objective.

Finally, this work contributes to an understanding of generative artificial intelligence as a technology whose educational value lies not in the automation of reasoning or the efficiency of response, but in its ability to sustain spaces for reflective dialogue and critical thinking. Although the qualitative and situated nature of the study limits the generalization of the results, they offer a solid basis for future research aimed at exploring variations in the design of Socratic mediation, its application in other educational contexts, and its articulation with the emotional and ethical dimensions of AI-mediated learning.

Overall, the chapter argues that generative artificial intelligence does not replace human thinking, but can amplify it when integrated into teacher training from a dialogical, ethical, and human-centered approach, thus contributing to the development of more reflective and responsible educational practices in contexts of technological transformation.

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Generation Z's dependence on AI: a study of phobias, phillas, and perceptions

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Introduction

The emergence of generative artificial intelligence has placed Generation Z university students in a highly automated environment where AI has become integrated into their daily study, communication, and content production practices (Al-Sharafi *et al.*, 2023; Mula Grau *et al.*, 2025). This cohort is configured as a group of intensive users, as has been the case with other previous technologies: first the use of the Internet and *smartphones*, then social networks, and now artificial intelligence. In this context, AI is not perceived as an exceptional addition, but as a normalized functional mediation that structures much of academic work and, to a lesser extent, personal and pre-professional uses.

This scenario raises a number of analytical and regulatory issues. First, the question arises as to what extent the expansion of AI in students' daily lives responds to a logic of functional specialization or to incipient forms of dependence. The data show that most students use a limited repertoire of tools, mainly aimed at searching for answers, generating texts, and completing academic tasks (Babayev, 2025). This pattern suggests, on the one hand, a strategic use of AI to optimize cognitive and time resources, but, on the other hand, it raises the question of whether this concentration on a few dominant tools reinforces dynamics of dependency in which certain platforms become indispensable infrastructures for university study.

Secondly, the integration of AI into academic contexts coexists with an ambivalent emotional imaginary. On the one hand, positive perceptions are very high in relation to the facilitation and optimization of tasks, help in understanding concepts, and enrichment of the learning process: AI appears as a legitimate ally in managing information complexity and improving performance. On the other hand, a significant proportion of students also express concerns about reduced effort, the possible limitation of critical thinking, the creation of dependency, and the unreliability of results. This tension between instrumental affinities and phobias linked to autonomy and cognitive agency places AI dependency in a problematic position, where perceived benefits coexist with the recognition of risks that are difficult to manage.

Thirdly, the normalization of AI use in academic tasks contrasts with the marginality of other potentially educational uses, such as audio and video generation or language learning, which are barely explored. This asymmetry reinforces the idea that AI is primarily part of a regime of productivity and performance, rather than a horizon of creativity or identity exploration (Di Plinio, 2025). At the same time, the combination of intensive use with partial distrust of reliability and concerns about data security raises questions about verification strategies, critical evaluation

practices for generated content, and the degree of awareness of algorithmic mediation in the construction of knowledge (Grassini, 2023).

Against this backdrop, the study presented here revolves around several central research questions: how university students use AI in their daily lives and, in particular, in their academic practices ; what patterns of intensity, repertoire of tools, and types of actions can be identified; what positive and negative perceptions shape their affective imagery regarding AI in terms of usefulness, learning, effort, critical thinking, dependence, reliability, and security; and, finally, how these uses and perceptions are articulated in an AI-dependence model that allows us to understand the tensions between efficiency, autonomy, and identity construction in Generation Z. These are the issues addressed in the following sections through detailed analysis of the data obtained in a quantitative study conducted on a convenience sample of 205 university students in the social sciences. survey and theoretical interpretation of the results.

An *ad hoc* questionnaire was used for data collection. The questionnaire was developed after an exhaustive review of questionnaires and studies relevant to the present research (Kieslich et al., 2021; Mula-Grau et al., 2025). In addition, various reports were consulted, including those from UNESCO, AI and Education (UNESCO, 2021) and *Indicators of the use of artificial intelligence in Spain 2024*, a project promoted by the Spanish Ministry of Digital Transformation (Ontsi, 2025).

As a result of the aforementioned review, the questionnaire design was structured around five areas of study: 1) Sociodemographic variables, 2) Degree of AI use, 3) Use of AI in education, 4) Digital skills and AI, and 5) Effects of AI. A total of 89 variables were collected. To answer the research questions posed in this paper, only results from areas two and five are presented: use of AI and effects of AI.

Algorithmic culture and Generation Z

Generation Z is usually defined as the cohort born approximately between the mid-1990s and the first decade of the 21st century, growing up in an environment marked by ubiquitous digitization and constant access to the internet (Injuve, 2017). This generation not only has digital technologies at its disposal, but also socializes from an early age in ecosystems deeply mediated by connected platforms and services. Unlike previous generations, their daily experience of communication, leisure, consumption of information, and learning takes place in digital spaces where algorithmic mediation is structural and almost invisible. This context contributes to Generation Z being described as advanced digital natives, but also as "algorithmic natives," given their familiarity with recommendation systems, search engines, and applications based on artificial intelligence (Digital Future Society, 2024).

The concept of "algorithmic culture" is key to understanding this environment of youth socialization. More than ten years ago, Striphas (2015) defined algorithmic culture as the use of computational processes to classify, order, and hierarchize people, objects, and ideas, as well as the repertoires of thought, behavior, and emotion that arise from this mediation and return to it. This definition remains more relevant than ever (Striphas, 2023), with the mass consumption of platforms such as Google, Amazon, Netflix, and social media, recommendation and personalization algorithms organize what content is displayed, in what order, and how often, thus shaping the conditions of cultural visibility (Pedrero-Esteban and Pérez-Escoda, 2021).

From this perspective, culture is no longer understood solely as symbolic human production, but as a socio-technical framework in which automated systems actively participate, "flattening culture" as Chayka (2024) points out. Generation Z is therefore socialized in this context, in an environment where cultural selection delegated to algorithms is perceived as natural and efficient, rather than as a political and economic operation, without this "flattening" being perceived.

Recent studies and reports on Generation Z and digital inclusion (*Digital Future Society*, 2024; Montero-Corrales, 2025; Pérez-Escoda et al., 2026) highlight that, although this cohort shows a high level of familiarity with devices and platforms, there are gaps linked to cultural capital, education, and socioeconomic conditions that affect how they inhabit algorithmic culture. Generation Z is observed to be an intensive user of social networks, streaming services, and short-form video platforms, where algorithms strongly determine information and entertainment flows. In these spaces, the logic of virality, personalization, and segmentation generates echo chambers, reinforces biases, and conditions young people's information and public participation practices (), highlighting the risks of the environment, such as misinformation and *fake news* (Pérez-Escoda et al., 2022).

In the specific area of information practices, research on TikTok (Montero-Corrales, 2025) and Generation Z (Pérez-Escoda and Carabias, 2025; Tejedor et al., 2021) shows how social media has become a relevant source of information and news, especially among younger people. The algorithmic design of the "feed for you" on networks such as TikTok prioritizes highly personalized content based on previous interactions, viewing times, and *engagement* variables, resulting in fragmented information itineraries that are strongly tailored to each user.

This consumption model alters the traditional role of the news media and shifts the focus from actively seeking information to passively and continuously receiving content suggested by automated systems. Thus, Generation Z's political and media socialization increasingly takes place in environments where the relevance of information is subordinated to *engagement* metrics and commercial criteria encoded in algorithms.

Generation Z's relationship with artificial intelligence, although still in the process of exploration, does not seem to be limited to the realm of information or entertainment, but extends to the sphere of consumption and trust in brands. Early empirical studies such as that by Guerra-Tamez et al. (2024) indicate that exposure to AI systems, attitudes toward AI, and perceptions of its accuracy significantly influence young people's trust in brands, which in turn impacts their purchasing decisions. The flow experience, associated with fluid and personalized interactions with AI-based tools, acts as a mediator between trust and consumer behavior. These findings illustrate how algorithms not only select content, but also structure relationships of trust and symbolic affinity between young consumers and commercial environments.

On the other hand, studies focused on AI-driven recommendation tools (Jize and Fernandez, 2025), such as commercial *chatbots* or conversational assistants, show that the perception of personalization, usefulness, and ease of use is crucial for the acceptance of these systems. Based on the Technology Acceptance Model (TAM), these studies emphasize that trust acts as a bridge between positive perceptions of AI and the intention to use or purchase. In contexts where most participants are university students, there is a rapid normalization of interaction with intelligent systems as part of the purchase decision process, especially in sectors such as technology,

fashion, or education. Generation Z, as algorithmic natives, thus incorporates AI mediation as a structural component in evaluating options, comparing alternatives, and constructing preferences.

This scenario is reinforced by research such as that of Al-Sharafi et al. (2023), which integrates theoretical models such as UTAUT (Unified Theory of Acceptance and Use of Technology) and PMT (Protection Motivation Theory) to explain the use of AI products by Generation Z. These studies indicate that variables such as performance expectations, perceived effort, social influence, and facilitating conditions combine with risk perceptions and protection mechanisms to shape the adoption of AI-based services. Among young university students, it seems that AI products are used both for their instrumental utility—saving time, optimizing tasks—and for their ability to reduce uncertainty in academic, professional, and leisure contexts. At the same time, concerns about privacy, surveillance, and loss of control coexist with a high willingness to delegate everyday decisions to recommendation and intelligent assistance systems.

AI dependence as an emerging identity phenomenon

This context of socialization poses significant challenges for understanding AI dependence as an emerging identity phenomenon. If algorithmic culture reorganizes the ways in which experiences are selected and ranked, Generation Z constructs much of its self-image and social relationships in environments where visibility, recognition, and belonging are mediated by automated systems.

Continuous exposure to personalized content, popularity metrics, and automated recommendations can foster a functional and symbolic dependence on AI as a privileged mediator of social experience (Pedrero-Esteban and Pérez-Escoda, 2021). At the same time, familiarity with these systems fosters a perception of technological control and mastery that coexists with subtle forms of algorithmic heteronomy, which are difficult for young people themselves to perceive as such. Understanding Generation Z as algorithmic natives therefore allows us to theoretically situate AI dependence at the intersection of digital culture, automated mediations, and youth socialization processes.

The growing presence of artificial intelligence in the daily lives of Generation Z is reconfiguring the conditions under which they exercise their autonomy and will. AI is becoming increasingly integrated into academic, leisure, relational, and consumer practices, to the point of becoming a structural mediation of time organization, information management, and decision-making (Di Plinio, 2025). In this context, AI dependence is not limited to the intensive use of applications, but refers to forms of cognitive and affective delegation that influence self-image, sense of personal efficacy, and perception of control over one's own life. Youth identity is thus constructed in socio-technical environments where intelligent systems not only provide resources, but also shape behavioral horizons, relevance criteria, and frameworks for social recognition.

From the perspective of developmental psychology, autonomy is understood as the ability to make one's own decisions, regulate behavior, and articulate a life project that is relatively independent of external pressures. Generation Z faces these tasks in an ecosystem where AI offers constant support, from personalized recommendations to tools that aid in writing, studying, and daily planning. Recent studies (Babayev, 2025; Joseph, 2025) on education and

adaptive learning platforms show that AI systems can improve self-regulation of learning when integrated as scaffolding that guides planning, monitoring, and evaluation of one's own progress. However, these same studies warn of the risk of over-reliance on automated support, which can weaken the development of self-regulatory strategies when students systematically delegate to the system decisions that previously involved reflection and autonomy.

Media education, algorithmic ethics, and affective automation

Various proposals in the field of AI ethics emphasize the need for governance frameworks that protect young people's autonomy and strengthen their ability to exercise their will in digitized environments (Shouli *et al.*, 2025). It is argued that, given the asymmetry between the sophistication of AI systems and users' resources for understanding them, media and ethics education must play a central role in training "digital citizens" capable of interpreting and questioning algorithmic mediation. These proposals call for a combination of regulatory reforms—greater transparency, limitations on data exploitation, and consent mechanisms appropriate for minors and young people—with educational initiatives that explicitly address the impact of AI on identity, autonomy, and social relationships.

In the university setting, some studies on self-regulated learning in AI environments suggest that the benefits of adaptive systems depend largely on how they are pedagogically framed (Yu *et al.*, 2025). When presented as aids that complement effort and reflection, and integrated with metacognition and critical discussion activities, they can reinforce autonomy and awareness of one's own learning processes. In contrast, when used as substitutes for complex cognitive tasks, or when their use is encouraged primarily for reasons of efficiency, they tend to promote forms of dependency that hinder the construction of a robust sense of competence and control.

From this perspective, AI dependence appears to be a relational and contextual phenomenon rather than an isolated individual trait (Donadoni *et al.*, 2025). Its effects on youth autonomy and identity depend on platform architectures, regulatory frameworks governing AI, and the educational resources available to critically interpret these mediations. The key question for research is not only whether Generations Z use AI extensively, but under what conditions this practical dependence becomes a limitation on their ability to define their own projects, make informed decisions, and maintain a reflective relationship with the technologies that shape their lives. It is in this context that the research presented here acquires its main objective.

From digital natives to AI dependents?

The first variables analyzed in the study identify a user profile characterized by frequent use of AI, concentrated on generative chat tools, mainly ChatGPT, and visual editing tools such as Canva, with limited mastery of between one and four tools, suggesting functional specialization rather than diversified exploration, activities predominantly focused on searching for answers, generating texts and academic information, marginal use of audio and video generation, and the primacy of the academic context as a driver of use over less developed personal and professional contexts.

a) Intensity of AI use

Generation Z, analyzed in this study, has an intensive relationship with artificial intelligence, with usage patterns ranging from zero frequency to daily use. The data reveal that only 1.9% of

students do not use AI, while 54.6% use it with some regularity between 2-4 times a week or every day. Specifically, 38.5% use AI between 2 and 3 times a week, 30.7% between 3 and 4 times a week, and 15.6% report daily use. Only 13.2% say they hardly use it. This picture points to the almost normalized integration of AI tools into the daily practices of the university population.

b) Repertoire of AI tools used

In terms of knowledge of specific tools, the prevalence of ChatGPT use is practically absolute: 98.5% of respondents say they use it, compared to a meager 1.4% who do not. This data illustrates the centralizing role of ChatGPT in the generative AI imagination among young university students. Other chat tools such as Google Bard Gemini show lower penetration, with only 24.4% using it. BingAI is used by 10.2% of the sample, while Copilot reaches 22.4% usage. Among editing and design tools, Canva stands out as the most popular for creative tasks, with 71.7% of users. Translation tools such as Deepl have a 15.1% adoption rate, and other linguistic utilities such as Grammarly reach 13.2%.

In contrast, specialized tools such as Midjourney register only 6.3%, DALL-E 9.8%, Gamma 8.3%, and Sunno 8.8%. Tools such as LLaMA, Grok, Lumen5, HuggingFace, CopyAI, Prisma, Jasper, Artsi, Runway, Fliki, Resemble, CapCut, GradeScope, Scribble, Wombo, and Crayon are not used at all by those surveyed. Claude is barely used by 2.9% of the sample. The number of tools managed by each student is highly concentrated: 93.2% use between 1 and 4 tools, 5.4% between 5 and 8, and only 0.5% between 9 and 12. No student reported knowing more than 13 different tools. These data suggest functional specialization rather than diversified exploration of the AI ecosystem.

c) Specific actions performed with AI

The most developed actions with AI are those related to searching for information and answers. Forty-five percent search for answers frequently, 13.7% always, and 25.9% sometimes, while only 4.9% never do. In contrast, receiving advice shows much lower adoption: 45.9% never receive advice from AI, 24.9% do so infrequently, and only 0.9% always do. The generation of visual content such as images presents a bifurcated picture: 34.6% never do so, 35.6% rarely, but 29.8% do so sometimes or frequently. Text generation is significantly more widely used: only 7.3% never use it, while 37.1% use it sometimes and 28.8% frequently.

In contrast, 76.1% never use audio generation, and the same proportion (76.1%) never use video generation, making these practices virtually marginal in the reported uses. Text translation shows moderate acceptance: 43.9% never translate with AI, but 26.8% do so infrequently and 19.5% sometimes. Conversational use such as chatting is limited, with 70.2% never doing so. Language acquisition shows very low *engagement*: 70.7% never use AI to learn languages. Creating content for social media is a minority activity: 67.8% never do it and 14.6% do it rarely. The adaptation of existing content, such as paraphrasing or rephrasing, has a higher relative adoption rate: 36.6% never do it, but 24.4% do it rarely and 21.0% do it sometimes. Code creation is residual: 79.5% never do it.

d) Contexts of use: personal, academic, and professional

The use of AI for academic purposes is intense and widespread: 46.3% use it frequently, 17.1% always use it, and 26.8% use it sometimes. Only 1.5% never use it in academic contexts. This contrasts sharply with personal use, which is more dispersed: 27.8% use it infrequently, 25.9% sometimes, 22.9% never, and 21.0% frequently. Professional use is more moderate: 35.1% never use it in work or pre-work contexts, 23.9% sometimes, and 21.0% frequently. These data reveal that the academic context is the driving force behind the integration of AI into the lives of university students, while personal and professional uses remain more limited and uneven in their distribution.

Emerging dynamics: how usage patterns shape the affective imaginary

The intensive use of AI in academic contexts, where 90.2% use it frequently, always, or sometimes, generates an almost invisible mediation experience. Students do not constantly reflect on whether they are using AI or its implications; it simply integrates into the workflow. This invisibility enhances the dissonance between experienced utility and abstract concern about adverse effects. When asked if they use AI for academic tasks, 90.2% respond affirmatively. But when asked about specific effects such as limiting critical thinking, only 42.0% express explicit concern.

The gap suggests that the normalization of the practice has surpassed the ability to critically reflect on its medium- and long-term identity and cognitive implications. AI thus becomes a silent assistant that structures much of the academic work without being explicitly addressed in the students' own discourse.

Another striking feature is the low adoption of creative generative uses, despite their potential for learning and personal expression. Audio and video generation show a 76.1% non-use rate in both cases, and language learning through AI is non-existent or very rare for 70.7% of students. This marginality contrasts with the high adoption rate for academic and problem-solving tasks.

A plausible interpretation is that students perceive AI primarily as a functional tool linked to productivity and task completion, rather than as a legitimate mediator of creative or exploratory processes. This creates an implicit hierarchy of uses considered appropriate: AI seems acceptable for "problem solving" or "task optimization," but less legitimate when it intervenes in areas associated with creativity, identity expression, or leisure. This distinction has implications for AI dependence, as it suggests a stratified dependence: very high in academic and instrumental areas, and very low in domains where students still prefer other forms of mediation.

The data also allow us to differentiate between two levels of trust in AI. On the one hand, there is functional or instrumental trust, which refers to the tool's ability to solve immediate problems, save time, or simplify tasks, and which is reflected in high usage rates and positive assessments of task facilitation and help in understanding concepts. On the other hand, there is a more limited existential or epistemological trust, linked to the reliability of results, risks to data security, or the possible erosion of critical thinking.

The coexistence of intensive use with explicit doubts about reliability and concerns about dependence suggests that students trust AI as a process accelerator, but not necessarily as a guarantor of truth or a full substitute for their own judgmental abilities. This dual structure of trust explains why students continue to resort to AI en masse despite expressing significant reservations about its effects.

Philiat and phobias in the use of artificial intelligence

Positive perceptions of AI are primarily based on its usefulness in facilitating tasks, optimizing academic work, and improving content comprehension. The idea that AI facilitates and optimizes tasks receives the highest positive rating of all the dimensions analyzed: 59.5% of students agree with this statement and 21.0% strongly agree, representing 80.5% of favorable ratings. Only 3.9% completely disagree. This result indicates that AI is perceived, above all, as a tool for instrumental efficiency.

Similarly, the educational value of AI is widely recognized. 50.7% of respondents agree that AI helps them understand concepts, and 29.3% strongly agree, adding up to 80.0% positive ratings. Only 1.9% say they strongly disagree with this statement. Complementarily, 46.8% believe that AI enriches the learning process and 18.0% strongly agree, reaching 64.8% of favorable ratings, although here the proportion of indifferent responses increases slightly. These data consolidate the image of AI as a pedagogical ally, especially in university environments where tools to support the understanding and systematization of content are in demand.

The perception of AI as a personalized assistant is also mostly positive, although with slightly more nuances. 47.8% of students agree that AI offers personalized assistance and 7.3% strongly agree, representing 55.1% of favorable opinions. 18.0% are indifferent and the rest are divided between lower degrees of agreement or disagreement. Finally, in relation to the adaptive capacity of the systems, 40.9% perceive that AI learns from their queries and improves its responses, while 11.7% strongly agree with this idea. However, 29.8% remain indifferent, and pockets of skepticism persist, reflecting an uneven understanding of how these systems actually work.

In contrast, negative perceptions are concentrated in four main areas: the possible erosion of personal effort, the risk of dependence, the cognitive dimension, and doubts about reliability and security. Regarding the reduction in effort, 44.4% of students agree with the statement "AI reduces their capacity for effort" and 20.5% strongly agree, meaning that almost two-thirds of the sample, 64.9%, recognize this potential effect. Only 5.9% strongly disagree, indicating that although AI is perceived as a facilitator, the risk of complacency is also quite clearly recognized.

Concern about dependence is even more pronounced. When asked whether AI creates dependence because of how easy it is to obtain answers, 44.9% of students agree and 26.3% strongly agree, adding up to 71.2% of opinions that perceive a real risk in this regard. Only 6.3% strongly disagree. This is the dimension in which the negative image reaches its maximum intensity and becomes a central axis for the conceptualization of AI dependence as an identity phenomenon.

In terms of the cognitive dimension, 29.3% agree that AI limits their critical thinking and problem-solving skills, and 12.7% strongly agree, leading to 42.0% of negative assessments. Some 21.9%

say they are indifferent, and the rest are divided between varying degrees of disagreement. Although this concern is not shared by the majority, it does represent a significant proportion of students who perceive a possible erosion of their thinking skills when they rely too heavily on intelligent systems.

Mistrust in the reliability of the results is also noteworthy. 36.1% of students agree with the statement that they are not sure that the results are reliable, and 18.5% strongly agree, meaning that 54.6% express some level of doubt about the accuracy of AI responses. Some 21.5% remain indifferent, and 23.9% are divided between positions of slight agreement or disagreement. Similarly, 26.8% believe that AI poses a risk to their security and private data, and 16.6% strongly agree, adding up to 43.4% of negative assessments in this area, compared to 27.8% who say they are indifferent.

The analysis of attitudes toward AI shows a clearly ambivalent emotional response among university students. On the one hand, positive assessments focus on the instrumental and pedagogical usefulness of AI: around 80% of the sample recognizes that it facilitates and optimizes tasks and that it helps to understand concepts, and more than half perceive that it enriches learning and offers personalized assistance. This aspect shapes an image of AI as a powerful tool for increasing efficiency, reducing workload, and supporting understanding in contexts of high academic demand.

On the other hand, negative concerns are not marginal. Most students believe that AI can create dependency, a large proportion perceive that it diminishes their capacity for effort, and a significant proportion fear that it limits critical thinking or that its results are not fully reliable. Added to this is a significant, though not unanimous, concern about the risks associated with data security and privacy. Overall, the asymmetrical distribution between *phobias*, which are very high in instrumental dimensions, and *phobias*, which are high in dimensions related to autonomy and cognitive integrity, suggests that students highly value the efficiency offered by AI while maintaining reservations about its implications for the construction of their agency and academic identity.

Cross-sectional analysis: between consistency and contradiction

The conclusions drawn from the results obtained in this study, although limited in scope and scale, nevertheless allow us to extract a series of interesting reflections that help researchers delve deeper into a subject that has not yet been explored in depth and to better frame the contributions of this study. We therefore present two sections that aid reflection: a) Consistencies between uses and perceptions, and b) Contradictions and dissonances.

a) Consistencies between uses and perceptions

The hegemony of ChatGPT, with 98.5% penetration, corresponds to the highly positive assessment of task facilitation and optimization, which reaches 80.5% of favorable opinions. This consistency suggests that the experience of functional utility generates a perception of trust and benefit that is projected in affective assessments. The fact that almost all students use this tool, combined with the majority perception that it facilitates tasks, indicates that AI dependence is built on the basis of repeated experience of efficiency. However, this consistency is only partial. While the massive use of ChatGPT and the high rating of its functional utility go hand in hand,

they coexist with significant concerns about dependence, which reaches 71.2%, and decreased effort, with 64.9%. This suggests that students experience ChatGPT simultaneously as a necessary tool and as a potential threat to autonomy.

On the other hand, the fact that 93.2% of students use between one and four AI tools suggests a strategy of functional specialization where each student masters a small repertoire of tools geared toward specific tasks. This specialization aligns with the academic context, which is the main motivation for use, with 46.3% using it frequently and 17.1% always, where each tool performs a discrete function such as searching for answers, generating text, or visual editing. This pattern of specialization has implications for understanding the reported phobias.

The limited exploration of the AI ecosystem, where very few people use advanced specialized tools, could be interpreted in two ways: as strategic prudence associated with concerns about dependence and loss of control, or as a reflection of a satisfactory experience with general tools that does not encourage the search for alternatives. The data does not allow us to definitively discriminate between these interpretations, but the high perception of dependency risk (71.2%) suggests that caution is an active factor in the decision not to explore beyond the immediate functional repertoire. A more in-depth exploration of the data would be necessary to reach conclusions of greater empirical significance.

b) Contradictions and dissonances

"High academic usefulness, low confidence in reliability": One of the most notable dissonances is that 63.1% of students use AI frequently or always in academic contexts, while 54.6% express distrust in the reliability of the results. This contradiction is revealing: students systematically integrate AI into their academic work despite doubting the accuracy of its answers. This paradox can be interpreted in several ways. First, students may have developed practical heuristics to compensate for the lack of absolute reliability, using AI as a starting point that requires further verification or refinement rather than as a source of definitive truth. Second, reliability may not be the only dimension that matters, as time efficiency and assistance in problem exploration may be valued even when accuracy is questioned. Third, there is a possibility that students underestimate the real risks of AI systems, creating a gap between perception and reality.

"Facilitates tasks, but limits critical thinking": A second level of contradiction appears between the perception of task facilitation, which reaches 80.5% of positive opinions, and the concern about limiting critical thinking, with 42% of negative opinions. If AI facilitates tasks, the question arises as to why almost half of students are concerned about cognitive erosion. One hypothesis is that students intuitively distinguish between executive tasks that AI effectively facilitates and reflective tasks where delegation to systems could erode capabilities. Text generation is valued as a facilitator, but its systematic use without deep cognitive processing is perceived as potentially eroding critical thinking. This differentiation suggests that AI dependence is not perceived as a monolithic phenomenon, but as a set of dynamics that differ depending on the type of task.

Finally, it is interesting to note that the almost total penetration of ChatGPT, at 98.5%, contrasts with the minority use of alternative chat tools, where Google Bard reaches only 24.4% and Copilot 22.4%. Although ChatGPT is clearly dominant, the question arises as to why so few students exploit alternatives. This pattern could reflect satisfaction with ChatGPT, which

eliminates incentives for exploration; perceived high learning costs relative to the benefits of diversification; psychological or behavioral dependence on a familiar tool; or ignorance of viable alternatives. The concentration observed is consistent with the theory of path dependence in technology adoption, where the first successful tool tends to become established, especially if it performs sufficiently broad functions.

This configuration of the affective imaginary places AI dependence, for this university cohort, at the crossroads between fascination with the functional capabilities of intelligent systems and fear of their possible destabilizing effects on effort, critical thinking, and the perception of control over one's own learning processes.

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Pilot or co-pilot? Creative strategy with the help of AI: the perspective of communication professionals

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Introduction

The contemporary panorama of the marketing and advertising sector is undergoing a transformation that has generated a social and professional discussion regarding the implications of artificial intelligence (AI), namely in view of the threats and opportunities it presents, despite being considered "a transformative force shaping the future of work and organisational dynamics" (Duarte & Dias, 2025, p. 14). Among the risks pointed out, creativity has been listed several times as a resource usually generated by humans capable of being replaced, in whole or in part, by machines, because the rapid growth both in terms of resources and in terms of technological capacity itself, fed by machine learning processes, ended up reaching agencies and communication companies as a valuable resource that now "sits" at the desk, alongside the professionals.

This research, which poses the question "Pilot or Co-Pilot?", is intentionally designed to provoke reflection and arises naturally from the need to map this transition in the ecosystem of the Portuguese communication companies sector. While the global literature often focuses on AI's technological capabilities, there is a significant gap in understanding the phenomenological experience of professionals who interact with these tools daily. Does AI act as a creative catalyst that favours strategy and amplifies results, or, on the contrary, does it act as an inhibitor that homogenises creativity, putting the professionals' performance at risk?

The main objective of this study is to analyse how AI is being integrated into the creative workflow of agencies and communication companies in Portugal. It is thus intended to determine whether these AI resources optimise communication and support the generation of creative content, or, conversely, pose a risk to professionals in the field and constitute a "false positive" in the creative process. The answer to this starting question is justified by its topicality, as European regulations are emerging that help clarify the professional perspective on ethics and copyright (European Commission, 2022).

AI as an opportunity

We have witnessed the progress of artificial intelligence and its application across various sectors, driving significant transformations in areas such as advertising and communication (Gao, 2023) and marketing (Belhaj, 2024; Cunha, Gomes and Mendonça, 2024). According to Cunha et al. (2024), companies that use AI tools strengthen their brand and, according to Türksoy (2022) and Cunha et al. (2024), gain a competitive advantage. For Cunha et al. (2024), it is imperative to integrate AI tools into companies to enable them to respond effectively to current

market demands, making better, faster, and more effective strategic decisions. For these authors, "generative AI is a critical success factor" (Cunha et al., 2024, p. 43). The development of AI offers a technical basis for more innovative advertising practices (Lai, 2021). Paschen et al. (2020) also highlight the key role of AI in marketing across both B2B and B2C markets. According to Budénaitė et al. (2024), the evolution of AI has gone through several phases, from predictive analytics and weather forecasting in the 1950s to collaborative filtering by companies, to the hyper-personalisation of current times, programmatic advertising, and conversational AI, with even greater personalisation expected in the future. With the development of AI, there has been an evolution "from traditional and labour-intensive processes to highly automated and efficient methodologies" (Budénaitė et al., 2024, p. 136).

The constant pressure from companies to "do more with less" (Eubanks, 2022, p. 16) has been a decisive factor in the growth of AI in the business market, particularly in human resource management. According to Davenport (2018), AI can support business activities by solving challenges related to structured and repetitive work, generating insights from data analysis, and reinforcing communication between organisations and their customers through chatbots and machine learning technologies. Venkatesan & Lecinski (2021) propose the application of AI in Marketing through what they call the AI Marketing Canvas, which includes five steps, from the base, which corresponds to the retention of customer and potential customer data, to the monetisation of the business, or simply as a way of implementing an AI strategy.

Currently, consumer data analysis provides fundamental insights into customers' behaviour, preferences, and expectations, enabling us to anticipate their intentions and adapt and personalise offers to their interests. AI emerges as a resource to optimise operations and enhance professionals' creative capacity, with its incorporation met with enthusiasm and optimism (Arbaiza et al., 2024). Creativity is a systematic process, and AI, through data analysis and computation, can enhance creativity in advertising campaigns by generating and testing ideas (Vakratsas & Wang, 2020). AI enables the collection of essential data on consumer behaviour, the processing of information, and the optimisation of decision-making (Malthouse & Copulsky, 2023), thereby promoting the development of strategies and the creation of more effective advertising campaigns. AI offers essential tools that allow the analysis of audience data (Ramya et al., 2025), precise segmentation, which identifies the most receptive audience to a given ad (Gao, Wang, Xie, Hu & Hu, 2023), the creation of personalized and more targeted campaigns (Ramya et al., 2025; Neves & Pereira, 2025; Gao et al., 2023), improving customer engagement and experience and thus increasing brand loyalty. Yu (2022) corroborates this premise by stating that AI brings numerous benefits and improvements to the advertising production process, simplifying it, producing more targeted, personalised and more effective campaigns, improving the user experience. Belhaj (2024, p. 19) argues that "companies can use AI-powered image creation and immersive storytelling to create personalised experiences that lead to meaningful interactions with their target audience." However, the study by Arbaiza et al. (2024) emphasises the need to strike a balance between automation and human input to preserve authenticity and originality in creative advertising. AI is changing and redefining campaign management by automating repetitive tasks, enabling real-time data analysis, optimising campaign execution time, and freeing professionals from operational work to focus more on strategic and creative work.

Addressing AI challenges

The benefits of using AI, including creativity, complete personalisation, scalability, and greater efficiency, are recognised and highlighted by Cunha et al. (2024). Still, these authors also identify weaknesses, such as the need for large amounts of data, the need to verify content quality, and high costs. They also highlight accelerated innovation and rapid internationalisation as opportunities for AI, but the possibility of attacks and ethical issues can pose threats.

In addition to privacy and ethical concerns, Duarte and Dias (2025) raise concerns about AI's impact on critical thinking. Türksoy's (2022) study adds perspective, as it points out that "creativity is an exclusively human enterprise" (Türksoy, 2022, p. 407) and that communication professionals have fundamental human characteristics for the creative process that machines do not have, speaking of empathy, relationship building, trust, humour, and innovative capacity. Rust & Huang (2021) predict that AI will be specialised in thinking, while humans will be specialised in feeling, since AI will take on the role of thinking for humans, a phase marked by the "Economy of Feelings". As Vakratsas and Wang (2020) argue, AI does not "create" in the biological sense; It realises a high-speed "recombinative creativity". By analysing trillions of data points, AI can suggest links between disparate concepts that a human brain can take weeks to find. However, this raises a fundamental question: is creativity just the reorganisation of existing data or the ability to create something entirely new, unprecedented in the training data? Several surveys have been carried out on the creativity and effectiveness of campaigns. However, the originality and relevance of advertising campaigns result from the creative process (Smith et al., 2007), so understanding the process by which creativity is generated is fundamental. On the other hand, more research is needed on the preparation and qualification of communication professionals for the use of AI (Türksoy, 2022).

AI has a significant impact on marketing functions, skills, and capabilities, underscoring the need to invest in training marketing professionals while also considering ethical concerns related to data processing (Aleixo et al., 2024).

Continuous education and training are key to maximising the potential of AI (Arbaiza, Arias & Robledo-Diosas, 2024). For Duarte and Dias (2025), it is essential to enhance the training and requalification of communication professionals and to establish global regulations to address ethical dilemmas. Studies show that professionals recognize the benefits of AI, but stress that it must be used responsibly, ensuring a balance between technological innovation, ethical issues, and consumer data protection and privacy (Arbaiza et al., 2024; Ramya et al., 2025) and there must be transparency and regulation, to safeguard the interests of the consumer, fostering their trust (Neves & Pereira, 2025).

The ethical dimension of AI is the most complex area of research today. Aleixo et al. (2024) emphasise that the use of AI in digital marketing must be balanced with transparency. In the European context, the GDPR (General Data Protection Regulation) provides a framework, but the intellectual property of AI-generated content remains a legal battleground. If a professional uses a "prompt" to generate an image, who owns the copyright? The software vendor, the prompt engineer, or the agency?

The present study aims to understand how AI can contribute to improving the company's strategic capacity, analyse the challenges of AI for communication professionals, investigate the

ethical conditions of use of AI in support of communication activities, understand the use of AI in support of the creation of written and visual content and analyse the contribution of AI in stimulating advertising creativity.

The methodological design adopted a qualitative approach, and data collection was conducted through interviews with professionals working in the field of communication. It was intended to deepen the theoretical and practical aspects of AI, focusing on communication, advertising, and the creative process, and to contribute to companies and professionals operating in the field. For this purpose, 12 advertising and communication agencies from north to south of the country (n=12), of different sizes, were considered. This diversity has enabled exploration of various forms and concepts of artificial intelligence.

The research was developed using a semi-structured interview script. The script was built based on literature review and previous studies by Arbaiza, Arias & Robledo-Diosas (2024), Martin (2024), Ramya et al. (2025), Gao et al. (2023), Neves & Pereira (2025).

Thus, a set of questions (23) was defined, organised into 6 distinct dimensions, specifically:

1. Perception and experience with AI (5)
2. Impact on work and creative processes (3)
3. Integration into the company (2)
4. Risks, ethics and regulations (5)
5. Market impact and the future of the profession (6)
6. Training and skills (2)

15 professionals from agencies were invited to participate in interviews via email, and 12 confirmed. The interviews were conducted asynchronously by sending a script by email. Ratislavová and Ratislav (2014) consider the asynchronous email interview to be a qualitative research method in which information is exchanged online between the researcher and the participant within a specific period of time, bringing advantages to the research, as they are economical, reduce the time needed and allow detailed information to be obtained, which can be easily transcribed. According to Harris, Shaw, and Green (2024), this interview format has been increasingly used as an electronic data-collection method in qualitative research, as participants respond thoughtfully and reflectively, yielding rich content. The interviews took place from September to December 2025.

The data analysis was based on thematic content analysis from Braun & Clarke (2006) and Krippendorff (2018):

1. Removal of identification data and replacement with codes;
2. Transcription by size;
3. Analysis of textual data for data categorisation (identify patterns, categories and themes);
4. Coding.

In the study, a convenience sampling method was used, which included 12 interviews with professionals with a minimum of 1 year and a maximum of 23 years of experience, of which men (6) and women (6), aged between 21 and 48 years old, and professional profiles of Direction (5) and Direction and production of campaigns (7), to agencies in central Portugal (6), the north (5) and west (1). A balanced sample was sought across its components, including gender,

professional experience, geographical location, and a wide generational range (21 to 48 years). This has captured the perspective of digital and analogue natives, providing a longitudinal view of how technology has revolutionised the sector over several decades.

The choice of the interview stemmed from the complexity of the relationship between creativity and artificial intelligence, as well as the need to understand professionals' experience. According to Braun and Clarke (2006), "one of the benefits of thematic analysis is its flexibility" (p. 78), which allows us to identify patterns that reflect not only what professionals do with AI, but also how they perceive its changing role in the creative process. Given that generative AI is a nascent phenomenon in the Portuguese market of the Marketing and Communication sector, it is also considered that, through research, it is possible to identify new themes, given the reflection on the integration of these technologies in the creative workflow, specifically examining the points of contact with AI resources. The interview was validated through a pilot interview to ensure that all questions were understood consistently by the professionals.

Table 1. Dimensions of Content Analysis

Topics	Subtopics
Insight and Experience with AI	AI experience
	Influence on team dynamics
	Using AI to support creativity
	Top AI Tools
Impact on Work and Creative Processes	AI as a substitute or complement to human labor
	AI in the optimization of time and resources
	Benefits of AI
Integration into the company	Integrating AI into the enterprise
	Formal investment for AI
Risks, Ethics and Regulation	Challenges and difficulties in using AI
	Addressing AI challenges
	Measures adopted to ensure ethical and data protection use
	Need for specific regulation
Impact on the Market and Future of the Profession	Impact of AI integration on advertising
	Human role in the creative process
	New roles and skills
	Changes for the profession in the next 5 years
Education and skills	Type of training required

Insight and experience with AI

The consensus among the 12 participants is that AI is a "complementary tool" rather than a substitute for human thinking. The narrative that emerges from the interviews is one of cautious optimism. Professionals describe AI as an ally of efficiency, but they are quick to draw a line: AI is the "engine," but the human is the "pilot."

Table 2. Insight and experience with AI

Key insights
Useful and complementary work tool.
Ally of creativity and efficiency.
It's reconfiguring the way we think, plan and execute campaigns.
Optimize campaigns and free up time for teams.
It must be used responsibly.
AI works better as a support tool than as the source of the creative idea.

A fundamental shift in the way creative teams collaborate. The model, with a more individualistic or peer-to-peer focus, is being replaced by a co-creation process through encounters with technology. AI enables you to handle some activities more quickly, reducing friction between the copywriter and the art director and, in advertising, making teams and organisations more productive. However, the speed itself, which ultimately reduces the response time customers expect, can create pressure in the medium and long term, filling free time with more projects.

The practical application of AI is mainly concentrated in the preparation and implementation phases, According to the data, the most frequent uses are:

1. Brainstorming: Facilitates the initial approach and discussion of projects;
2. Generation of titles and texts: Helps you overcome the "blank page" phenomenon;
3. Visual moodboard: Use Midjourney to show clients a "draft" before the formal session;
4. Data synthesis: Summarise complex consumer data reports to identify a strategic "hook".

Table 3. Using AI to support creativity

Key insights
Support for headlines, descriptions and even creative angle tests.
Support in design, image generation.
Data analysis.
Suggested brand activations.
Copy development.
Production of textual content.
Brainstorming.

The hegemony of OpenAI (ChatGPT) and Google (Gemini, NotebookLM) is evident in Table 5. However, a long tail — Chris Anderson's concept of specialised resources — is emerging. Midjourney is highlighted as a specific resource for the visual component, while tools such as Canva and CapCut support video and image production. NotebookLM 5 and Notion are platforms that help generate and structure ideas and content.

Table 4. Top AI Tools

Key insights
ChatGPT, Gemini.
NotebookLM 5, Notion.
Midjourney, Canva, CapCut.

Impact on Work and Creative Processes

This is the most critical section of the investigation. Professionals explicitly state **that** "AI has no soul". Table 5 summarises the belief that advertising lives on "emotion, sensitivity and critical awareness", a contrast to technology, which cannot be identified as a substitute for the gaze and the human capacity to surprise and generate emotions.

Table 5. AI as a substitute or complement to human labour

Key insights
A tool for support and expansion, but not as a replacement.
Human creativity is based on experiences, emotions, and cultural context.
Advertising lives on emotion and sensitivity.
It is the human gaze that guarantees relevance and authenticity.
AI lacks intention, sensitivity, or critical awareness, which are essential factors for creating meaningful ideas.

Table 6 shows that AI is a powerful complement to performance marketing. The ability to generate responsive ads that automatically test different visual combinations has revolutionised the trial-and-error phase of campaigns. What used to take a week of A/B testing can now be analysed in real time by algorithms, allowing the professional to focus on the big idea (remembering David Ogilvy), and on strategic rather than technical variations. In addition to these aspects, the generation of ads better adapted to audience behaviour, combined with the ability to capture consumer attention, stands out.

Table 6. AI in the optimisation of time and resources

Key insights
Responsive ad generation.
The AI suggests matches and automatically tests the best ones.
Ability to test multiple creative approaches.
It allows data analysis and the reading of behavior patterns.
It significantly reduces the time for research and creative exploration.
Production of textual content, such as copywriting for social networks faster and more efficient.
Brainstorming faster.
Ads that are more tailored to user behavior.

Regarding the benefits of AI, presented in table 7, the professionals indicate greater efficiency, of a quantitative nature, and support in carrying out various tasks related to content production, data analysis and communication personalisation, also reinforcing the possibility of now having — due to time savings — greater availability for other tasks, such as planning and innovation. The ability to test multiple approaches is another of the benefits pointed out.

Table 7. Benefits of AI

Key insights
Greater efficiency, cost reduction, scalability and speed in creative production.
More time in planning and innovation.
Agility in content creation.
More insights from data analysis.
Greater personalization of communication for different audiences.
It saves time on repetitive tasks.
Support in metrics analysis and reporting.
Ability to test multiple creative approaches.

Integration into the company

The data in Table 8 reveals that AI adoption occurs naturally. In some Portuguese agencies, especially in the North and West, it was identified that this integration of AI is neither strategic nor defined by the organisation. Instead, it emerges as an individual survival tactic, recognising that professionals are bringing their personal tools into the workspace to manage growing workloads.

This organic adoption suggests a lack of structured digital transformation plans in SMEs (small and medium-sized enterprises). At the same time, in some companies, innovation working groups already exist, reflecting the importance of leadership in this process. In general terms, most of the sector is still in a phase of reactive integration, in which each resource is adopted only when its efficiency, after testing, becomes essential.

Table 8. Integrating AI into the enterprise

Key insights
It often arises spontaneously, because each professional is looking for tools to optimize their work.
In tools such as ChatGPT, there may be an individual use, but in the case of image creation and editing tools, it is already the company that suggests and proposes their use.
Individual decision.
Stand-alone use.
It is planned to be fully implemented by the entire team.

Table 9 reinforces the information indicated in the previous table. The absence of a strategy ultimately delays the adoption, training, and certification of new resources. This creates a gap between the new possibilities and the technical mastery needed to use these resources efficiently and strategically. It is also expected that the investment will, in the future, include some of these resources.

Table 9. Formal investment for AI

Key insights
There is budget for tools, especially software subscriptions, but structured training is not yet fully developed.
There is the required monthly investment in all design programs for everyone.
The use is restricted to the free versions of the available tools, with no dedicated budget or specific training plans in this area.
Yes, especially for AI tools, that is, software acquisition and training.

Risks, Ethics and Regulation

The fear of potential content homogenization and the natural loss of the creative value delivered by professionals is the dominant theme in the dimension on risks, ethics, and regulation, as shown in Table 10. There is a deep concern that if all agencies use the same LLMs (Large Language Models), the visual syntax of advertising will become repetitive and unoriginal. These fears also spill over into the jobs themselves, where the risk of devaluing creative work competes with the threat of machine replacement.

Table 10. Challenges and difficulties in using AI

Key insights
Creative authorship, transparency and reliability of content.
Risks of misinformation, loss of originality.
Reduction of jobs in some functions.
Ethics, authenticity.
Valuing the ability of professionals to master these tools.
Loss of creativity and human critical analysis.
Possible homogenization of contents.
Risk of devaluation of creative work.

The data presented in Table 11 indicate that agencies still have difficulty defining and implementing aspects of copyright, such as who owns the copyright to an image generated by a prompt. The debate about "authorship" remains unresolved. Despite everything, the professionals demonstrated a critical and conscious approach to protecting personal data and complying with the GDPR (General Data Protection Regulation).

Table 11. Addressing AI challenges

Key insights The final creative idea is always human. There is an effort to maintain transparency with customers. Creative and strategic direction is always the responsibility of the team. Transparency and creative authorship are managed through a responsible use of Artificial Intelligence. AI is seen as a support tool and not as a substitute for creativity.

Table 12 indicates that the primary ethical measure is the "non-insertion of sensitive data", in order to prevent these resources from being reused and disseminated by the platforms, and also the adoption of resources that ensure, from the outset, the guarantees of legal compliance, thus guaranteeing, in a transversal way, the protection of the data used.

Table 12. Measures adopted to ensure ethical and data protection use

Key insights Alignment with the platforms' guidelines, which already impose data protection rules. Use of tools with guarantees of legal compliance. Widespread awareness in the team regarding the responsibility of using this technology, which leads to a posture of prudence and common sense in its application. Do not enter sensitive data, neither from the company nor from customers. Alignment with the GDPR.
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In Table 13, regarding the need for specific regulation, the consensus is clear: regulation is desired. The professionals are not calling for a ban but instead proposing a clear "code of conduct" that protects creatives and content authors. They advocate mandatory labelling of AI-generated content to respect the principle of identifiability, maintain transparency with consumers, and protect the creative value of the work.

Table 13. Need for specific regulation

Key insights Data protection, copyright, image use, and transparency of AI-generated content.
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Impact on the Market and Future of the Profession

AI is seen as a new element that democratises and levels the market, allowing small companies to compete with international giants on production volume. In Table 14, in addition to the changes in access to and treatment of data, the optimisation of time, already noted in Table 7, stands out.

Table 14. Impact of AI integration on advertising

Key insights

AI has changed the way campaigns are segmented, measured, and optimized.
The ability to analyze data in real time and automatically adjust campaigns drives better results, optimizes investment, and increases returns for brands.
Time optimization.

The reflection on professional performance after the introduction of AI appears in Table 16, which indicates a tendency for professionals to assume a more strategic and mentoring role, relegating AI to routine, operational tasks they have performed so far.

Table 15. Human role in the creative process

Key insights

The human role will be less operational and more strategic.
The professional will become a curator, advisor and critic of what AI generates.
The human being will be increasingly necessary to create a real and intentional connection.

This rise to the role of tutor and strategist does not prevent the emergence of new functions, as identified in Table 16. The profile of a curator, specialist in AI-generated content, stands out, identifying new roles such as Artisan or Prompt Engineer. This update also requires a change in mentality: the professional must learn to describe a vision rather than limit himself to manual execution, which will undoubtedly require new skills.

Table 16. New roles and skills

Key insights

New functions such as "AI Content Curator" or "AI Prompt Designer".
Expert in AI-generated content.
Specialist in ethics and data.
Strategy, storytelling, and critical vision skills, which are not replicable by AI.
Digital literacy, ability to work with prompts, data analysis, and integration of technology with creativity.
Prompt engineers.

Regarding the paradigm shift professionals face and the changes they perceive (Table 18), the emphasis is on automating processes and updating professional skills in an increasingly technological ecosystem.

Table 17. Changes for the profession in the next 5 years

Key insights Greater automation of processes, the emergence of new specialized roles, and greater pressure for professionals to reinvent themselves. Requirement of creative skills and technological skills. Greater technological integration, redefinition of functions, greater appreciation of strategic and creative thinking.

Education and skills

The final table reveals a disconnect between academic training and market reality. The professionals indicated that the new curricula and the training offer should combine current content with AI-specific content:

1. Digital literacy: Understanding the architecture of AI;
2. Critical thinking: Knowing how to use AI effectively, according to the need or problem (from the portfolio of resources needed and available in organisations);
3. Ethical oversight: GDPR compliance and management of algorithmic bias.

The results of this study lead us to a fundamental conclusion, as an answer to the starting question: professionals continue to be the pilot of the creation and definition of the strategy, now accompanied by a co-pilot (AI) who has, among his skills, based on machine learning, the ability to work as an autopilot, a decision that will be up to the professionals, that they will have more time to reflect on the strategy. While Arbaiza et al. (2024) focus on the functional benefits of AI, the research carried out shows cautious optimism that could, in fact, benefit the industry. This prudence ensures that human emotion cannot be reduced to statistical probability and remains a central pillar of communication in organisations.

It is precisely this emotional difference, identified in the interviews, that acts as a protective barrier. As long as communication and advertising require a cultural wink, a specific local mood, or a deep understanding of human vulnerability, professionals will remain safe. The danger is not that the machine becomes more human, but that professionals connect to the machine too often, activate "autopilot" too much and become algorithmic, to the point of depending so much on new features that they will no longer be original.

The administration and managers of organisations also have an important task: "CEOs need to evaluate if AI aligns with their organisation's strategic goals and operational capabilities" (Duarte & Dias, 2025, p. 3). From this base, it will be possible to identify which resources best align with the organisation's needs, thereby projecting the certification of the work teams.

Regarding perceptions and experiences of using AI, the panel of respondents considers that AI has transformed the way we think, plan, and execute campaigns, in line with Duarte and Dias (2025), who argue that AI heralds a new era of innovation and opportunities. As the authors Arbaiza et al. (2024) note, the panel of respondents states that the use of AI optimises campaigns and frees up time for teams. Although they also consider that AI works better as a support tool, enabling greater efficiency, cost reduction, scalability and speed in creative production. These premises align with Lai's (2021) argument that AI provides a technical basis for more innovative advertising practices.

Regarding the influence of AI on team dynamics, the analysis of responses shows that respondents agree with Vakratsas & Wang (2020) that AI enhances creativity by generating ideas and testing creative variations. Respondents point out that AI brings new forms of collaboration, allowing the acquisition of new skills.

Concerning the use of AI as a support for creativity, participants agree that AI is a support tool for design, image generation, data analysis, and copy development, aligning with the study by Malthouse & Copulsky (2023).

Observing the impact of AI on work and creative processes, and the discussion around the perception of AI as a substitute or complement to human work, the analysis of the study's responses allows us to understand that AI emerges as a tool for support and expansion, but not as a replacement for human work, corroborating the results of Türksoy's (2022) study, who suggests that creativity is a uniquely human process. In fact, as this author does, the interviewees recognise that human creativity is grounded in experiences, emotions, sensitivity, and cultural context. The human gaze ensures content is relevant, meaningful, and authentic.

Regarding the use of AI to optimise time and resources, respondents point out that AI significantly reduces research and creative exploration time and enables data analysis and the identification of behaviour patterns, thereby promoting the development of more effective advertising campaigns, as Malthouse & Copulsky (2023) note.

Similar to what Ramya et al. (2025), Neves & Pereira (2025), Gao et al. (2023) and Budénaité et al. (2024) suggest, respondents say that AI enables the creation of personalised, more targeted campaigns, with ads designed to better adapt to user behaviour.

Regarding the benefits of AI, the interviewees' opinions point to greater willingness to dedicate more time to planning and innovation, greater agility in content creation, and a greater focus on concluding data analysis, all of which align with the study by Duarte and Dias (2025). Similar to the premises of Budénaité et al. (2024), this study's results also point to the possibility of greater personalisation of communication for different audiences. Respondents agree that AI enables faster, more efficient content production, in line with the study by Budénaité et al. (2024).

About the challenges and difficulties in the use of AI, the interviewees point out the problem of creative authorship, the transparency and reliability of content, as well as the possible homogenization of content and the consequent loss of originality, authenticity and ethical issues, reinforcing the analysis of Cunha et al. (2024) who states that one of the weaknesses of AI is the need to verify the quality of content, highlighting the ethical issues that can be a threat.

Regarding the measures adopted to deal with these challenges and ensure ethical and data protection use, the interviewees agree with what Arbaiza et al. (2024) and Ramya et al. (2025) defend, insofar as they consider that professionals should use AI responsibly, adding a posture of prudence and common sense in its application, in order to safeguard ethical issues and the protection and privacy of consumer data, not inserting sensitive data, neither of the company nor of customers.

The interviewees consider that there is a need for specific regulation, as Neves and Pereira (2025) argue that regulation safeguards consumers' interests and fosters their confidence.

For respondents, AI is changing the way segmentation, measurement, and campaign execution time are managed, because it automates repetitive tasks and enables real-time data analysis, freeing professionals from operational work to focus more on strategic and creative work. These responses align with what Arbaiza et al. (2024) defend and with the premises of Cunha et al. (2024), who argue that the integration of AI tools has facilitated, simplified, and accelerated some tasks.

For the interviewees, the human role in the creative process will be less operational and more strategic, with the creative and strategic direction always being the responsibility of the team, because, as one interviewed professional says, "the final creative idea is always human". This idea aligns with the study by Arbaiza et al. (2024), which highlights the need to balance automation and human input to preserve authenticity and originality in creative advertising.

Concerning future changes in the profession, the interviewees consider that there should be greater technological integration, the redefinition of functions, and a greater appreciation of strategic and creative thinking, in line with Budénaitė et al. (2024), who call for the harmonious integration of technological advances with ethical standards and human-centred values. In fact, a combination of AI technologies and human knowledge is important.

Regarding the type of training required, the interviewees, like Aleixo et al. (2024), recognise the need to invest in training communication professionals, especially in ethical concerns and data security. They highlight the need for training in AI tools, digital literacy, data analysis, and creative curation.

Conclusions

The evolution of AI has had a substantial impact on the field of communication, being seen as a driver of transformation in how creative work develops, how communication is thought, planned, and executed, making the sector more competitive and demanding. This study contributes to understanding the role of AI in the work of communication professionals. It shows that its use adds value to creative work, optimises campaigns, frees up time for teams, and provides a technical foundation for more innovative practices. It is perceived that technology, when allied with creativity and efficiency, becomes a valuable and complementary work tool, as it does not replace human creativity but enhances it by generating ideas, testing variations quickly, exploring alternative paths, and enabling new forms of collaboration. In fact, according to the results of the study, AI has no sensitivity or critical awareness and should not be the origin of the creative idea, so the role of the human eye remains central, as creativity depends on sensibilities, experiences, emotions and context, but also on a strategic look and stimulated

creative thinking. It is these elements that give the content produced authenticity, originality, and meaning. AI serves as an expansion tool across design, image generation and editing, copy development, channel-specific content adaptation, editorial planning, and data analysis.

The use of AI allows for better time and deadline management, as it drastically reduces the time for research and creative exploration, time being an extremely precious resource, enabling greater responsiveness to market demands. AI enables the generation of responsive ads and the testing of multiple approaches, including hyper-personalisation, by enabling campaigns tailored to each user's specific behaviour. In fact, by automating repetitive tasks, professionals can devote more time to strategic, analytical, and creative planning, freeing up time for operational tasks and enabling greater innovation in processes.

We understand that AI integration in companies often occurs spontaneously at the initiative of professionals. While there are budgets for software subscriptions, structured training is not yet fully implemented. The results show that the use of AI still poses risks related to authorship, transparency, and data reliability. It is worth noting the fear of losing originality and of devaluing human work if there were no critical and strategic thinking about the content generated. On the other hand, there is a risk of content produced by AI becoming homogenised, as it is based on similar standards and structures. These considerations address the need for continuous attention and a conscious, responsible, and prudent use, especially regarding security, confidentiality, data protection, copyright, and the avoidance of misinformation.

In the near future, a redefinition of functions is expected, requiring a balance between technological and human skills. New profiles may emerge, such as AI content curators and prompt designers, AI-generated content specialists, and ethics and data specialists. The most valued skills will be digital literacy and data analysis, critical and strategic thinking, curatorial skills, and ethical issues. Therefore, there will be a greater demand for creative and technological skills. Professionals advocate the need for specific regulation to safeguard consumer interests, promote trust in the market and the responsible use of AI.

The results of this exploratory research provide a deeper theoretical and practical understanding of artificial intelligence, communication, advertising, the creative process, and copywriting, contributing to companies and professionals working in communication. However, it also has some limitations, i.e., due to the sample size (12 interviewees from agencies in the Central, North and West regions, mostly from management and campaign production), which may affect the generalisability of the results. It is suggested that future studies interview communication professionals, including other functions/positions, from agencies in other areas of the country and of varying sizes, and that questionnaires be administered to a larger sample for quantitative analysis.

The way communication professionals perceive and use AI has been investigated. However, a promising avenue for future research may be to examine the role of critical thinking, as well as the emotions and sensitivities of creatives when working with AI-generated content. Here, we analysed the views of professionals working in communication agencies that produce campaigns for client companies. However, future research may aim to understand professionals' perceptions and use of AI in communication departments of private and public organisations, thereby enabling a more comprehensive understanding of AI use.

It is also important to research the impact of AI-designed campaigns on clients of communication companies, allowing a broader understanding of the various actors in the communication market. Another limitation of the study is its focus on qualitative methods and the sample size. Although it provides phenomenological insights, the results should not be statistically generalised to the Portuguese market as a whole. In future research, in addition to sample size, it is suggested to monitor the performance of organisations that strategically invest in AI adoption and, for this purpose, prepare their employees, compared to those that still rely on organic adoption.

This study is exploratory based on a qualitative methodology that brings contributions both to academia and to the professional world, to understand the perception and use of AI by professionals working in communication agencies, to understand the impact of AI on the creative process, highlighting its benefits in terms of support, optimization and personalization of advertising campaigns, but also to understand the ethical and authenticity challenges that professionals face.

The research confirms that the media sector is dealing with a quiet revolution. The transition to working with AI, the day-to-day operational "copilot," is complete. However, this integration is characterised by a two-speed uptake: although the introduction and technical implementation have been relatively fast, the institutional and ethical frameworks are not keeping pace.

The study's central conclusion is that AI does not replace professionals in the communication sector; instead, it accelerates the execution of various tasks, allowing professionals to focus more on strategy. It will be healthy if the trend of reducing the cost of producing visual and textual content can value the job market of communication professionals who migrate some of their skills to strategic curation and supervision. The human ability to create something unexpected, original, and culturally specific remains a real competitive advantage for professionals. Based on the interviews, an AI integration model is proposed for organisations based on the following steps:

1. Automation: Delegate repetitive tasks to AI (resizing, copying, synthesising data, among others) to reduce team involvement;
2. Inspiration: Using AI as a "creative partner" during brainstorming or refinement phases, to test and scale up ideas and concepts;
3. Curation: Ensuring that each AI-generated output passes through a human filter to ensure the safety, legality, and originality of each process.

In this way, this study contributes to both academia and the professional world by understanding the impact of AI on the creative process, highlighting its benefits in supporting, optimising, and personalising advertising campaigns, while also highlighting the ethical and authenticity challenges professionals face.

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Knowledge and use of generative artificial intelligence tools in primary and secondary education

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Introduction

Artificial Intelligence (AI) is one of the technological innovations that has been most rapidly incorporated into society, being adopted by many people, even unconsciously, mediated by tools and applications of daily use. This technological boom is blurring the boundaries between human and machine intelligence, as well as between what is real and what is artificial. AI is a combination of techniques that studies how machines can solve complex problems by reasoning and choosing the best options. According to the European Union, AI is the ability of a machine to present the same capabilities as human beings, such as reasoning, learning, creativity and planning capacity. AI allows technological systems to perceive their environment, relate to it, solve problems and act with a specific purpose. These systems can adapt their behavior to a certain extent, analyzing the effects of previous actions and working autonomously (Samoili et al., 2020). In this context, it is essential that people develop the ability to understand and critically confront these advances, with education as an essential pillar to achieve this (Pandya, 2019). The advancement of the AI market is closely linked to citizens' perception of its benefits. Research such as that of Sánchez-Holgado et al. (2022) has shown that, although the majority perceives more benefits than risks, knowledge about certain key concepts remains limited. However, we must not forget that AI, being designed by humans, often reflects their unconscious biases (tendency or inclination towards something that gives rise to stereotypes and skimming within society). AI algorithms use historical information to predict the future (O'Neil, 2018), which can lead to social inequalities if not critically addressed (Broussard, 2018). Therefore, it is crucial to promote a critical look at the design and implementation of these technologies.

The digital society represents a new paradigm in the way of interacting and accessing information. Cebrián (2000) describes this society as a space characterized by the omnipresence of digital technologies, which transcend geographical and temporal borders, facilitating a constant flow of information. If we look into the near future, there is a need to educate the population in relation to AI applications, since advances are increasingly rapid, which shows that "society" and "technology" must develop in parallel. The development of AI today already means improvements in areas such as medical care, in terms of diagnosis and treatment of pathologies, safety in transportation (reduction of accidents), improved quality of life for dependent people, and personalization of the educational process based on the individual needs of students, among others. Therefore, the instruction of the younger generations, who

will play the professional and essential roles of tomorrow, is vital so that they can perform their work optimally, creating a joint benefit and positive progress.

In the educational context, it is relevant to research and understand how AI can be a transformative force, especially in the training process of younger generations, so that it is education that uses AI and not the other way around.

Theoretical Framework

The integration of AI in education poses a crucial challenge: to educate the population in its use and applications. As technological advances accelerate, it is clear that “society” and “technology” must develop in parallel. Today, AI has already demonstrated significant improvements in areas such as healthcare, transportation safety, and learning personalization. These applications not only transform industries but also redefine interactions between individuals and technology. Previous studies have focused mainly on studying citizens’ perceptions towards Artificial Intelligence (Holder et al., 2018; Albarrán et al., 2020; Arcila-Calderón & Sánchez-Holgado, 2021) or on measuring people’s attitudes towards this technology (Pinto dos Santos et al., 2018; Schepman and Rodway, 2020; Zhang and Dafoe, 2019). Valencia Tafur and Figeroa Molina (2023) highlight that this type of tool can help adapt teaching and learning processes to current technological trends and the individual needs of each student. In addition, it raises existing challenges, such as the need for constant updating by educators to get the most out of the tools.

To promote and regulate the development and implementation of AI, the National Strategy for Artificial Intelligence (ENIA) has been developed in Spain, which was presented at the end of 2020 as a strategic plan to align policies with Europe’s guidelines on digitalisation (Ministry of Economy, Trade and Business, 2020). One of its pillars is to ensure that implementation is carried out under ethical and security standards and to integrate AI into various sectors, from industry to services, which would of course affect education. In April 2021, the European Union Commission proposed the Artificial Intelligence Law to address the risks and challenges associated with its application in the European framework (European Commission, 2024).

UNESCO’s mandate promotes a human-centered approach to AI, with the aim of reducing inequalities in access to knowledge and ensuring that its application is inclusive (UNESCO, 2023). In this context, the importance of digital literacy as an essential component of the education system is also highlighted. In Spain, Organic Law 2/2006, of May 3, on Education, and the Digital Education Action Plan (2021-2027) of the European Union seek to improve technological infrastructure and promote digital competence at all educational levels. In addition, the need to train teachers to implement innovative methodologies that improve the quality and equity of training is emphasized.

Integrating ethical principles into the use of AI in education requires not only awareness of values, but also a deep understanding of technology. This involves consolidating an ethical observatory of AI and education and intensifying the development of technologies that assist teachers and improve pedagogy, through responsible and fair use supported by policies with a significant impact on the academic performance of the youngest (Flores-Vivar and García-Peñalvo, 2023).

UNESCO (2021) underlines the importance of fostering digital skills through multidisciplinary approaches, integrating them into all areas of knowledge. The integration of AI tools, correctly applied within educational institutions, can transform education by providing data analysis that helps identify learning patterns and adjust pedagogical methods. They can be crucial in developing information and media literacy skills, combating “infoxication” through advanced algorithms that filter and summarize relevant information, through a more manageable and less overwhelming process, which would lead to greater appeal for students. However, we should not only consider the benefits in the implementation of strategies. There is a need to deal with the dependence on these algorithms to filter information, which could lead to a homogenization of knowledge and the possible exclusion of diverse perspectives, which can be counterproductive when it comes to developing critical thinking. Furthermore, concerns about data privacy become especially relevant when it involves handling the personal information of underage students. Pinto and Uribe Tirado (2022) suggest transforming threats into opportunities, promoting media literacy in combination with information literacy and maximizing the positive aspects of emerging technology, always avoiding harmful behaviors.

The relevance that AI has taken on over the years seems to increase with the passage of time. Its infinite potential and adaptability make it a tool capable of transforming almost all areas of our present and future reality. If we focus on its evolution in the educational environment, we find a significant advance that has allowed us to develop more sophisticated algorithms with the possibility of adapting to individual needs and capable of generating auxiliary texts and images for academic work or class exercises.

Mayer (2010) discusses how information processing theory (IPT) can be applied to the design of computer-assisted instruction, which provides a basis for intelligent tutoring systems when related to the educational context. The learning process would be understood as the course of mental operations that occur systematically when sensory information is stored. Thus, educational materials should be designed to facilitate efficient information processing. AI tools use information segmentation techniques and integrate the visual and verbal modalities. From this perspective, Karpicke and Roediger (2008) claim that tools can be configured to implement the strategic review of educational content. The algorithms used are designed to predict the moments when information needs to be reinforced, due to its risk of being forgotten, optimizing the long-term memory consolidation process and impacting the quality of learning. However, IPT has been criticized for its mechanistic approach and for not taking into account the emotional factor, which also influences learning.

In a constructivist learning approach, students actively construct their knowledge through interaction with material and the environment. This approach, supported by digital tools, can facilitate independent exploration and collaboration. Papert (1980) pioneered the application of constructivism to the digital context, highlighting the potential of computers to foster active learning. Today, tools such as chatbots and virtual assistants offer opportunities to personalize learning and encourage critical reflection. These tools not only allow students to explore concepts autonomously, but also promote skills such as problem-solving and creativity.

Constructivist learning is also enriched by peer collaboration. Digital platforms allow students to work together on projects, share ideas, and receive feedback in real time. This not only improves their understanding of concepts, but also develops interpersonal skills essential for success in the 21st century. However, it is essential to ensure that these tools do not cognitively

overload the student, following principles such as those proposed by Sweller (1988) in his Cognitive Load Theory. According to this theory, the design of educational materials must balance intrinsic, extrinsic and relevant load to optimize learning.

Finally, recent studies, such as Allen's (2018), address the way in which AI is impacting all areas of life. In the educational context, the work discusses its potential to personalize learning and considers the need to optimize administrative management in educational institutions. In addition, it highlights the importance of training teaching staff in emerging technologies. Regarding this point, Ayuso-del-Puerto and Gutiérrez-Esteban (2022) highlight the importance of including AI in initial teacher training. This not only improves the learning process in children and young people but also allows teachers to make the most of the technological tools available. For example, Huang et al. (2022) propose five pedagogical uses of chatbots in language learning, from knowledge transmission to interactive simulators. Gimpel et al., (2023) suggest that students use AI to answer questions from previous course exams, in order to enrich their vocabulary and prepare more specific question and answer sheets. Mollick & Mollick, (2023) indicate that AI could facilitate the creation of teaching examples that capture the student's attention and allow the preparation of materials adapted to various formats. These applications demonstrate the potential of AI to enrich the educational environment, provided they are used in a critical and reflective manner.

The transformative nature of AI in education lies in its ability to personalize learning, optimize processes, and reduce inequalities. However, it also poses ethical and pedagogical challenges that must be addressed to ensure a positive and equitable impact on future generations. Furthermore, the future of education with AI will largely depend on collaboration between governments, educational institutions, and technology companies to develop solutions that are inclusive, sustainable, and aligned with the needs of a constantly changing society. The general objective of this research is to study the main factors that influence the adoption of Artificial Intelligence tools by students and teachers.

The adoption of technological tools has been widely studied in the literature using models that explain the factors that influence intention to use and actual behavior. These include Fishbein and Ajzen's (1975) Theory of Reasoned Action (TRA), Ajzen's (1985) Theory of Planned Behavior (TPB), Davis' (1989) Technology Acceptance Model (TAM), and Venkatesh et al.'s (2003) UTAUT model. Venkatesh et al. (2022) advanced a model on the adoption of AI tools focused on the business sector and professionals. These theories have been instrumental in understanding the determinants of technology adoption in various contexts, including educational settings.

The present study takes as a reference the UTAUT model, which offers a solid framework to explain up to 70% of the variance in the intention to use technology. This model identifies performance expectancy, effort expectancy, social influence and facilitating conditions as key factors that directly affect the intention to use and, indirectly, the actual use. In the present study, we focus on performance expectancy as the main variable, since it measures the user's perception of the effectiveness of a technology to improve their performance (Venkatesh et al., 2003). In the educational field, this implies that both students and teachers adopt generative AI tools if they perceive that these improve their academic or professional performance.

It should be noted that age could act as a moderating variable in the intention to use technological systems. The generational difference has been present on numerous occasions throughout history, such as with the popularization of the Internet, and is still valid, for example, in the rise of social networks. The difference in familiarity and prior experience with technology based on the age of the user would affect the variables of the UTAUT model and the intention to use, just as there may be differences in exposure between men and women. Performance expectation would be moderated by age and gender, as would the effort perspective. Social norms and expectations will impact technology adoption based on criteria such as what types of technologies are considered more appropriate for each gender, so we must take these parameters into account when applying the model to the adoption of Artificial Intelligence tools.

Sánchez-Holgado and Rodríguez Benito (2024) explored the adoption and use of chatbots in classrooms as Artificial Intelligence tools through this model. Their research reveals that, in the educational field of Compulsory Secondary Education (ESO), Baccalaureate and Vocational Training, the degree of adoption of chatbots is significantly low, which is contrary to what is suggested by the technology adoption model, where greater intention to use induces greater adoption. Furthermore, social influence turns out to be an indirect determining factor, with a more pronounced effect in the case of women. Therefore, this finding suggests the need for a comprehensive review of the factors influencing the adoption of AI-based technologies in the educational environment.

Previous studies such as that of Du and Lv (2024) reinforce the importance of considering moderating factors in the adoption of technologies. In their research on the integration of generative AI in primary education, they found that performance and effort expectancy significantly affect intention to use, while facilitating conditions have a greater impact on actual use. Although they did not find a significant moderating effect of gender, these results underline the relevance of examining how sociodemographic variables influence different contexts.

Performance expectancy is proposed as a determining factor in the adoption of generative AI tools, mediated by the knowledge that users have about these technologies. According to the TPB, the perception of behavioral control, which includes knowledge and prior experience, directly influences intention to use. In this sense, the greater the knowledge of users about generative AI tools, the more likely they will perceive tangible benefits in their performance and, therefore, adopt these technologies.

Furthermore, the literature suggests that technology adoption is moderated by sociodemographic factors such as gender and age. In the case of gender, studies such as those by Sánchez-Holgado and Rodríguez Benito (2024) have shown that women tend to be more receptive to social influence in technology adoption. This could be because social norms and cultural expectations influence technology differently depending on gender, causing women to perceive a greater benefit in using technological tools that promote their performance.

Regarding age, generational difference has been shown to be a relevant factor in technology adoption. Younger users tend to have greater familiarity with digital tools, which translates into a more positive perception of their ease of use and usefulness (Du and Lv, 2024). On the contrary, older users could face barriers related to a lack of prior experience or the perception that these tools require a significant effort to learn.

In the context of students, performance expectancy measures students' perception of the effectiveness of generative AI tools in improving their academic performance. We hypothesize that this effect will be mediated by students' knowledge of the tools and moderated by gender and age. Specifically, the effect is expected to be stronger in women, due to their greater receptivity to social influence, and in younger students, given their greater familiarity with the technology:

H1: Performance expectancy has a direct effect on the adoption of generative AI tools in students that will be mediated by knowledge (H1a) and moderated by gender, such that the effect will be stronger in women (H1b) and age, such that the effect will be stronger in younger people (H1c).

Similarly, in the case of teachers, performance expectancy is raised as a key factor for the adoption of generative AI tools. Knowledge will also act as a mediating variable, as teachers with a greater understanding of these technologies will be more willing to use them in their professional practice. Gender and age are also expected to moderate this relationship, with the effect being more pronounced in women and younger teachers.

H2: Performance expectancy has a direct effect on the adoption of generative AI tools in teachers, which will be mediated by knowledge (H2a) and moderated by gender, so that the effect will be stronger in women (H2b) and age, so that the effect will be stronger in younger people (H2c).

The hypotheses raised are based on robust theoretical models and empirical evidence that highlights the importance of performance expectancy, knowledge, gender and age in the adoption of technologies. These relationships will be analyzed in both students and teachers, providing a comprehensive understanding of the factors that influence the adoption of generative AI tools in the educational field.

Students

In terms of knowledge about applications, ChatGPT stands out first, indicated by 57.30% of respondents. 6.70% of the sample claims to use this tool daily, while 16.90% fully agree to continue using it in the future ($M = 4.00$; $SD = 1.20$). Bing is the second most well-known tool, indicated by 19.10% of the sample, and in third place we find DALL-E, known by 7.90%. The average of declared knowledge was analyzed using the t test for independent samples, which revealed that there are no statistically significant differences [$t(85) = -0.63$; $p > 0.05$; $d = 0.14$] between the average in boys ($M = 0.11$; $SD = 0.14$) and in girls ($M = 0.13$; $SD = 0.14$).

Based on the applications that the respondent knows, the question was asked which tools they use or had used at some point for academic purposes. 36% confirmed the use of ChatGPT for educational purposes, followed far behind by Bing with 7.90%, QuillBot and SlideAi.io, with 1.10%. Regarding the declared use by the students, the t test revealed that there are no statistically significant differences [$t(85) = -1.26$; $p > 0.05$; $d = 0.07$] between the average in boys ($M = 0.04$; $SD = 0.06$) and in girls ($M = 0.06$; $SD = 0.08$).

The intention of use of the students ($M = 3.94$; $SD = 0.78$) reflects that the students on average have a positive intention towards the use of AI tools, however, there are no statistically significant differences [$t(85) = 0.57$; $p > 0.05$; $d = 1.11$] between the mean in boys ($M = 4.21$; $SD = 1.07$) and in girls ($M = 3.94$; $SD = 1.11$).

To test the hypotheses, a moderated mediation analysis (Model 9) was carried out using the PROCESS v.4.3.1 macro for SPSS v.28 with 10,000 bootstrapping samples (Hayes, 2022).

The survey assessed students' performance expectation of AI tools, based on the UTAUT model variable. The mean performance expectation is 3.63 ($SD = 0.78$), which reflects a moderately high positive expectation about the performance of AI tools. This suggests that students, on average, tend to believe that using AI tools will improve their academic performance.

The average performance expectation in boys and girls was analyzed using the t test for independent samples. The test revealed that there are no statistically significant differences [$t(61) = -0.452$; $p > 0.05$; $d = 0.75$] between the mean performance expectancy in boys ($M = 3.59$; $SD = 0.71$) and the mean in girls ($M = 3.69$; $SD = 0.76$).

To answer Hypothesis 1, a moderated mediation analysis was performed, following the research model presented previously (Figure 2), with model 9 of the macro process (v.4.3.1) in which the independent variable is Performance Expectancy, the dependent variable is Adoption of AI tools, the mediating variable is Knowledge, and gender and age are used as moderators. No statistically significant interaction effects were observed between the moderating variables and performance expectancy. A statistically significant effect was observed between knowledge of artificial intelligence and the adoption of these tools ($B = .26$, $SE = .06$, $p < .001$). Likewise, a direct trend effect was observed between performance expectancy and the adoption of artificial intelligence ($B = .02$, $SE = .01$, $p = .08$). However, no statistically significant conditional indirect effects were observed.

Therefore, H1, which stated that performance expectancy has a direct effect on the adoption of generative AI tools in students, did not receive empirical support. Thus, H1a: This effect is mediated by knowledge, such that the effect will be stronger the greater the knowledge; H1b: This effect is moderated by gender, such that the effect will be stronger in women; and H1c: This effect is moderated by age, such that the effect will be stronger in younger people, did not receive empirical support either. However, a significant direct effect of Knowledge on AI Adoption is demonstrated.

Table 1. Results of the model and the effects on students.

STUDENTS	DIRECT	
Knowledge		
R2	.42	
Adj. R2	.18	
Performance Expectancy (PE)	-0,057	
PE*Age -> Knowledge	0,0126	
PE*Gender -> Knowledge	-0,0523	
Age	-0,0189	
Gender	0,1412	
	DIRECT	INDIRECT
Use / AI Adoption		
R2	.51	
Adj. R2	.26	
Knowledge	0,2580***	
Performance Expectancy (PE)	0,021	
PE* Age -> Knowledge -> Use		0,0206
PE* Gender -> Knowledge -> Use		-0,0026

Note. * $p < 0.05$; ** $p < 0.01$;

*** $p < 0.001$

Source: own elaboration

Teachers

Among the most popular applications for teachers, ChatGTP stands out in first place, indicated by 72.70% of respondents, followed by Bing 25.80% and MyHeritage 13.60%. The average declared knowledge of the AI tools consulted was analyzed using the t test for independent samples and revealed that there are no statistically significant differences [$t(63) = 0.74$; $p > 0.05$; $d = 0.16$] between the average in men ($M = 0.18$; $SD = 0.21$) and in women ($M = 0.15$; $SD = 0.11$).

Regarding the most used tools in the educational field, ChatGPT also stands out, with 48.50% of respondents, DALL-E with 6.10% and with equal responses, followed by Bing, MyHeritage and SlideAI.io, with 4.10%. The t test for independent samples revealed that there are no statistically significant differences [$t(63) = 0.48$; $p > 0.05$; $d = 0.12$] between the mean in men ($M = 0.09$; $SD = 0.16$) and in women ($M = 0.07$; $SD = 0.09$).

For teachers, the mean intention to use AI tools is 4.09 ($SD = 1.01$). Looking at the specific case of the ChatGPT tool, the Student t test for independent samples revealed that there are statistically significant differences [$t(29) = 1.71$; $p < 0.05$; $d = 0.99$] between the mean in men ($M = 4.64$; $SD = 0.67$) and in women ($M = 4.00$; $SD = 1.12$). Therefore, men have a significantly higher intention to use.

To answer Hypothesis 2, a moderated mediation analysis was performed, following the research model presented previously (Figure 3), with model 9 of the macro process (v.4.3.1) in which the independent variable is Performance Expectancy, the dependent variable is AI Tools Adoption, the mediating variable is Knowledge, and gender and age are used as moderators. There is a significant direct effect of performance expectancy on knowledge ($B = .31$, $SE = .01$, $p = .002$). A statistically significant interaction effect was observed between the independent variable AI Adoption and gender ($B = -.13$, $SE = .05$, $p = .01$). Performance expectancy increased knowledge about AI and thus the adoption of AI tools in those teachers with a male gender, however, the moderated mediation index was statistically significant for the Gender moderator ($Index = -.0768$, $SE = .0690$, 95% $CI [-.2529, -.0012]$), but not for the Age moderator ($Index = -.0005$, $SE = .0009$, 95% $CI [-.0028, .0005]$) (see summary in Table 2). Therefore, H2, which stated that performance expectations have a direct effect on the adoption of generative Artificial Intelligence tools in teachers, did not receive sufficient empirical support. However, H2a, which stated that the effect would be mediated by knowledge, such that the effect would be stronger the greater the knowledge, did receive empirical support. Similarly, H2b received partial empirical support since this effect was mediated by gender but in the opposite direction to that which had been proposed, since the effect is stronger in men. Finally, H2c did not receive empirical support since the effect was not moderated by age.

Table 2. Results of the model and the effects on teachers.

TEACHERS	DIRECT	
Knowledge		
R2	.61	
Adj. R2	.37	
Performance Expectancy (PE)	.31**	
PE*Age -> Knowledge	-0,0008	
PE*Gender -> Knowledge	0,1271*	
Age	-0,001	
Gender	0,42	
	DIRECT	INDIRECT
Use / AI Adoption		
R2	.79	
Adj. R2	.62	
Knowledge	0,60***	
Performance Expectancy (PE)	0,015	
PE*Age -> Knowledge -> Use		0,023
PE*Gender -> Knowledge -> Use		0,083*

Note. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

Conclusions

The findings obtained from the descriptive analysis of the variables in students and teachers provide insight into familiarization, interest, perception, knowledge and use of generative AI in the educational field. Most students are at an intermediate level of familiarization with AI, with differences between genders. In this case, girls reported higher levels of familiarization compared to boys. In terms of interest in AI, statistically significant differences were found in gender, with boys being the group with the greatest interest. These results suggest the need to adopt differentiated strategic approaches to increase girls' interest in these technologies.

The emotions provoked by AI vary considerably. Emotional differences are important to understand how AI is perceived and how this could influence its future adoption. More than half of the students surveyed perceive AI as positive, although there is also a proportion that classifies it as negative. This balance suggests the need to increase awareness about the benefits and risks of implementing generative AI tools in educational programs. Among teachers, women perceive more negative than positive aspects in the application of AI.

Language-related generative AI ranks highest in terms of frequency of use, with ChatGPT being the most well-known and used – by both teachers and students. Student preferences for using generative AI tools to correct spelling mistakes, translate texts, and generate summaries reflect desires to improve productivity, save time, and reduce routine or mechanical tasks, allowing greater focus on other aspects of learning. Automating spell checking, translation, and information synthesis reduces the cognitive effort required to perform these tasks manually. For teachers, preferences revolve around detecting plagiarism in their students' academic papers, creating personalized and adaptive quizzes on a topic, and restoring old or low-quality images, reflecting a combination of needs to optimize efficiency in creating and assessing educational materials and improving the quality and attractiveness of teaching resources. The findings also provide insight into the adoption of generative AI tools in the educational field, considering the perspective of teachers and students based on the UTAUT model. No significant direct effect of performance expectation on the adoption of tools by teachers was found, which suggests continuing to investigate other factors that influence adoption in a more decisive way. However, we can observe a significant relationship when the effect is mediated by knowledge of the tools. In this way, we understand that knowledge is a relevant factor for teachers to perceive benefits in their performance, and thus, be more likely to adopt AI in their work. The mediating role of knowledge on adoption suggests that increasing knowledge and understanding of these technologies among teachers increases adoption.

It is important to highlight that, although in the case of students no moderating variable (gender and age) had a statistically significant effect, in the case of teachers it was observed that gender can be a relevant element to consider when adopting AI tools in education. Contrary to what was suggested in previous studies such as Sánchez-Holgado and Rodríguez Benito (2024) who established that women tend to be more receptive to social influence in the adoption of technologies, in the present study it has been observed that in the case of men it was the fact that the expectation of performance increased knowledge and with it, the adoption of Artificial Intelligence tools. With this, the present study aims to fill a gap in knowledge around Artificial Intelligence and the factors that can influence its use or adoption and that previous research such as Du and Lv (2024) had expressed the importance of considering moderating factors in the adoption of technologies. It is true that the results obtained did not show any statistically

significant effect of the age variable, so it would be interesting for future research to continue investigating the moderating variables that may influence the adoption of Artificial Intelligence tools.

Regarding limitations, it should be noted that the research was carried out with intentional samples of students and teachers. Although a gender balance was always sought. Since the surveys were distributed in an online format, it is possible that those individuals with a particular interest in AI may show a participatory bias. This study focused on a limited range of AI tools. It is convenient to extend the analysis to a greater variety or to a different list than the one provided. Thus, comparative studies will evaluate the effectiveness, perception and accessibility of different technologies, providing valuable information on the needs and preferences of users.

The UTAUT model has been used in this study to advance the understanding of the adoption of AI tools applied to the educational field. Future research aims to further include other factors within the model, such as effort expectancy and social influence, both in students and teachers, since more recent research has already shown that they continue to significantly influence behavioral intention (Du & Lv, 2024). These dimensions offer a holistic and detailed view of the differences in the acceptance and use of technologies based on the age and gender of the user. Conducting an experimental study is interesting, in particular, when analyzing the direct impact of the most widely used tools, such as ChatGPT. Similarly, longitudinal research could follow the process of students who use these tools throughout their training, evaluating not only performance, but also aspects such as motivation, critical thinking and creativity.

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Trust and Artificial Intelligence: evaluation criteria and comparison between generalist and specialized chatbots

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Introduction

With the development of AI, there is a growing need to delve deeper into the ethical foundations of a technology that presents numerous opportunities but also involves risks such as a lack of algorithmic transparency and the spread of misinformation. Indeed, we are aware that the illusion of being informed can be more dangerous than ignorance, and AI makes it increasingly difficult to distinguish illusion from reality.

In just three years, general-purpose *Large Language Models* (LLMs) have surpassed search engines as the primary gateway to online knowledge. This fact demonstrates that the way chatbots develop and organize content usually satisfies users' curiosity or need for information, which is why they have so easily replaced traditional sources of digital access to the internet. This radical and inevitable transformation of the informational and epistemological landscape raises questions about the reliability that can be attributed to the results presented by these new tools.

In this uncertain balance between promises and dangers, the intangible concept of trust is more necessary than ever. Can we trust applications that have answers for everything? Can the media and information ecosystem be definitively conditioned by instruments that, although initially presented as being at our service, also seem to escape the control of the user? In short, can we trust an algorithm?

It has been said that trust, like the energy of the universe, never disappears but always manages to circulate in different and new ways (Botsman 2017). Although this is not the first technological revolution to raise doubts and fears among users—in fact, all major technological advances have been initially received with suspicion—, AI needs to offer reasons (trust signals) to be accepted without fear. However, mistrust of AI is a reality, as globally three out of five people (61%) are wary of trusting AI systems, expressing ambivalence or unwillingness to rely on them (Gillespie et al. 2023).

This overview allows us to propose some research questions: What are the particularities of trust in AI? Can this technology offer reasons to give credibility to the content it offers? Are there different solutions in the case of specialized content? Our initial hypothesis is that the mechanisms of trust work in the same way as in the case of interpersonal trust. Furthermore, we argue that, just as other technologies have managed to penetrate human activity and become indispensable tools, AI can offer technological and epistemological reasons to be trusted. Specifically, we believe it is necessary to pay attention to the phenomenon of vertical AI, which is proposed as a tool that will become increasingly relevant in reinforcing trust in specialized contents produced by AI.

To shed some light on these issues, in the following pages we will echo recent reflections on trust and how it is conveyed through digital technologies; then, we will introduce its particularities in the case of Artificial Intelligence, and more specifically in chatbots that use Large Language Models; later, we will analyze one of the most interesting proposals for offering environments of trust in AI: *vertical chatbots*. Finally, these concepts will allow us to empirically address a case study from which we can draw some conclusions.

Trust in digital environments

Trust is one of the intangibles that attracts the most attention in today's world of information (Gregory & Smith 2025). Trust is a particularly necessary attitude in situations of vulnerability, when someone or something generates expectations that require us to take a risk. Trust lies at the center of a complex network of concepts such as reliability, predictability, expectation, cooperation, goodwill; and, on the dark side, mistrust, insincerity, conspiracy, betrayal, and incompetence (Hawley 2012). In recent times, interest in trust in the media and digital technologies has multiplied due to the current media landscape of a *culture of suspicion* (Botsman 2017; Bacharach & Gambetta 2001), a public context of mistrust to which information overload, fake news, and polarization have undoubtedly contributed. For its part, by multiplying relationships, the digital revolution has exacerbated both the positive and negative aspects of this culture. It therefore seems legitimate and necessary to ask ourselves about the mechanisms that inspire trust.

If trustors find themselves needing to meet expectations at the cost of accepting a risk, what leads them to trust someone (or something)? What characterizes those (people, entities, or technologies) who are capable of inspiring trust? What are the traits of trustworthiness? Trust can be placed in a person, an organization, or a technology. However, interpersonal trust is the model we apply to all cases, and it is influenced by three psychological components: cognitive, affective, and behavioral. Extrapolating this model to organizations and systems, Mayer et al (1995) argue that trustworthiness is the result of the public perception of three elements: integrity, ability, and benevolence. In other words, trust is inspired by being consistent with proclaimed values, skillfully executing the task required by the expectations generated, and demonstrating that the good of the other party is desired.

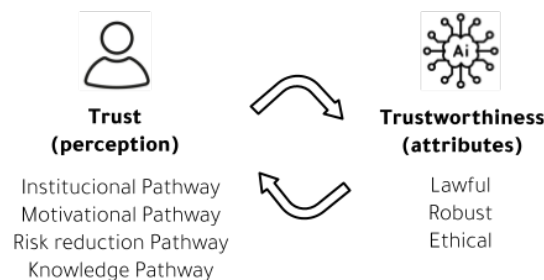
There are already several studies on trust in Artificial Intelligence (Paliszkiewicz & Gołuchowski 2025; Lockey et al 2024; Gillespie et al 2023). Gillespie et al. (2023, 20) define trust in AI as "the willingness to accept vulnerability to an AI system (e.g., trusting the system's recommendations or results, or sharing data) based on positive expectations about the system's performance (e.g., accuracy, usefulness, privacy, and data security)." Trust is currently offered to us as a promise of efficiency and performance in an increasingly complex world. There is, therefore, a perception that by relying on this tool we make ourselves very vulnerable, because we perceive that some of its capabilities exceed our own. In short, we do not know where it will take us or what the implications of relying too heavily on it will be. That is why we believe it is appropriate to reflect on the criteria that must be taken into account in order to trust AI as a source of information.

In an important regulation of June 2024, the European Parliament (Regulation [EU] 2024/1689, 2024, 6) warns of "the significant impact that AI can have on society and the need to build trust" (n. 6). In fact, the European Commission devoted another document (2019) specifically to trustworthiness in AI, when its use had not yet become widespread among the population,

something that would happen from November 2022 onwards, when Open AI made ChatGPT available to all. The document cited above states that any tool based on Artificial Intelligence must have three characteristics: legality (compliance with current regulations), technical soundness (correct functioning and reduced risk of errors), and ethics (safeguarding human autonomy and providing explanations for its decisions). This triple condition refers, in our opinion and that of other researchers (Gillespie et al. 2023), to the triad proposed by Mayer, which has already been mentioned (legality aims to ensure integrity; technical soundness, capacity; and ethics, benevolence).

As Gillespie et al. (2023, 62) have shown, trust is the most relevant factor for the acceptance of AI. Specifically, if people perceive AI systems as reliable, their willingness to accept these technologies increases by 74%. Trust acts as the central mechanism through which other factors—convenience or resource savings—influence the acceptance of AI. To increase the perception of trust, the same authors propose (2023, 71) four different pathways, ranked in order of relevance: institutional, motivational, uncertainty reduction, and knowledge. The *Institutional Pathway* suggests that people trust AI systems more when they believe that current regulations and laws are sufficient to ensure their safe use, and they delegate their control and regulation to the government, technology companies, and commercial organizations. Second, the *Motivational Pathway* is based on the fact that the more people perceive the benefits of using AI, the more motivated they will be to trust it. The *Risk Reduction Pathway* suggests that acceptance of this technology is higher when there are no fears about technical risks (e.g., cybersecurity and privacy risks, or inaccurate or biased results) or social risks (e.g., manipulation, disqualification, and job loss). Finally, the *Knowledge Pathway* suggests that users tend to trust and accept AI more when they feel they understand how it works and that they have sufficient knowledge to use digital technologies.

Figure 1. Pathways to building trust in AI and AI trustworthiness attributes (Own elaboration, based on Gillespie et al. 2023 and Regulation [EU] 2024/1689)



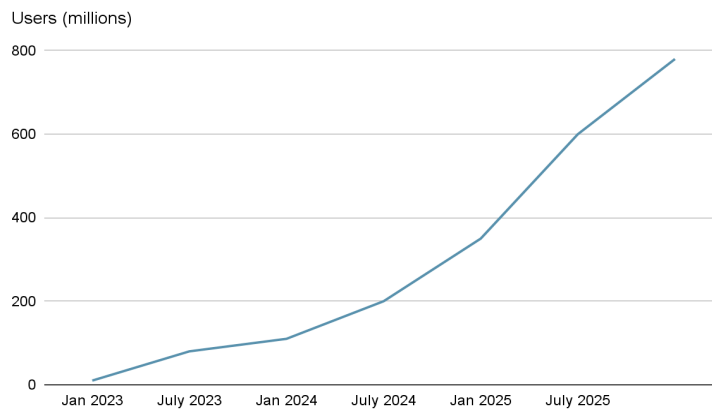
The success of generalist chatbots

Although AI is expanding its influence to almost all human activities, and in all of them it is necessary to delve deeper into the trust that this technology offers or does not offer, we will focus our attention on one of its best-known and most widely used applications: chatbots based on *Large Language Models* (LLM). According to Chatterji (2025, 4), "a chatbot is a statistical model trained to generate a text response given some text input, so as to maximize the 'quality' of that response, where the quality is measured with a variety of metrics." In a typical interaction, a user sends a message (*prompt*) and ChatGPT returns a response generated from an underlying

LLM. Although it is possible to obtain some information about how the algorithm that each chatbot uses to generate responses works and the sources on which it is based, this mechanism remains unknown to the vast majority of users.

As expected, the data indicate a very rapid and widespread diffusion of the use of LLM chatbots as a source of information from 2022 to the present day (Figure 2), driven mainly by the ease of use and improved quality of responses from natural language tools, which make them an accessible tool even for a non-technical audience. Some data from the most widespread and used generalist chatbot (ChatGPT) confirm the spread of its use:

Figure 2. Users of ChatGPT, Free, Plus, and Pro versions. Nov 2022-Sept 2025. (Chatterji et al, 2025, 10)



Chatterji et al. (2025) also offer interesting data on the evolution of chatbot use. Although this technology is still in its infancy, in just one year the use of ChatGPT for non-work-related issues (personal queries, requests for information, etc.) has seen a sharp increase:

Table 1. Global daily count (in millions) of ChatGPT messages (Chatterji et al, 2025)

	Work	%	Non-work	%	Total
July 2024	238	53	213	47	451
July 2025	1,911	73	716	27	2,627

The data showing the variety of topics covered by users' questions is also significant. As can be seen in Table 2, *seeking information* is the second most frequent of the seven tasks, preceded only by *practical guidance*:

Table 2. Share of consumer ChatGPT messages broken down by conversation topic. Shares are calculated from 1.1 million sampled conversations (Chatterji et al, 2025)

	Practical guidance	Seeking information	Writing
July 2024	27.8%	18.1%	34%
July 2025	28.8%	24.5%	23.9%

	Multimedia	Self-expression	Other/Unknown	Technical help
July 2024	2.2%	2%	4.3%	10.5%
July 2025	7.3%	5.3%	5.2%	5.1%

These data illustrate the importance of generalist chatbots in the search for information and knowledge. However, their extensive and intense use does not necessarily mean that they are trustworthy tools. To assess the reliability of chatbots, it is necessary to analyze the three elements mentioned above that affect AI: legality, technical soundness, and ethics. Without claiming to be exhaustive, Table 3 proposes some questions that can be asked to analyze each of these elements:

Table 3. Proposed elements for assessing the reliability of an AI chatbot (Own elaboration)

Legality (Compliance with the legal framework and respect for user rights)	<i>Data protection and privacy</i>	Is there a comprehensible privacy policy?
		Can users exercise their rights (access, rectification, erasure, portability)?
	<i>Legal responsibility and traceability</i>	Is the entity responsible for the system (company, institution) clearly identified?
		Are there formal channels for complaints or human oversight?
		Does it include explicit warnings or limits on its use?
Technical	<i>Accuracy</i>	What is its error or hallucination rate?

soundness (Clear and correct operation)		Does it acknowledge its limitations or express uncertainty?
		Does it provide sources? Are they rigorous?
	<i>Robustness and security</i>	How does it respond to ambiguous, hostile, or incorrect inputs?
	<i>Explainability</i>	Is the overall functioning of the system documented in an understandable way?
Ethics (Respect for truth and epistemological honesty)	<i>Biases</i>	Does it exhibit systematic biases (gender, race, religion, ideology)?
	<i>Autonomy and manipulation</i>	Does it use persuasive techniques without the user being aware?
		Does it avoid creating emotional dependency or undue authority?
	<i>Honesty</i>	Does it explicitly state its limitations?
		Does it avoid presenting itself as infallible, knowledgeable, or morally capable? Does it correct its mistakes?
		Is it aligned with recognized ethical principles (e.g., human dignity, common good, proportionality)?

Paliszkiewicz & Gołuchowski (2025, 5-7) have recently reflected on some of the dangers threatening trust in AI. According to them, many generalist chatbots are perceived as *black boxes*, that is, mysterious mechanisms whose decision-making processes and data sources are difficult to understand; they have also shown that the results provided by AI depend on the design and data used, which may be *biased*, intentionally or not, and therefore algorithms can reproduce and amplify errors; finally, they warn that, as is well known, AI can be used for tracking, disinformation, and the creation of information bubbles.

The existence of these risks calls for alternatives that offer more reliable solutions in the field of AI related to information requests or content creation. This search is particularly necessary in areas where the topics addressed are sensitive. One example is the medical field. If doctors want to investigate clinical diagnoses more thoroughly using chatbots that use an LLM, they cannot be indifferent to the bibliographic sources used to develop the responses, risk a biased analysis due to their previous searches, or expose themselves to the AI being conditioned by *hallucinations* (this is the term used to describe answers that appear to be true but have no epistemological basis) or misinformation. To ensure the three components of trust in AI (legality, technical soundness, and ethics), it seems necessary to find more ways to reduce uncertainty about how the LLM responds to questions, as well as any biases that may arise (e.g., personalization).

Vertical or specialized chatbots: A more trustworthy alternative?

One of the most interesting proposals for avoiding the uncertainty surrounding the functioning of generalist AI are LLMs known as *vertical or specialized AI*. Based on the limited academic literature available on the subject (Verma et al. 2025), we can define them as chatbots designed and trained specifically to respond to prompts relevant to specific sectors of human activity. They integrate knowledge, data, and semantic structures specific to the sector in which they specialize to increase the accuracy of their responses. Unlike generalist AIs, the sources used by the algorithms are limited, the tasks they can perform are focused on the specific field, and the language is specialized. This type of AI is particularly interesting for areas where accuracy and objectivity are essential.

There are numerous examples of vertical AI in different areas: medicine (*UpToDate*, *Isabel Healthcare*, *ClinicalKey*), jurisprudence (*Westlaw Precision AI*, *LexisNexis*, *CoCounsel*), psychology (*PsyInfo*, *Sage Research Methods*), economics (*Bloomberg AI*, *Refinitiv AI*, *AlphaSense*), etc. Due to the enormous success of generalist AI and the fact that specialized AI is a relatively recent phenomenon, the latter has not been particularly studied until now. However, in our opinion, it is a very promising area for AI development. In fact, although general generative chatbots are attracting a lot of attention, vertical specialization promises to be the main driver of technological integration in organizations and industrial processes. As has happened in other sectors (the media, for example), giving up competing in the general market and instead offering a product that provides a satisfactory and professional service to a niche market can be very profitable.

One of the areas that has quickly embraced vertical AI is religion. *Magisterium*, *Rabbi Bot*, *IslamQA AI*, *Vedic AI*, and *BuddhaBot* are some chatbots that offer answers and resources on the major religious faiths. The difference between these bots and many others that use language models to offer companionship or simple interaction is that religions propose a spiritual journey marked by moral guidelines or rules. In fact, the major religions have teachers or specialists who reflect on what is consistent with a religion and what is not: in Catholicism, this role is performed by the Church's magisterium; Islam and Judaism, for their part, have interpretive authorities, the ulama and rabbis, respectively. For religions, there are some truths that cannot be denied because they are known through divine or transcendental revelation. For this very reason, religious AIs tend to be vertical by necessity: in order to trust them, it is necessary to establish clear boundaries between what is consistent with that faith and what is not; moreover, doctrinal error in the answers chatbots provide would have moral consequences. It is a field in which the authority of the source outweighs creativity, and general statements are seen as epistemological risks. Thus, a chatbot specializing in these religions, in order to be reliable, will have to use sources that that creed considers true and consistent with that faith, just as a medical chatbot will have to give its results based on what science has proven right and not on opinion forums, pseudoscience blogs, and other resources of little rigor. As explained by the developers of a chatbot specializing in religion, "Search Engines often present unreliable opinions, while generic AI chatbots lack the specific knowledge and doctrinal fidelity necessary to offer reliable answers about the faith. Misinformation and superficial explanations abound" (Magisterium AI 2026).

Can vertical or specialized AIs be sources of information that inspire more trust in users in our new digital environment? Is it possible to know, from an epistemological point of view, what

their strengths and weaknesses are? As mentioned, this is a type of chatbot that is taking its first steps, so any research must refrain from seeking definitive results. Our hypothesis is that, considering the values necessary to inspire trust, vertical or specialized AIs have characteristics that make them more reliable than generalist AIs.

Methodology and research: analysis of ChatGPT and Magisterium

To confirm the hypothesis and answer the questions posed, a comparative exercise between a general chatbot and a specialized one is proposed. They have been selected according to relevance criteria: ChatGPT has a higher usage rate than any other competitor among generalist chatbots, at 79%, ahead of Perplexity 11%, Gemini 5%, Copilot 3%, and Claude 1% (Statcounter, 2025); Magisterium will be used as the specialized chatbot. This is an AI tool focused on the teachings of the Catholic Church, and it is undoubtedly the most relevant of its kind, although there are no comparative statistics. This tool was chosen because, as already noted, religion is an area in which users may demand results consistent with the faith about which they are requesting information. Trust in the tool is therefore relevant. Magisterium is a leader in its sector—ahead of other bots such as *ChatBible*, *JohnDaBot*, and *Apologist.ai*—and it claims to be “designed for both believers and seekers, to be your companion in exploring faith with clarity and depth. Magisterium distinguishes itself from generic AIs by ensuring full compliance with the Magisterium, drawing on an extensive library of more than 29,000 Catholic texts to offer unparalleled accuracy and depth” (Magisterium AI 2026). Its two main features are as follows: its sources of information are deliberately restricted to Catholic doctrine, and it prioritizes the authority of the Catholic Church's Magisterium and fidelity to it over creativity in its responses.

According to Chatterji (2025), there are two common ways to evaluate chatbots: through direct experimentation by the researcher and through surveys of human users (for example, by inviting them to compare two alternative answers to the same question). Following this methodological proposal, in order to test the hypothesis that vertical AIs offer more reliable content in specific sectors, a direct comparison was first carried out and then a survey was distributed. The first analysis served to study the three components that constitute reliability in AI: legality, technical soundness, and ethics. To do this, we used the questions proposed in Table 3 (when the question required testing both chatbots, we wrote and proposed the same 10 questions on religious topics to both). The results are summarized in Table 4.

Table 4. *Qualitative analysis of the three elements of reliability in ChatGPT and Magisterium (Own elaboration)*

ChatGPT	Magisterium
<i>Legality</i> Privacy policy updated on February 15, 2024. Reports on the personal data collected and how it is used. Details the user's rights regarding their data. Open AI is identified as the responsible company. Information about its board is provided. There is a form just for reporting bugs or errors. Its limitations are taken into account. Next to the prompt, it states: "ChatGPT can make mistakes. Check important info." <i>Technical soundness</i> In 10 prompts on religious topics, 1 hallucination was detected ("The current Pope is Francis," as of January 10, 2026; Francis died in April 2025) and 9 correct answers. In 10 religious-themed prompts: 4 without specific sources; 6 with various sources (7 quotes from the Magisterium; 13 quotes from the media or Wikipedia). Sometimes sources are cited, but without links. When faced with ambiguous or hostile prompts, it tends to nuance and clarify concepts. It does not deny or contradict. The language model used is specified (5.2, or 5.1...), but the characteristics of each are not detailed. <i>Ethics</i> Religious biases have been observed, conditioned by previous searches. The algorithm "learns" the user's priorities and conditions the results. The user may be persuaded by two elements: the model partially shows the reasoning it follows while "thinking" of an answer; and it usually proposes a question to continue the	Privacy policy updated on November 5, 2024. Reports on the personal data collected and with which third parties it is shared. User rights are mentioned, without detail. Longbeard appears as the <i>Data Controller</i>. The management team is not detailed. There is a contact form. Its limitations are taken into account. Next to the prompt, it always says: "Magisterium AI's answers are not always perfect. When in doubt, consult a human being." In 10 religious-themed prompts, 10 correct answers were detected. In 10 religious-themed prompts, 10 include citations (46 citations from the Magisterium; 0 citations from other sources), always with links. When faced with ambiguous or hostile prompts, it contradicts or clarifies based on sources from the Magisterium. There are no specific explanations about how it works, but there is a changelog of changes and updates to sources. The religious bias is decidedly favorable to the Catholic religion, because it is strongly conditioned by the sources. The chatbot informs the reader of the status of its reasoning, but without explaining the process. It avoids the "hooked" effect, i.e., keeping the conversation going by suggesting a

"conversation," which may condition the reader.

The default response tone uses empathetic language, praising the opportunity to ask questions and proposing metaphors (other possible tones are: friendly, candid, cynical, etc.).

It recognizes its limits. E.g., when asked what the true religion is, it responds: "As a system of analysis, I do not profess a religious faith nor can I 'believe' in an existential sense."

It corrects errors (also incurring hallucinations) and requests sources for improvement. For example, "You are right. I was wrong, and thank you for pointing it out. If you are basing your statement on a specific source, please indicate it and I will review it point by point."

question at the end. Instead, it offers "related questions."

In the "automatic" response tone, it does not judge the user's prompts or propose metaphors to generate emotional closeness (two other possible tones are: masterful or academic).

It recognizes its specialization. E.g., when asked about its ability to solve an equation, it says: "I am designed to provide accurate and documented answers about Catholic doctrine, ethics, practices, and faith-related topics. Solving mathematical equations is not part of my core expertise."

It rejects the correction if it contradicts the sources. "No, the information is accurate. If you have contradictory sources or a specific question about its teaching, I can look into it further based on authoritative Catholic documents."

However, since trust is an attitude that does not depend exclusively on the attributes of the subject requesting it but also on the perception of those who are called upon to trust, a group of users (N=32) has been invited to express their opinions and also to make three inquiries of religious nature to the two chatbots and reflect on their experience by filling out a questionnaire. In order to evaluate the content generated by two LLMs on such a specific subject, the criterion was imposed that the participants in the survey should only be professors or students in their final years at a pontifical faculty, who are therefore assumed to have a certain knowledge of Theology and religious topics (this enables them to detect a hallucination or bias).

The survey to the users had two parts. The questions in the first part were aimed at determining the participants' attitudes toward chatbots, specifically based on the four approaches mentioned in the theoretical section: Institutional, Motivational, Risk reduction, and Knowledge.

As can be seen in Figure 3, trust in chatbots in general is balanced or positive (M = 4.16 [0–7 scale, N = 32]); whereas when religious issues are addressed, trust in AI agents is lower (M = 3.46). In order to check whether there are differences in attitude or predisposition between those who maintain a neutral or positive attitude toward AI (rating of 4 to 7, as in Figure 3) and those who have a distrustful attitude (rating of 1 to 3), a question related to the four pathways mentioned in the theoretical section (Institutional, Motivational, Risk Reduction and Knowledge) was asked. When questioned whether, in their opinion, the companies promoting chatbots comply with the law, the group prone to trust expressed a positive attitude (M = 4.54 [0–7 scale]), while the others were suspicious of them (M = 3). To delve deeper into the motivational pathway, they were asked about their willingness to use chatbots to clarify doubts about religion: the first group expressed a positive attitude (M = 4.62), while the second did not (M = 3.25), such as consulting poor-quality sources or biasing responses. Those who trust AI express

greater confidence in this regard ($M = 5.18$), whereas those who distrust have a less benevolent regard ($M = 3.75$). Some of the issues included in the question were: use of appropriate sources (4.75, trust cluster; 3.25 distrust cluster); ability to be objective (4.91; 4.15); avoiding hallucinations (4.95; 3.75); respect for privacy (5.16; 4.00); not-biased answers (4.95; 3.62). Finally, in terms of user's AI knowledge, both groups claim to have some technical mastery of chatbots ($M = 5.17$ and $M = 4.38$, respectively). Therefore, this could be the avenue that has the least correlation with trust. How those who have more confidence in AI perform better in each of the elements that contribute to adopting that attitude.

In the second part of the survey, participants were invited to ask the two chatbots three questions on religious topics, experience the interaction, and read the responses. This small experiment allowed them to compare the performance of a generalist chatbot and a specialized one. When asked which of the two chatbots had responded best to their answers, the results were very evenly balanced, with half opting for ChatGPT and the other half for Magisterium. However, the assessment of each one sheds more light on the matter (The data we consider most significant is highlighted in Table 5):

Table 5. User ($N = 32$) assessment of different variables in the results provided by the ChatGPT and Magisterium chatbots

	Source quality		Clarity of texts		Mixed opinions		Credibility	
	ChatGPT	Magist.	ChatGPT	Magist.	ChatGPT	Magist.	ChatGPT	Magist.
Good	18%	68%	67%	46%	15%	18%	36%	77%
Average	50%	32%	22%	47%	50%	47%	50%	23%
Poor	32%	0	11%	7%	35%	35%	14%	0

Almost 70% of participants particularly appreciate the quality of the sources used by the specialized chatbot. However, a similar percentage (68%) attributes greater clarity of expression to ChatGPT. Similarly, although the credibility of the Magisterium is higher, only 14% of participants considered the results of ChatGPT to be unreliable. The questionnaire closed with an open question about which of the two chatbots they trusted more. This sentence summarizes most of the comments: "For the three queries I did, ChatGPT was slightly better than Magisterium, especially because it was clearer. However, I was somehow reluctant to believe all ChatGPT's answers and read it more carefully than those of Magisterium." In other words, we could conclude that, by using authoritative sources, the specialized chatbot is more reliable, but the quality of ChatGPT's explanations makes the generalist chatbot more attractive.

Conclusions

These pages have reflected on the trust we can place in chatbots using Artificial Intelligence. First, it has been confirmed that there are four ways to help users strengthen their *trust* in this

technology: institutional, motivational, risk reduction, and knowledge. AI companies, for their part, are called upon to increase their *trustworthiness* by offering services that respect the law, are technologically robust, and are guided by ethical criteria. We have shown that these mechanisms of trust in AI are inspired by interpersonal trust, which is composed of cognitive, affective, and behavioral signals. All in all, the prominence that AI is set to acquire in our lives invites us not to take trust for granted and to continue researching to delve deeper into this intangible that allows us to place our vulnerability in the hands of technology.

Likewise, these pages suggested analyzing vertical or specialized chatbots as a more reliable alternative to generalist chatbots. Following the logic that a service is capable of offering better results the more it focuses on a single area, we have paid attention to those chatbots that limit their searches to specialized sources and are capable of responding with the language of the sector to which they belong. To analyze this phenomenon, which has already spread to many areas of knowledge, a comparison was made between a generalist chatbot (ChatGPT) and one specializing in the Catholic religion (Magisterium). The analysis was conducted according to the four criteria of trust and the three criteria of trustworthiness proposed in the first paragraph of these conclusions, a practical experiment that helps to confirm their validity.

The first part of the analysis allows us to conclude that the trust of chatbots is fundamentally based on technological soundness and ethical behavior. No significant differences have been detected in the legal sphere. In terms of technological robustness, the most relevant differences have been in the use of sources and in the adaptation of responses to user expectations. The generalist chatbot gives relative importance to sources, at least in the presentation of its responses, while this was a fundamental criterion for the specialized chatbot. Likewise, the generalist tends to please the user in its responses, without contradicting them and taking into account previous conversations, while in the other case, the orthodoxy of the response is the only necessary criterion. On the ethical side, greater persuasive intent has been detected in the responses of the generalist chatbot; in contrast, Magisterium is strongly conditioned by the finite nature of its sources (although this limitation is what gives its responses authority).

The study has some limitations: first, neither the number of prompts given to the chatbots to test their trust nor the number of participants in the survey to assess perceptions allow us to say that the results obtained are definitive, but only indicative. Another objective limitation is that, as is well known, chatbots tailor their responses based on the user's previous searches, which means that their objectivity is somewhat compromised. This phenomenon was pointed out by several survey participants. In this regard, we believe it is important for users to be aware that the chatbot would have responded in a different tone or suggested other details to a different user, a persuasive technique that encourages the reader to maintain a certain distance and critical judgment. Finally, we are aware that comparing a specific general chatbot with a specific chatbot specializing in religion is not sufficient to draw general conclusions about the advantages and disadvantages of all chatbots of these types, as each one has its own particular characteristics. Even so, we believe that this opens up an interesting field of analysis for future research, particularly regarding the trustworthiness of such an ambitious technology.

It has been said that trust is as necessary as oxygen, because it gives life to the relationships that sustain society. As we have tried to demonstrate, trust in Artificial Intelligence is an intangible asset that is as necessary as it is fragile, and therefore deserves to be studied carefully.

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Digital Communication, Social Media, and Politics

New audiences: challenges for podcast content developers

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Introduction

Technological changes and the variety of platforms for consuming diverse audiovisual products have impacted the media, but they also provide a wide range of new resources. In turn, connecting with audiences and adapting to new ways of consuming this content has become essential. For this reason, various strategies have been implemented to maintain and attract audiences by offering new and varied content.

Radio, in particular, has been influenced by the proliferation of podcasts on different platforms. This does not mean that radio is going to disappear, but rather raises the need and challenge of delving deeper into this format where there are new listeners, with a view to responding to the consumption trends of different audiences.

Podcasts do not spell the end of radio, but they undoubtedly take radio resources from traditional radio to create a new product, which has its own characteristics and ways of coexisting with other formats.

When talking about a new product, various questions can arise around the phenomenon, from the conception, production, recording, and post-production of this podcast format to its final consumption.

Through a podcast audience survey, we will address how this content should be developed. The data from this survey will provide relevant information to lay the foundations for a better design of these audio products. The creation of products in this format, their eventual success, acceptance, and penetration of content among these new audiences seeking different audio experiences, according to their listening time and moment needs and other characteristics that will be revealed throughout the research, will depend on this and many other internal and external factors.

Radio has already expanded its content beyond sound and traditional electromagnetic waves, diversifying its offering and coverage with a new product that, while not radio, appropriates its structure and resources to create a new sound experience.

The creation of new platforms and content, together with new ways of listening and consumption habits of new audiences, provide starting points for content producers. The more familiar they are with the forms of consumption and the type of content demanded by each segment, the easier it will be to design products.

What we are looking for is to answer some questions about what factors are relevant when different audiences are faced with the decision to listen to a podcast. Do we know what time

they have time? Do we know how they like stories to be told? Not only that, do we know what content they consume most in a given context and place?

It is important to know where the audience can find the podcast they are looking for and how they get to it. What are the channels and/or dissemination strategies we can use to achieve this goal?

These questions guided our study, which sought to understand the listening habits of young people and young adults between the ages of 18 and 45. We also sought to establish some characteristics that a narrator should have for the production of content in podcast format. Finally, we sought to identify the topics or content that should be addressed in the creation and production of these podcasts. In addition, it will be necessary to envision a strategy for disseminating this new content.

These questions served as the basis for designing a 23-question survey, which was administered to the target audience.

The podcast as an extension of traditional radio

We must understand radio and podcasts as a kind of "first cousins." That is, they are similar, they share many characteristics, but they are not the same; they have important differences in how they are consumed, but not so much in how their content is produced.

According to Riaño (2024), "podcasts represent a radical innovation that implies changes in lifestyles; they are not an incremental improvement" (p.12). They are a change, not an improvement, in the way radio is made.

According to the same author, it also has other characteristics, such as the use of new technologies, which is not instantaneous and therefore has a different temporality, as well as other types of content. It is accessed by other means and not by the dial. The content is used in a different way and the language can be varied.

As Parlatore et al. (2020) state, in addition to the above, podcasts break with classic structures and patterns of content production and modes of circulation and consumption. A very relevant fact is that "the available technology allows anyone who wants to tell a story to do so using tools—many of which are free—for recording, editing, and distributing content. Therefore, the only limit is the imagination" (p. 9). This greatly facilitates the proliferation of producers and the variety of content.

"With traditional radio, we are used to saying and hearing people comment that 'I turn on the radio to listen to something', 'to have something on', 'because it keeps me company', etc. Podcasts go a little further; they are a firm and voluntary choice by a listener towards your content," says Gómez (2020, p. 56).

Hence, the change and adaptation of radio has allowed it to still occupy a relevant place among audiences, especially for those who love live broadcasts, daily company, and real time. However, several surveys have shown that it is losing listeners in some segments, such as youth audiences.

The changes affecting radio, through various audio content platforms, encourage the trend towards implementing new products created to be consumed on demand in podcast format, meaning that traditional radio as we know it (AM and FM) no longer has the exclusive right to produce and distribute programs (Galán, 2021).

Research on traditional media consumption has shown that "despite the fact that a large group of 14- to 25-year-olds continues to listen to radio, their consumption has stagnated" (López and Gómez, 2021, p. 544). This trend is becoming more pronounced, as "those under the age of 21, however, report very little use of traditional media and are sometimes even unaware of its existence" (López and Gómez, 2021, p. 550).

The needs and demands of the audience with regard to entertainment have changed over the years. A 30-year-old did not want the same things in the 1990s as they do now. Are they more demanding as an audience? Perhaps. Maybe the basis for all this is that there are many more entertainment options than there were a couple of decades ago, and this means that viewers, readers, and listeners increasingly want more and better entertainment. And, of course, they want it to be different from what their parents had at their age. (Iznalola, 2022, p. 119).

Audiences change, and with them the content and its audible forms through podcasts.

More than 20 years ago, Mariano Cebrián announced that we were already witnessing a momentous technological change in radio, even more important than that experienced with the introduction of transistors, FM, and stereo sound. (Cebrián, 2001). The changing requirements of audiences are in turn shaping new and varied ways of creating content in other formats, in this case podcasts.

Years later, based on Cebrián's thinking, a new concept emerged: the podcast, which was born on February 12, 2004, almost by chance. It was used by journalist Ben Hammersley in an article published in *The Guardian* (Izuzquiza, 2019).

It was not so widespread in its early days, but after twenty years, podcasts are becoming increasingly popular. Therefore, the current challenges for radio stations are growing, and they must cater to their most loyal audience, which is joining the network, and pay attention to new digital native listeners, who have made the mobile phone the dominant device. (Rodríguez et al., 2020). It is these same trends and habits in people's daily lives that should guide the design of new content.

It is estimated that in 2023 there were some 400 million podcast listeners, and although North America is currently the most promising market, it is likely that Latin America will take its place in 2025 (Statista, 2024). Therefore, the boom and increase in the production of podcast content cannot be ignored, especially in Spanish, which has led to the promotion of the format and interest on the part of platforms to encourage its consumption.

Radio does its thing, and so does podcasting, so it's clear that new possibilities are opening up on other platforms and for other content needs. It's worth paying attention to what Mecho (2020) points out about podcasting, as he states that time no longer limits content as it did with traditional radio programming schedules, where each slot had a set time. The same author indicates that this type of format is designed more for niche markets than for the masses. These two characteristics give podcasts a distinctive feature that is worth considering and applying.

Along the same lines, there is a trend related to the age of podcast listeners, which indicates that younger people consume this format more. "A quarter of Internet users aged 16 to 34 say they listen to this audio format on a weekly basis, while among those over 55, the percentage drops by almost ten points" (Statista, 2024). In other words, there is a trend related to the age of podcast listeners. Young people are the ones who consume this format the most.

As López et al. (2014) pointed out at the time, young people may be interested in "diverse news on a variety of topics related to their immediate environment, ranging from information on video games, technology, or music concerts to anecdotes, curiosities, or leisure activities" (p. 57).

It is therefore clear that it is not enough to replicate or make traditional radio content available; it must be designed in relation to the specific preferences of the audience. For this reason, it is necessary to survey the consumption habits of potential listeners.

There are studies on Spanish television that warn of the need to maintain a relationship with audiences. The benefits of social media for these media are also analyzed, which contribute to "learning about the concerns and preferences of their audiences and approaching the usual scenarios of young users to offer more personalized and relevant services" (Fieiras et al., 2023, p. 355).. The same can be applied to the needs of today's audiences in different parts of the world, whether in Latin America or Chile.

Various communicators seek to make their way with interesting stories and content to tell, but they do not have the opportunity to produce their work in traditional media, either because of the high cost, because they are unfamiliar with the medium, or because they lack previous experience. However, far from closing doors, this can open them. "Today we talk about prosumers (formerly just consumers) who have the ability to share communication roles on social media, as opposed to the prominence and discursive hegemony that radio once enjoyed" (Ríos, 2022, p. 64). It is important for the media to be open to these new proposals and take an active role in the new content offering.

As Orrantia (2019) points out, if the media want to be successful, they must go where the audiences are. Access their mobile phones. Capture their attention. "Play a relevant role in this economy of trust with good stories, also in podcast format, linked to current affairs or entertainment" (p. 41).

The above logic of serving audiences and responding better to their requirements goes hand in hand with an understanding of their nature, complexity, interests, habits, and preferences. "One way to begin an investigation is through the reflections of symbolic content that can be glimpsed in the social fabric: behaviors, consumption, or interactions in which media influence can be seen" (González et al. 2018, p. 25).

And although the challenge involves multiple variables, any progress in this regard is valuable for those involved in designing new content.

As López et al. (2014) point out, once again radio has this opportunity before it and must take advantage of the use of the internet and the listening possibilities offered by various media and technologies. "Hand in hand with content, probably with mixed formulas in tune with the current hybridization of formats in television competition, radio could regain its communicative strength" (p. 50).

Before embarking on the adventure of podcasting, it is essential to know who will be on the other side listening to you and, above all, who you want to be listening to you. In other words, before you start thinking about a strategy to get people to listen to your program, you have to think about who will be listening to you. (Iznalua, 2022. p. 34).

In other words, it is always necessary to know your audience, their needs, listening habits, and characteristics before you can begin producing and creating new content.

Pay attention to the design of the audio product

Traditional media have lost ground to media that until a few years ago were more alternative or outsider, many of them via streaming, and which over time and with the help of the Covid-19 pandemic have expanded exponentially.

Hence, understanding audience behavior in relation to media consumption has been a concern for some years now, and young people's lack of interest in this regard is becoming increasingly apparent (Gutiérrez et al., 2011; Giordanengo, C. 2013; Perona et al., 2014; López et al., 2014).

Radio has adapted to the digital context and has benefited from the proliferation of new listening platforms that have reinforced its ubiquity.

It is no longer enough to offer different ways of listening; there must also be an auditory narrative that parallels the common interests of the media. It is as if every traditional audio product could have its own "spin-off," but with unexpected details and almost on-demand content, where the audience not only consumes but also participates. "The changes cannot be solely technological, offering the same programming on different channels: true adaptation must be accompanied by new approaches to content" (López et al. 2014, p. 47).

Applications that work through streaming made access to cyberspace mandatory, and technological development made file transmission increasingly faster and available in everyone's pockets through phones, no longer just mobile phones, but now also with Artificial Intelligence.

A relevant factor in the changes experienced by radio has to do precisely with the Internet, and in this sense, they can be classified "into four types according to how they relate to: distribution forms (); content and formats; contact with audiences; and marketing models" (Espada, 2018, p. 246).

This requires a rethinking of programming to meet audience requirements. It must also take into account new platforms that offer diverse content for all types of audiences.

Tuning in to audience preferences

In November 2023, we conducted a survey of 442 people aged between 18 and 45. This was based on a statistical calculation that considered a confidence level of 95% and a sampling error of 5%.

The 23-question survey was designed to find out about media consumption habits, preferred content, and the message conditions most valued by respondents.

We will present some of the results of this research in order to provide valuable background information for the improved design of audio products in podcast format.

In search of the ideal podcast host

The qualities of the person who should be in charge of hosting a podcast are very important, as they are the main audio element when it comes to capturing the audience's attention. Regarding the profile of a potential podcast host, respondents expressed the following preferences: 69.8% (270) prefer someone who explains things well; 48.8% (189) prefer the narrator to be an expert on the subject; and, in third place, 27.1% (105) would prefer a journalist. This is shown in the following graph.

Anyone who can explain well is not necessarily an expert. It could be someone who knows or has studied the subject and knows how to explain it. To do this, they must have certain specific qualities and have prepared their presentation of the subject.

An expert on the subject may know very well what they want to talk about, but they may have problems explaining it clearly, as there is a possibility of excessive use of technical terms.

A journalist is a professional trained to explain topics and tell stories. In addition, they have the technical training to develop scripts and genres in the field.

Therefore, it is acceptable for a communications professional, together with various experts, to be accepted by listeners when discussing topics in podcast format.

With regard to the qualities and/or characteristics that the presenter or announcer should have in this format, as shown in graph 2, the five options chosen by respondents are: first, a person who is entertaining, with 79.1% (306). Second, they are looking for a narrator who is natural, with 59.4% (230). Thirdly, 41.3% (160) opted for someone who is charismatic. Fourthly, 40.1% (155) of respondents prefer a presenter who is friendly. Fifthly, 39.3% (152) of respondents value someone who is approachable.

In other words, a person who explains well, the expert or journalist in charge of the story must also have other qualities to be accepted by podcast listeners, namely, they must be entertaining, natural, well-informed, charismatic, friendly, and approachable. These qualities should also apply to experts on a given topic.

Continuing with user preferences regarding the narrator, 53.7% (208) of those surveyed believe that the gender of the presenter is irrelevant, 29.5% (114) prefer both voices to narrate a podcast, 10.3% (40) opted for a male voice, while only 6.5% (25) of those surveyed prefer a female voice.

Aspects related to production and realization

Regarding the assessment by potential listeners of the production and realization of podcasts, 63% (244) of those surveyed believe that it is important for the production and realization of a podcast to be carried out by a communications professional, while 37% (143) do not consider it relevant.

In this case, the role of the journalist in developing the content or scripts for a podcast is valued. However, the work of editors or layout designers is also valued.

How to access the podcast

The electronic device most commonly used to listen to podcasts is the cell phone, with 87.3% of respondents expressing a preference for this device. In this regard, the use of social media by respondents was examined in depth, and the results are shown in the following table:

The use of social media is closely linked to the use of mobile devices, with WhatsApp and Instagram being the most popular. If we add the percentages for "I use it quite a lot" and "I use it a lot," we get 94.57% and 91.48%, respectively.

WhatsApp is a messaging app that allows users to communicate with other people and send images, links, audio files, and videos. However, as it belongs to the META group, it facilitates content sharing with Instagram.

Instagram is mainly used to share photos or videos, as well as "reels," which are short video stories that can be edited. It also allows communication through its chat channels and makes it easier to find media content.

In general, WhatsApp has a more cross-sectional use in the age group studied, as does Instagram. Even so, there are some applications that are more associated with younger people, such as TikTok, which achieved a total of 37.47% between "I use it quite a lot" and "I use it a lot."

In the case of Facebook, it is associated with use by older people, and the sum on the same rating scale reaches 31.27%. In the case of X (formerly Twitter), there is a notable decline in use, reaching a total of 26.61%. It should be noted that previous studies:

Given the growing proliferation of channels and devices for accessing podcasting, and in order to meet discovery and consumption objectives, most networks resort to multiple distribution channels for their podcasts, i.e., their own platforms and those of third parties (Spotify, iTunes, and Google Podcast, among others), in addition to exploiting the reach of their profiles on various social networks. Only Convoy and Sybel distribute their offerings exclusively through their own channels, i.e., through their platform and app. (Terol et al., 2021. P.481)

Therefore, it is very important to know the preferences of respondents when it comes to sharing content on social media. 92.8% (359) share content through the Instagram app. 73.6% (285) acknowledge that they share content through WhatsApp. These data coincide with those in Figure 3, i.e., people use the same apps most frequently to share content, which can be cross-platform.

Facebook is another app that users share content on, with 27.9% (108). TikTok is also used to share content, with 27.4% (106).

According to specialized studies, Instagram is currently the network that contributes most to community building, which coincides with the responses of those surveyed. It cannot be ruled

out that, over time, new networks may emerge or existing ones may become more popular, leading to a change in the social media model.

Instagram, as pointed out in the social media report prepared by lab.Spain, is one of the most used social networks by young people, as well as the one with the highest growth. Therefore, not generating a community derived from this social network prevents the creation of new listeners, who also have a lower average age than those on Twitter, which could generate a more lasting community over time. (Caballero et al., 2021. P.103)

Social media itself encourages curiosity among those who consume content. It also motivates participation and content sharing.

Podcast platforms generate a relationship of interest, empathy, and complicity with their users by stimulating curiosity, increasing engagement, encouraging participation through social networks, complementing the audio offering with other contextual pieces (texts, videos, complementary audio, etc.), and improving the willingness to listen. In short, promoting greater reach for podcasts and their commercial profitability, as they make it easier for brands and advertisers to identify efficient windows and spaces to reach the increasingly segmented profiles sought in the market. (Terol et al., 2021. P. 477)

The three virtual places where respondents would look for a podcast of interest are, first, an audio platform with 72.6% (281). This is followed, in second place, by social media, with 62.3% (241). In third place, users said they would look for a podcast of interest on video platforms, with 37.5% (145%).

In this case, different behavior is seen among people, as there are specialized sites for finding podcasts, such as Spotify or Google Podcast. However, consumption habits also lead users to search for this type of content on social media. According to graphs 19 and 20, which explain the use of social media, when searching for a podcast, users would turn to the highest-ranked applications, i.e., they would search on Instagram and WhatsApp as their first preference.

Drawing on previous research, they show that social media, in addition to emails, special events, newsletters, and even the personal accounts of those in charge of running podcasts and other channels, allow content to be shared on applications, in the case of media outlets, their websites. Social media is also used as a frequent and direct channel of communication between platforms and their user communities... email and the web are also used as ways to interact with listeners. Almost half of the networks analyzed—Parque Podcast, Convoy, Podium Podcast, Podimo, and Himalaya—are committed to organizing events, contests, and activities to strengthen their followers' connection with the content in their catalog. Those that use their own app as a means of content distribution (except Convoy) also use it to send notifications and interact with users. (Terol et al., 2021. P. 481)

Themes preferred by the public

With regard to the topics to be covered in a podcast, it will be considered that "the versatility of the podcast, as previously noted, opens the door to the production of content using all kinds of topics and genres, mainly those that allow for in-depth coverage of the information: All topics

and genres are suitable for podcasts." This quote is taken from García-Marín (2023) when consulting young journalists about the topics covered in this format.

In order to ascertain the preferences of respondents regarding topics of interest when listening to a podcast, a table was created with suggested content and/or topics for respondents to evaluate.

Table 1 shows the results of the topics that respondents ranked from least to most relevant.

Table 1. *User preferences regarding topics and/or content for listening to podcasts.*

Topic	Not interested	I am not very interested	Moderately interesting	Quite interested	Very interested
News	47	70	112	79	79
Research	22	43	98	121	103
History	41	51	94	116	85
Interviews	25	49	95	123	95
Fiction	87	79	94	70	57
Health	46	79	107	73	82
Women	50	63	95	82	97
Man	91	91	115	55	35
Sciences	44	54	96	103	90
Technology	45	48	98	111	85
Music	22	35	84	107	139
Humor	32	26	70	110	149
Magazine	95	73	93	77	49
Psychology	56	60	83	68	120
Economics	97	68	86	79	57
Sports	100	76	76	67	68
Pareja	71	82	98	77	59
Sexology	73	73	94	87	60
Animals	71	90	93	81	52
Art	69	93	98	73	54
Movies	64	62	81	89	101
Series	45	57	87	93	105
Decoration	136	85	86	37	43
Gardening	157	87	76	39	28
Maternity	135	62	72	57	61
Crianza	134	64	72	50	67
Astrology	167	69	64	41	46
Culture	34	49	92	101	111
Gastronomy	76	83	79	80	69
Paranormal	124	70	63	57	73
Crimes	112	67	63	61	84

Biographies	88	72	92	72	63
Traditions	102	99	94	52	40
Religion	204	77	51	32	23
Politics	116	56	78	69	68

Of the total number of respondents (442), 387 people reached this point related to the evaluation of the suggested topics. The 55 missing respondents were unable to complete this part because they stated that they were not interested in listening to podcasts or because they did not meet the age requirement for the study.

To better interpret the results, a simple statistical study was carried out using a table (2) of percentages, identifying the content and/or topic with the highest preference. These are presented below.

Table 2. *User preferences regarding topics and/or content for listening to podcasts, expressed as percentages.*

Topic	Not interested (%)	I am not very interested (%)	Moderately interesting (%)	Quite interested (%)	Very interested (%)	(%) Total
News	12.1	18.1	28.9	20.4	20.4	100.0
Research	5.7	11.1	25.3	31.3	26.6	100.0
History	10.6	13.2	24.3	30.0	22.0	100.0
Interviews	6.5	12.7	24.5	31.8	24.5	100.0
Fiction	22.5	20.4	24.3	18.1	14.7	100.0
Health	11.9	20.4	27.6	18.9	21.2	100.0
Women	12.9	16.3	24.5	21.2	25.1	100.0
Men	23.5	23.5	29.7	14.2	9.0	100.0
Science	11.4	14.0	24.8	26.6	23.3	100.0
Technology	11.6	12.4	25.3	28.7	22.0	100.0
Music	5.7	9.0	21.7	27.6	35.9	100.0
Humor	8.3	6.7	18.1	28.4	38.5	100.0
Magazine	24.5	18.9	24.0	19.9	12.7	100.0
Psychology	14.5	15.5	21.4	17.6	31.0	100.0
Economy	25.1	17.6	22.2	20.4	14.7	100.0
Sports	25.8	19.6	19.6	17.3	17.6	100.0
Pareja	18.3	21.2	25.3	19.9	15.2	100.0
Sexology	18.9	18.9	24.3	22.5	15.5	100.0
Animals	18.3	23.3	24.0	20.9	13.4	100.0
Art	17.8	24.0	25.3	18.9	14.0	100.0
Cinema	14.0	16.0	20.9	23.0	26.1	100.0
Series	11.6	14.7	22.5	24.0	27.1	100.0
Decoration	35.1	22.0	22.2	9.6	11.1	100.0
Gardening	40.6	22.5	19.6	10.1	7.2	100.0

Maternity	34.9	16.0	18.6	14.7	15.8	100.0
Crianza	34.6	16.5	18.6	12.9	17.3	100.0
Astrology	43.2	17.8	16.5	10.6	11.9	100.0
Culture	8.8	12.7	23.8	26.1	28.7	100.0
Gastronomy	19.6	21.4	20.4	20.7	17.8	100.0
Paranormal	32.0	18.1	16.3	14.7	18.9	100.0
Crimes	28.9	17.3	16.3	15.8	21.7	100.0
Biographies	22.7	18.6	23.8	18.6	16.3	100.0

Each result will be displayed according to the rating column and the topics of least interest to respondents will be shown.

With regard to the "not interested" option, the topic that provokes the least interest is religion, with 52.7%, followed by astrology with 43.2% and then gardening with 40.6%.

In the "I am not very interested" option, only gastronomy achieves a majority in this category with 21.4%.

In the "moderately interesting" category, in descending order, are men, with 29.7%, followed by news with 28.9% and, further behind, health with 27.6%.

In the "quite interested" category, five topics stand out as the most popular: interviews with 31.8%, research with 31.3%, history with 30%, technology with 28.7%, and science with 26.6%.

With regard to "very interesting," seven topics stand out: humor with 38.5%, music with 35.9%, psychology with 31%, culture with 28.7%, series with 27.1%, cinema with 26.1%, and women with 25.1%.

Taking these results into consideration, it can be inferred that there is a trend between the topics that most interest respondents and those that interest them the least, so it would be pertinent to address this trend in order to respond appropriately to this type of audience.

The "moderately interested" column will depend on other factors for the product to be attractive to these users. This is where other characteristics expressed by the interviewees come into play, including the role of the narrator and their consumption habits.

As a way to facilitate analysis, the trends can be summarized. For this reason, the data was regrouped into three groups that combine the trends: Group 1 includes those who are not willing to listen to any of the topics, adding those who are "not interested" and those who are "not very interested."

Group 2 remains unchanged with "moderately interesting," because in order for them to be interesting, they would have to meet certain special characteristics. Group 3 includes "I am quite interested" and "I am very interested," because these are the people who have a real interest in consuming that content. This is explained in Table 4, which leads to Table 3.

Table 3. *Explanatory legend for Table 7. Grouping of criteria.*

1	Grouping Criterion 1 "Not interested" + Criterion 2 "Slightly interested"
2	Criterion 3 "Moderately interesting"
3	Grouping Criterion 4 "I am quite interested" + Criterion 5 "I am very interested"
Total sample	387 people

Table 4. *Presentation of thematic preferences based on evaluation criteria grouped into percentages.*

Theme	1	2	3	Total (%)
News	30.23	28.94	40.83	100
Research	16.80	25.32	57.88	100
History	23.77	24.29	51.94	100
Interviews	19.12	24.55	56.33	100
Fiction	42.89	24.29	32.82	100
Health	32.30	27.65	40.05	100
Women	29.20	24.55	46.25	100
Men	47.03	29.72	23.26	100
Sciences	25.32	24.81	49.87	100
Technology	24.03	25.32	50.65	100
Music	14.73	21.71	63.57	100
Humor	14.99	18.09	66.93	100
Magazine	43.41	24.03	32.56	100
Psychology	29.97	21.45	48.58	100
Economics	42.64	22.22	35.14	100
Sports	45.48	19.64	34.88	100
Couple	39.53	25.32	35.14	100
Sexology	37.73	24.29	37.98	100
Animals	41.60	24.03	34.37	100
Art	41.86	25.32	32.82	100
Cinema	29.97	20.93	49.10	100
Series	26.36	22.48	51.16	100
Decoration	57.11	22.22	20.67	100
Gardening	63.05	19.64	17.31	100
Maternity	50.90	18.60	30.49	100
Childcare	51.16	18.60	30.23	100

Astrology	60.98	16.54	22.48	100
Culture	21.45	23.77	54.78	100
Gastronomy	41.09	20.41	38.50	100
Paranormal	50.13	16.28	33.59	100
Crimes	46.25	16.28	37.47	100
Biographies	41.34	23.77	34.88	100
Traditions	51.94	24.29	23.77	100
Religion	72.61	13.18	14.21	100
Politics	44.44	20.16	35.40	100

The data in Table 4 highlights the data in bold to show the trends in each preference group.

According to García-Marín's research (2023) in one of his interviews regarding how topics are addressed in podcasts, "Any genre and/or format, if done well. Although I think that much more can be gained from more relaxed genres that require a good script rather than a news story." This includes interviews, documentaries, talk shows, and non-fiction genres.

The most highly rated topics in group 3, which are research, history, interviews, technology, music, humor, series, and culture, could ensure a good audience according to the opinion of the respondents in this study. On the other hand, those in group 1 are less likely to be massively successful, as only a small proportion of respondents would be interested in listening to them.

Topics that have an intermediate preference can be worked on and may attract audiences if other key factors are considered, such as the type of host, the schedule, and the way the content is delivered.

Regarding the topics covered, the interviewees in García-Marín (2023) say the following:

I really think they are all appropriate. Perhaps the least appropriate is immediate news, since podcasts do not have the immediacy of radio. However, it does offer space for in-depth information. When it comes to choosing a specific genre that is particularly suitable for podcasts, the main ones are reporting and conversational genres such as interviews or discussions: Reporting because you can tell a story with more space than, for example, on television, as you have more time. (García-Marín, 2023. P. 217)

That said, according to García-Marín (2023), any genre and topic can be adapted to podcasting, as the freedom of the format allows it. Fortunately, there are no rules. That is what is exciting about this medium: you do not have to follow the patterns established by traditional journalism. This is reflected in one of his interviews.

To summarize the data analysis, it is necessary to include a new quote that provides a perspective that seeks to capture some of the results obtained by the survey that was conducted.

A podcast is an audio file that reaches different parts of the world once it is uploaded to a digital platform. It uses language similar to radio, but not identical. The combination of words, music,

sound effects, and even silence has an aesthetic function that gives the information a sound image. This is why traditional media are adapting to these new communication technologies. We can therefore conclude that podcasts are gaining popularity both globally and nationally. (Chuquipoma, 2019. P.13)

The data analyzed here partly coincides with the ranking of the most listened to podcasts in Chile, where humor leads the way. Some of the most notable ones are "Cómo están los Weones," "Tomás va a morir," and "Expertas en nada."

Also noteworthy are those covering a variety of topics, including sexuality and psychology, such as the podcasts "Haberlo sabido antes" (If Only I Had Known Before), "Encuentra tu persona vitamina" (Find Your Vitamin Person), and "Tu desarrollo personal" (Your Personal Development).

There is also a wide range of podcasts that help listeners learn languages. In any case, the top ten is influenced by conversational storytelling and humor around various topics covered in the different programs. These statistics were compiled by Spotify Chile, 2023.

Terol developed a description that has changed over time:

The most popular topics are Culture, History, and Movies and Series—appearing in 11 and 10 cases of the twelve analyzed—followed by Technology, Music, and Gender, present in eight of the twelve platforms. Sports, Fiction, and Education podcasts are repeated in seven cases. The least frequent are Humor (3), Self-Help, and Gastronomy (4). In the "others" category, podcasts on sexuality, religion, lifestyles, and ecology have been detected. This confirms the different cataloging criteria and taxonomies used by platforms and aggregators, a heterogeneity that tends to hinder their location, reach, and even commercial efficiency. (Terol - Bolinches, 2021. P. 480)

Conclusion

Conclusions should be written in a comprehensive and clear manner without using bullet points or numbering. It is important to establish that the conclusions should frame the contributions that are expected to be achieved with the research.

The survey of 442 people served to gather valuable information that will be applicable in the design of a podcast focused on people between the ages of 18 and 45 who are highly skilled, with technical and university studies at the undergraduate and graduate levels. In addition, they have a defined occupation, the vast majority of them in dependent employment, i.e., workers with contracts.

It can also be concluded that there is a marked willingness to listen, i.e., there is considerable appeal for the format. This was revealed by the percentage difference between the questions "Have you listened to a podcast?" and "Would you listen to a podcast?" In the first question, 88.5% said they were familiar with the format, which does not necessarily mean that they actively and regularly listen to podcasts. Even so, the second question shows an expression of interest, as 93% say they are willing to listen to a podcast.

Based on the above, an action plan can be defined for the production of podcasts and certain characteristics that the product must meet for its complete execution, from the pre-production stage to distribution.

The results showed that, with regard to the time spent listening to a podcast, the respondents' preference ranged from 15 minutes to one hour, with the majority expressing a preference for listening to episodes of up to 30 minutes.

On the other hand, the surveyed audience showed that they preferred to listen to a podcast during their leisure time, commutes, breaks, or downtime.

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Digital Communication Between Consumers and Agri-Food SMEs

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Introduction

This chapter will address several key points in the current business climate and in a sector that is necessary and transcendental in the Spanish and European economies: the agri-food sector. To this end, on the one hand, we will analyze the reality of the concepts that relate the company to the intangible elements of brand equity, namely brand reputation and awareness, consumer confidence, and the engagement that the brand manages to establish with the customer.

All of this will contribute to the positioning that the company wants to achieve, both in the market as a whole and in the minds of consumers. In addition to this review of the key concepts for understanding the reasons why companies want to increase their relationship with consumers and how to do so, reference is made to one of the current trends in customer communication used by companies: social media.

To tie these two key threads of argumentation together, the last part of the chapter applies these concepts, related to corporate communication, to the business world and the type of consumer in the agri-food sector, to see which indicators show success in the relationship between agri-food companies and consumers. In this sense, two of the most widely used communication theories are applied to analyze the relationship between consumers and the messages sent by companies, in this case, in the agri-food sector.

While Shannon and Weaver's (1948) information theory highlights the importance of eliminating ambiguity in the communication circuit, with the aim of promoting interaction and trust between brand and customer, behaviorism theory emphasizes the impact that the environment and opinion leaders have on the perception that the customer or follower has of that message and the brand. Therefore, the use of experts from the food sector within the digital profiles of fruit and vegetable brands to disseminate content will improve the value of publications, the brand's reputation, and the connection with followers within the agri-food sector.

The brand equity of digital companies is built on intangible elements such as reputation, positioning, and engagement

This initial section should address the indicators that contribute to the success of the relationship between the consumer or customer, extended to the role of follower of that consumer, and the manufacturing companies and message senders themselves in digital environments, in this case, fruit and vegetable companies belonging to the agri-food sector.

To better understand the agri-food industry, we must first address the significance and importance of this sector in the Spanish and European economies, an argument supported by statements such as those made by Doležalová, Pícha, and Navrátil, who highlight that consumer interest in quality food increases the more developed the country is (Doležalová et al., 2009). Given that European society is made up of developed countries and, as stated in the Annual

Report of the Spanish Food Industry, in the European Union, the food industry is the main activity of the manufacturing industry, representing 14.3% of that industry. (MAPA, 2023).

To address the importance of agricultural products to domestic consumers, reference should be made to several studies. On the one hand, the Innova Markets report, which addresses research on food trends, indicates that freshness and flavor are key attributes for Spanish consumers. It also highlights another key variable, which is the high value placed by customers on the local environment for shopping and meeting their agri-food needs. The study states that Spanish consumers continuously exceed the interest index for characteristics such as local production, with 26% of Spanish consumers considering local origin to be a very influential factor in everyday staple foods, compared to the global average of 19%. This preference for local products is accentuated by the high ranking of statements about traditional manufacturing/processing (Innova Market Insights, 2024).

To this can be added the conclusions of the study by Belén Barreiro (2018), entitled "Diving into the food trends of Spaniards," which reveals that around 22% of the Spanish population needs to know the origin of the food they buy, highlighting the interest that this population has in food quality, since 50% of those surveyed prefer to buy local or nearby products, or products with the Spain brand, even if the product is more expensive, which shows that the national sector has a high-quality image in the minds of consumers. These types of statements support the importance of conducting in-depth research on the commercial and communication evolution of this strategic sector. (Barreiro, 2018)

Secondly, it is necessary to take into account the regulations and legislation used by government institutions to promote the digitization of the agri-food sector. For this reason, in recent years, the Ministry of Agriculture, Fisheries, and Food (hereinafter MAPA) has supported the development and modernization of the sector through legislation for the agri-food sector with regard to its digitization. Royal Decree 113/2022, of February 8, which establishes the regulatory bases for subsidies to promote knowledge and information transfer and the acquisition of digitalization skills, as well as for advice, management, and replacement, aimed at the agri-food sector, is the main regulation currently supporting the digitization of the sector (R.D.113/2022, MAPA).

This supports the need to promote the digitization of an economically important sector such as agri-food from all possible perspectives. According to Plaza Llorente, in his study "Agri-food value chain, prices, and digitization," phenomena such as the interoperability of digital devices, the omnichannel nature of customer access to their preferred goods and services, and the emergence of platforms for communication and the exchange of goods and services are some of the possibilities offered by digitization (McKinsey Digital, 2015; Ballesteros and Pérez, 2017; OECD, 2016; Lund, et al, 2019, p.15).

In addition, the Observatory for the Digitalization of the Agri-Food Sector highlights that in the agri-food industry, 44.4% of companies with annual revenues exceeding €50 million market their products online. A relevant fact is that e-commerce is implemented in up to 29.8% of the agri-food industry.

Thirdly, we must address the indicators that determine a company's success in digital environments and in its relationship with consumers and followers. Therefore, we must talk about

brand reputation in the online environment, understood as the prestige that a brand has in its online activity, which is the most important value for companies and organizations because it guarantees the trust of their audiences (Vegas-García and Paniagua, 2023).

The latest European Communication Monitor (2023), which highlights the most important strategic issues for communication management, reveals that there are two strategic themes on the minds of communicators: building and maintaining trust and linking corporate strategies with communication strategies. Communicators place great importance on building and maintaining trust, prioritizing it over many other values, which confirms that consumer trust is essential for organizations (Ramos, 2024).

In this vein, the term or indicator of brand commitment or engagement in the minds of consumers, or ultimately with consumers, should be introduced. Its translation into Spanish is commitment, involvement, connection, engagement (Herencia, 2019), so, applied to marketing, it is this commitment, but of the customer to the brand, that plays a fundamental role in brand management, being defined in the field of marketing as the degree of emotional, cognitive, and behavioral connection that a consumer develops towards a brand or organization (Hollebeek, et al., 2014). Other authors such as Vivek et al. (2012) define it as the intensity of individuals' participation in an organization's offerings and activities (Vivek et al., 2012) p. 127). In other words, engagement encompasses aspects such as the consumer's active presence in brand-related activities, the commitment of this loyal customer, and the emotional loyalty to the brand that these activities generate. According to Brodie et al. (2013), it is the level of emotional and behavioral connection between consumers and the brand (Brodie et al., 2013). Following this line of reasoning, the main factors that make up the concept of engagement can be divided into the following:

- Customer experience: the customer's experiences during the purchasing process and the feeling that remains afterwards and the subsequent bond with the brand. In other words, a positive experience increases the likelihood that the consumer will develop a committed relationship with the brand (Lemon, Verhoef, 2016).
- Company interactivity in digital environments: promoting two-way communication between the brand and the customer, as companies need to use digital tools to foster engagement and facilitate personalized interactions with the customer in real time, knowing that consumers inform themselves in terms of consumption and connect with brands in digital environments.
- Publication of content of value to the customer: communication actions in the digital context with content that is interesting to the customer, generating value for the brand and its followers at the same time, seeking to increase the emotional connection and, in turn, increase the time the customer spends interacting with the brand.

The importance of engagement in brand communication strategy is paramount, so to better understand its application and how it affects consumer behavior, it is necessary to show the engagement measurement system used by authors Vivek et al. (2012) through a mechanism called the dimensions of engagement. Therefore, understanding and applying this analysis and planning strategies through these dimensions allows brands to obtain effective results, as they form a comprehensive basis for understanding and increasing the level of consumer engagement

with the brand or organization through different areas: cognitive, emotional, and behavioral. (Vivek et al. 2012):

1. **Cognitive Dimension:** affects the level of attention and mental effort that a consumer uses to process information about a brand. This means that consumers are emotionally and rationally connected to the brand, developing feelings such as curiosity, interest, and rational analysis about the brand, as well as seeking additional information about it, analyzing its value proposition, messages, or specific attributes, and thus creating positive mental associations with and about it. This gets consumers interested in the product's characteristics, prompting them to search the corporate website and compare its benefits with those of the competition.
2. **Emotional Dimension:** in this dimension, neuromarketing is used through emotional marketing, because brands that communicate by seeking to influence customer emotions are more successful in the market. The aim is to verify the emotional bond that develops between the consumer and the brand and is built through the accumulation of positive experiences on the part of the customer. These experiences generate trust and satisfaction as positive emotions in the customer, to which is added the coincidence of the brand's values with those that consumers seek to find in it. All of this is aimed at achieving customer loyalty, as with these techniques the customer will develop positive feelings for the brand, such as admiration, passion, or identification, which are the main seeds for establishing a lasting brand-customer connection that can turn into long-term loyalty.
3. **Behavioral Dimension:** this encompasses the actions that customers/followers take to interact with the brand, which are the result of their commitment to it and act as a mechanism for activating consumer loyalty. The actions measured in this analysis are the initial purchase and subsequent repeat purchases, participation in brand-related activities such as events or contests, or active promotion of the brand on social media and in personal circles, word-of-mouth recommendations, participation in surveys, or writing reviews. One of the main measurements can be made through the number of likes.

According to Ballesteros-Herencia (2019), the digital environment is ideal for interaction between consumers and brands, as it allows for a role reversal within the communication circuit. In other words, consumers go from being passive recipients of marketing actions to becoming proactive participants in a new two-way communication process. Thus, companies take advantage of these bidirectional relationships to increase the added value of products and brands, as Oviedo-García, et. al (2014) states, and thanks to the engagement provided by social media, an environment can be created in which customers can carry out actions such as designing the product and financing its advertising campaign (Oviedo-García, et. Al, 2014; Ballesteros-Herencia, 2019).

In this line of research, Herrera-Torres (2017) states that the greater the brand engagement, the greater the level of knowledge and information that the followers of that brand have and, in turn, the greater the information that the brand has about them, which helps the brand to issue content of greater value and interest to followers, thus increasing the level of affinity between the follower and the brand through the messages that it issues. Therefore, the author states that it is necessary for companies to recognize the advantage offered by social media as a means of communication and relationship building, as well as interaction with loyal and potential followers, with the aim of increasing their sales and brand awareness through the use of these social profiles (Herrera-Torres 2017, p.181).

Engagement and Emotional Connection with the Brand, relationship with brand image and brand reputation:

With this proposal, it can be said that generating engagement between the brand and the consumer is necessary to produce a positive return from individuals, whether they are commercial customers or social media users (Ballesteros-Herencia, 2019). These statements lead us to discuss another term related to the field of brand-customer relations, namely brand positioning in the consumer's mind, which is defined as the place that the company occupies in the consumer's mind in relation to other brands with which it competes within the same sector. This is a strategic process that seeks to build a differentiated perception (Ries and Trout, 2001). In other words, positioning shows how a brand is perceived and remembered, taking into account its key attributes or distinctive characteristics that are relevant and valuable to the consumer (Kotler et al. 2016) and the benefits that make it unique. For all these reasons, the co-dependence of both concepts results in a strategic integration of both approaches, which can improve the consumer experience and strengthen the brand image in the consumer's mind and in the market in the long term.

Engagement and brand positioning are intrinsically related, as both seek to build a meaningful and sustainable connection with the consumer/follower. On the one hand, engagement fosters more frequent and quality interactions, reinforcing positioning by integrating the brand more solidly in the consumer's mind. In other words, there is a causal and feedback relationship between these two concepts: if there are no quality relationships with the customer, there is no effective positioning in the consumer's mind. According to this reasoning, engagement can be understood as a catalyst for positioning, i.e., through positive consumer experiences and attractive brand content, both intentionally generated by the company. Engagement helps to consolidate the desired associations from the brand and with the brand, that is, the consumer thinks of the brand what the brand wants them to think of it, thus strengthening its place in the consumer's mind. For this to be effective and done in the most efficient way for the brand image, the company must learn to integrate this strategy and thus manage to fix in the consumer's mind the need for customer relations and contact, understanding positioning as the basis for engagement, or in other words, clear and attractive positioning creates expectations and motivates consumers to interact with the brand.

According to Kotler and Keller (2016), brand positioning is a key marketing strategy that seeks to establish a unique and differentiated place in the consumer's mind. However, for the brand's actions to be efficient and its positioning to be effective, the following elements must be combined, according to these authors, which are fundamental in building a brand perception that clearly shows its values and promotes the brand image (Kotler and Keller, 2016).

A. Key attributes and benefits: this element of positioning refers to the characteristics that make the brand different and that are also relevant and valuable to the consumer.

These attributes are classified into tangible characteristics, such as the quality of the product that represents the brand, the design of the product itself, or even the price, since these types of tangible elements directly influence the other type within this classification.

On the other hand, there are intangible attributes, which have a high weighting in positioning and, therefore, in loyalty, engagement, and ultimately in the consumer's purchasing decision. These intangible elements are the brand's reputation, values, and philosophy, the lifestyle that the brand represents, and affinity with the user. In short, they make the customer/follower

feel more comfortable with this projection and help convey the brand's personality. These types of attributes must be understood by the customer or follower as potential benefits when using the brand, so they must be aligned with their needs and desires, communicating a message from the brand that makes it desirable, relevant, and akin to them, and that they aspire to feel satisfied and represented by its values.

- B. Unique Value Proposition (UVP):** The value proposition describes the package of products and services that create value for a specific customer segment. It represents the main reason why customers choose one company over another (Osterwalder and Pigneur, 2010, *Business Model Generation*, p. 22). This concept is based on highlighting what makes the brand unique, differentiating it from its competitors by relating to the concept of differentiation to support the line of argument of the positioning that the company wants to present in the market. Therefore, it must be based on the use of tools such as research to innovate in its portfolio of goods and associated services, which give customers unique experiences that they can associate with the brand.

Therefore, through this projection of exclusivity, a promise or value proposition is established, on which the brand must base its discourse, which it uses as a central argument in its communication strategies towards its target audience and which shows it as different, better, or unique in the market, so that it is inimitable, justifying why the consumer should choose that brand and not another.

- C. Consistency in the message that the brand conveys about its positioning and communication strategies:** in other words, if brands are not stable and consistent with their message and change it constantly, they can confuse the customer and fail to establish a clear positioning in the consumer's mind. This concept has to do with the existence of strategic coherence in the company's messages, as it is conceived as the relationship between the messages that the brand conveys, using the different media and communication tools available, with the aim of achieving a clear positioning (Caywood et al., 1991). These tools can be visual identity instruments, such as logos, corporate colors, or the design of these elements or others that accompany the corporate visual identity message, as well as communication elements related to the brand's argument, slogans focused on communicating and supporting the brand's values, and visual and customer service elements when the brand comes into direct contact with the customer in sales, whether online or in physical e-commerce or retail. Consistency in the message is intrinsically linked to another important term in positioning and engagement, namely the credibility of the brand in its actions, since the promises made by the brand in its sales and communication arguments, as well as in its promotional messages and when presenting its brand values, must be fulfilled, so that the customer or follower affirms their loyalty and connection to it, and so that these interactions and experiences are positive and the brand image and positioning are reinforced. Furthermore, as Kotler and Keller (2016) point out, this succession of relationships are directly linked to the perception that the customer and the market have of the brand and, in turn, to the emotions and perceptions aroused by the messages that are sent out to connect with customers and followers, seeking to build strong bonds through these emotions, using the mechanisms mentioned above (Kotler and Keller, 2016),

Framing or the construction of the message through narratives favorable to the brand image

Once we have explained what engagement and positioning mean, we need to refer to another related term, which is framing, or the phenomenon of giving a favorable context to the message emitted by the brand. Framing is the technique used to design messages, in terms of their structure and the presentation of arguments in the available media, with the aim of influencing the interpretation made by the recipients of the message, i.e., customers and followers (Entman, 1993).

Along these lines, Ardèvol-Abreu (2015) states that framing allows brands to highlight aspects of their personality in order to influence the target customer's interpretation of the message sent (Ardèvol-Abreu, 2015). Therefore, the use of this technique in communication strategies allows the brand's message to be aligned with the emotional and cognitive values of its followers, maximizing the impact of engagement. In other words, the use of framing techniques influences how followers receive, interpret, interact with, and respond to the messages emitted by the brand. Therefore, this theory demonstrates that the way in which the brand's message is conveyed and presented significantly affects perception and behavior, as well as the relationship that the customer or follower will have with the brand. Following this line of argument, Entman (1993) points out that the use of framing in the construction of the message by brands involves a two-phase process:

1. **Selecting:** this phase involves choosing and determining which aspects of the company's values and characteristics should be highlighted in the message it is going to convey.
2. **Framing:** this seeks to define how the chosen aspects will be shown in the message, so that the arguments put forward can reinforce the brand's desired positioning.

Another author who addresses the concept of framing is Rodríguez (2023), who states that, within the context of marketing, framing is used to highlight specific attributes of a product, create emotional associations between the brand and the follower/customer, and influence the perception of value, using this type of strategy to convey the message to the market as a whole with the aim of making the consumer/follower perceive greater value in what the brand offers (Rodríguez, 2023).

In this sense, we can discuss the possible relationship between this widely used element of communication and the theories of behaviorism and the theory of limited effects. First, the relationship between behaviorism (Watson, 1913; Skinner, 1938) and framing (Goffman, 1974; Entman, 1993), from the point of view of the definition of behaviorism, where the external environment directly influences the observable behaviors of consumers or audiences, leaving aside the internal processes experienced by the receiver, such as emotions. In this sense, the role of framing is a stimulus designed to direct the attention and interpretations of the target audience. However, framing includes a cognitive dimension that classical behaviorism does not consider, because it expands this theory by considering that messages are designed to emphasize certain aspects that the brand wants to highlight, linking the external environment of the receiver and the intentions of the company.

In this line of relationship between framing and traditional communication theories, the most direct relationship exists between Laszarfield's limited effects theory (1940) and framing (Goffman, 1974), through the reflection that limited effects recognize that audiences are not passive, but rather process messages according to their social context and prior predispositions. In other words, limited effects depend on how messages are interpreted and recontextualized by audiences and opinion leaders, who frame the aspects that the company wants to convey. But to understand this better, it is necessary to define how these authors understand the concept of opinion leaders:

- They are individuals within a social group who have more access, interest, or knowledge about a particular topic (Lazarsfeld et al., 1944).
- They influence the opinions and decisions of other people in their social circle due to their credibility, knowledge, or position within the community (Lazarsfeld et al., 1944).

Therefore, framing is related to this theory of limited effects by showing that the impact of a message depends on how it is framed within a context chosen by the company and on the subjective interpretations made by individuals, induced by the messages emitted by opinion leaders, if the company decides to use them to frame the parts of the message that interest it.

Brand image or the consumer's overall perception

According to Kotler and Keller (2016), brand image is the set of perceptions, emotions, and associations that consumers have about a brand (Kotler and Keller, 2016). It can be understood as the result of using communication strategies to tell the brand's story, combined with the experiences that followers or consumers have with the brand in question. Within brand image, other related and consequential concepts of brand building can be addressed, such as brand awareness or brand reputation.

Brand awareness: the brand begins to build engagement

These types of indicators are essential for brands, as companies are constantly trying to get consumers to remember the brand name. Brand awareness is the degree to which a brand is known and remembered by consumers (Aaker, 1996), which is why the main objective of the brand is to be remembered by customers, since without the awareness that the company builds and achieves, consumers will not remember it and the desired interaction cannot take place, and therefore neither can the engagement mentioned in the previous points.

Brand reputation, consumer approval

This is a concept that companies need to consciously build because it is a necessary part of brand equity, and one that consumers perceive through positioning strategies. According to Fombrun and Van Riel (2004), brand reputation or corporate reputation can be defined as the way in which all market members or stakeholders perceive the brand, basing these perceptions on past experiences, shared values, and fulfilled expectations (Fombrun and Van Riel, 2004). Along the same lines, Walker (2010) states that corporate reputation encompasses emotional and rational evaluations that consumers build over time and that directly affect a brand's positioning in the market (Walker, 2010). Therefore, reputation can be understood as the general opinion or perception that the market as a whole has of a particular brand, which helps companies maintain and increase consumer loyalty by influencing consumer confidence, as well

as supporting the competitive advantage that companies can develop to position themselves above their competitors.

Following this line of argument, Dowling (2006) states that a brand with a positive reputation in the market as a whole is more likely to be chosen by consumers. This is because, thanks to this established reputation, the company conveys reliability, consistency, and perceived quality (Dowling, 2006). For all these reasons, companies must understand that in order to build and manage a stable brand reputation with a solid market profile, brands must maintain consistency between what the brand communicates and what it actually sells in the market. A brand's reputation is made up of several elements that provide the basis for strengthening the brand image, namely perceived quality, consistency in the communication process, and the use of social commitment or CSR strategies. Authors such as Aaker (1996) argue that perceived quality is one of the most important components in building corporate reputation, because consumer confidence increases and strengthens when brands meet or exceed market expectations (Aaker, 1996). As for consistency in communication, a key factor in framing and engagement as well as positioning, according to Kapferer (2012), reputation depends on the brand's ability to convey its values consistently, using all the means available to the company to reach the consumer (Kapferer, 2012), whether traditional media, points of sale, or new communication models developed in digital environments. Finally, with regard to companies' demonstration of responsibility towards the environment, i.e., Corporate Social Responsibility, Whetten and Mackey (2005) highlight that consumers have a positive perception of brands that use environmental responsibility strategies in their operations, an aspect that reinforces their corporate reputation (Whetten and Mackey, 2005).

The needs of fruit and vegetable brand equity in terms of communication action

Once the context of the issue has been defined in all the areas considered, the context of the agri-food sector and the context of communication, it is necessary to apply it to the variable under study, which is fruit and vegetable companies. In this part of the chapter, we will attempt to demonstrate the importance of the relationship between digitized agri-food companies and their customers, using the indicators described, verifying the need to reduce ambiguity in two-way communication, promoting interaction and trust between the company and its followers, and the impact of the environment surrounding the brand and the use of expert opinion leaders in the sector with an impact on the perception of the message by the target audience.

Firstly, it should be borne in mind that agri-food companies belong to a sector that has been more conservative in its digital evolution, or perhaps because of its inclination towards B2B commercial relationships or wholesale markets, digital presence was not so necessary, as other factors aimed at these businesses within the industrial marketing environment and corporate communication strategies were more important for brand reputation and image.

In the agri-food sector, it is important to effectively manage communication strategies in conjunction with marketing strategies, with the aim of standing out in a saturated and competitive market. Therefore, it is necessary to use differentiation strategies based on sustainability and health, as these are the trends that concern consumers at the moment, making use of tools that help the company achieve this differentiation and emotional connection with the customer, or with the audience that follows it.

Taking this into account, the following table lists the main concepts that are fundamental to influencing consumer perception of agri-food products. Companies that manage to integrate these elements in a coherent manner have a competitive advantage over their competitors, with a greater likelihood of building strong customer relationships and fostering brand loyalty.

Table 1. Concepts for influencing consumer perception of agri-food products

	DEFINITION APPLIED TO THE AGRI-FOOD SECTOR	STRATEGIES APPLICABLE TO THE AGRI-FOOD SECTOR
FRAMING: • A communication tool that shapes how audiences interpret information. • Select aspects of perceived reality and emphasize them in a message to promote a specific interpretation" Entman (1993).	Used to highlight key product attributes: • Sustainable origin • Impact on health • Contribution to social well-being. Usefulness in the sector: consumers are often influenced by messages that appeal to ethical and emotional values, such as environmental sustainability or support for local producers (Grunert, 2005).	• Highlight certifications that help build the framing: ◦ Organic Product ◦ Fair Trade ◦ GMO-free • Share stories about local producers and their social impact. • Show the positive impact on health and nutrition of consuming these foods
BRAND IMAGE: set of perceptions, associations, and emotions that consumers have about a brand (Kotler and Keller, 2016).	• Consumers value attributes such as freshness, quality, sustainability, and traceability (Barreiro, 2018). • A strong brand image generates trust and loyalty, which are crucial for agri-food companies facing competition from mass-produced, low-cost products (Aaker, 1996). • It affects consumers' willingness to pay a higher price for products perceived as higher quality or more responsible.	• Product quality: Consumers associate quality with freshness and compliance with food safety regulations (Grunert, 2005). • Traceability and transparency: Providing information about the origin of products reinforces consumer confidence. • Social and environmental commitment: Alignment with ethical values improves brand perception (Kapferer, 2012).

ENGAGEMENT: Engagement involves active and emotional interaction between consumers and the brand, resulting in a meaningful, long-term relationship (Hollebeek et al., 2014). Strong engagement reinforces loyalty and turns consumers into brand advocates (Brodie et al., 2013).	• This is essential for fostering consumer loyalty and differentiating oneself in a saturated market. • Social media and other digital platforms allow agri-food companies to interact directly with their audiences, fostering engagement through educational content, recipes, promotions, and campaigns that invite active participation. • Creation of educational content on sustainability or food preparation. • Interactive campaigns on social media, such as recipe contests or consumer testimonials. • Co-creation initiatives, where consumers can participate in the development of new products or packaging design.
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Source: own elaboration

In recent times, consumer trends have forced agri-food companies, particularly those in the fruit and vegetable subsector, to give their brands personality and communicate their benefits in order to connect with the end consumer, whether the companies themselves sell directly to the end customer or need intermediaries, but always with the aim of standing out from the competition with these new communication trends. Brand reputation no longer only affects B2B trade, but the end consumer perceives fruit and vegetable products classified by quality, not only by origin or size marked and commented on by intermediaries, but also receives communication from the brand in the form of *pull strategies*, either through traditional methods or through social media and other digital communication channels, which communicate and influence the positioning and image of the products, as well as their visibility and reputation, causing customers to go to the intermediary demanding those product brands, or to buy directly from the brand's official websites, with the development of e-commerce in the agri-food sector. This is vitally important because in the digital environments where companies broadcast their messages or conduct commercial activity, their reputation is amplified, mainly due to the reach provided by the brand's social media, the company's own online store where it conducts direct sales, and consumer reviews in these digital environments (Chaffey and Ellis-Chadwick, 2019).

But how do these aspects influence marketing strategy? How important is the customer's relationship with the brand in influencing improved positioning? In order to improve this situation, which the agri-food sector has not worked on until now, it is necessary to take into account that this interaction is essential. To do so, the basic requirement is, on the one hand, the construction of brand communities where consumers participate in digital environments, which will reinforce engagement and solidify the brand's positioning. According to Espejel et al. (2008), brands that manage to connect emotionally with their consumers through digital platforms generate greater loyalty and trust (Espejel et al., 2008).

To support these hypotheses, it is necessary to define the essential elements that agri-food companies must take into account in order to improve their brand positioning:

Table 2. *Essential elements of positioning in agri-food companies*

	Description	Example
1. SOCIAL NETWORKS	- Increase visibility and connection with local and international consumers. - They communicate values such as sustainability and quality. - They educate consumers.	Posts about the origin of products and agricultural processes on Instagram and TikTok.
2. KEY POSITIONING STRATEGIES		
a) Consistent Brand Identity	- Use of colors and designs related to nature. - Clear messages aligned with the mission and values.	Highlight organic farming certifications or fair trade practices.
b) Educational and Transparent Content	- Publications on production processes, product benefits, and sustainable practices. - Reinforce consumer confidence.	Show audiovisual content on the cultivation and harvesting process to demonstrate transparency.
c) Use of Digital Trends	- Collaborations with influencers. - Attractive visual content: images, videos, reels - Short and dynamic formats.	Audiovisual content of any influencer cooking with the brand's vegetables or eating these foods.
d) Interaction and Community Building	- Responding to queries and promoting contests or surveys. - Encourage the use of hashtags for conversations and user participation.	Create a hashtag for followers to share recipes made with the brand's products on social media
e) Promotion of Certifications and Differentiators	- Highlight certifications such as organic or fair trade. - Highlight characteristics: "fresh," "local," "chemical-free."	Companies that cultivate in PDO areas, demonstrating the traceability of the process with content on social media.
3. POSITIONING CHALLENGES	- High competition with similar messages. - Technological limitations in rural companies. - Possible reputational crises amplified on social media.	Demonstrate the quality and transparency of the product, as well as a real and permanent customer service team.
4. METRICS FOR EVALUATING POSITIONING	- Engagement Rate: likes, comments, shares. - Reach: unique users who view the content. - Digital reputation: analysis of mentions.	Track the brand's impact on social media and maintain activity to improve reputation and influence brand positioning.

How important can reputation be for fruit and vegetable brands, given the importance of positioning and the elements that build it?

Ultimately, it has the same influence as in other sectors, as it functions as an intangible asset. What changes are the attributes on which to rely to create that positive reputation among consumers, since, being an edible product focused on healthy eating and health, as well as food safety and commitment to the environment, whose prices increase with the increase in product quality, they must support this reputation with quality itself. However, with new socio-cultural trends among consumers, the attributes of a good reputation for these brands must be based on the traceability and origin of products, demonstrating transparency in these processes, sustainability, and business ethics (Grunert, 2005).

In this sector, the main supplier of the human food market, it must be taken into account that the use of communication and marketing techniques, such as brand reputation building, must be responsible and consistent with the intrinsic characteristics of the sector, with an active and recurring communication strategy, demonstrating the benefits and establishing clear quality and traceability protocols to manage any risk situations that may arise and maintaining honest and direct communication with its followers, as it is necessary to anticipate the repercussions that its actions may have because, as Grunert (2005) states, crises related to food safety, as well as product recalls or cases of food contamination, can have a devastating impact on the reputation of agri-food brands in general, particularly fruit and vegetable brands, as reputational crises can spread rapidly in these environments due to the speed with which information is disseminated on social networks and digital media (Grunert, 2005).

Table 3. Key Factors in Building the Digital Reputation of Agri-Food Companies

		DEFINITION	PROPOSAL FOR DIGITAL STRATEGY
TRANSPARENCY TRACEABILITY:	AND	- Consumers value transparency in production and distribution processes in the agri-food sector. - Companies that clearly communicate the origin of their products and their sustainable practices manage to build trust and strengthen their reputation (Grolleau et al., 2007).	Use of informative labels: labels or QR codes with information so that consumers can trace the origin and production process of food, as well as providing a route to access information about the producing company in digital environments, i.e., its website and social media.
SUSTAINABILITY CORPORATE RESPONSIBILITY (CSR):	AND SOCIAL	- Sustainable practices are a growing expectation among consumers of agri-food products. - Brands with a visible commitment to the environment and the local community generate a positive perception among consumers (Whetten and Mackey (2005)	Use of audiovisual content on social media: create and share the reality of the company in video format through corporate social media, showing the positive impact of the brand on agricultural communities. Creation of sustainability-related content on the company's web , such as reports or actions taken.

MANAGEMENT OF ONLINE REVIEWS AND OPINIONS:	Positive online opinions increase the perception of trust, while negative ones can damage reputation if not managed properly (Chaffey and Ellis-Chadwick 2019).	• Review monitoring team: incorporate this tool into the company to help respond to customer comments and reviews • Promote positive digital word of mouth: Encourage satisfied customers to share their experiences by rewarding them with promotions, discounts, or sweepstakes
CREATING COMMUNITIES:	DIGITAL • Social media helps agri-food brands build communities that share common values to increase and improve their reputation. • Consistent communication on social media helps brands strengthen their market positioning (Kapferer, 2012).	• Create participatory content with consumers: create recipes using the brand's products, either by experts or by consumers themselves, who record and share them with the brand to appear on the brand's social media. • Use of proprietary hashtags: to encourage interaction between and with consumers.

Source: own elaboration

According to Hingley (2005), reputation in this sector is strongly influenced by the perception of product quality, through certifications such as organic or fair trade, as well as a commitment to sustainable agricultural practices (Hingley, 2005). In this context, digital environments become a tool that offers opportunities for fruit and vegetable companies in this new path of creating brand personality, due to the proximity it brings with the consumer, as well as the ease and speed with which the brand's values and other practices can be communicated through communication strategies and actions. but it also poses a risk, due to the greater public exposure that they did not previously have, since the responsibility for communicating the benefits of the sector fell on intermediaries.

Analysis of the results of brand equity communication in the agri-food sector

Once the key concepts have been described, the relevant connections must be made in order to understand the relevance of the concepts themselves and the need to create a network between them to establish communication strategies applied to agri-food markets.

The positioning of agri-food companies on social media requires a comprehensive marketing and communication strategy, which must combine values that differentiate the company, its own exclusive content that defines it, and the use of social media to convey to consumers all the attributes of the brand that the company builds, thereby promoting and strengthening consumer engagement and reinforcing the company's competitiveness in digital environments.

Due to the very nature of the sector, this communication strategy must include brand values such as sustainability, product and process quality, and transparency and traceability within the company, in order to build a solid relationship with consumers.

The following section deals with positioning relationships with the other elements that make up the brand architecture in the agri-food sector:

- If companies manage to establish a clear and consistent positioning, this will strengthen brand awareness with the aim of making consumers aware of the brand and remember it, so that these two premises influence their purchasing decisions (Aaker, 1996). Therefore, agri-food companies need to apply these premises to bring customers closer to the brand and thus encourage them to purchase products on the websites of fruit and vegetable brands.
- From the perspective of improving the brand image of agri-food companies, and especially fruit and vegetable companies, it must be taken into account that brand image is directly influenced by positioning, considering that decisions in this area are made by the company from a strategic point of view, seeking brand differentiation, with the ultimate goal of influencing consumer perception (Kotler and Keller, 2016).

The following are the attributes of engagement, reputation, awareness, and brand image

- When companies build strong engagement between consumers and the company itself, it reinforces their brand image, as positive interaction between consumers and the company's content confirms the acceptance of the values and attributes that the brand communicates to its followers (Hollebeek et al., 2014). Therefore, agri-food brands must connect with consumers and establish solid, lasting relationships, seeking to improve their brand image, also relying on the strategic use of framing to create content that influences and shapes how consumers interpret and associate the brand with certain values that are important in the sector, such as traceability, sustainability, social, productive, and commercial commitment to the local environment, health, and healthy nutrition.
- If agri-food companies achieve a positive brand image by creating content that they publish on their social media profiles, they will be able to build a good reputation, with this relationship of attributes contributing to brand equity being essential. This connection reflects the consistency between what the brand communicates to its followers and what it sells in the market (Dowling, 2006). For all these reasons, a solid brand image strengthens the reputation of brands, especially when the associations are consistent with the values communicated by agri-food companies and are relevant to their consumers. In addition, it should be noted that brand reputation is influenced by engagement, as interactions and experiences shared by consumers on social media can influence how others perceive the brand and reinforce or weaken the public perception of the brand (Chaffey and Ellis-Chadwick, 2019).
- If fruit and vegetable brands want to achieve a high level of awareness, they need to build a relevant brand image in the market and have a positive reputation. This is because customers' knowledge of the brand begins when it is recognized above the competition and remembered (Aaker, 1996). Therefore, brand awareness is essential for building quality engagement, as followers and consumers feel comfortable interacting with companies they consider relevant and recognize within the market (Hollebeek et al., 2014). This reasoning contributes to the argument that awareness is also essential for establishing brand positioning, because a high level of awareness increases the likelihood that the brand will occupy a position of relevance desired by the company in the consumer's mind.

Conclusions

The agri-food sector is undergoing a digital transformation that is promoting its expansion into omnichannel retailing, bringing production and commercial processes closer to consumers. This new situation is forcing agri-food producers and wholesale intermediaries to connect more directly with their target consumers through all areas of communication. For this reason, the incursion of social media into their marketing strategy is marking new steps for this strategic sector in the national and European economy. Concepts such as engagement, framing, and positioning are now essential to understanding the communication actions of agri-food SMEs. The new window to the world offered by corporate profiles on social networks such as Instagram or TikTok brings the company's philosophy closer to new customers, who are younger and more concerned about health and sustainability, values necessary to build quality brand equity in companies in the sector.

In short, agri-food companies, but specifically fruit and vegetable SMEs, have found a springboard in social media to promote their activity and improve their sales figures thanks to new communication actions and strategies based on online communities, informative content related to health and nutrition, and the promotion of quality and transparency seals in their processes.

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Cyberbullying practices in young Cape Verdean university students

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Introducing the topic; framing digitization in the Cape Verdean context

According to the latest UN report entitled *Measuring digital development Facts and figures 2020*, in Africa, internet use covered 29% of the total population. In the 15-24 age group, this indicator rises to 40%. According to official data from the Multisectoral Regulatory Agency for the Economy (ARME), in 2019, the internet cover rate in Cape Verde was 73.8%. This is a rapid evolution since in 2014 it was 53.4 %, thus representing an increase of 20.4 percentage points.

According to the National Institute of Statistics, in 2014, 48% of households in Cape Verde had internet, and 67% had it in 2019, representing an increase of 12 p.p. above the average for the African continent. Considering the distinction by gender, according to the same source, 20% of the group of women use the internet, in contrast to 37% of men in Africa. On the other hand, only 3% of the Cape Verdean population admits not knowing what the internet is, being a fringe of the population far from the digital transition process.

The age groups that access the internet the most are 25-34 years old, with 83.7%, closely followed by the 15-24 years of age group with 79.9%, with 78.6% reporting that they use the internet daily. Regarding the time spent daily on the internet, two aspects should be highlighted: only 11.7% say they do so for just one hour, while 63.1% of internet users dedicate five or more hours to surfing the internet.

In terms of technological devices used, internet access is mainly done using mobile phones (96.8%). Cape Verdeans prefer to do it at home (83.5%). A relevant fact that can contribute to a good characterization of the digital transition in Cape Verde is to realize that 16.5% of those who say they do not use the internet say it is due to the high cost, lack of knowledge being the most common reason (46.7%).

Even though with peculiarities, the introduction of the internet into the daily life of Cape Vert, and particularly its younger age groups, has progressed consistently over the last decade. This paper aims to analyse a society in clear development and how information technologies and especially digital social media are being used and appropriated. It also examines their relationship with violence, especially cyberbullying, by young people in this African archipelago, contributing to a better understanding of a reality that has been the object of repeated neglect by the scientific community.

To provide evidence on the phenomenon of youth digital violence, we have set as the main objective of this research to characterize the risky practices associated with the use of digital technology by Cape Verdean university students. More specifically, we aim to assess the existence of violent and abusive practices among young people. To this end, we will examine in this text how youth cultures establish their processes of sociability in the digital environment, looking more closely at the literature that has focused on the effects of disrespectful and persecutory behavior online.

Thus, the question is: to what extent the use and appropriation of digital social media is conditioned by the perception and experience of cyberbullying situations? The theoretical evidence allows us to equate the following research hypothesis for our work: H – The use and appropriation of digital social media by young Cape Verdeans is associated with the perception and experience of cyberbullying phenomena.

Cyberbullying as an expression of networked youth violence

Digital culture is one of the most expressive features of the youth condition (Nonato, 2020), permeated by an expressive culture of violence (Napoli, 2020). It appears that the question of social class and education (Bastos; Ferrão, 2019) are variables that explain the inequalities in digital literacy levels (Ledesma, 2019), strongly correlated with the phenomenon of cyberbullying (López-Vizcaíno et al., 2021; Singh e Sharma, 2021).

As a violence phenomenon traditionally associated with the school context (Alves, 2016), there was a multiplication and diversification of contexts and circumstances that favour violence among young people. Social media has boosted the growing exposure of its users, particularly younger ones (Akbar; Utari, 2015), with a real tendency to blur the boundaries between the private and public spheres (Prior e Sousa, 2014).

This way, with the intensification of interaction in the digital space, the inherent risk of a growing exposure of what is intimacy increases, largely due to social media such as Facebook, Instagram and Twitter. Among young age groups, whether from pre-university or even university education, media consumption is strongly linked to sociability and their own cultural consumption (Nogueira, 2021).

Among the various motivations and appropriations given to digital social media, six axes can be considered from the perspective of Throuvala et al. (2019): 1. facilitating interaction with groups of friends; 2. rapid adoption of various technological devices; 3. emotional management; 4. it plays an important role in the construction of identity; 5. standardization of frames of reference; 6. streamlining and expanding interaction and relationship groups. The effective understanding of the ways in which young people construct the meanings of their use of digital social media allows for more objective and assertive guidance on potential policies and interventions for combating and preventing cyberbullying (Dennehy et al., 2020).

Violence among young people, especially in the main stages of interaction such as the school context, existed and exists in its most diverse expressions. From this point of view, cyberbullying has acquired relevance and visibility in recent decades, especially considering the increased use of digital platforms, which basically reproduce existing social practices (Kwan and Skorick, 2013).

In this perspective, it is essential to see digital practices as important and complex processes of young people's appropriation of different technological devices.

Greater and more intense participation in digital social media, such as Facebook or Instagram, as a predictor of contact with experiences of online violence is relatively consensual among the scientific community (Cho et al., 2019; Mohseny et al., 2021). Indeed, not only the use of digital social media, in particular Facebook and Instagram, but also the very intensity of this use contributes to the existence of cyberbullying experiences.

Typologically, we can assume that online violence can have the following characteristics in a cumulative or isolated way: insults, devaluation of a class or social nature, pejorative comments, linguistic and image content that hurt the target's susceptibility (Hosseini et al., 2015). Concomitantly, there are authors who point out that repeated practice is a component of online violence, emphasizing its routine nature (Cheng et al., 2019). From the point of view of the intervening actors, online violence is also a type of digital social practice that has young interpreters both as victims and as perpetrators (Moretti and Herkovits, 2021).

Different from the traditional forms of violence where bullying can be included, cyberbullying is enhanced by the permanent access to possible victims regarding the technological apparatus (Redmond, Lock and Smart, 2020), relativizing the spatial-temporal circumstances. We are therefore able to consider cyberbullying as the repeated and deliberate use of hostile ways of treating third parties to cause them physical and/or moral damage, using technologies that allow communication and measured interaction (Ansary, 2020).

As an area of growing interest, cyberbullying as a research object has been approached from different angles, as summarized by Macaulay et al. (2018): mapping and characterization of cyberbullying; design and implementation of programmes that allow the contribution of knowledge in order to increase digital literacy; institutional awareness of good practices in the prevention and identification of cyberbullying; effort to operationalize the concept of cyberbullying, contributing to its measurement and impact; dissemination of information and knowledge among the actors involved, directly and indirectly, in cyberbullying phenomena.

The social effects of a youth culture permeated by digital risks

About the consequences of experiencing cyberbullying situations, it should be noted that there is a very diverse set of implications. In general terms, five categories of actors commonly involved and identifiable in cyberbullying phenomena can be identified: those without involvement; those who testify; those who accumulate the dual role of witness and victim; those who are both a witness and perpetrator; and even witness, victim and perpetrator simultaneously (Yoon et al., 2019).

In this regard, Clark and Bussey (2020) demonstrated that active defence roles for victims and a more reserved behaviour in digital social media is positively correlated with higher levels of empathy and self-efficacy. As advocated by Tokunaga (2010), cyberbullying presents a very diverse set of impacts that go far beyond the psychosocial sphere, negatively impacting, for example, academic achievement, and leading to a higher probability of depression, suicide and family dysfunctions (Chung, Sum and Chan, 2019).

Intensive web browsing and in particular the use of digital social media are also associated with problems of addiction among the younger social categories (Van Ouytsel et al., 2019), negatively impacting psychosocial maturation and growth. The construction of emotions itself is, to a certain extent, conditioned by the experience of cyberbullying (Cho et al., 2019; Balakrishnan, Khan and Arabnia, 2020), which can be an important instrument to deter and combat this phenomenon. Recently, a survey carried out in South Korea (Lee and Chun, 2020) showed that exposure to cyberbullying, even among young males, had a diverse set of negative consequences, such as: internalizing and externalizing problems, academic failure, erratic management presence on the various online platforms, strategies and practices of self-imposed isolation.

Cyberbullying, as other forms of violence, has social categories that are more likely to be its target. It mainly targets women, even among the university population (Sobba, Paez and Bensele, 2017). It is also among the female group that we find those young people who tend to talk and debate in a small circle the cyberbullying situations they know or experience, compared to their male counterparts, who are more limited regarding verbalizing and debating this issue (Livazovic e Ham, 2019).

The possibility of greater risk to cyberbullying corresponds to a greater risk of being a victim of some type of violence, which we will call digital vulnerability. Digital vulnerability corresponds to higher levels of risk of cyberbullying, which, in some categories, such as women, has potential targets. It can also be approached from the point of view of gender power relations.

Academic literature has reported a greater propensity of females to experience situations of bullying (Guimarães and Cabral, 2019) and cyberbullying (Coelho and Romão, 2018; Ndavave and Kyobe, 2019). However, there are recent surveys (Mohseny et al., 2021) that demonstrate opposite trends, that is, among a population of pre-university school level it was found that male respondents showed a higher level of contact and frequency with situations of cyberbullying. Female respondents made fewer complaints. This empirical observation is, nevertheless, due to nuances of a cultural nature and to the idiosyncrasies of the communities and societies in which the research is carried out. In practice, we can be faced with a culture that allows a group, whether male or female, to express greater sensitivity to situations of violence and, more specifically, to cyberbullying.

Considering the domain of digital practices studies, there are some indicators that allow establishing some predictive capacity regarding the occurrence of cyberbullying situations in the use of digital tools that involve risk, but also a certain moral fluidity, in addition to those who traditionally are victims of bullying (Chen et al., 2017). At the same time, recent surveys that measure the intensity of internet usage daily can demonstrate that there is effectively a correlation between increased internet usage and higher levels of digital vulnerability (Choi et al., 2019). Among these social categories composed of young people, it was found that they are cumulatively those that are more exposed on digital social media, namely their lifestyles or leisure activities (Muller et al., 2018), although we are far from a consensus among researchers regarding this association (Camerini et al., 2020).

WhatsApp, as one of the most popular digital social media among the most diverse age groups, provides immediate connectivity and easy access to co-workers, friends or family (Rey et al., 2019; Symons et al., 2018). It is reported as a stage for cyberbullying, where there are repeated verbal offenses, exclusion of actors from interaction groups and image attacks, as well as constraints on the expression of one's own opinion (Aizenkot, 2020). Dating or maintaining an intimate online interaction (sexting) is also a very recurrent element in cyberbullying (Van Ouytsel et al., 2019). Also, the abundant use of emojis, as symbols of expression of emotions and reactions, is also part of an online circumstance framework in which their authors may be victims of cyberbullying (Matulewska and Gwiazdowicz, 2020). Next, we will examine the collected data to determine how issues of digital violence permeate the relationships of university students in Cape Verde.

Study methodological protocol

The field work was carried out at the Public University of Cape Verde (UNI-CV) in November and December 2024. The survey was conducted directly and in person and completed by the respondents themselves. It had an average duration of 15 minutes. The survey consisted of twenty-six indicators, grouped along the following lines: social, demographic and family characteristics; digital practices; risks and vulnerabilities in the digital sphere. Through a non-probabilistic convenience sample (Marôco, 2010), a sample of 349 students who attended public higher education at the University of Cape Verde, on the Palmarejo campus (city of Praia), was obtained. Of those, 255 were validated for the construction of clusters, resulting in a convenience sampling. Data were analysed using SPSS version 28.

Analysis Model and Measures

Four indicators were considered: Q12 – online practices and presence; Q16 – profile on social media; Q19 – privacy settings and Q21 – changing privacy criteria. This procedure enabled us to categorize the young people surveyed regarding their attitudes towards visibility in digital social media, allowing us to articulate theoretical dictates with methodological and technical rigor. By articulating not only digital practices, but also provisions relating to the management of digital social media, this model enables a better understanding of the topic under study.

As for the variables of social and demographic characteristics, sex was coded as follows; 0 - female and 1 - male. The quantitative variable age was measured according to the number of years. The daily internet use was also measured according to the number of daily hours reported by each respondent. We also considered the educational qualifications of the respondents' parents. Using the Spearman-Brown measure of association of 0.83, we built a composite index that synthesizes the qualifications of the parents. Regarding digital practices, it resulted in a composite index of 24 items with a Cronbach's α of 0.83, which goes from 1 (never) to 5 (every day). Third-party cyberbullying is also an index composed of seven initial items: 1- Yes and 2 – No. With a 0.75 association measure (Cronbach α). In this line, the cyberbullying experienced by the respondent also results from the association of eight initial items with a Cronbach α of 0.66 (Cohen, 1992) and coded with 1- Yes and 2 – No.

Hierarchical cluster analysis

The analysis model focuses on cluster analysis, initially hierarchical and then non-hierarchical. This statistical model of association allows us to categorize cases with relative similarities and distinguish them from those that differ, using considered criteria (variables). In the case of this analysis, which is exploratory in nature, it allows us to identify different provisions regarding privacy practices in digital social media, as well as the management of their presence on these platforms. In this sense, the hierarchical cluster model was implemented (Marôco, 2010). To this end, the between-groups linkage method was defined as an aggregative model and since the four variables that operationalize the definition of clusters have quantitative scales, the squared Euclidean distance measure was chosen.

From the analysis of the dendrogram, two large clusters stand out. We can see two sets that dominate the categorization of respondents. The first, in the upper component of the dendrogram, still presents great internal heterogeneity. The second, represented by the lower half of the diagram, also has a considerable dimension. Thus, we need to advance a step in the distribution of cases and thus opt for four clusters. Of these, two stand out due to their larger size and two are smaller, although substantively there are differences between the four.

The choice of four clusters proved to be fruitful, given the results shown in Figure 1. The footnote of the SPSS output mentions that individuals were assigned to the first, with no significant variation in the respective centroids. Furthermore, the four-cluster model guarantees the explanation of 77.49% ($R^2 = 0.78$) of the total variance.

Figure 1. Calculation of the variance explained by cluster solution

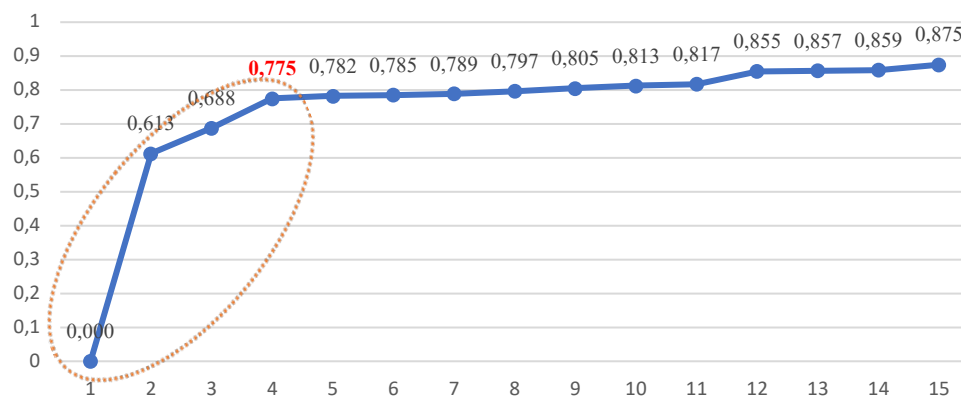


Figure 1 illustrates the evolution of the R^2 criterion, simulating the variance explained by the different solutions, up to a maximum solution of fifteen clusters. In this sense, it is noticeable, due to the loss of inclination of the straight line, which becomes progressively parallel to the horizontal axis, that a solution with four clusters is the most appropriate. Moving to a solution with five clusters does not substantively add to the variance explained by the model. However, the transition from three to four clusters has increased explanatory power.

Non-hierarchical cluster analysis

The four indicators were standardized, given the existence of different scales among the four indicators used, to mitigate the possibility that those with greater amplitude could impact the

discrimination of the four clusters that make up the final solution. With this procedure, the four indicators are placed with the same possibility of configuring the four clusters. Thus, the calculation of the F statistic was carried out to quantify the weight of each indicator in distinguishing the clusters: variable Q21 records a statistic of $F = 1142.67$. The remaining variables: $Q12 = 224.13$, $Q16 = 0.80$ and $Q19 = 9.63$. In fact, variable Q21 is the one with the greatest differentiating weight and defining capacity of the four clusters. It should be noted that the way in which the variables are constructed allows for a more readable and intuitive interpretation of the data, since they operationalize an increasing order in all four indicators that are above.

We measured the level of association of the four indicators that make up the presented cluster model which resulted in the following distribution of cases: cluster 1 = 29%; cluster 2 = 6.2%; cluster 3 = 48.6%; cluster 4 = 10%.

The initial sample consists of 255 respondents, 210 of which are part of the construction of clusters (Table 1). This disjunction refers to cases of non-responses in one or more of the four items. Among those validated, 57% are female with a mean age of 20 years ($SD = 1.21$) with ages ranging between 18 and 22 years. On average, the young Cape Verdeans surveyed use the internet for approximately 6 hours ($SD = 5.55$) per day. Parental education indicates a medium level (7th to 9th grade) (measure 1-6) when the average is 4.03 ($SD=1.75$).

Table 1. Descriptive statistics, reliability and correlations between the study variables

Variables	Mea n	SD	1	2	3	4	5	6	7	8
1. Gender	.43									
2. Age	20.1 4	1.2 1	.16 *							
3. Clusters	2.32 8	1.3 8	-.07	.10						
4. Internet use	6.22 6	5.5 6	-.12	.03	.12					
5. Parental education (index)	4.03 5	1.7 5	.12	.02	- .11	.03	(.83)			
6. Digital Practices (index)	2.94 2	0.9 2	- .04	.18* *	- .07	.13	.04	(.83)		
7. Third-party Cyberbullying (index)	.50	.31	- .05	-.05	- .14 *	- .07	.07	.04	(.75)	
8. Experienced Cyberbullying (index)	.35	.24	- .03	-.05	.07	.05	.03	.13* *	.55* *	(.66)

N = 255. Reliability in parentheses.

Source: Own elaboration

Digital practices in general present a frequency of 2.94, which can be interpreted as a value below the median value (measure 1-5) (SD = 0.92). Regarding measuring cyberbullying, the experiences reported by friends or relatives of the respondents were distinguished from those experienced by the respondents themselves. A greater number of cyberbullying situations experienced by people in their personal sphere is reported (X = 0.5; SD = 0.31), compared with those experienced by the respondents themselves (X = 0.35; SD = 0.24).

Females are more likely to experience cyberbullying situations, either through knowledge of family or friends (X = 0.52; SD = 0.31), or through their own experience (X = 0.36; SD = 0.24). For the male group, the records are respectively lower: X = 0.48; SD = 0.31 and X = 0.34; SD = 0.24. The execution of different practices in a digital context follows the same trend, with the group of young women reporting higher frequency (X= 3.00; SD = 0.93), compared with the male group (X = 2.90; SD = 0.93). The female group also spends more time daily using the internet (X = 6.78; SD = 6.40), compared with their male counterparts (X = 5.36; SD = 3.72), which means almost another hour and a half.

The clusters make it possible to distinguish ways of managing the participation of the young people in online social media. Briefly, we would say that cluster 1 stands out for grouping respondents who adopt practices of greater control of visibility through greater selectivity of who can access their profile on social networks.

Cluster 2 brings together young Cape Verdeans who use digital social media less and who also have less presence in them. The third cluster brings together a group of young people interviewed who do not differ in any of the four criteria considered, demonstrating that they have practices within the total average values. Finally, the fourth cluster gathers those who differ from the others due to the intense presence in digital social media and for not having marked practices of restriction of access to their digital social media (see table 2).

Table 2. Cluster averages in the four indicators

Clusters	N		I participate in digital social media	Profile in some digital social media	Privacy settings in your profile	Change in privacy settings on social media
1	102	Average	0.37	0.15	-0.33	-0.87
		SD	0.44	1.00	1.00	0.22
2	13	Average	-2.09	-0.14	0.42	1.07
		SD	0.84	1.16	1.24	0.24
3	21	Average	-1.83	0.04	-0.03	-0.80
		SD	0.59	0.91	0.90	0.32
4	74	Average	0.43	-0.07	0.39	1.11
		SD	0.41	1.08	0.74	0.24
Total	210	Average	0.02	0.05	0.00	-0.05
		SD	0.98	1.03	0.98	1.00

Note: Standardized variables

Source: Own elaboration

The male group is the majority only in cluster 2, which is distinguished by its lower presence on digital platforms, and which tends to change the settings to obtain greater privacy (according to table 3).

Table 3: *Descriptive statistics of the variables by cluster*

Clusters	N		Gender	Age	Daily hours on the internet	Parental education	Digital Practices (index)
1	102	Average	0.46	20.2	5.71	4.25	2.94
		SD	0.50	1.19	4.96	1.68	0.71
2	13	Average	0.69	20.08	5.88	3.15	2.15
		SD	0.48	1.44	4.22	1.75	0.54
3	21	Average	0.43	20.19	7.64	3.81	2.35
		SD	0.51	1.17	8.29	1.89	0.80
4	74	Average	0.39	19.92	7.02	3.84	2.85
		SD	0.49	1.25	5.87	1.71	0.96
Total	210	Average	0.45	20.09	6.34	3.99	2.80
		SD	0.50	1.22	5.60	1.73	0.84

Source: Own elaboration

In the remaining three categories, women are in the majority, with emphasis on the fourth cluster with 61%, which stands out due to the intense involvement in digital social media and the scarce change in privacy settings. The four clusters do not differ in terms of average age, all of them being around 20 years old. The daily time dedicated to internet use is a differentiating factor, since cluster 3 spends approximately 8 hours a day on the internet, while cluster 4 spends 7 hours. On the opposite side, we find clusters 1 and 2 that respectively use 6 of their daily hours browsing the internet. Parental education is approximately between the 7th and 9th grades of schooling across the four clusters.

Finally, regarding the frequency of practices in the digital space, clusters 1 and 4 spend more time, in contrast to clusters 2 and 3, which have lower digital practices.

After verifying the assumptions, a linear regression model was used (cf. Tables 4 and 5), which allows measuring the predictive capacity of the two cyberbullying indicators. The constructed models enable explaining, respectively, 11% and 9% of the variance of cyberbullying, sometimes experienced by third parties, sometimes experienced by the respondents themselves. Regarding the identification of cases of online violence directed at friends or relatives, parental education and digital practices, besides having a statistically significant effect, are also positive, that is, as the educational qualifications of the two parents increase, the greater the incidence of cases of digital violence against family and friends. The same happens with digital practices, the greater the digital practices, the more knowledge about cyberbullying situations on third parties is revealed.

In clusters, if there is a statistically significant effect, it is negative. This means that as one moves from the first cluster to the fourth, the incidence of this type of violence tends to decrease.

Table 4: *Explanatory factors of cyberbullying experienced by third parties (multiple regression)*

Explanatory variables	Beta
Parental education (index)	.233*
Digital practices (index)	.207*
Internet usage	-.042
Clusters	-.159*
	Adjusted R ² 0.110
	F (4.150) 5.750**

$P=0.05^* p=0.001^{**}$

Cyberbullying experienced by the respondents themselves (cf. table 5) shows trends that are relatively in line with those described above (cf. table 4). Both parents' education and digital practices have significant and positive effects, translating into an increase in the declaration of having been, at some point, a victim of online violence. Clusters do not have a statistically significant effect, and are negative, in line with what was seen regarding cyberbullying experienced by third parties.

Table 5 *Explanatory factors of cyberbullying experienced by the respondents (multiple regression)*

Explanatory variables	Beta
Parental education (index)	.026*
Digital practices (index)	.079*
Internet usage	.002
Clusters	-.010
	Adjusted R ² 0.089
	F (4.150) 4.776**

$P=0.05^* p=0.001^{**}$

Source: Own elaboration

In a provisional balance, in addition to the level of education of parents being a good predictor, as well as increased digital practices, in clusters 3 and 4 there are greater signs of denunciation of experiences of cyberbullying in its different aspects.

Conclusion

The empirical evidence revealed some social and cultural contours that may explain the phenomenon of cyberbullying and its complex understanding. In general, young people's use of the internet is seen as intense and, above all, for purposes of leisure and promotion of sociability. With this intense and almost permanent submersion in the digital sphere, contact with situations of violence tends to reflect this increase. We sought to understand which strategies are constructed by young Cape Verdean respondents with regard to their

participation in digital social media and how these are associated with the perception and experience of cyberbullying situations.

The first two clusters categorize the young Cape Verdeans who adopt a more precautionary stance when browsing digital social media. The first is based on a proactive stance, by changing the privacy settings on their accounts and profiles on these websites. On the other hand, we would say that the second cluster is cautious but adopting a posture (deliberate or not) that tends to be passive, with less participation and less use of digital social media: this cluster has a smaller number of profiles and accounts in this type of platforms. In contrast, the young members of the fourth cluster distinguish themselves from the others because they are avid users of digital social media and because they have an account on various websites, without any restriction on their access and shared information.

Thus, we would say that the *active cautious* (cluster 1) come from a family background where there are greater educational resources for parents, which is also reflected in more diversified digital practices, which go far beyond digital social media. Those who are *cautious due to inertia* (cluster 2) are mostly male and come from family members that tend to have low levels of education. They do not spend much time on the internet daily and have low levels of frequency of digital practices, i.e., little diversity beyond the use of digital social media. The attitudinal polarization is found in cluster four, which adopts a very relaxed posture regarding the management and access to their information shared in the profiles of digital social media. At the same time, it is also the group that most declare to visit these digital platforms, which we will designate as *active carefree*.

Some of the social determinants tested add explanatory power to the implemented model. The most paradigmatic case is parental education. We noticed that it is decisive in the proximity and access of young Cape Verdeans to digital social media, as in the cases of clusters one and four. Both the *active cautious* and the *active carefree* show great ease in accessing, handling and diversity in the use of the internet. After all, the highest levels of cyberbullying are found primarily in the *active cautious* with cyberbullying experienced by third parties ($X=0.57$; $SD=0.30$) and cyberbullying experienced by themselves ($X=0.38$; $SP=0.23$). These findings are close to those seen among the *active carefree* with respectively $X=0.48$ ($SD=0.31$) and $X=0.34$ ($SD=0.24$). Additionally, the *cautious due to inertia* register the lowest values of cyberbullying in their versions: experienced by third parties $X=0.41$ ($SD=0.31$) and experienced by themselves $X=0.30$ ($SD=0.19$).

These data contribute to the idea that there is an association between digital activity, parents' educational level and the perception of contact/proximity with cyberbullying. On the contrary, less contact with this type of online violence is associated with low educational levels of parents, as well as a more sporadic and even suspicious contact with the internet in general. Indeed, we have enough empirical evidence to see that the perception of cyberbullying is greatly conditioned by sociocultural circumstances, such as the educational qualifications of the parents, which are the starting point for a circumstantial framework that conditions what is done, but also the management strategies on digital social media.

Of course, this reflection does not have totalizing ambitions regarding knowledge about the reality of Cape Verdean youth. There are still some “loose ends”, such as the cases, for example, of the *active cautious*. Did they adopt a proactive stance of relative security after experiences with cyberbullying? Or does this posture reflect full awareness of the risk they are running? This is the type of question that did not fit in this analysis, but that could potentially be part of future research, whether quantitative or qualitative.

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The organizational communicator: Tools for professional practice

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Organizational communicators intimes of digital transformation

Organizational communicators have undergone a transition in these times of digital transformation. They have moved from an operational role, where they created messages and disseminated them, to a much more strategic role, where they not only create messages and disseminate them, but also advise senior management, analyze data, manage organizational reputation, and create technological processes that generate higher-level communication. Valdiviezo-Abad et al. (2025) argue that the work of the organizational communicator is being mediated by digital technologies and organizational transformation processes.

The adoption of CommTech (Communication Technologies) at the organizational level is not just a technological improvement; on the contrary, it is a change that reconfigures capabilities, roles, workflows, and even effectiveness criteria in communication departments (Brockhaus et al., 2023), whether in public or private companies, non-governmental organizations, or communication and marketing agencies.

The profile of the organizational communicator today is characterized by a combination of hard and soft skills. These skills are acquired during professional training and throughout life. However, they are also nurtured by the communication manager through continuous training.

At the different levels of implementation of digital transformation processes, all communicators' skills are valid. Soft skills from the perspective of having vision, judgment, empowerment, and teamwork to lead digital processes, and hard skills to have knowledge and implement or apply these technological processes. Therefore, it is not enough for organizations to have the will to invest in technology; communication teams must also be prepared to make it a reality. It is then that communicators become vehicles between the management vision, the work teams, and the audiences that see the final results.

Therefore, the organizational communicator 4.0 operates as an architect of communication ecosystems by combining three elements: organizational culture + strategy + technology, thereby legitimizing their work and demonstrating the achievement of institutional objectives.

As a result, their management transcends outputs to incorporate outcomes, understood as: trust, internal alignment, adoption of change, relational quality, and organizational value. These results are viewed from an organizational perspective and the need to sustain organizations in complex environments that are highly mediated by the incorporation of artificial intelligence (Brockhaus et al., 2023; Valdiviezo-Abad et al., 2025).

Given this scenario, there is a growing need for communication managers to strengthen their digital literacy (Estanyol et al., 2025) so that they can fulfill their role as communication strategists with knowledge and discernment and pave the way for the implementation of technology in

communication processes within organizations. All technological processes require not only knowledge of the tools, but also ethical and strategic criteria for their professional use (Schiuma et al., 2024; Cyfert et al., 2025).

Therefore, communication management at the organizational level leverages various tools and technologies to optimize internal and external communication, increase productivity, and engage stakeholders (Stanko and Sena, 2019), a topic that is of interest to study in this article.

Digital tools offer opportunities to improve audience engagement, enhance the quality of communication, and foster mutually beneficial relationships (Ahamed et al., 2024) between organizations and their audiences.

Professional skills of organizational communicators

In recent years, not only have the skills and competencies of organizational communicators changed, but they have also taken on new responsibilities (Rodríguez-Fernández and Vázquez-Sande, 2019). This is due to rapid changes in the environment, generated by technological advances and their significant influence on all areas of human life. The current era of digital transformation means that communication professionals must be familiar with the digital world and also integrate in a multidisciplinary way with other departments to manage communication internally and externally in a strategic manner.

For Cáceres et al. (2020), the digital environment has transformed the organizational communicator into an interdisciplinary professional who needs to constantly update their knowledge of ICTs and quickly adapt to technological trends. Their profile is evolving to increasingly perform in digital environments.

Corporate communication managers play a crucial role in managing a company's reputation and image. The professional skills required for these roles are diverse and cover all areas of communication management. Their role is key in organizational structures, both in terms of working on the institution's reputation and image, as well as brand positioning (Méndez Carpio and Palacios Montero, 2020).

Therefore, for their professional practice, the skills they require are diverse and subject to their role and performance within the communication team. However, they are technical skills and interpersonal skills necessary to adapt to digital transformation processes (O'Neil et al., 2023).

Essential technical skills include digital literacy, data analysis, and proficiency in various digital platforms (Valdiviezo-Abad et al., 2025; Ezhova et al., 2024). However, soft skills such as creativity, adaptability, and strategic thinking are equally important for effectively managing digital communication (O'Neil et al., 2023; Valdiviezo-Abad et al., 2025). This highlights the need for comprehensive training and skills development for professionals to perform effectively in the digital landscape and thus meet the demands of their roles in organizations.

Communication professionals:

They need to rely on key competencies that enable them to adapt to a world characterized by change, complexity, and interdependence. These competencies must be appropriate for a world where technology changes rapidly and continuously, and learning to work with it requires

not only mastery of processes, but also the ability to adapt. (Organization for Economic Cooperation and Development, 2003)

For Chávez Murga (2022), the main skills required of communicators are the ability to adapt to new technologies, a critical approach to the global environment, creativity, assertiveness in communication, and ethics. These skills enable professionals to cope with constant change. Meanwhile, for Barreto and Castillo (2020), it is essential that they know how to use audio, video, and text devices, but also that they know how to use programming languages, HTML, CSS, CMS, search engine optimization, analytics, and metrics for their tasks, that they use hypertextuality, conversation management, reputation management, and social media, but that they also have the curiosity to learn constantly.

Digital tools for strategic communication management

Digital transformation processes in organizations involve not only the incorporation of technologies or tools, but also the real ability to adapt and manage technologies at different levels of communication.

Therefore, training and continuous updating are essential for adapting professional practice to the speed of technological change. Solid training allows communicators to stay ahead of trends and effectively manage the complex digital ecosystems in which organizations operate (Estanyol et al., 2025). However, keeping up to date with rapidly evolving digital tools and technologies requires continuous learning and adaptation (Ezhova et al., 2024).

A study by Volk and Zerfass (2021) shows that communication analysis, planning, implementation, and evaluation tools are widely used in corporate communication departments. These tools are crucial for professional practice in the operational field and strategic decision-making.

Social media platforms, instant messaging, project management tools, visual communication, and storytelling (Pazos et al., 2013) are some of the key tools used in communication management. Emerging technologies such as artificial intelligence, automation, virtual reality, and others are expected to further transform the corporate communication landscape.

The use of digital tools has proliferated in recent years. Platform creation is much faster, and their dissemination through digital environments is growing rapidly.

In communication management, these platforms have become a fundamental strategic axis, driven primarily by digital transformation, the evolution of communication environments, and the emergence of new digital ecosystems.

From the perspective of communication managers, these tools allow for more efficient planning, execution, and evaluation of communication actions, facilitating content management, interaction with audiences, and the analysis of metrics that support operational and strategic decision-making (Valdiviezo-Abad et al., 2025). They also contribute to responding more quickly to the communication demands of diverse audiences in environments highly saturated by digitalization.

The use of digital platforms takes on a strategic focus, as it makes it possible to align internal and external communication with institutional objectives, strengthen corporate reputation, and manage communication from a holistic perspective (Cornelissen, 2020). An organization that uses digital tools can be perceived as innovative, competitive, and may even generate strategic value for its clients (Kotler et al., 2021).

The results are then analyzed from each of the audiences to whom the research instruments (survey and semi-structured interview) were applied, in order to subsequently present a proposal of tools and platforms that can serve as a guide for the professional practice of communication management and that could be applied regardless of the type of organization in which the communication professional works.

From the perspective of communication managers

Responses were obtained from 125 communication managers currently working in various types of organizations: 36 in public institutions, 67 in private institutions, 4 in non-governmental organizations, and 18 as freelancers.

The age of the respondents is divided into categories. Those aged 30 to 39 years old comprise 45.60% of the total respondents, or 57 out of 125 professionals. They are followed by communication managers aged 20 to 29 years old, who make up 35.20% of the respondents, corresponding to 44 individuals. Together, these two age groups represent 80.80% of the total respondents, indicating a relatively young age in the profession.

Regarding years of experience in the field, 42 of the 125 professionals have between 4 and 7 years of experience. The next largest group has between 1 and 3 years of experience, comprising 35 professionals. This is related to the age of the respondents. They are young in their professional practice and have few years of experience.

Of the 125 professionals surveyed, 55 are male (44%) and 70 are female (56%).

The professionals who participated in the study are at different levels of academic training: 56 hold a bachelor's degree from either institutes or universities, 67 have master's degrees, and 2 have doctoral degrees.

When asked whether or not they use digital tools for managing organizational communication, 100% of respondents answered that they do use them in their professional practice, and they use them daily. They were also asked if these digital tools incorporate artificial intelligence (AI). 107 (85.6%) professionals responded that they use AI-powered platforms, while 18 (14.4%) stated that they do not.

Technological tools that incorporate artificial intelligence allow communication managers to save time and focus on strategic and creative functions (Davenport et al., 2020) and potentially abandon those activities that demand operational efficiency in communication management.

However, not all tools currently incorporate artificial intelligence. It has been a gradual process, and its use is neither universal nor has it developed in the same way across all platforms. Tools still exist on the market that operate using traditional programming logic without including machine learning or natural language processing algorithms. And communication is no

exception; there are tools or platforms that do not require AI (Davenport & Ronanki, 2018). It is necessary to revisit the definition of AI to understand that it refers to technologies capable of simulating processes as similar as possible to those performed by humans. AI is capable of simulating human cognitive processes, enhancing learning, reasoning, and autonomous decision-making (Russell & Norvig, 2021).

Given this, it must be acknowledged that platforms incorporating AI improve their performance, especially for process automation, data analytics, content personalization, sentiment analysis, and other functionalities. What AI generates when incorporated into platforms is added value for the communication manager who uses them.

Communication professionals were asked about their proficiency with digital tools. Given that they are mostly young professionals, the most prevalent level is intermediate, followed by advanced. This suggests a correlation between the respondents' age and their level of proficiency and knowledge of these tools.

Table 2. *Level of tool proficiency*

Tool mastery	Frequency	Percentage
Advanced	34	27.2%
Intermediate	69	55.2%
Basic	22	17.6%
Total	125	100%

Digital competence has become an essential requirement for effective performance in organizational communication management, directly influencing the ability to plan, execute, and evaluate communication strategies in digital environments (Ferrari, 2013).

Mastering digital tools not only involves the technical use of digital tools or platforms, but also requires an understanding of their application and the benefits they bring to the brand and the professional work of communication managers. In this sense, the literature indicates that assessing the level of mastery allows for the identification of training gaps and ongoing training needs, fundamental aspects for strengthening the strategic role of the communicator (Aguaded & Romero-Rodríguez, 2015), and even more so for the strategic communication manager, who must be versatile (Valdiviezo-Abad et al., 2025).

It is also worth noting that living in times of digital transformation has generated a profound need to stay up-to-date in the use of various digital tools, and that the very diversification of platforms demands ongoing digital literacy from professionals. Therefore, investigating the mastery of these tools provides evidence for understanding how communicators face the challenges of the digital environment and how they position themselves in relation to technological innovation (Van Deursen & Van Dijk, 2014). Above all, it helps to understand whether they are truly prepared to handle the day-to-day demands of communication management supported by digital platforms.

Furthermore, professionals have diverse criteria for determining their inclination to use a digital tool, among which the following stand out, with usability predominating as a fundamental value principle.

Table 3. *Tool selection criteria*

Criteria for tools	Frequency	Percentage
Reputation and technical support	20	6.06%
Privacy and security	23	6.97%
Integration with other platforms	46	13.94%
Cost and return on investment	56	16.97%
Usability	82	24.85%
Functionality/benefits	103	31.21%
Total	330	100%

While professionals may use various criteria to select a tool, one of the most relevant is the benefits it offers. This is confirmed by the Technology Acceptance Model (TAM), which states that users tend to adopt technologies they consider useful and easy to use, especially when these technologies improve the efficiency and quality of communication work (Davis, 1989). Meanwhile, according to Ferrari, Van Deursen, and Van Dijk (2013, 2014), communicators with greater digital skills are inclined toward innovation and technological experimentation, since a lack of skills could lead to resistance or limited use of digital platforms.

Continuous training is also a valuable element in the development of communication professionals, especially in the use of digital platforms. Researchers were asked how frequently they receive training related to their professional growth in the use of digital tools. The results showed that training frequency is high, occurring between one and three times every six months, as shown in the figure below.

The results show that 32 people (26%) always participate in training, meaning they do so between 1 and 3 times per month, and the same percentage do so sometimes, meaning between 1 and 3 times per year. However, frequent training predominates, with 42 professionals (34%) reporting that they participate between 1 and 3 times every 6 months.

This training is primarily motivated and financed by a personal interest in self-directed learning, with 90 (72%) professionals stating that they pursue it out of their own need to update or refresh their knowledge. Meanwhile, 20 professionals (16%) say that the training is promoted by the institution where they work, and finally, 15 professionals (12%) take advantage of training offered by external institutions.

From the perspective of communication directors

The communication directors participating in the study have been assigned a nomenclature already described in the methodology, which will be used for data analysis. Do they use digital tools for communication management? All four interviewees do. DC1 uses the following tools: Adobe Premiere Pro, Adobe Audition, Canva Pro, ClipArt, X, Facebook, Instagram, and WhatsApp. DC2 uses the following tools: Brevo, Adobe Premiere, Illustrator, Audition, Canva, HubSpot, Meta, and ChatGPT. DC3 uses Adobe Illustrator, CapCut, and Canva. DC4 primarily

uses audio and video editing tools, intranets, communication resource storage, and virtual assistants.

For all four interviewees (DC1, DC2, DC3, and DC4), these tools are used for comprehensive strategic communication management, including content management, audiovisual production, design, digital marketing (social media), advertising, marketing, strategic relationship building, and even institutional governance. What criteria do you consider when selecting these tools? For DC1, the most important factors are cost and return on investment, usability, functionality, ease of use, privacy and security, integration with other platforms, reputation, and technical support and updates. For DC2, the most important factors are cost and return on investment, functionality, privacy and security, and technical support and updates. For DC3, the most important factors are cost and return on investment, ease of use, integration with other platforms, and reach. Finally, for DC4, the most important factors are cost and return on investment and functionality.

Regarding professional training for the use of digital tools, for DC1, training has focused on other aspects not necessarily related to the use of digital platforms; therefore, training is minimal. For DC2, training is very important in their professional practice, and they state that they and their team receive training every three months, primarily through self-directed learning. For DC3, training is a constant theme that the brand keeps in mind; in fact, it is constantly implementing processes anchored to digital transformation, and therefore training is a priority and they are always being trained, at least supported by the brand once every 6 months and with constant self-training. For DC4, training is in self-training; they consider it their responsibility to stay up to date in the use of digital tools and therefore prepare themselves independently.

From the Perspective of CEOs of Communication and Marketing Agencies

When asked if they use digital tools, three CEOs of communication and marketing agencies responded with a resounding yes. Their management also relies on these technological resources. The nomenclature used to highlight the responses is CEO1, CEO2, and CEO3, as described in the methodology.

For CEO1, the most frequently used tools are: Monday, Terabox, Drive, WhatsApp, Google Forms, Envato, Adobe suites, Microsoft Office suite, Canva, Adobe Illustrator, Google Calendar, TimeTree, among others. For CEO2, the knowledge that professionals working in agencies should possess is based on hard skills related to mastering digital tools and negotiation and sales abilities. Among the predominant tools are: CRM, social media, ManyChat, Kommo, Asana, Blittix24, Zen Marketing, ChatGPT, Copilot, Canva, CapCut, and Adobe and Microsoft Office suites. For CEO3, some of the platforms they use include: Envato Elements, Meta Business, Adobe suites, Freepik, ChatGPT, Google Workspace, and Level Up. These tools are used for various activities such as: strategic communication management, content management, audiovisual content creation, design, social media management, advertising, marketing, and strategic relationship building, among others.

CEO1's criteria for considering a tool are related to open access, subscription costs, return on investment, functionality, ease of use, privacy and security, and integration with other platforms. For CEO2, the strongest criteria are cost and return on investment, functionality, privacy and

security, technical support, and updates. Meanwhile, for CEO3, the most important factors are cost and return on investment, usability, functionality, and privacy and security.

Furthermore, there is the issue of ongoing training. For CEO1, training the agency team is fundamental, since the incorporation of artificial intelligence into the platforms demands that professionals stay up-to-date on their use. To provide this training, they use subscription platforms so employees can access it continuously and train whenever they deem it relevant or necessary, based on their work needs. They also have the good practice of training the team using the existing knowledge of colleagues within the office. And whenever courses of interest are identified and deemed feasible, the agency covers the costs. For CEO2, partnering with networks of like-minded colleagues makes it possible to provide consistent training; at least one training session is held per month, either for the team or tailored to the interests of each professional. Finally, for CEO3, training is also constant, at least two sessions per month, since managing communication and marketing strategies requires not only knowledge but also mastery of digital tools.

Proposal of Digital Tools and Platforms for Professional Practice

Based on an analysis of the tools described by practicing communication professionals, communication directors, and CEOs of communication and marketing agencies, as well as other platforms that have been researched, a list of tools is proposed that can be used to enhance, streamline, and optimize the work of communicators.

Digital transformation and the incorporation of artificial intelligence into digital tools offer advantages for optimizing the work of communication managers. Using these platforms becomes essential, and "they must be integrated into the company, and the public must adapt to them progressively and in parallel" (Cusot and Falconí, 2016, p. 62). It's important to understand that the proposed digital tools serve as a reference for professional practice and are therefore functional in that they contribute to the development of the competencies of the Organizational 4.0 communicator. This professional has found it necessary to integrate a strategic vision, digital literacy, data management, content creation and distribution, multiplatform management, automation knowledge, and, above all, uphold ethical principles for decision-making. In contexts of digital transformation, it is essential that professionals are prepared.

For better understanding, a five-block structure is used:

1. Communication Planning and Management: Communication management tools.
2. Content Production: Graphic design, audio, and video editing tools.
3. Dissemination and Audience Management: Social media and messaging management platforms.
4. Monitoring and Evaluation: Analytics and metrics tools.
5. Artificial Intelligence Tools: Platforms that integrate AI.

The proposal just presented organizes tools not as an inventory, but as a map of capabilities ranging from planning, production, distribution, measurement, and automation of various tasks that communication professionals encounter in their daily work.

This architecture is consistent with the Organizational Communicator 4.0. A versatile professional who combines technological, analytical, and strategic competencies with human skills (leadership, influence, continuous learning) to sustain digital transformation processes in communication (Forum, 2023; Valdiviezo et al., 2025; Romero et al., 2024).

Conclusions

The use of digital tools is a daily activity for organizational communication professionals and has become indispensable in their professional practice. The data shows that all participants in the study use these tools, confirming their integration into communication processes marked by digital transformation.

The study reveals that the incorporation of platforms with artificial intelligence is significant, although not uniform. While 85.6% of professionals use tools that integrate AI, a group still operates with traditional technologies, highlighting a scenario of progressive and uneven adoption. This highlights the need to strengthen digital literacy to empower professionals with new skills. This training is important and necessary, especially considering that communication professionals already have an intermediate level of proficiency with digital tools.

Therefore, continuous training is essential as a recurring practice. Although largely driven by self-directed learning, it is necessary in the professional lives of communication managers, whether they are involved in day-to-day operations or lead teams. This active training allows organizational communicators to manage their own professional development and keep pace with the speed of technological change.

Digital platforms empower communication professionals, transforming them from operational to strategic. Technical knowledge and tool proficiency enable them to advise senior management, gain a deeper understanding of their brand and the environment, make strategic decisions, develop informed judgment, and achieve institutional objectives through communication. The research revealed a high degree of convergence among managers, directors, and agency leaders regarding the strategic value of digital tools. They all agreed that these platforms not only facilitate content production and dissemination but also support planning, monitoring, evaluation, and decision-making processes, expanding the communicator's reach to include governance, reputation management, and strategic alignment.

The proposed set of tools, structured in five blocks, is empirically validated as a capabilities map aligned with the demands of the organizational communicator in times of digital transformation 4.0. More than a technological inventory, this architecture reflects a logic of competencies that articulates strategy, technology, and organizational culture, consolidating the communicator as a versatile, analytical, and ethically responsible professional, capable of generating organizational outcomes in complex digital environments.

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The paradigm shift in immersive journalism through the British media outlet BBC

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Introduction

The British broadcaster BBC, one of the most internationally recognized media companies, was one of the first television stations to join the trend of producing immersive content. Together with the American broadcaster CNN (Lavilla and Sánchez, 2024), it is one of the most prominent examples in the global media landscape of offering a narrative alternative to what had previously been developed by conventional audiovisual media. This entire venture revolved around a clear, direct, and ambitious business objective: to offer prosumers, through its multiplatform, a new audiovisual alternative that would allow them to interact with content in a more *gamified* (Teixes, 2014) and interactive way.

It is true that before the start of the pandemic, a new paradigm shift based on gamification was already taking shape, but the media were not the most suitable for undertaking this new challenge, mainly for purely operational and economic reasons, and users did not have the technology to support this new change of era when it came to viewing content.

Huizinga (2007) was one of the first to study the importance of gamification (Caillois, 1997) in expressing oneself in order to better understand the environment in a more varied, pedagogical, and entertaining way. However, it has taken almost eighty years for this proposal to become more consistently and reflectively established in the information society, now also known as *infocracy* (Han, 2022), which is nothing more than a way of presenting everything surrounding new digital media as information, even though it is not, using gamified techniques to envelop the recipient of the message in a kind of wrapping in which the main thing is not the content of the message but the way it is covered with subterfuges based more on visual impact than on strictly informative content. It could be renewed more rapidly in the world of journalism thanks to the application of immersive techniques in stories. Fundamentally, because the world of video games (Belli and Raventós, 2008) and leisure has had a strong impact on users, who may now request more gamified content (Teixes, 2014) in order to engage with journalistic content.

This process is not new and stems from the user's motivation to engage with stories and the different ways of telling them. From classic stories (Piglia, 2000) to more contemporary immersive stories, they have been and will continue to be a model for news companies (Pérez Serrano et al., 2004) because they can be used to discover new patterns to try to attract interactive consumers. For this reason, this research will focus on recognizing the most relevant immersive trends based on the specific case of the BBC to determine whether there is an appropriate return on investment, especially in the way this type of news product is produced.

Web platforms that host audiovisual content represented a significant advance that still persists in journalistic messaging. However, they have not yet managed to solve the enormous challenge of provoking the prosumer to become fully involved in the narrative. Therefore, it is crucial to

emphasize that immersive journalism will seek to be the main focus of this research in order to find an answer about the future of the new news narrative.

It is necessary to bear in mind, in order to remain within the context of the Spanish media, that some television channels have incorporated immersive formats. Of interest for the development of this text is the use of augmented reality (Cadavieco et al., 2012) in certain Spanish television news programs, which even managed to create simulated scenarios of the Congress of Deputies or representations of the creators of the COVID-19 vaccine at the height of the pandemic, with the aim of providing the public with more informative and educational content on a subject of great relevance to the population.

To address immersive communication, it is crucial to discuss three fundamental concepts: the metaverse, gamification, and the information enterprise (Park and Kim, 2022). And although the three concepts are completely different, they are linked in a number of essential areas that make up the current immersive environment.

On the one hand, the news company can incorporate into its current state of affairs the media that generate news content globally or locally with the aim of showing the latest news. The way in which these events have been reported throughout history has changed considerably depending on the technological progress implemented in the company itself. Although broadsheet newspapers and radio and television programs were very common decades ago, today there are more sophisticated immersion techniques on the market that are gradually becoming commonplace in the content disseminated by the news company itself. One of the fundamental changes in the new era of communication is the entry of the internet into the world of communication. This is where the news company, the metaverse, and gamification intertwine. A triple trio that constitutes what we might call immersive communication. This event has transformed the recipient of information from a passive subject into a proactive subject and main actor in the information environment: the prosumer (Toffler, 1980). Companies such as *PlayStation* have already promoted the concept of a metaverse on a smaller scale and without the current idea of audiovisual immersion. The *PlayStation Home* project, created by the video game company itself, was based on a small metaverse where users could interact with other *PlayStation* users in a virtual universe, exchange objects, play mini-games, and purchase clothing for their virtual characters. The purpose of this project was to create something more social among users than simply focusing on recreation. Therefore, the idea of gamification is presented here and is linked to the metaverse as one of the essential components in its growth. The basis of gamification lies in simply obtaining rewards for participation through play, which companies have sought to use as a competitive advantage to carry out these activities; and the content company also benefits from this type of playful environment by creating immersive content to increase participation and promote dissemination.

The use of games can be very attractive to users, who perceive the final reward as an incentive to get involved in the metaverse. This reward may be financial or material, such as clothing for the character, accessories, or points. If we interpret immersion as submerging oneself in the content of stories or events, we could consider storytelling as one of the first forms of immersive communication. This is because the main objective of immersion is to delve into a plot (in this case, a fictional one). Of course, immersion in a story differs from immersion in communication through virtual reality glasses and other forms of immersive journalism that we know today. "Stories represent, on a historical level, mythical conceptions prior to these: they represent the

transformation and, sometimes, the rejection of conceptions, rituals, and traditions" (Domínguez, 2010).

In more current terms, cinema can also be mentioned as a means of immersive communication, whether it be classic cinema or more contemporary cinema based on 3D or even 4D. This is because this medium of communication has not only been used for the propagation of propaganda, but has also played a significant role in its history. However, immersion is not only present in the purely visual context, but also in the sound environment. For example, the ATMOS system (Wright, 2015) is another milestone in the progress of immersive communication, both in the field of entertainment and in the information industry. This system is based on the concept of incorporating audio channels, where each sound has its own channel for distribution, allowing it to move through these channels to create a sense of movement in the environment.

ATMOS works in conjunction with 360° video in the production of multiple documentaries and is increasingly present in the daily lives of internet users and the general audience. "Most internet users represent the potential audience for 360° web-docs" (Nugaeva and Mira-Pastor, 2021). It is clear that limits can be placed on the circulation of different formats in the information industry, and there is undoubtedly a long way to go, especially in strictly financial terms, given that what can be a driver can sometimes become an obstacle if the economic environment is not entirely conducive to the implementation of innovation projects in the company. It is clear that the impact of playful and fictional content in the field of immersive journalism and contemporary news organizations is being considered, as will be seen in the case discussed in this text, that of the BBC.

As far as video games are concerned, *Pokémon GO* is one of the most recognized video games worldwide and finds its main driver in augmented reality. Following its success, it has marked a milestone in the information industry, especially with regard to the notion of "self-exploitation" formulated by Korean philosopher Byung-Chul Han. In one of his works, he even argues that members of these online communities end up dominating themselves in order to achieve the goals they set for themselves (Han, 2010). Based on this simple argument, which transforms the prosumer into the main character in immersive environments, augmented reality, through a knock-on effect on other types of digital and audiovisual environments, has gradually gained a presence in mainstream media content such as television news.

There have been significant advances in recent years. "Augmented Reality (AR) is growing and is used in various fields such as education, medicine, business, the video game industry, and also the television universe" (Caldera-Serrano, 2014). Emphasizing this trend, it is noticeable that political content has used augmented reality more regularly to communicate details of a news story.

For example, in Spain, it is common for the television news programs of the *Atresmedia* group (*La Sexta* and *Antena 3*) to display representations of parliamentary seats. The case of *Antena 3* is the most emblematic and has recently been studied by various researchers, who have highlighted that the evening news program is the one that shows the most augmented reality content on the channel: "in general terms, it can be argued that the *Noticias 2* edition includes the largest amount of news with AR" (Azkunaga et al., 2019). However, as mentioned previously, the cost of implementing augmented reality systems is another of the debates surrounding the implementation of new immersion trends. According to current research, although the initial cost

is high, investment in these systems has proven to be lucrative for news companies (Cardona et al., 2020). This also applies to *The Weather Channel*, which has used augmented reality in its television broadcasts to highlight different weather events. *The Weather Channel* goes beyond mere weather simulation by recreating an authentic three-dimensional environment. For example, among other productions, this channel has managed to simulate floods and tornadoes on set so that the audience can more clearly perceive the example that arises within the content.

Therefore, given that several examples of possible obstacles or future progress have been provided, it is crucial to emphasize that, although augmented reality has often represented progress in terms of its informative function in the media, on occasions it has not provided the required information or, to a lesser extent, the information anticipated by the general public. Its representation has sometimes been more ornamental. Therefore, at this point, it is worth examining in detail the specific case study of the *BBC* to see if it could serve as an example that integrates this new investment trend within media companies.

With regard to the methodology used in this research, we have opted for the scientific method based on a theoretical framework supported by relevant authors in the field and a practical framework based on fieldwork involving data collection and curation.

In terms of the practical framework, the various social research techniques proposed by different authors who are experts in the field have been reviewed, with Sierra Bravo (1995) standing out as a reference in this regard. For this research, a quantitative content analysis of the British media outlet *BBC* was selected.

Although other media outlets with international impact could have been chosen, this one was selected in order to understand the immersive information market in the English-speaking world. Other channels such as *CNN*, *the New York Times*, and *Al Jazeera* have a varied repertoire of immersive products and also generate a prestigious international impact that can be compared to that of *the BBC*.

A quantitative analysis was chosen for its objectivity in absolute and numerical terms, leaving aside any feelings or emotions that could be analyzed. As some experts point out, the use of qualitative content analysis would be more subject to these emotions, so it was decided to separate information from opinion or subjectivity.

This is an interesting field of study for future research, which could be approached from another perspective closer to the user, such as a discussion group as a representative technique that seeks to delve into these viewers' perceptions of immersive products and the impact they have on them (Krippendorff, 1990).

Content analysis has enabled the individualized study of the immersive pieces of the medium posted on the *YouTube* platform using a proprietary table generated with the most relevant or representative aspects found in immersive journalism.

The mere fact of analyzing the content in this way has allowed for a deeper understanding and unraveling of the narrative audiovisual elements used to better understand how the British broadcaster has worked in the field of immersive journalism.

The selection criteria for assigning a series of key concepts in the analysis to the table below are based on the frequency with which they can be seen in the vast majority of immersive journalism content. The pieces have recurring elements that have been detected and specifically applied here due to their repetition in the news company's landscape.

Table 1. *Table for content analysis*

CONCEPT	CONTENT
Immersive content category	
Genre	
National (1) / International (2)	
Gamified (1) / Not gamified (2)	
Real (1) / Recreated (2)	
Text in image (1) / No text (2)	
Music present (1) / Music absent (2)	
Video quality or format	

Source: Elements analyzed in each of the immersive pieces. Own elaboration.

It is important to emphasize that the data observed and analyzed largely correspond to the years 2016 and 2017, especially the former. This is explained by the coincidence of the huge explosion of immersive content that took place between those years. In turn, the difficulty in finding *BBC* immersive content on *YouTube* at later dates is related to a change in the way trends are reorganized in many media outlets.

News companies such as *the BBC* were committed to the early trends in immersive journalism: virtual reality, augmented reality, and 360 video. Subsequently, these trends were overshadowed by new ones such as holograms or mixed reality and environments/trends such as the metaverse.

The challenge for large media outlets to reorganize their content in line with the available platforms, coupled with the health and economic crisis brought about by the COVID-19 pandemic in 2020, meant that production suffered and was redirected with a different strategy. With the aim of economizing resources, trends were limited to each space (television, multimedia platforms, apps, etc.), which explains why 360 video content gradually disappeared from platforms such as *YouTube*. In other cases, some companies chose to create their own immersive projects with their own platforms on which to host content without depending on third parties (Peinado and Mateos, 2016). The pandemic crisis also had a major impact on this type of initiative.

For the analysis of the *BBC*'s immersive content, ten audiovisual pieces published by the British broadcaster on *YouTube* were selected and analyzed from a quantitative perspective.

Based on the table shown in the methodology section, some of the notable elements that have been analyzed are highlighted. The origin of the content is highly representative, as it combines national (British) and international content in a balanced way. Although it does not represent all of the immersive content published by this medium, it represents a high percentage of it and is a remarkably reliable sample.

The latter contrasts sharply with what can be seen in studies of other media, which focus more on international content. In fact, based on this, the *BBC*'s national content relates to institutional and patriotic events that were recorded using immersive technology. It is more about content focused on promoting the image of the British crown and its culture than political or current affairs content. On the one hand, the media outlet seeks to focus on international content, but on the other hand, it seeks to promote its events and traditions to the rest of the world. In a way, many media outlets have used this option as a way to convey customs, rituals, and classic events to an international audience.

In addition, one of the major points of balance found in the research is the British channel's ability to produce and broadcast national and international products in equal measure, meaning that it does not veto any of its options.

Another aspect to be addressed has been the genres used in each of the audiovisual pieces. A distinction has been made between informative, interpretative, and opinion genres. Delving into each of them, the most frequent or recurring ones in the immersive content analyzed by *the BBC* have been determined.

In this case, a high percentage of content was found to be informative in nature, focusing on reporting rather than interpreting or expressing opinion. Interviews have not been used in its immersive production to date, nor have other genres more closely linked to the subjective margin of the journalist. Omitting the tendency of many British tabloids or sensationalist press, *the BBC* has fervently committed to information in its immersive products, whether through genres such as news or others such as reporting.

It is the degree of informational depth that varies between genres, but they are always linked to the intention to inform and journalistic rigor. None of the content analyzed shows any intention to influence the viewer, but rather to merely report the facts as reliably as possible.

It is also worth highlighting documentaries as another of the genres most used by the channel, representing a significant niche of the total. This genre has commonly been associated with non-fiction cinema, but it is also based on the transmission of facts or events, attempting not to influence the viewer's opinion.

In short, news, reports, and documentaries are the three genres used by the British broadcaster within the prism of immersive products that they have disseminated on the internet, demonstrating a clear intention to focus on information rather than opinion. Reports account for 70%, with news and documentaries accounting for 20% and 10% respectively.

Another concept analyzed and most closely related to immersive journalism is gamification. In this case, gamification represents an interesting percentage within the *BBC*'s immersive products, but without being the majority.

Gamified content is understood to be any content that has a more or less direct playful or game-like factor that can be appreciated. In the case of this research, around 30% of the content studied corresponded to gamified products, while the remaining 70% corresponded to products without any type of gamification.

The results show how even large media outlets have been implementing gamification as part of their regular programming to capture the attention of a significant number of users. As is the case in the other direction, the news company has taken the world of entertainment and immersive leisure as a model and reference point for applying the best techniques and trends to its field of work.

In this sense, gamification, which has been so successful in the immersive audiovisual entertainment market, is increasingly being applied by media outlets around the world in a remarkable number of content types, especially immersive ones, with the aim of making the viewer even more involved in the event or story being narrated.

Many users show their interest in gamification and its resources through what are known as "Easter eggs," which are nothing more than small details or hidden references that are positioned so that the user must find them and see a hidden message within the content. This concept, applied in a gamified environment, makes the user more interested in viewing the entire immersive video environment and the information it contains.

On the other hand, it is clear that the gamification capacity of the media also depends on the platform on which the content is hosted. In the case of the British media, the use of *YouTube* and user participation in comments and reactions to content allows for better feedback than through channels such as television. This is why there is also a dispersion of immersive trends, adjusting to each platform.

In the case of *the BBC*, the use of 360 video via *YouTube* is persistent, which positions other trends such as holograms towards television media that better exploit the potential of these trends. This reorganization of trends can be seen both in the British media and in other international media.

Another result of the research is the use or non-use of computer-generated immersion and its combination with real images. In this case, the content is either purely real or purely recreated, but there is no connection between the two in the same content.

There is also a partial use of text as an audiovisual element to guide the viewer through the narration of the event. In some of the content, text is present as narrative support, complementing what the viewer can already see in the video itself. However, this is not the case for the majority of content. Forty percent of the immersive content published by the British media outlet includes text, while the remaining 60% does not.

Generally, text is used as a complement in reports to provide data alongside infographics. In the news itself, there is no text, as it is replaced by *voice-over* narration or ambient sound directly. It should be noted that the use of text in videos is not merely decorative, but is used to support what can be seen or heard in the scene, generally expanding on the information or drawing on the archives with interesting or important data that can provide context to the story.

Another element analyzed beyond the text or the narrator's voice was the use of sound or music to accompany the piece. The results of the analysis coincide exactly with what happened with the text, as more than half of the products generated do not have music, but coinciding with a representative percentage that do.

Specifically, 60% of the content did not use music, while 40% did. Adjusting this with a larger number of pieces that could be studied in the near future, could bring us closer to an equality between the number of pieces that do not use music and those that do. The use of music to set the pace or narrative pattern is very common in entertainment content, so a certain influence can also be detected in a significant percentage of content linked to the news company.

With regard to the image quality detected in the pieces studied, it ranges from a minimum of 1080p to a maximum of 4K in others, denoting the relevance of image quality in relation to the good immersion generated in the viewer. It can be said that all immersive content published by the analyzed media outlet has a minimum of high definition when viewed, which enriches the immersive experience and maintains a high level of fidelity to the real world.

On the other hand, with regard to the qualitative review, the aim was to delve deeper into changing trends and gain a better understanding of the new ones that have been gaining importance in recent years. To this end, some of them were analyzed in order to better understand how they work and the reasons behind the change of direction in the case of reorganizing them.

Holograms, as part of these new trends, were discussed in numerous news reports by the British broadcaster, highlighting their importance in achieving greater immersive loyalty and bringing the protagonists closer to the news, interviews, or other formats. American media reinforce this opinion through shows or magazines that are based on creating interviews with current figures using holograms, without the need for these people to be physically present on the program's set.

The addition of artificial intelligence is another of the results that emerged from the immersive evolution of this channel. The development of applications with generative artificial intelligence is considered both a challenge and a risk by this medium, with particular attention being paid to the potential for fake news.

The close collaboration that could be generated between these new immersive trends and the use of generative artificial intelligence poses a great risk in the eyes of the mainstream media. The potential danger that could arise from misuse also means that media outlets such as *the BBC* are reluctant to engage in the mass production of immersive content.

This, added to the crisis in the media, especially in economic terms following the pandemic, makes it difficult for this type of project to be sustained over time. Understanding the technical functioning of trends such as holograms and their possible link to artificial intelligence is a huge challenge for the media as a whole, which has also caused the paradigm of immersive journalism to fluctuate in recent years.

Conclusions

The first noteworthy aspect is the balance between patriotism and globalization with regard to the origin of the immersive content published by *the BBC* in recent years. A balance was observed between the amount of national and international content, which is a notable duality in the case of a British media outlet that is more inclined to promote national content.

Furthermore, the internationalization of immersive products is the main reason behind the duality in the object of study, given that the major media outlets have fervently committed to content beyond their borders in order to cover a higher segment of the information market. The news company, like any other company, seeks to expand its horizons and borders in search of new users to whom it can offer its product. In this sense, the internationalization of immersive journalism serves to reach other countries and expand the range of users who consume these products, which in turn feeds back into the consumption of immersion and facilitates its evolution.

One of the main obstacles encountered by immersive journalism has been reaching new users and achieving a sufficient market share to reach the break-even point in order to maintain the entire infrastructure and even continue to develop it. In this regard, media outlets such as *the BBC*, *CNN*, and *Al Jazeera* have opted to show international content with the aim of reaching everyone, spreading the concepts and trends of immersive journalism, and getting more and more users to embrace the new trends.

As many experts point out (López-Hidalgo et al., 2022), there is a great need for a significant number of users to consume immersive content so that companies in turn generate more and a notable flow is created that allows all this to be profitable.

Another notable result is the very significant presence of informative genres over interpretive and opinion genres. Content has been directed towards mere information and depth of coverage through formats such as reports and documentaries. This is also the case in many other world-class media outlets, leaving interviews and other genres in a secondary position more closely linked to platforms such as television (Ambrosio and Fidalgo, 2019). However, the use of immersion in certain genres is somewhat more complicated, costly, and less relevant, since the main objective of immersive journalism is to create an immersive environment for the viewer in order to better understand what is being narrated. This is where genres such as news and reporting are more suitable due to their characteristics, as they can include immersive elements that expand the information being conveyed and help the viewer increase the necessary degree of immersion.

Some television media have adopted holograms as a trend that can be used in talk shows, but this has not yet had a major impact, unlike news or reporting with virtual, augmented, or mixed reality, for example.

The third major result is the use of gamification in the content analyzed. Although it is true that only 30% corresponds to some type of game or gamification, this is still a remarkable figure in the case of a media outlet such as *the BBC*, which has a much more sober, formal style linked to mere information.

The appeal used through gamification in some less formal content is very representative of how large media outlets are betting to a greater or lesser extent on games as bait for users. The importance of games has increased in recent years within the news company landscape, which has led to the implementation of these narrative and audiovisual models based on more or less direct rewards as an attraction.

The main triumph of gamification is to generate that feeling of reward in the viewer that leads them to continue consuming content on a regular basis in search of new rewards and interests.

Therefore, it is a factor to be taken into account whenever immersive journalism is studied, since its origins are linked to games, leisure, and entertainment, and these models have been partially adopted by the media, with positive results so far.

Moving on to the conclusions and returning to the research questions and hypotheses posed at the beginning of the investigation, the main lines can be established.

In response to RQ1, some media outlets have indeed produced significant immersive content, which has varied over the years depending on demand and trends. This generally applies to top-tier media outlets with larger budgets and greater room for maneuver, although small but powerful projects have also been developed.

With regard to RQ2 and RQ3, several top-tier media outlets, such as the *BBC*, have successfully applied immersive trends, although in recent years there has been a decline due to the socioeconomic context and the arrival of new immersive trends.

In relation to H1, gamification has played a significant role in various media outlets with a global impact, including *the BBC*. Although this impact is not widespread at the moment, it is significant enough to be highlighted in the research, since three out of ten pieces of content published contain some kind of gamification element, which is high for a media outlet such as the *BBC*.

Other less formal media outlets have applied it to an even greater extent, which shows the news company's interest in inserting games as a relevant element of immersive products due to the great interest they arouse in users. Users are rewarded for their efforts in accessing and viewing the content with some kind of gamification reward included in several of the contents. This shows the *engagement* generated, since without gamification there would not be the same level of engagement and the impact of immersive journalism would be much greater.

Similarly, the use of immersive gamification elements increases and improves the consumer's understanding of the facts, as it allows for a greater degree of depth in nuances that would not be equally detectable without using an immersive method. A better understanding of events helps to understand the news more clearly and professionally, also avoiding bias and intoxication by false information, although at the same time it may pose a greater risk in terms of the impact of false information through immersive pieces.

It is users who, in one way or another, have been demanding the application of gaming to this content in order to generate sufficient interest to consume it. Therefore, the hypothesis can be corroborated, since the growing application of gamification by the media in the context of immersive content indicates that there is also great interest on the part of users in this being the case. Its use as a selling point feeds back into the whole chain and increases the consumption of immersive journalism, which is a great help in ensuring that it continues to develop and does not fade into the background.

In turn, both objectives linked to the first hypothesis are achieved, since part of the immersive content published by this channel and the gamification elements that have been implemented in the content have been analyzed. Some elements, such as *Easter eggs*, are the most notable and those that in turn draw on the immersive video game industry.

As for H2, the initial hypothesis can also be corroborated, since after analyzing the content, an abrupt halt in the production of immersive content based on virtual reality, augmented reality, or 360 video was detected. All of this can be explained by the emergence of new trends such as holograms, which have forced the media to restructure their content and better adapt each trend to its corresponding platform.

While years ago immersive products were published without distinction of platform, since 2019-2020 this has changed with the arrival of these new trends and the health crisis.

On the one hand, the new trends have been better adapted to certain environments and platforms such as television, which has led many media outlets to choose to disseminate them in a different way or to focus more on them instead of the original trends that dominated the scene between 2015 and 2019. As with all technological change, content evolves and adapts, which in this case has led some media outlets to focus more on new trends and abandon the initial ones, or to reserve the most appropriate space for each trend, limiting its visibility compared to previous years.

Added to all this is the economic context created by the pandemic and its impact on the media. Some media outlets with smaller budgets had to slow down and even abandon their immersive journalism projects due to lack of funds. Other large media outlets reduced their visibility and production, focusing more on the classic formats that have given them the best results. This can be seen not only in the case of the object of study, but also in many other leading media outlets that have decided to minimize or slow down the progress they had initially made with immersive journalism projects. There are cases such as *El País VR*, which abandoned the project after only three pieces.

Added to this climate of constant technological change and the arrival of new trends was the context of the pandemic, which had a huge impact on the future of immersive journalism globally. For all these reasons, the combination of the health/economic crisis and the arrival of new trends has led to a paradigm shift within the framework of immersive journalism and the news industry.

Following this line of reasoning, the three objectives set out in this hypothesis have been achieved, as the causes and consequences of the paradigm shift have been analyzed and discussed from the perspective of both new immersive trends and the pandemic. At the same time, the most representative journalistic genres have been identified and studied, with informative genres such as news and reporting standing out above others.

In conclusion, both hypotheses are corroborated and all their objectives are achieved after the content analysis carried out on the object of study, which could be expanded in the future to other leading media outlets and compared with local media that have also opted for immersive journalism in recent years.

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Digital populist communication on social networks, strategies, and power

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Introduction

The expansion of digital social media platforms has fundamentally transformed contemporary political communication. Rather than simply increasing channels for political outreach, platforms like Facebook, X, Instagram, TikTok, and YouTube have altered how discourse is produced, circulated, and legitimized. By embedding communication within algorithmically driven ecosystems designed to maximize attention and engagement, these platforms make political visibility a strategic resource. As a result, competition is shaped more by interaction metrics than by epistemic quality or factual accuracy.

This transformation raises the central research question guiding the chapter: how does digital populist communication operate within platform-driven environments, and what are its implications for the quality of democratic public debate in the European context? The chapter contends that digital populist communication merits analysis as a systematic and relational practice embedded in the political economy of platforms, rather than as a mere rhetorical style or ideological phenomenon. Addressing this question requires going beyond content-centered analyses to consider the interaction between discursive strategies, technological infrastructures, and audience behavior.

The objective of this chapter is twofold and flows directly from the main argument. First, it conceptualizes digital populist communication as a politically strategic discourse structurally aligned with algorithmic visibility, emotional mobilization, and accelerated circulation on digital platforms. Second, it critically assesses the resulting consequences for democratic debate in the European public sphere, especially regarding affective polarization, moralization of conflict, and the blurring of information and opinion. The central argument is that these dynamics fundamentally reshape how democratic legitimacy and debate are constructed online.

So, the chapter argues that digital environments favor simplified, antagonistic, and emotionally charged forms of communication, which are especially conducive to populist narratives structured around binary oppositions between *the people* and *elites*. Repetition, emotional activation, and moral framing function as key mechanisms through which these narratives gain stability, recognizability, and algorithmic amplification. In the European Union, where governance structures are frequently perceived as distant and technocratic, such narratives find fertile ground, contributing to the transnational circulation of populist communicational repertoires adapted to platform logics rather than to specific ideological programs.

By integrating insights from literature on populism, digital political communication, and platform governance, this chapter provides an analytically integrated framework for understanding digital populist communication as a co-produced phenomenon. The conclusions demonstrate that the effectiveness of digital populism cannot be attributed solely to message content or leadership style; rather, it must be understood in terms of the structural conditions fostered by algorithmic mediation and attention-based economies. Ultimately, this analysis demonstrates the urgent

need for policymakers, scholars, and practitioners to address these emerging dynamics if democratic debate, political legitimacy, and effective regulatory solutions are to be safeguarded within the European context.

Populism as a discursive, performative, and communicational logic

Populism has been the subject of extensive theoretical debate in the social sciences, encompassing multiple conceptualizations that reflect its polysemous and transversal nature. Despite the diversity of approaches, there is a growing consensus that populism is not a *thin-centered ideology* endowed with a coherent and comprehensive doctrinal body, but rather a discursive and communicational logic capable of articulating different programmatic contents and ideological positions (Mudde, 2004; Mudde & Kaltwasser, 2017). This logic is based on a fundamental binary structure, which opposes a *people* conceived as morally homogeneous and virtuous to *elites* portrayed as corrupt, illegitimate, or detached from popular will.

The ideational perspective, widely disseminated in the literature, defines populism as a restricted set of normative ideas that defend the primacy of popular sovereignty and reject institutional mediations perceived as obstacles to the direct expression of the general will (Mudde, 2004). However, while this approach is useful for identifying recurring content, it proves insufficient to fully understand the communicational dynamics of populism, especially in digital environments (Eksi, 2021). Populism manifests itself less as a coherent system of ideas and more as an adaptable discursive practice that takes shape through language, performance, and symbolic interaction with audiences (Moffitt, 2016)

In this sense, discursive and performative approaches offer a particularly fruitful analytical framework. Authors such as Laclau (2007) conceptualize populism as a process of discursive construction of the *people*, in which political identities are articulated through chains of equivalence that aggregate heterogeneous claims under a common signifier. Populism is thus not defined by the specific content of the claims, but by the way in which these are discursively articulated in opposition to an antagonistic *other*. This relational logic allows us to understand the flexibility of populism and its capacity to adapt to different political contexts (Mudde & Kaltwasser, 2017).

In terms of communication, populism takes the form of a specific political style characterized by narrative simplification, the dramatization of conflict, and the personalization of leadership. Jagers and Walgrave (2007) identify central dimensions of this style, including constant reference to the people, criticism of elites, and symbolic exclusion of groups deemed external or threatening. These dimensions do not operate in isolation but are articulated within a discursive grammar that prioritizes clear, morally charged, and emotionally mobilizing messages.

The centrality of performance constitutes another distinctive element of populism as a communicational phenomenon. Moffitt (2016) proposes understanding populism as a performative style, in which leaders and political actors permanently stage crises, conflicts, and threats, presenting themselves as the only ones capable of authentically representing the people and restoring a supposedly lost moral order. This performance is reinforced through informal language, colloquial registers, and a rhetoric of symbolic proximity, which seeks to

reduce the distance between representatives and their constituents, often at the cost of delegitimizing mediating institutions such as parliaments, traditional parties, or the mass media.

Populist communication is thus distinguished by an anti-elitist and anti-institutional orientation that extends beyond the content of messages to the way the discourse is produced, staged, and disseminated. Populism communicates against the *system*, even when it operates from within it, exploiting contradictions between formal and symbolic legitimacy. This tension is particularly visible in contexts of populist governance, where the rhetoric of opposition to elites persists despite institutional integration, functioning as a mechanism for the continuous legitimation of power (Flew & Iosifidis, 2020; Norris & Inglehart, 2019).

The moralization of the political sphere is a direct consequence of this communicational logic. Populism tends to frame political conflicts in binary moral terms, transforming programmatic differences into ethical judgments about intentions, values, and affiliations. Political adversaries are represented not only as holders of alternative positions, but as morally deviant, corrupt actors or traitors to the national interest. This moralization simplifies public debate and hinders the recognition of dissent's legitimacy, a central element of pluralistic democracies.

From a communicational standpoint, this moralizing logic translates into the predominance of evaluative judgments, generalized accusations, and narratives of guilt, frequently dissociated from detailed factual argumentation. The effectiveness of this register lies in its ability to produce political meaning quickly and in an emotionally appealing way, dispensing with complex explanations or specialized mediations. Populist discourse thus prioritizes moral clarity over analytical complexity, a trait that proves particularly functional in media ecosystems marked by fragmented attention and the acceleration of discursive circulation.

It is important to emphasize that populism, as a communicational logic, does not necessarily imply an explicit rejection of democracy. On the contrary, populism often claims a maximalist conception of democracy, understood as a direct and unmediated expression of the popular will. The problem lies in the exclusive character of this conception, which tends to identify the people with a specific segment of society, symbolically excluding minorities, opponents, or institutions that do not align with the normative definition of belonging (Self & Hicken, 2018). This symbolic exclusion is produced and reinforced through discourse, functioning as a central mechanism for identity construction.

In the context of contemporary political communication, this discursive logic finds particularly favorable conditions for its amplification on digital platforms. Narrative simplification, personalization, and dramatization of conflict are easily translated into short, visual, and emotionally charged formats, suitable for the circulation dynamics of social networks. Although this dimension is explored in greater depth in the next section of the chapter, it is important to emphasize from the outset that digital populist communication does not constitute a break with populism as such, but rather an intensification of its structuring communicational characteristics.

Thus, understanding populism as a discursive and communicational logic allows us to overcome reductive readings that treat it as a democratic pathology or as a mere opportunistic electoral strategy. Populism emerges as a specific form of political meaning-making, deeply rooted in the transformations of public mediation and the tensions inherent in contemporary representative democracies. Its communicative effectiveness stems from its ability to articulate identity,

emotion, and conflict in simple, repeatable, and symbolically powerful grammar (Malkopoulou & Moffitt, 2025; Panizza & Stavrakakis, 2021).

Digital populist communication, platforms, and algorithmic logics

The transposition of populism to the digital environment does not represent a substantive rupture with its fundamental discursive logics, but rather an intensification of its structuring characteristics within an ecosystem mediated by private platforms and opaque algorithmic systems. Digital populist communication thus emerges from the convergence between political grammar based on simplification, moral polarization, and emotional mobilization, and technological architecture oriented towards maximizing user attention, interaction, and retention. This convergence confers upon digital populism a particularly high communicative effectiveness, making it a central phenomenon of contemporary politics.

Digital social media platforms operate according to business models based on the attention economy, where content visibility is regulated by recommendation algorithms that favor specific interaction patterns (Bruns & Moon, 2022). Likes, shares, comments, and viewing time function as signals of relevance, feeding classification and amplification systems that determine which messages achieve greater public exposure. In this context, emotionally intense, morally polarized, and discursively simplified content tends to be favored, as it elicits quick, frequent responses from users (Aalberg & Vreese, 2017; Antón-Mellón & Hernández-Carr, 2016; Rodriguez, 2022).

Digital populist communication reveals a structural affinity with these algorithmic logics. The construction of clear antagonisms between moralized *people* and delegitimized *elites*, the constant dramatization of political conflict, and the use of emotionally charged language constitute discursive resources that maximize the potential for engagement. By exploiting emotions such as indignation, fear, or resentment, populist discourse increases the likelihood of interaction, benefiting from feedback loops in which emotion, engagement, and visibility mutually reinforce one another (Nai, 2021). Algorithmic amplification is therefore not a neutral or accidental effect, but an integral part of the ecosystem that shapes the circulation of digital populist discourse.

In this sense, it is important to understand digital populist communication as a practice strategically adjusted to the affordances of the platforms. The choice of themes, formats, and discursive tone responds not only to ideological or electoral objectives but also to the incentive structures created by algorithmic systems. Short, visually simplified, and semantically polarized messages are better suited to the logic of the continuous feed and the fragmentation of attention, to the detriment of complex or contextualized arguments (Gründl, 2020; Mazzoleni & Bracciale, 2018). This adaptation favors reducing political complexity and normalizing binary frameworks, with direct implications for the quality of public debate.

The literature on platforms has emphasized that algorithms function not only as technical intermediaries but also as normative agents that shape communicational practices and public visibility. The opacity of the recommendation criteria and the absence of effective democratic control over these systems give platforms significant power to shape the digital public space (Moore, 2019). In this context, digital populist communication benefits from an environment in

which visibility is dissociated from epistemic criteria and associated, above all, with the ability to generate reaction.

Empirically, several studies show that politically polarized, emotionally charged content is more likely to spread on social media than moderate or informative messages (Bonansinga, 2020; Martel et al., 2020; Wirz, 2018). This trend is not limited to specific contexts but manifests across different political and cultural systems, suggesting that the affinity between populism and digital platforms stems from structural conditions rather than merely contingent strategies of political actors. Digital populist communication should therefore be understood as a systemic phenomenon, co-produced by the interaction between political discourse and technological architecture.

One of the central effects of these dynamics lies in the intensification of discursive repetition (Joaquim, 2025). In the platform environment, repetition is not only tolerated but also encouraged, as it reinforces recognition patterns and facilitates algorithmic circulation. Populist discourse exploits this mechanism by insisting on recurring frameworks, slogans, and simplified narratives that function as identity markers. Repetition contributes to the stabilization of interpretative frameworks and the naturalization of moral dichotomies, reducing the space for alternative readings and complicating the debate (Kodapanakkal et al., 2022; Wallach & Allen, 2009).

In parallel, algorithmic logic enhances phenomena of selective exposure and ideological homophily. Users are repeatedly exposed to content that aligns with their prior beliefs, reinforcing existing emotional predispositions and political identities. This process contributes to the formation of relatively homogeneous discursive communities, in which populist discourse finds fertile ground for its symbolic legitimation (Recuero, 2005). Digital populist communication not only mobilizes existing audiences but also actively participates in the construction of polarized communication ecosystems.

The relationship between digital populism and platforms must, however, be analyzed relationally and not deterministically. Algorithms do not create populism but amplify certain communication styles at the expense of others. Similarly, populist actors are not merely passive beneficiaries of algorithmic logic, but strategic agents who continuously adjust their communication practices to the dynamics of digital visibility (Gerbaudo, 2018). This co-production highlights the need for analytical approaches that integrate discourse, technology, and the political economy of digital media.

A particularly relevant aspect of this articulation is the blurring of boundaries between strategic political communication and public-interest information. In the algorithmic environment, evaluative, interpretive, or performative content circulates alongside factual news, often without journalistic mediation or adequate contextualization. Digital populist communication exploits this ambiguity by presenting moral judgments and simplified interpretations as facts, benefiting from an environment in which verification and contextualization lose centrality amid the speed and emotional intensity of discursive circulation (McIntyre, 2018; Salgado, 2018).

This dynamic contributes to the erosion of the epistemic authority of traditional media and expert institutions, reinforcing narratives that challenge the legitimacy of specialists, journalists, and technical bodies. In the European context, this challenge becomes relevant, as many public

policies and supranational decisions depend on specialized knowledge and technocratic processes. Populist digital communication often frames these bodies as distant and illegitimate elites, reinforcing perceptions of democratic alienation and fueling sovereigntist and anti-institutional discourses (Maurer, 2013).

It is also important to consider the role of visibility and multimodality in digital populist communication. Platforms favor short audiovisual formats, impactful images, and easily consumable messages, which favor communication strategies based on symbols, visual metaphors, and extreme simplification (Enli & Moe, 2017; Highfield, 2016). Digital populism exploits these resources to produce messages with a strong affective charge, capable of condensing complex narratives into simple and emotionally effective visual representations (Barberá, 2020). This multimodal dimension reinforces the performance of populist discourse and expands its potential for circulation.

From a normative perspective, the centrality of platforms and their algorithmic logic poses significant challenges to the democratic governance of the public sphere. Political visibility becomes dependent on private infrastructures driven by economic interests, whose operating logic is not aligned with democratic values such as pluralism, informed deliberation, or equal access to public debate. Digital populist communication exploits these asymmetries, benefiting from an environment that rewards emotional intensity and penalizes complexity.

Political emotion, affective polarization, and the moralization of conflict in the European context.

Emotion constitutes a structuring axis of digital populist communication and a main explanatory factor of its effectiveness in the platform-mediated ecosystem. Research in political communication and political psychology demonstrates that emotions decisively influence attention, cognitive processing, and the predisposition for collective action, especially in contexts marked by social uncertainty, perceptions of threat, and institutional distrust (Hameleers et al., 2017; Rico et al., 2017; Saeedi, 2025). In the case of populism, emotion does not appear as a secondary effect of political discourse, but as a central strategic resource, deliberately mobilized to produce identification, symbolic loyalty, and antagonism.

Digital populist communication is structured around frameworks that activate negative emotions, such as fear, anger, and indignation, often associated with narratives of external threat or internal betrayal (Nai, 2021). These emotions act as catalysts for affective polarization, understood as the growing emotional hostility between opposing political camps, regardless of the substantive ideological distance between their positions (Rico et al., 2017; Wodak, 2015). Affective polarization differs from classic ideological polarization in that it focuses less on programmatic differences and more on moral evaluations of the *other*, conceived as illegitimate, dangerous, or morally inferior.

In the European context, this dynamic is particularly relevant given the multi-level nature of governance and the European Union's institutional complexity. Digital populist communication exploits perceptions of distance between citizens and decision-making centers, framing national political elites, administrative bureaucracies, and supranational institutions as opaque, technocratic actors detached from the *will of the people* (Mudde & Kaltwasser, 2017; Norris & Inglehart, 2019). This framing activates emotions of resentment, injustice, and a sense of loss of

control, which reinforces exclusive political identities and fuel sovereigntist and Eurosceptic discourses.

The moralization of the public sphere emerges as a direct consequence of this emotional mobilization. Instead of presenting political conflict as a legitimate dispute between alternative projects, populist discourse tends to frame it as a moral confrontation between *good* and *evil*. Complex political issues, such as migration policies, European integration, judicial independence, or civil rights, are reduced to binary oppositions that drastically simplify the debate and delegitimize dissenting positions. This moralization transforms political adversaries into moral enemies, weakening informal norms essential to the functioning of pluralist democracies, such as tolerance, recognition of dissent, and willingness to compromise (Norris & Inglehart, 2019).

From a communicational point of view, moralization translates into the predominance of evaluative language, generalized accusations, and narratives of guilt. Digital populist communication prioritizes clear, emotionally charged moral judgments that dispense with detailed factual context and are easily assimilated in environments characterized by fragmented attention (Foley, 2012). This preference for moral clarity at the expense of analytical complexity contributes to the reduction of deliberate space and to the transformation of public debate into an arena of symbolic confrontation, in which emotional victory takes precedence over rational argumentation (Tumber & Waisbord, 2021).

The architecture of digital platforms intensifies these dynamics. Algorithmic recommendation mechanisms prioritize content that generates strong emotional reactions, reinforcing the circulation of moralized and polarized messages. Simultaneously, the logic of selective exposure and ideological homophily favors the formation of relatively homogeneous discursive communities, in which negative emotions towards opposing groups are continuously reinforced. This process contributes to the progressive radicalization of discourse and the crystallization of antagonistic political identities, with cumulative effects on the fragmentation of the European public sphere (Sunstein, 2018).

It is important to emphasize that the moralization of political conflict does not necessarily imply an increase in informed civic participation. On the contrary, affective polarization tends to reduce openness to dialogue, willingness to listen to opposing arguments, and acceptance of compromise solutions. In the European public sphere, this dynamic hinders the construction of a minimum consensus and weakens the legitimacy of decision-making processes based on negotiation and institutional mediation, central pillars of the European integration project.

Digital populist communication thus contributes to a structural reconfiguration of the public sphere. Emotion overrides deliberation, and moralizing replaces evidence-based argumentation. The public sphere ceases to function predominantly as a space for rational confrontation between plural perspectives and begins to operate as an arena for identity affirmation, symbolic exclusion, and emotional competition. This transformation alters the conditions of possibility for democratic debate and reconfigures the normative expectations associated with political participation.

In the European context, this reconfiguration is exacerbated by the transnational dimension of discursive circulation. Digital platforms facilitate the cross-border diffusion of populist narratives,

allowing for the adaptation of similar moral frameworks to distinct national contexts. Although the specific themes vary according to national political agendas, the emotional and antagonistic grammar of digital populism shows remarkable consistency, suggesting the existence of shared communicative repertoires in the European public sphere (Mudde & Kaltwasser, 2017). This circulation contributes to the normalization of polarized discursive styles and to the erosion of political cultures based on compromise.

The moralization of public space equally affects the relationship between citizens and specialized knowledge. Digital populist discourse tends to present experts, academics, journalists, and expert institutions as an integral part of delegitimized *elites*, challenging their epistemic authority and replacing criteria of truthfulness with criteria of identity affiliation (Boler & Nemorin, 2013; Fazio et al., 2015). This process reinforces distrust in technical and scientific knowledge, with direct impacts on the acceptance of evidence-based public policies, particularly in areas such as public health, the environment, and the economy (Arias-Maldonado, 2017).

In this context, emotion functions as the organizing principle of political meaning. The distinction between facts and opinions becomes secondary in the face of narratives' capacity to generate affective identification and confirm pre-existing worldviews. Digital populist communication exploits this primacy of emotion by articulating messages that resonate with feelings of loss, threat, or indignation, regardless of whether they align with verifiable empirical data. This dynamic contributes to the consolidation of communicational environments marked by epistemological ambiguity and the permanent contestation of factuality.

Despite these problematic effects, it is important to recognize that emotion is an inherent component of democratic politics. The analytical and normative challenge does not lie in eliminating emotion from the public sphere, but in its articulation with forms of deliberation that allow for the recognition of pluralism and the legitimate mediation of conflict. Populist digital communication, by privileging negative emotions and binary moral frameworks, limits this articulation and reinforces tendencies toward symbolic exclusion and extreme polarization.

Information disorder, post-truth, and digital populism in the European context

Digital populist communication finds particularly fertile ground in environments marked by informational disorder and the weakening of traditional epistemic authority criteria. The literature shows that the contemporary digital ecosystem favors the circulation of ambiguous, evaluative, and emotionally charged content, in which the distinction between information, interpretation, and opinion becomes increasingly blurred (Wardle & Derakhshan, 2017). In this context, the concept of post-truth refers not only to the dissemination of false information but to a communicational regime in which the political relevance of a message depends less on its empirical verifiability and more on its ability to resonate emotionally with pre-existing identities and beliefs (McIntyre, 2018).

Digital populist communication actively exploits this environment. Its discursive grammar, based on narrative simplification, the moralization of conflict, and the construction of identity antagonisms, adapts effectively to fragmented informational ecosystems, in which attention is scarce, and social validation occurs primarily through interaction metrics (Eksi, 2021).

Informational disorder is therefore not an undesirable side effect of digital populist communication, but a functional context that enhances its symbolic and mobilizing effectiveness.

Wardle and Derakhshan (2017) propose an analytical distinction between *misinformation*, *disinformation*, and *malinformation*. While useful, this typology proves insufficient to fully capture the logic of digital populist communication, which often operates in grey areas of epistemological ambiguity. More than simply producing false information, digital populism prioritizes predominantly evaluative content, interpretative frameworks, and moral judgments presented as facts, hindering verification and amplifying their circulation.

In the European context, this dynamic is particularly relevant given the centrality of public policies grounded in specialized knowledge and the technocratic nature of many decision-making processes. The populist contestation of the epistemic authority of experts, journalists, and expert institutions is a recurring element that contributes to the erosion of institutional trust and the polarization of public debate. The following case studies empirically illustrate these dynamics.

Spain: Vox, immigration, and emotional misinformation

Vox's digital communication constitutes a paradigmatic example of the articulation of populism, emotion, and informational disorder. The party's communication strategy on social media focuses on moralizing issues such as immigration, security, and national identity, frequently through framing that associates irregular immigration with crime, insecurity, and cultural threat. These messages use selective data, isolated examples, or anecdotal narratives that, while not always factually false, are presented in a decontextualized and emotionally intensified manner (Santiago, 2021).

The effectiveness of these narratives lies less in their empirical accuracy and more in their ability to activate emotions of fear and outrage, reinforcing symbolic boundaries between a moralized *Spanish people* and groups portrayed as threatening. The circulation of this content is amplified by the platforms' algorithmic logic, which favors polarized messages likely to generate high interaction. The result is the consolidation of a communicational environment in which simplified interpretations override factual analysis, contributing to the normalization of informational ambiguity in public debate.

France: *Rassemblement National* and the challenge to media authority.

In France, the populist digital communication of the *Rassemblement National* demonstrates a systematic strategy of challenging the authority of traditional media and expert institutions. The party's discourse frequently frames the media as an integral part of political and cultural elites, detached from *real people*, and accuses them of manipulation, concealment, or ideological alignment (Dahani, 2024).

This anti-media rhetoric contributes to the creation of a parallel informational ecosystem, in which alternative sources and content produced directly by the party gain centrality. The distinction between information and opinion becomes particularly tenuous, since strongly

evaluative messages are presented as revelations or corrections of a supposed hidden truth. This dynamic reinforces distrust in traditional verification mechanisms and legitimizes narratives based on affective identification and identity loyalty.

Italy: Lega, social networks, and the normalization of factual ambiguity

The Lega's digital strategy in Italy clearly illustrates the normalization of factual ambiguity as a communication tool. The party's communication on social media is characterized by high intensity, repetition of key messages, and the systematic use of emotionally charged framing (Forti, 2021). Themes such as immigration, security, and national sovereignty are addressed through slogans, impactful images, and simplified narratives, often detached from rigorous empirical contextualization.

Although not all messages can be classified as misinformation in a strict sense, there is a recurring trend of presenting normative judgments as factual statements. This practice exploits the cognitive limitations of audiences in information overload environments and benefits from an algorithmic ecosystem that rewards emotional clarity and repetition at the expense of analytical complexity.

Portugal: the case of CHEGA and the consolidation of informational ambiguity

The Portuguese case of CHEGA fully fits within the European patterns of digital populist communication analyzed previously, presenting, however, relevant specificities in the way informational disorder and post-truth are mobilized in a media system historically characterized by relatively high levels of institutional trust (Joaquim, 2022; Santiago, 2021). The party's digital communication reveals a consistent strategy of producing moralized interpretative frameworks, in which the boundary between factual information and normative judgment is systematically blurred (Joaquim, 2022).

As with Vox or Lega, the disinformation is not predominantly manifested in the repeated dissemination of easily verifiable factual falsehoods. On the contrary, there is a preference for evaluative narratives, implicit associations, and symbolic generalizations that suggest causal relationships without empirically demonstrating them. Themes such as immigration, crime, political corruption, the judicial system, or dependence on social support are presented through isolated examples, media-covered episodes, or decontextualized statistics, which are then transformed into generalized moral diagnoses.

This discursive strategy is like the logic of *misinformation*, insofar as it uses true or partially true information out of its original context, reinforcing alarmist or morally polarized interpretations (Casals, 2021). The resulting factual ambiguity makes direct empirical refutation difficult and allows the discourse to circulate effectively in the algorithmic ecosystem of digital platforms, where emotional intensity and moral clarity tend to be rewarded with greater visibility.

The case studies analyzed reveal convergent patterns in European digital populist communication, despite national specificities. In all contexts, there is a systematic exploitation of informational ambiguity, a challenge to epistemic authority, and the centrality of emotion as

a criterion of communicative relevance. Informational disorder arises less from isolated errors and more as a structural condition of a communicative ecosystem that prioritizes emotional intensity, repetition, and polarization.

From a theoretical standpoint, these cases reinforce the need to understand the relationship between digital populism and post-truth not as a contingent association but as a structural affinity. Digital populist communication does not depend exclusively on the dissemination of false information, but on the creation of regimes of meaning in which factual veracity loses centrality to symbolic and identity-based effectiveness.

Reconfiguration of the public sphere, democratic risks, and regulatory responses

The analysis developed in the previous sections shows that digital populist communication is not a peripheral or episodic phenomenon, but a structural factor in the reconfiguration of the European public sphere. The convergence between populist discursive styles, algorithmic logics oriented towards engagement, and environments of informational disorder produces cumulative effects on the quality of public debate, institutional trust, and the normative assumptions of representative democracy.

In the public sphere, the main implication lies in the erosion of deliberate conditions. The centrality of emotion, the moralization of conflict, and informational ambiguity weaken the distinction between argumentation and accusation, between legitimate disagreement and the moral delegitimization of the adversary. The public sphere progressively ceases to function as a space for rational confrontation among plural perspectives and begins to operate as an arena of identity competition, in which visibility and emotional intensity replace the quality of argument as criteria of relevance. This transformation compromises citizens' ability to critically evaluate complex political proposals and hinders the construction of the minimum consensus essential to the functioning of pluralistic democracies (Weyland, 2017).

The fragmentation of the public sphere constitutes another structural effect. Digital platforms, by prioritizing content congruent with users' prior preferences, reinforce dynamics of selective exposure and ideological homophily. Populist digital communication actively exploits these dynamics, contributing to the formation of relatively closed discursive communities with their own criteria of truth and legitimacy. In the cases analyzed, the consolidation of parallel informational ecosystems is observed, in which alternative sources and partisan narratives gain primacy over reference media and expert institutions. This fragmentation hinders the existence of a shared public space, an essential condition for democratic deliberation.

Institutional trust emerges as one of the main victims of this process. The systematic questioning of the epistemic authority of the media, experts, and judicial institutions, a transversal characteristic of digital populist communication, contributes to the erosion of trust in fundamental pillars of liberal democracy. In the European context, this erosion takes on particularly problematic dimensions, since many decision-making processes depend on technical expertise and complex institutional mediation mechanisms. Digital populist communication often frames these bodies as illegitimate technocratic elites, reinforcing perceptions of democratic alienation and fueling sovereigntist and anti-institutional discourses.

These effects pose direct challenges to the democratic governance of the European Union. As a multi-level political entity, the EU relies heavily on the communicative legitimacy of its policies and on citizens' trust in decision-making processes. The proliferation of digital populist narratives that moralize conflict, simplify complex issues, and exploit informational ambiguity hinders the construction of common narratives and weakens adherence to the European integration project.

Given this scenario, the European Union's regulatory response has sought to establish itself as a central axis of governance in digital space. The approval of the *Digital Services Act* (2022) represents a significant milestone in this effort, introducing a set of obligations aimed at increasing transparency, accountability, and mitigating systemic risks associated with large digital platforms. The DSA explicitly acknowledges that algorithmic recommendation systems and engagement logic can have adverse effects on public debate, including amplifying misinformation, hate speech, and polarization.

Among the most relevant measures of the DSA are the obligations to assess and mitigate systemic risks, the requirement for greater transparency regarding algorithmic recommendation criteria, and the strengthening of researchers' access to platform data. These provisions seek to address one of the central problems identified throughout this chapter: the opacity of the infrastructures that shape the visibility of political discourse. By recognizing the active role of platforms in shaping the public sphere, the European regulatory framework moves away from a purely neutral conception of digital technologies and closer to a governance approach guided by democratic values.

However, the effectiveness of these measures is constrained by structural limitations. Firstly, regulation primarily focuses on platforms as intermediaries, rather than directly addressing the discursive strategies of political actors. Digital populist communication often operates in grey areas that do not constitute strict illegality, exploiting interpretative ambiguities and moralized framings that escape traditional content moderation. Secondly, the transnational nature of the platforms and the speed of content circulation hinder the uniform application of rules and the effective monitoring of risks.

Furthermore, regulation faces a central normative dilemma: the need to balance the protection of freedom of expression with safeguarding the integrity of public debate. Digital populist communication often exploits this dilemma, presenting regulatory measures as attempts at censorship or silencing the *people*. This rhetoric reinforces distrust in European institutions and can undermine the legitimacy of regulatory responses if they are not accompanied by clear, transparent communication strategies.

In this context, it becomes evident that the democratic governance of digital space cannot be based exclusively on regulatory instruments. Analysis of European cases suggests the need for integrated approaches that articulate regulation, media literacy, the strengthening of quality journalism, and the revitalization of deliberate spaces. Media literacy emerges as an essential component for empowering citizens to recognize manipulative framing, distinguish factual information from normative judgments, and understand the workings of digital platforms. However, literacy initiatives will only be effective if accompanied by structural conditions that do not systematically penalize complexity and moderation in public debate.

Strengthening quality journalism is another fundamental pillar. In an environment marked by informational disorder, the media plays an irreplaceable role in verifying, contextualizing, and explaining complex phenomena. However, the economic sustainability of journalism faces significant challenges in an ecosystem dominated by global platforms. Public policies that promote editorial independence, media diversity, and access to quality information are therefore complementary to regulatory responses targeting platforms.

Finally, it is important to emphasize that digital populist communication should not be analyzed merely as a threat, but as a symptom of deeper tensions in contemporary democracies. Its communicative effectiveness reveals flaws in political representation, social inclusion, and the capacity of institutions to communicate clearly and responsively. The democratic governance of the European Union thus requires not only addressing the negative effects of digital populism, but also critically reflecting on the conditions that give it resonance among significant segments of the population.

Analytical integration, cross-sectional patterns, and contributions to literature

Far from being a contingent rhetorical style or an episodic deviation from public debate, digital populism emerges as a communicational logic deeply aligned with the technological architectures of platforms, the attention economy, and contexts of informational disorder (Bruns & Moon, 2022; Wardle & Derakhshan, 2017). The integrated discussion of the results reveals transversal patterns across the different case studies analyzed, confirming the relational, performative, and technologically mediated nature of populism in the digital age.

A key contribution of this research lies in consolidating the idea of a structural affinity between populist discourse and the algorithmic ecosystem. Comparative analysis demonstrates that the effectiveness of digital populist communication does not primarily stem from the systematic dissemination of false information, but from the exploitation of moralized, emotionally intense, and discursively simplified interpretative frameworks, highly compatible with the visibility criteria of the platforms. The centrality of engagement as a metric of relevance favors messages that activate negative emotions, polarize identities, and reduce political complexity, creating feedback loops between emotional intensity, interaction, and algorithmic amplification (Bradshaw & Howard, 2018; Gagrčin et al., 2024; Gerbaudo, 2018; Maly, 2019; Silveira, 2019).

Although the themes vary across national contexts, the discursive grammar maintains a common structure: the moral opposition between a homogeneous *people* and delegitimized *elites*, the permanent dramatization of conflict, and the presentation of simplified diagnoses for complex problems.

A second relevant contribution clarifies the role of informational disorder and post-truth as structural conditions of digital populist communication. The integrated discussion helps us overcome reductionist approaches that equate digital populism solely with intentional disinformation. The results demonstrate that populist communication frequently operates in epistemological gray areas, resorting to misinformation, decontextualization, and evaluative judgments presented as fact. This strategy reduces vulnerability to direct empirical refutation and maximizes the symbolic effectiveness of messages in environments of information overload.

In this sense, post-truth should be understood less as an absence of facts and more as a pluralization of truth-telling regimes. The validity of political messages comes to depend on their consonance with shared identities and emotions, to the detriment of intersubjective verification criteria.

The centrality of emotion constitutes another transversal axis confirmed by the analysis. The systematic mobilization of negative emotions, such as indignation, fear, and resentment, emerges as a structuring mechanism of populist digital communication. These emotions function as cognitive shortcuts that reduce the need for factual validation and reinforce identity adherence, intensifying affective polarization. The integrated discussion shows that the observed polarization is predominantly affective and moral, rather than ideological in a programmatic sense, which helps explain the persistence of antagonism even in contexts of substantive political convergence (Booth & Wheeler, 2012; Nai, 2021; Wodak, 2015).

The moralization of public space thus emerges as a cumulative effect of the articulation between emotion, informational disorder, and digital platforms. By transforming political adversaries into moral enemies, populist digital communication weakens fundamental deliberative norms, such as the recognition of dissent's legitimacy and the willingness to compromise. This dynamic is particularly problematic in the context of the European Union, where multi-level governance requires negotiation, institutional mediation, and trust in technocratic processes. Integrated analysis demonstrates that the moralization of conflict hinders the construction of common narratives and weakens the communicational legitimacy of the European project.

From a theoretical standpoint, this chapter contributes to the literature by reinforcing the conceptualization of digital populism as a relational and co-produced phenomenon. Digital populist communication cannot be explained solely by the strategic intentions of political actors, nor exclusively by the technological architecture of the platforms. It is an emergent process resulting from the interaction among discursive styles, algorithmic incentives, and the public's emotional predispositions. This integrated perspective allows us to overcome analytical dichotomies between discourse and effects, or between political agency and technological determinism.

The integrated discussion also allows for a critical evaluation of emerging regulatory responses. Analysis of the implications for democratic governance highlights instruments such as the *Digital Services Act*. These acts represent significant advances in recognizing the active role of platforms in shaping the public sphere. However, the results suggest that regulation, while necessary, is insufficient to address communication practices that operate on the fringes of legality and exploit interpretative ambiguities.

In this context, the discussion points to the need for complementary approaches that articulate regulation, media literacy, strengthening quality journalism, and democratic innovation. Media literacy emerges as a necessary but insufficient condition, as the platforms' structural incentives continue to penalize complexity and moderation. The sustainability of journalism and the promotion of deliberative spaces that value argumentation and pluralism are equally essential components of an integrated response.

Finally, the integrated discussion suggests that digital populist communication should also be interpreted as a symptom of deeper tensions in European democracies. Its communicative

effectiveness reveals flaws in political representation, perceptions of exclusion, and difficulties for institutions in communicating clearly and responsively in digital environments. Recognizing this structural dimension does not imply normalizing the negative effects of digital populism but rather understanding the conditions that give it social and political resonance.

Conclusions

This chapter examines digital populist communication as a structurally embedded phenomenon within contemporary platform-mediated political environments and assesses its implications for democratic public debate in the European context. The analysis demonstrates that digital populism cannot be adequately understood as a mere rhetorical excess, an episodic deviation from democratic norms, or a strategy exclusively reliant on the dissemination of false information. Rather, it emerges as a communicational logic that is co-produced by populist discursive practices, algorithmic systems oriented towards engagement, and socio-political contexts marked by distrust, fragmentation, and informational overload.

One of the central contributions of this research lies in establishing the structural affinity between populist communication and the logic governing digital platforms. The findings show that the effectiveness of digital populist discourse derives primarily from its alignment with algorithmic incentives that reward emotional intensity, repetition, and moral polarization. Populist narratives structured around binary oppositions between a morally homogeneous *people* and delegitimized *elites* are particularly well-suited to environments where visibility is driven by interaction metrics rather than epistemic quality. This alignment produces cumulative feedback loops in which emotion, engagement, and algorithmic amplification mutually reinforce one another, contributing to the persistence and normalization of polarized communicative styles in the digital public sphere.

The chapter also advances the literature by reframing the relationship between populism and informational disorder. Instead of equating digital populism solely with intentional disinformation, the analysis highlights the centrality of epistemological ambiguity as a strategic resource. Across the European cases examined, populist actors rely extensively on evaluative framing, decontextualized facts, moral generalizations, and implicit causal associations that are difficult to empirically refute yet highly effective in generating affective resonance. This finding contributes to a more nuanced understanding of post-truth dynamics, conceptualized not as the absence of facts but as a shift in the criteria of political relevance from verifiability to identity-based and emotional consonance.

Emotion emerges as a key analytical axis throughout the chapter. The systematic mobilization of negative emotions such as fear, anger, and indignation plays a decisive role in intensifying affective polarization and moralizing political conflict. The results indicate that contemporary polarization in digital environments is predominantly affective rather than programmatic, rooted in moral judgements about political adversaries rather than substantive ideological disagreement. This moralization of the public sphere undermines deliberative norms essential to pluralist democracy, including the recognition of legitimate dissent, openness to compromise, and respect for institutional mediation.

From a normative perspective, the research underscores the democratic risks associated with the reconfiguration of the public sphere under conditions of digital populist communication.

The erosion of boundaries between information and opinion, the fragmentation of audiences into relatively closed discursive communities, and the systematic contestation of epistemic authority weaken citizens' capacity for critical evaluation and informed participation. In the European context, these dynamics pose particular challenges, given the multi-level nature of governance and the reliance of European decision-making on technocratic expertise, negotiation, and communicative legitimacy.

At the same time, this chapter contributes to ongoing debates on regulation and democratic governance by critically assessing the potential and limits of existing regulatory responses, notably the Digital Services Act. While regulatory frameworks represent an important step towards acknowledging the active role of platforms in shaping political visibility and discourse, the analysis suggests that regulation alone is insufficient to address communicative practices that operate in legally ambiguous zones and exploit moral and emotional framing. The findings point to the necessity of integrated approaches that combine regulation with media literacy, support for quality journalism, and the strengthening of deliberative infrastructures capable of counterbalancing the structural incentives that currently penalize complexity and moderation.

Finally, this research contributes to broader theoretical reorientation by conceptualizing digital populist communication as a symptom of deeper tensions within contemporary European democracies. Its communicative effectiveness reflects not only the affordances of digital platforms but also persistent deficits in political representation, social inclusion, and institutional communication. Understanding digital populism in this structural and relational manner does not entail normalizing its democratic risks. Instead, it provides a more robust analytical basis for addressing the conditions that enable its resonance and for developing responses that go beyond reactive regulation, aiming to revitalize democratic communication in the digital age.

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From Information to Participation: Social Media Engagement Strategies in 2026 Portuguese Presidential Race

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Introduction

The growing centrality of social media platforms in modern daily life, extending to countless spheres of daily life and, consequently, also to political and party communication, has reshaped how candidates interact with citizens and how citizens experience political campaigns. Platforms like Instagram have become arenas where visibility, affect, and performance intersect with attention metrics, thus reconfiguring the logics of political communication. In presidential elections, given their one-person nature, candidates not only disseminate political messages but also compete for symbolic proximity, authenticity, and engagement, navigating algorithmic environments that privilege visual narrative and interaction cues.

Based on the concept of Social Media Engagement Behavior (SMEB) proposed by Dolan and colleagues (2015; 2019), this study investigates how the five main candidates for the Presidency of the Portuguese Republic (according to all public surveys available to date) used Instagram during the pre-campaign and campaign period, from December 22, 2025, to January 16, 2026.

This investigation, therefore, focuses on how the candidates employed informative, relational, and participatory strategies to promote engagement, examining both the characteristics of the content and the behavioral responses of users.

The article adopts a mixed-method content analysis, integrating quantitative coding with qualitative interpretation. The objective is not simply to measure engagement, but to understand how it is strategically produced through content design and how the audience specifically responds to each post. To guide this investigation, the literature review addresses four interrelated domains: (1) Instagram as a socio-technical environment; (2) social networks and the dynamics of engagement; (3) engagement in digital political communication; and (4) content analysis as a methodological framework for social media research.

Based on this, the study presents the following illustrative research questions and hypotheses:

RQ1: How do presidential candidates use Instagram resources to construct informative, relational, and participatory messages?

RQ2: How do different types of engagement-oriented content relate to variations in audience reactions (likes, comments, shares)?

Furthermore, and resulting from the literature review conducted, 2 hypotheses were formulated, namely:

H1: Posts that emphasize relational cues (authenticity, proximity, behind-the-scenes access) generate higher levels of affective engagement than strictly informative posts.

H2: Participatory stimuli (calls to action, invitations to interaction) are associated with higher levels of interactive behaviors (comments and sharing).

By systematically comparing communication styles and engagement outcomes, this study seeks to contribute to a deeper understanding of political communication practices in social media and their effectiveness in stimulating citizen engagement in contemporary electoral contexts, using the pre-campaign period for the presidential elections in Portugal as a basis for analysis.

Instagram as a socio-technical environment for political communication

Instagram has become central to modern communication because it combines visually appealing content with metrics that indicate attention, popularity, and relevance. It is also part of the “platformization” of communication, where features, algorithms, and interface design influence what gets seen and engaged with (Helmond, 2015; van Dijck et al., 2018). As a result, it is no surprise that political communication also considers this tool very important, especially because of its mix of visual storytelling and metric transparency.

Scholars of platform studies emphasize that communication practices are shaped not only by human actors but also by platform architecture, algorithms, and interfaces. As van Dijck et al. (2018) argue, platforms mediate social relations by embedding economic and technical logics into everyday communication practices, and Instagram is emblematic of this “platform society.” The algorithms on these platforms create ‘information bubbles’, reinforcing pre-existing beliefs and increasing polarization (Santos & Leandro, 2026). Initially conceived as a photo-sharing application, it has evolved into a highly curated visual ecosystem structured around visibility, aesthetics, and engagement (Ago & Duarte, 2025). Highfield and Leaver (2016) describe Instagram as a space where “visual vernaculars” emerge, blending personal expression, branding practices, and social signaling. Content is evaluated through visible engagement metrics, reinforcing competitive dynamics around attention, which is of the utmost importance for political candidates.

Visuality is decisive. Whereas Twitter privileges text-driven dialogue, Instagram fosters affective and symbolic communication through imagery, lifestyle cues, and staged authenticity. Abidin (2018) highlights how influencer cultures perfect strategies of relatability, intimacy, and aspirational appeal. Political actors are increasingly adopting similar tactics, humanizing their personas and presenting everyday moments to signal closeness and trust, which is why the

search for authenticity is prominent in electoral contexts. Enli (2017) observes that digital platforms invite the performance of the "normal," while remaining strategic. Candidates display behind-the-scenes footage, community interactions, or informal encounters as communicative resources, making the illusion of spontaneity a rhetorical device. As the author notes, authenticity functions as a "discursive resource" mobilized to produce credibility (2017, p. 54).

Instagram's affordances actively structure these dynamics. Stories, carousels, reels, stickers, polls, and hashtags invite participation while controlling the format of interaction. Helmond (2015) describes this as "platformization," whereby external content is increasingly shaped by internal design logic. Candidates adapt their messages to fit these affordances, often simplifying policy narratives into visually appealing fragments that aim to get attention, generate engagement, and increase trust.

Against this backdrop, the present study interrogates RQ1, asking how Portuguese presidential candidates employ Instagram's affordances to articulate different engagement strategies. If Instagram privileges affection, proximity, and visibility, one might expect candidates to lean heavily on relational and performative cues.

Social Media Engagement Behavior (SMEB) and engagement logics

Dolan et al. (2015, 2019) reconceptualize engagement as a multidimensional set of user behaviors encompassing cognitive, emotional, and behavioral responses. Engagement is not reducible to metrics; it reflects how users interpret, interact with, and co-create meaning around content. In their framework, users engage to satisfy informative, relational, hedonic, and self-expressive needs. Dolan and colleagues (2015) note that engagement unfolds along a continuum from passive consumption to active co-creation, structured by platform affordances and social context. Engagement, they write, can include "liking, sharing, commenting and producing new content" (p. 263), but its meaning lies in the motivations and interactions that underpin these actions.

The expanded formulation presented by Dolan et al. (2019) reinforces engagement as dynamic, interactive, and relational. Engagement occurs over time, within communities, and in response to strategic signaling by organizations or public figures. It can be stimulated by informative cues, emotional appeals, participation prompts, and opportunities for co-creation. Parallel scholarship supports this relational view. Brodie et al. (2011) conceptualize engagement as a psychological state that emerges through iterative interactions, while Calder et al. (2009) connect engagement to perceived relevance and experiential value. These contributions converge on the idea that engagement is socially constructed and co-produced rather than merely counted.

From a political communication perspective, this insight carries analytical consequences. Engagement is not simply a reflection of citizen enthusiasm; it is also the outcome of intentional content strategies. Informative posts may trigger cognitive processing; relational posts foster belonging and loyalty; participatory posts mobilize action and dialogue.

The SMEB framework, therefore, directly informs H1 and H2. If engagement behaviors are responsive to cues, then relational cues should foster affective reactions (likes, supportive comments), and participatory cues should increase interactive behaviors (commenting, sharing). Testing these propositions helps us to bridge theoretical insights with empirical observation.

Digital Political Engagement and Communication

As written by Duarte et al. (2024, p. 4), "immediate access to information, interactivity, and the cult of 'self' are characteristics inherent to the evolution of digital communication," to which political communication has not been indifferent, we add.

Digital media have changed the dynamics of campaigns by restructuring the relationship between candidates, parties, journalists, and citizens. For Chadwick (2017), contemporary campaigns operate within a "hybrid media system," where old and new media coexist and mutually shape visibility. Political messages circulate across various platforms, amplifying those that attract attention and interaction.

With the rise of social media, expectations for interactivity have intensified. However, campaigns generally manage engagement strategically. Stromer-Galley (2014) shows that, although social media promises participation, professional campaign organizations often control interactions to maintain message discipline. Engagement is encouraged—but selective. Enli (2017) emphasizes that performing authenticity is fundamental to digital campaigns. In the 2016 US presidential election, candidates used Twitter to position themselves as outsiders, expressing spontaneity and emotional intensity (Jorge & Duarte, 2024). Authenticity, however, remains carefully staged. As Enli states, "authenticity must be performed" (2017, p. 52). Moreover, Generation Z values authenticity and transparency in political communication (Santos & Leandro, 2026). Similar strategies apply to Instagram, where visual intimacy becomes a key resource, and to TikTok, where young people are encouraged to "break the visual styles, narratives, and cultures of the past, giving them a 'stage' to express themselves innovatively and creatively, creating a new aesthetic in youth entertainment media." (Dias & Duarte, 2022, p. 2).

Stier et al. (2020) expand on this by examining how Facebook and Twitter mediate political communication through algorithms and audience segmentation, arguing that engagement acts both as feedback and as currency, influencing visibility within platform ecosystems, since high engagement increases the chances of algorithmic amplification. Kreiss and McGregor (2017) also demonstrate that technology companies actively collaborate with campaigns, offering tools, training, and analytics that shape communication practices. Therefore, engagement is not a phenomenon driven solely by the user; it is institutionalized through platform governance and campaign infrastructures.

In this context, engagement acquires enormous symbolic and strategic value for political candidacies. Vaccari (2013), Jungherr (2016), and Gomes and Reis (2024) highlights how engagement metrics signal viability, mobilization capacity, and media relevance. However, engagement can reflect polarization, outrage, or contestation rather than support, so interpretation requires caution and contextual analysis. This information further clarifies the rationale for RQ2 by exploring how different messaging strategies correlate with different audience reaction patterns. Instead of assuming that engagement automatically translates into

support, the study treats engagement as a mediated indicator shaped by content design, platform functionalities, and the broader dynamics of the campaign.

Instagram posts were collected manually from the candidates verified accounts. For each post, both content-related variables and engagement metrics were recorded.

Content related analyzed the format (Photo / Carousel / Reel), the topic (Program / Competitors / Mobilization / Personal), type of clue (Informative / Relational / Participatory), type of Interactivity (questions / polls / other / none), and call to action (none / like / comment / share / vote / link / repost).

Engagement data includes the number of likes, comments, shares, and reposts, as displayed publicly. All data were collected 2 days after the posts were public to allow the number of interactions to grow and stabilize.

Coding Scheme and Variables

Content analysis was conducted using a structured coding scheme derived from the SMEB framework. The coding protocol integrates three main dimensions:

1. *SMEB Categories*: Posts were classified according to engagement-oriented strategies, particularly informative, relational, and participatory cues, reflecting different mechanisms through which candidates seek to stimulate user engagement.
2. *Content Cues*: Additional variables captured specific content features, such as thematic focus, narrative style, personalization, emotional tone, and the presence of explicit or implicit calls to action.
3. *Platform-Specific Features*: Instagram-specific affordances were coded, including visual framing, use of interactive elements (e.g., questions, prompts), and multimodal characteristics that may influence engagement behavior.

To ensure analytical consistency, a detailed codebook defined all categories and indicators. Coding was applied systematically across the entire dataset.

Engagement Metrics and Normalization

Audience engagement was operationalized through three metrics: likes, comments, shares, and reposts. To allow meaningful comparisons across candidates with differing audience sizes, engagement figures were normalized by the number of followers, expressed as rates per 1,000 followers. This normalization procedure reduces structural bias associated with account popularity and enables a more accurate assessment of relative engagement performance.

Analytical Strategy

The analysis proceeds in two comparative stages. First, an intra-candidate analysis examines variations in engagement levels across different types of content and SMEB categories within each candidate's Instagram activity. Second, an inter-candidate comparison assesses

differences in content strategies and corresponding engagement outcomes among the five candidates.

Quantitative analysis focuses on identifying patterns and variations in normalized engagement metrics across categories, while qualitative analysis supports the interpretation of how specific content cues and platform features contribute to engagement dynamics. This combined approach allows for a nuanced understanding of both the strategic use of Instagram and its reception by users during the pre-campaign period.

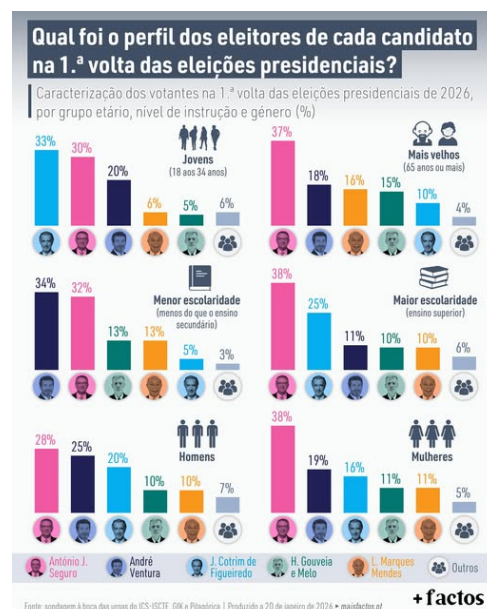
Reliability and Validity

The use of an established theoretical framework (SMEB), a transparent coding scheme, and normalized engagement indicators strengthens the reliability and comparability of the findings. By integrating content characteristics with behavioral metrics, the methodology ensures alignment between theoretical assumptions about engagement and empirical observation.

Overall, this methodological approach provides a robust basis for analyzing how presidential candidates deploy Instagram as a tool for engagement-oriented political communication and how audiences respond to these strategies during a critical electoral phase.

An overview of the total use of Instagram as a communication platform for the five candidates shows that Seguro, who managed to get the best result at the end of the first round, had 41.400 followers on the last day of the campaign. That number clashes with the second best, Ventura, who had harnessed 878.000 up until that point. Among the other three, Cotrim de Figueiredo - who didn't make it through to the second round - had 221.000, Gouveia e Melo summed 26.900 and, finally, the least followed candidate was Marques Mendes, with 19,700.

Figure 1. *Poll on the profile of voters for each candidate, first round of the 2026 presidential elections. Copyrights: MaisFactos.pt. © Copyright 2021-2026 Instituto Mais Liberdade - Todos os direitos reservados. Source: <https://maisliberdade.pt/maisfactos/caracterizacao-dos-votantes-na-1-volta-das-eleicoes-presidenciais-de-2026/>*



As far as the amount of their feed publications during the analysis' time frame, Seguro takes the lead, having 6.8 posts per day, on average, and a total of 177 posts; followed by Gouveia e Melo, who summed 167 publications, with an average of 6,4 per day. Marques Mendes is third, with a total sum of 117, and an average count of 4,5 per day; and with a very similar cadence, Ventura and Cotrim de Figueiredo, 86 and 81 in total, respectively, and an average daily posting of 3,3 and 3,2. The following table summarizes this overview (Table 1):

Table 1. *Number of Followers, Posts, and average posts by day of the Top 5 candidates.*

Candidate	Followers (16/Jan/2026)	Posts (22/Dec/2025 - 16/Jan/2026)	Average posts per day
António José Seguro	41.400	177	6,8
André Ventura	878.000	86	3,3
João Cotrim de Figueiredo	221.000	81	3,2
Gouveia e Melo	26.900	167	6,4
Luís Marques Mendes	19.700	117	4,5

Source: Self-elaboration.

Zooming in on each candidate and using the theoretical framework, the objective now is to underline the profile of the contenders in terms of Instagram use.

António José Seguro

Disregarding the engagement factor, observing Table 2 with AJS results, the lead candidate, the most used format was "reels" (88), seconded by "carousel" (58), and "photos" (37). Those publications' content was mostly both "institutional" and "campaign event" (respectively, 86 and 74), and less "individual" (23). Looking at the main topic (Program / Competitors / Mobilization / Personal), Seguro only addressed his competitors once, and chose to use the Instagram feed mostly to mobilize supporters (122). As far as more personal themes, they appear 33 times, and content about his program appears 27 times. Those posts leaned more towards a more informative type of content (74), and less about relational and participatory matters (56 and 53, in order).

Table 2. *Summary of Engagement Metrics by Content Characteristics. António José Seguro.**

Category	Subcategory	n	Likes (M)	Comments (M)	Shares (M)	Reposts (M)
Overall (no condition)	—	—	3,597	298	205	33
Format	Reel	88	3,624	302	135	38
	Photo	37	4,887	508	618	44
	Carousel	58	2,733	158	47	20

Framing	Institutional	86	3,499	308	337	39
	Individual	23	4,894	552	118	30
	Campaign	74	3,308	207	78	28
	Event					
Theme	Program	27	3,259	277	183	38
	Opposition	1	2,844	143	43	35
	Mobilization	122	3,336	252	233	32
	Personal	33	4,860	492	123	34
Cue Type	Informational	74	3,559	342	397	42
	Relational	56	4,128	349	90	29
	Participatory	53	3,088	183	57	26

*Note. n = number of posts. M = mean. Engagement metrics refer to average likes, comments, shares, and reposts per post.

Taking engagement measures into consideration in the same time frame, he totalized, on average, 3597 "likes", 298 "comments", 205 "shares", and 33 "reposts". The preferred format was "photo" (4887), followed by "reels" (302) and "carousel" (2733). "Photos" also generated most of the comments (508), "shares" (508), and "reposts" (44).

When the type of publication is considered, Seguro's publications with a more individual trait do better in "likes" (4894), and "comments" (552), though the most shared, by far, are institutionally prone (337). Reposts do not differ significantly.

Seguro's posts on personal topics garner the most likes (4860) and most comments (492), while mobilizing ones are the most shared (233). In terms of reposts, the numbers do not present a significant variation. The most popular cue is 'relational' (4128), but not far from the other two, 'informative' (3559), and 'participatory' (3088). The least commented cue is 'participatory' (183), while the other two present a very similar quota: 'informative' gathers 342 and 'relational' 349. Looking at shares, by far, cue 'informative' takes the lead, with 397 against 'relational' (90) and 'participatory' (57). Reposts don't show a major difference, albeit 'informative' is still the front-runner.

André Ventura

Based on Table 3, Ventura's Instagram reveals a clear preference for "reels" (60), followed by "photos" (26), and no "carousels". The content of those posts has a very symmetric distribution, totaling "campaign event" (33), "institutional" (32), and a bit less "individual" (21). In terms of the main topic, this candidate chooses this social medium to mobilize supporters (36), address opposition (21), and expose his agenda (19); personal posts are fewer, totaling just 10. His publications leaned more towards a more informative type of content (39) and participatory (31), and less about relational matters (16).

Table 3. *Summary of Engagement Metrics by Content Characteristics. André Ventura.**

Category	Subcategory	n	Likes (M)	Comments (M)	Shares (M)	Reposts (M)
Overall (no condition)	—	—	33,819	3,029	2,534	521
Format	Reel	60	36,810	3,133	3,316	619
	Photo	26	26,917	2,789	730	294
	Carousel	0	—	—	—	—
Framing	Institutional	32	35,307	3,679	1,478	412
	Individual	21	40,356	3,172	5,308	949
	Campaign Event	33	28,217	2,308	1,793	354
Theme	Program	19	22,712	2,301	770	210
	Opposition	21	54,224	5,114	5,494	1,189
	Mobilization	36	29,159	2,332	1,225	324
	Personal	10	28,849	2,543	4,383	418
Cue Type	Informational	39	37,251	3,621	2,889	681
	Relational	16	33,927	2,986	4,483	502
	Participatory	31	29,447	2,307	1,082	330

*Note. n = number of posts. M = mean. Engagement metrics refer to average likes, comments, shares, and reposts per post.

Looking at engagement measures, this candidate totalized, on average, 33819 “likes”, 3029 “comments”, 2534 “shares”, and 521 “reposts”. The preferred format was “reel” (36810), followed by “photos” (26917). “Reels” also gather most of the comments (3133), “shares” (3316), and “reposts” (619), far from the number of photos.

Considering the type of publication, Ventura’s publications with a more individual feature do better in “likes” (40356), “shares” (5308), and “reposts” (949). Institutional ones are second best liked (35307), but best when it comes to “comments” (3679), though the most shared, by far, are institutionally prone (337). In this case, “campaign events” are clearly the least preferred, commented, shared, or reposted publications.

Ventura’s posts referring to opposition summed the most likes (54224), by a considerable distance, as well as are the most commented (5114), shared (5494), and reposted (1189). The other three categories present very similar results, far from the popular content based upon opposition. In terms of reposts, the numbers do not present a significant variation.

Unlike the imbalance mentioned above, the cue types that Ventura’s publications demonstrate are quite similar among them. Either ‘informative’ (37251), ‘relational’ (33927), or smaller ‘participatory’ likeness (29447). These specific posts, ‘participatory’ ones, are always less engaging in comparison to the other two types. ‘Informative’ are indeed the most commented

(3621) and reposted (681), but not the most shared - those are the 'relational' ones, with 4483 shares.

João Cotrim de Figueiredo

Globally, on the results of Table 4, Cotrim's Instagram feed mostly consists of reels (52), photos (21), and some 'carousels' (8). Out of those, most publications are 'institutional' (41) or 'individual' (29), rather than about campaign events (11). Most of the posts were either personal (37) or to mobilize voters (32), not for divulging the candidate's program (9) or aiming at the opponents (3). Regarding the cues given by each post, 'relational' (39) and 'informative' (37) were primary, and very few were 'participatory' (5).

Table 4. Summary of Engagement Metrics by Content Characteristics. João Cotrim de Figueiredo.*

Category	Subcategory	n	Likes (M)	Comments (M)	Shares (M)	Reposts (M)
Overall (no condition)	—	—	14,173	265	2,396	394
Format	Reel	52	13,295	245	2,730	350
	Photo	21	17,254	365	2,199	578
	Carousel	8	11,795	135	742	199
Framing	Institutional	41	15,068	301	2,146	476
	Individual	29	14,312	257	2,744	337
	Campaign Event	11	10,469	153	2,412	241
Theme	Program	9	13,427	308	3,123	541
	Opposition	3	11,278	306	5,135	307
	Mobilization	32	15,036	262	2,045	456
	Personal	37	13,842	254	2,301	312
Cue Type	Informational	37	16,169	328	2,428	554
	Relational	39	12,547	218	2,487	253
	Participatory	5	12,086	175	1,456	314

*Note. n = number of posts. M = mean. Engagement metrics refer to average likes, comments, shares, and reposts per post.

On what concerns engagement, Cotrim summed, on average, 14173 "likes", 265 "comments", 2396 "shares", and 394 "reposts". If the format is considered, then the followers' favorite were photos (17254), seconded by reels (13295), and carousels (11795). Deepening the analysis to the type of frame, the preferred was the 'institutional' type (15068), followed by 'individual' (14312), and 'campaign events' (10469). Out of those, 'institutional' posts were also the ones that gathered more comments (301), the 'individual' had 257 comments, and campaign events appear less inviting to commentators, with only 153 in total. However, if we look at the shares, all of the frames seem to balance, with 'individual' kind taking the lead with 2744, 'institutional' 2146, and 'campaign events' 2412. The reposting was more evident in the 'institutional' type (476), instead of 'individual' (337) or the ones about the campaign events (241).

Regarding the topics covered in this medium, Cotrim de Figueiredo's followers stated a preference for the mobilizing ones (15036), although comments (262), shares (2045), and reposts (456) did not match the liking. Conversely, the most commented and reposted publications were the ones where the candidate debated his program (308 and 541, respectively), and the most shared were the ones Cotrim devoted to talking about his opposition (5135). 'Personal' tone was not as engaging as the other topics and did not take the lead in any criterion. If cues are the focus, 'informative' posts are Cotrim's followers' favorites, being the most liked (16169), commented (328), reposted (554), and the runner-up in shares (2428), where 'relational' posts took the lead. 'Participatory' cues, however, were not very engaging for his followers.

Henrique Gouveia e Melo

Turning our attention to Gouveia e Melo's Instagram feed (Table 5), 'reels' (141) are the main kind of post, namely excerpts of TV debates with strong affirmations from the candidate. Photos (17) and carousels were less used (10). Ranking the kind of framing given to posts, 'institutional' (84) and 'campaign events' (69) were preferred, unlike individual ones (15). Furthermore, where covered topics are concerned, the mobilizing ones (99) are first, seconded by personal ones (31), program (29), and opposition-themed came last with only 9 likes. Considering cues, the more informative posts were most liked (88), then the participatory ones (45), and, finally, the relational posts gathered only (35).

Table 5. *Summary of Engagement Metrics by Content Characteristics. Henrique Gouveia e Melo.**

Category	Subcategory	n	Likes (M)	Comments (M)	Shares (M)	Reposts (M)
Overall (no condition)	—	—	2624	306	231	15
Format	Reel	141	2877	330	269	18
	Photo	17	1458	208	43	4
	Carousel	10	1033	128	9	4
Framing	Institutional	84	2946	389	107	21
	Individual	15	2914	278	127	11
	Campaign Event	69	2169	211	404	10
Theme	Program	29	3155	385	161	23
	Opposition	9	4096	878	80	20
	Mobilization	99	2096	224	53	13
	Personal	31	3385	326	909	14
Cue Type	Informational	88	2760	376	94	19
	Relational	35	3433	303	813	14
	Participatory	45	1730	172	47	9

*Note. n = number of posts. M = mean. Engagement metrics refer to average likes, comments, shares, and reposts per post.

The liberal candidate managed to totalize, on average, 2624 likes, 306 comments, 231 shares, and only 15 reposts. Those engagement numbers are not considering specific views, such as per format - in fact, this candidate's followers showed a preference for reels, in all four measures, harnessing 2877 likes, 330 comments, 269 shares, and 18 reposts; the other types of posts did not manage to engage as much. Regarding framing, the average calculation of engagement was very balanced across all types (institutional, individual, and campaign events): the only number that stands out is the shares of campaign events (404). About themes of the Instagram posts for Gouveia e Melo, two seem to incite his following more, being those 'opposition' (4096 likes on average), and 'personal' (3385). The notable difference lies in the number of comments and shares - 878 for publications on the opponents, and 909 shares of posts with a more personal streak. Regarding the kind of preferred cues that emerge from the analysis are 'informative' (2760), though 'relational' ones are, by far, the most shared (813).

Luís Marques Mendes

When it comes to Marques Mendes' campaign on Instagram (Table 6), there was a clear preference for reels and carousels (55 and 52, respectively), instead of photos. Moreover, unlike the other candidates, the focus of the framing was prominently put on 'campaign events' (84, against 28 'institutional' and 5 'individual'). Considering the main topic in the publications, there was an obvious choice to mobilize (94), far from only 17 posts concerning his program, and 3 personal and oppositional posts each. Therefore, it is not a surprise that most posts leave a participatory cue (89), a much bigger number than informative (23) and relational (5).

Table 6. *Summary of Engagement Metrics by Content Characteristics. Luís Marques Mendes.**

Category	Subcategory	n	Likes (M)	Comments (M)	Shares (M)	Reposts (M)
Overall (no condition)	—	—	922	377	58	9
Format	Reel	55	1414	748	80	12
	Photo	10	763	202	117	17
	Carousel	52	433	18	23	4
Framing	Institutional	28	1011	374	144	16
	Individual	5	2172	1307	62	7
	Campaign Event	84	818	322	29	6
Theme	Program	17	1033	354	75	16
	Opposition	3	808	404	21	8
	Mobilization	94	864	353	55	7
	Personal	3	2239	1206	93	8
Cue Type	Informational	23	1003	382	61	15
	Relational	5	3051	1785	542	26
	Participatory	89	782	296	30	6

Note. n = number of posts. M = mean. Engagement metrics refer to average likes, comments, shares, and reposts per post.

If engagement is considered, then his public liked, on average, 922 times, left 377 comments, shared 58 posts, and reposted only 9. Not surprisingly, 'reels' were the favorite format, with 1414 likes and 748 comments. Photos, although the least used format, were the ones that gathered the most shares (117) and reposts (17). As far as related to framing, individual posts are most liked (2172) and commented on (1307), and institutional ones are the most shared and reposted (144 and 16). Nevertheless, research by topic did reveal 'personal' posts as followers' favorites, with 2239 likes, 1206 comments, and 93 shares, surpassed only in reposts of program type of publication (16).

Lastly, looking at cues emerging from Marques Mendes' Instagram feed, relational takes the lead in every engagement measure (3051 likes, 1785 comments, 542 shares, and 26 reposts), being a clear favorite.

To analytically discuss and interpret the results qualitatively, based on Elo and Kyngäs (2008), Neuendorf (2017), Krippendorff (2019), and Rose (2023), several interesting observations can be made from the results.

André Ventura relied mainly on informative and participatory cues, often through individual reels, polemic themes, and opposition-focused content, designed to mobilize supporters and generate strong reactions. Also, the use of humor, satire, and irony to "target" other candidates and parties is a common strategy in his reels. That behavior is common in other electoral campaigns of far-right candidates, as Gomes and Reis (2024) highlight in their study about Bolsonaro (Brazil) and Trump (USA)'s last presidential online campaigns.

It is worth highlighting that the reel (video) format publications were the ones that obtained the most reactions. In fact, the publications that obtained the highest average of reactions, such as likes, comments, and shares, are those in which the candidate made individual reels/videos, often selfies. This is a clear digital campaign strategy that has already been applied and observed by other far-right candidates in other countries, such as Donald Trump in the United States and Jair Bolsonaro in Brazil, as pointed out by Gomes and Reis (2024). Furthermore, this scenario highlights what Helmond (2015) and van Dijck et al (2018) point out: this type of "platformization" communication, especially when related to "informal" contact with the public, can increase feelings of empathy, belonging, and visibility.

Topics such as electoral program, political opposition, mobilization for political support, and personal content are also prominent in Ventura's feed. The average reactions per topic show that his reels and images with content related to the opposition stand out as "controversial" content or content related to "exclusion of groups from society," generating great repercussions and digital engagement. Examples of this are evident in reels with speeches against the Romani community, immigrants, and the LGBT+ community, where they have the posts with the most likes and supportive comments. This strategy of using videos in either selfie formats or those that speak directly to the public emphasizes a digital strategy commonly found in populist speeches of the far right, according to Gomes and Reis (2024).

This candidate uses reels as an "informal" strategy to direct his "personal" perspective in a way that "informs" and "opens the eyes" of his followers, the "Portuguese people." Furthermore, humor, satire, and irony were clear strategies employed in the candidate's "informal" content, where he clearly attracted attention and captivated followers to gain more likes, comments, and

shares, especially in reels about "gender identity," "subsidies to the Romani community," and "anti-immigration rhetoric."

António José Seguro used a more balanced strategy, with a tendency toward informative and mobilization posts, frequently using reels and carousels and including fewer personal or relational cues. This strategy could be compared with Stromer-Galley (2014) study, in which the author demonstrate how this "affective" and "emotional" strategy embraces/mobilizes the supporters to vote. For this candidate, institutional and informative content appears comparatively more "shareable," consistent with the idea that informational cues can stimulate cognitive engagement and distribution when audiences see content as useful for persuasion or mobilization. As the election date approaches, posts with CTAs increase, as do more personal posts that reflect emotions and feelings. The first posts are more neutral in the sense that they "call" people to action, presenting beliefs and positions, and supporters with a public face.

João Cotrim de Figueiredo prioritized informative and relational content, with few participatory posts. The candidate opted for a more serious profile, dedicated to providing information about his program and electoral project, apparently seeking to build a more "professional" visual presidential campaign on Instagram than the other candidates. This strategy is also highlighted by Enli (2017) regarding Clinton's 2016 presidential campaign, which proved to be a strategy to be a "more professional" candidate than Trump's campaign.

Another point to highlight is the fact that JCF did not make a single post about the other candidates. The use of video as the main communication strategy was also noted, with about twice as many posts as the other formats (photos and carousel). Regarding framing, the most used option was institutional communication, followed by individual communication and, finally, campaign events. This option aligns with the candidate's discourse, which consistently prioritized, throughout the campaign, the discussion of major future issues relevant to the country and the Portuguese people, rather than mere one-off, daily campaign actions. Finally, it's worth noting the increasing number of interactions throughout the campaign, a result of the candidate's strong performance, ultimately leading to a 3rd place finish. Although the vote did not allow him to advance to the second round, it left him significantly ahead of other candidates who started with higher voting intentions, such as Marques Mendes and Gouveia e Melo.

Henrique Gouveia e Melo predominantly used informative reels, although relational cues stood out in shares. With a content strategy like Luís Marques Mendes, HGM mostly uses reels as the main format of content in his pre-electoral and electoral campaign. Also, the candidate evidenced in his reel content his "authenticity" as an independent candidate, "free of political party" to engage the reliability of the supporters and the voters. This strategy is an "outsider" way to "prove" his credibility to the Portuguese voters (Stier et al., 2020). Moreover, this candidate's Instagram feed supports the idea that content perceived as authentic or personally resonant may be especially likely to circulate even when it does not maximize likes or comments. Additionally, this profile indicates another distinct configuration: informational reels dominate output, but relational cues show particular strength in shares, implying that content perceived as authentic or personally resonant may be especially likely to circulate even when it does not maximize likes or comments.

Luís Marques Mendes adopted a clearly participatory strategy focused on mobilization and campaign events, yet his relational posts generated the highest engagement. Overall, the use

of reels, personal narratives, and mobilization framing suggests that Instagram is used not only to inform but to build proximity and activate followers.

When we look at the Instagram profile of Marques Mendes, it is interesting to note that the format the candidate used most often was the carousel with photographs of campaign events. However, it was the reels with videos also framed from campaign events that obtained the highest average number of likes and comments.

It is noted here that the candidate uses a digital electoral marketing strategy focused on campaign events, mainly highlighting contact with the population. Although the candidate chose not to directly respond to comments on any of the 117 posts, it is these reels and carousels that most stimulate engagement with followers on his profile.

It is also to be expected that Marques Mendes has a greater number of posts aimed at mobilizing the voting population in his pre-campaign and presidential election campaign publications. However, it is the posts with personal themes that obtained the most likes and comments. There are two clear pieces of evidence of digital strategy here, like Ventura's, in the sense of using videos in contact with the public to stimulate empathy with followers, as well as personal themes in reels, which "brings him closer" to his audience. Dolan et al. (2015, 2019) point out that this type of strategy generates engagement on social networks, which provides greater visibility and cognitive and emotional impact with supporters.

Furthermore, regarding the type of content, among all the publications made by the candidate (LMM), the invitation to participate in the campaign was the one that received the most posts. Albeit this type of content did not receive the most reactions on his profile. In this case, it is observed how "human contact," human interaction, welcoming, and "demonstration of care for supporters" generated reinforced engagement in likes and comments. Clearly, LMM directs his greatest efforts on Instagram to establish an authentic affective connection with his audience (Enli, 2017; Jorge & Duarte, 2024). This type of emotional strategy is also found in the other candidates for the 2026 Portuguese presidency, as they highlight content related to direct interaction and mobilization with the population in the streets (Vaccari, 2013; Stromer-Galley, 2014). In sum, the SMEB framework helped clarify how the five leading candidates in the 2026 Portuguese presidential race approached engagement on Instagram. The analysis shows a strong reliance on informative content, often delivered through visually driven formats such as reels, alongside the use of relational elements to convey proximity and authenticity. Reels function as "algorithm-facing campaign material" (short, rhythmic, emotional, shareable), whereas photos/carousels work more as record-keeping/legitimacy displays (institutional framing, events). Participatory prompts were used more selectively, mainly to encourage supporter mobilization. Importantly, candidates differed in how they combined these strategies, resulting in distinct engagement patterns shaped by content format, framing, and thematic focus, such as Seguro's informative/institutional posts being more shareable, Ventura's opposition posts spiking across metrics, and Gouveia e Melo's relational cues driving shares.

Furthermore, relating to Enli's work (2017), authenticity is strategic and credibility contingent. Collected data suggests relational cues "pay off" the most when: (1) they are scarce (few relational posts, high payoff, for example, in Marques Mendes' case) and (2) they align with a candidate's narrative position (e.g., "outsider/independent" credibility cues).

Conclusions

This work examined how the five leading candidates in the 2026 Portuguese presidential race used Instagram to stimulate Social Media Engagement Behavior (SMEB), - based on the methodology of Dolan and colleagues (2015; 2019) - during the pre-campaign and campaign period.

Through a mixed-methods content analysis, the investigation combined quantitative engagement metrics with qualitative interpretation of content cues, focusing on informative, relational, and participatory strategies. The results show that each candidate adopted a distinct communication profile on Instagram, and that engagement outcomes varied according to format, framing, theme, and cue type. Across the sample, reels emerged as the dominant format, reflecting the platform's algorithmic preference for dynamic visual content, also supporting the findings of Highfield and Leaver (2016) about the sociocultural power of visual content on Instagram feed to disseminate ideas. More than that, reels - as a visual content (short video) - generated the highest engagement in all candidates, particularly for Ventura and Gouveia e Melo, confirming that content format remains a central driver of visibility and interaction on Instagram as an electoral marketing strategy.

In response to RQ1, the candidates used Instagram resources in different ways to build informative, relational, and participatory messages. The candidates employed Instagram tools in varied ways to produce informative, relational, and participatory messages. Ventura mainly used informative and participatory signals, especially through personal reels and content centered on opposition, aiming to mobilize supporters and provoke strong responses. Seguro adopted a more balanced approach, with a greater emphasis on informative and mobilization posts, often using reels and carousels, while incorporating fewer personal or relational elements. Cotrim de Figueiredo prioritized informative and relational posts, with participatory content appearing only rarely. Gouveia e Melo relied mostly on informative reels, though relational cues were particularly prominent in posts that were shared more frequently. Lastly, Marques Mendes clearly emphasized participatory content related to mobilization and campaign events, but his relational posts achieved the highest levels of engagement. Overall, the prominence of reels, personal narratives, and mobilization-oriented messaging indicates that Instagram is used not just for information dissemination but also to foster closeness and encourage follower involvement.

Regarding RQ2, the data show that different engagement-oriented content types produced distinct patterns of audience reactions. Reels were consistently the most engaging format, especially for Ventura and Gouveia e Melo. In terms of framing, individual posts generated higher likes and comments for Ventura and Marques Mendes, while institutional posts produced more shares for Seguro and Marques Mendes. The analysis of themes indicated that opposition-related posts generated the highest engagement for Ventura and Gouveia e Melo, while personal posts were highly engaging for Seguro and Marques Mendes, and mobilization posts generated more shares for Seguro and Gouveia e Melo. When considering cue types, relational cues produced higher likes and comments for Marques Mendes and higher shares for Gouveia e Melo. Informative cues generated the highest likes for Cotrim de Figueiredo and Ventura. Participatory cues, however, did not consistently lead to higher engagement across candidates, even though they were the most frequent type in Marques Mendes' campaign. These results indicate that engagement is shaped by the combination of format, theme, framing, and cue

type rather than by a single strategy. Concerning the hypotheses, H1, which proposed that relational posts would generate higher affective engagement than informative posts, was partially supported. This was confirmed for Marques Mendes, whose relational posts generated the highest likes and comments, but not for Ventura and Cotrim de Figueiredo, whose informative posts produced more likes and comments than relational ones. For Seguro and Gouveia e Melo, relational posts did not consistently outperform informative posts in likes and comments. H2, which proposed that participatory stimuli would be associated with higher interactive behaviors (comments and sharing), was not consistently supported. Participatory posts did not generate the highest engagement for Marques Mendes or Gouveia e Melo, and only partially for Ventura, whose participatory posts were engaging but still lower than informative or relational posts in some metrics. These findings suggest that participatory invitations alone are not sufficient to generate higher engagement unless combined with emotional or controversial content. Indeed, results are basically a textbook illustration of Stroman-Galley's thesis (2014): campaigns invite participation, but often in controlled, instrumental ways, and participatory cues alone don't outperform unless fused with emotion/provocation.

Overall, the study contributes to understanding how political actors strategically produce engagement on social media, showing that engagement is produced rather than merely measured. The candidates' use of Instagram reflects different political profiles and strategic objectives, and the results demonstrate that engagement depends on the interplay of format, content cues, and thematic framing. The findings reinforce the importance of a mixed-method approach, integrating quantitative metrics with qualitative interpretation, to capture the complexity of digital political communication. This research also highlights that Instagram's affordances shape political communication, privileging dynamic visual narratives and affective proximity, and that political engagement is generated through strategic content design within algorithmic environments.

However, the study also faces limitations. The exclusion of Instagram Stories restricts the analysis to feed posts, which may overlook significant real-time engagement dynamics. Additionally, the absence of statistical tests and the normalization by follower count mean that results should be interpreted cautiously. Future research could extend the analysis to include story content, comment sentiment, and cross-platform comparisons.

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Social networks and cultural promotion in Latin America: evaluation of digital strategies and management models

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Introduction

In a world of constant and accelerating change, phenomena such as economic globalization, mass communication, and culture, as well as the digital revolution, allow nations to project and share their cultural heritage beyond their borders. However, technology also means that nations with vast cultural wealth are influenced by the consumption of foreign cultural products, fostering an intercultural dialogue that is both enriching and challenging. Cultural expressions, whether tangible or intangible, reflect each community's unique identity.

With the rise of the internet, users can now create, access, and enjoy a diverse range of cultural expressions, such as concerts, operas, and art galleries, from the comfort of their homes. The cultural and creative sector is a strategic pillar of economic development in countries. This sector not only contributes to generating and increasing income in various areas and creating jobs, but it is also fundamental to improving the quality of life for the population (UNESCO, 2010). This helps companies align themselves with the values of equity and respect for diversity, reinforcing their commitment to social responsibility (Paladines-Galarza, Pérez, Peña, and Jiménez, 2024).

The objective of this research is to identify changes in audience interaction, adaptation to new digital formats, and the adoption of innovative strategies in cultural management in Latin America. Based on this objective, the chapter is structured around the following research questions:

- How have communication and cultural promotion strategies on social media evolved in Latin America before, during, and after the pandemic?
- What levels of growth, participation, and engagement do Latin American cultural institutions generate on the main digital platforms?
- How have social networks contributed to the democratization of access to culture and the strengthening of citizen participation?
- What are the main challenges and opportunities in digital cultural management in the Latin American context?
- How can a strategic management model, such as the Canvas, be adapted to the particularities of the cultural sector to optimize the promotion and sustainability of cultural initiatives?

Therefore, the hypothesis of this research would be: The strategic implementation of social networks in the cultural management of Latin American institutions has a positive impact on cultural promotion, by increasing the visibility, participation, and commitment of the public, and contributing to the democratization of access to culture and the sustainability of cultural initiatives.

Finally, based on this approach, a Canvas model adapted to cultural management is proposed, serving as a practical tool to guide the planning, implementation, and evaluation of digital strategies in the cultural sector. In this way, the chapter contributes to academic reflection and professional practice, articulating digital communication, cultural management, and innovation as pillars for strengthening cultural promotion in Latin America.

Changes in cultural communication

The outbreak of the COVID-19 pandemic disrupted organizational strategies, accelerating the transition toward virtual environments and forcing cultural institutions to adapt their management to digital and participatory dynamics. This entire process led to the creation of a 2.0 cultural ecosystem characterized by immediacy, interaction, and the co-production of content, transforming both access to and consumption of culture in Latin America (Capriotti, Zeler & Oliveira, 2019). In this context, brands are adopting an innovative approach to their content, facing new challenges, and moving beyond traditional methods to reach a wider audience by addressing their needs and establishing a strong communicative link, thereby contributing to a more conscious and generous society (Paladines-Galarza, Luzuriaga, & Velásquez, 2024). According to Martínez-Rodríguez (2024), in the last two decades, social media has transformed how culture is consumed and perceived. Platforms such as Instagram, TikTok, and YouTube have democratized access to cultural content while also reshaping the expectations of younger audiences.

Cultural communication is defined as the process by which expressions, values, and social practices are transmitted and reinterpreted to strengthen identity and promote intercultural dialogue. While cultural promotion in the digital environment is understood as the set of strategies aimed at making artistic and heritage expressions more visible and democratizing access, leveraging interactive platforms such as social media (Martínez-Sala, Puertas-Hidalgo & Guamán-Córdova, 2024). It is observed that in Latin America, many organizations prioritize visibility (through frequent posts) over building digital communities. Capriotti et al. (2019) indicate that low interaction on Facebook reflects the absence of dialogic communication, which limits the effectiveness of cultural campaigns. In contrast, municipal initiatives in Ecuador use Instagram as a tool for cultural management and promotion, achieving greater interaction and closer ties with citizens (Enríquez Santín et al., 2024).

Evaluation of web 2.0 communication in the cultural field

Analysis of cultural communication in Latin America shows that, despite the increase in social media users (We Are Social & Meltwater, 2025), content management in Ministries, Secretariats, and Festivals remains in its early stages. KPI's analysis allows for the identification of patterns in digital cultural management. For example, González-Carrión and Aguaded (2020) demonstrate that Latin American Instagrammers generate elevated levels of interaction through emotional

and authentic content, which can be extrapolated to cultural strategies based on closeness and identity narratives.

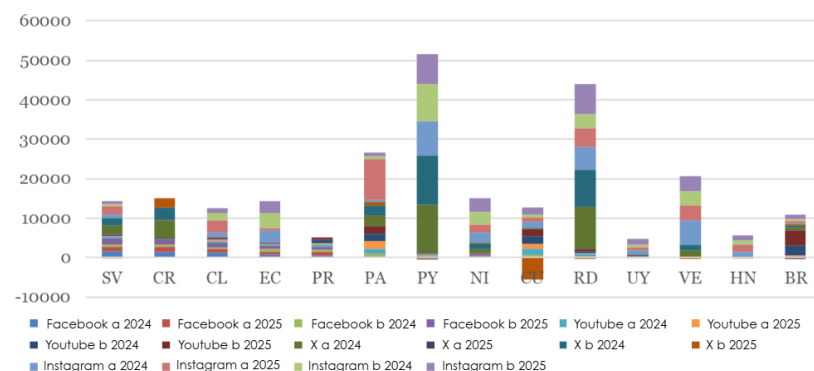
The social media ecosystem is now a key channel for cultural communication and promotion in Latin America. Data show that, beyond simply having a presence, institutions must optimize formats, pacing, and narratives to engage audiences (We Are Social & Meltwater, 2025). In this context, a comparison of the digital management of Ministries/Secretariats of Culture and festivals reveals disparities in achieving growth, dynamism, and engagement.

Growth

Growth is determined by the increase in the number of followers during the analysis period. Although the number of followers is an indicator for measuring popularity, it is recognized that it does not reflect the effectiveness of the strategy (see Figure 1). Growth in cultural promotions is low. Between March 2024 and August 2025, Facebook registered its largest increases in Mexico (55,314), Peru (31,773), Guatemala (18,067), and Colombia (10,929), while eight countries did not exceed 1,000 new followers, and Brazil even lost 150. On YouTube, Argentina leads with 8,300 subscribers, followed by Panama and Brazil (6,900), while several countries showed no growth. In the X category, Paraguay (24,341), the Dominican Republic (19,734), Colombia (17,563), and Costa Rica (10,114) stand out, compared to losses in Guatemala and Cuba. Finally, Instagram is the most dynamic network: Guatemala has 42,821 followers, followed by Mexico (29,890), Paraguay (25,524), and the Dominican Republic (21,661), reaching a total of 219,992 new users, above Facebook (159,763), X (90,998), and YouTube (43,503).

Analyzing year-on-year trends, an increase in market share is observed in 2025 compared to 2024 across most countries and platforms. YouTube, X, and Instagram, while relevant, have a smaller presence than Facebook. Facebook's dominance and the growth in social media use during the analyzed period are evident, although with significant differences between countries and platforms (see Figure 1).

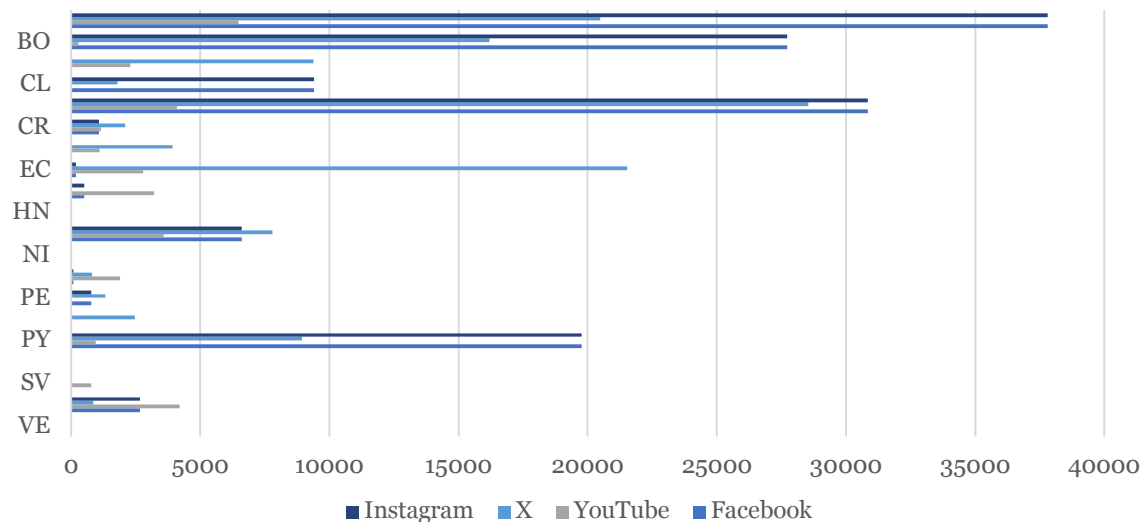
Figure 1. *Growth in Ministries and Secretariats*



Meanwhile, the growth of festivals on social media is limited and unequal (see Figure 2). On Facebook, the largest expansion corresponds to the Argentinian festival (37,823 followers), followed by Colombia (30,837), Bolivia (27,734), and Paraguay (19,771), while at least eight festivals show no significant change. On YouTube, progress is marginal, with Argentina (6,470), Uruguay (4,210), and Colombia (4,100) standing out, while six countries show no progress. On

X, the increases are also low: Colombia adds 28,548 new followers, Ecuador 21,529, and Argentina 20,448, while six festivals stagnate. This scenario demonstrates that only a few countries focus on regional growth, while most maintain static or minimally active digital communities.

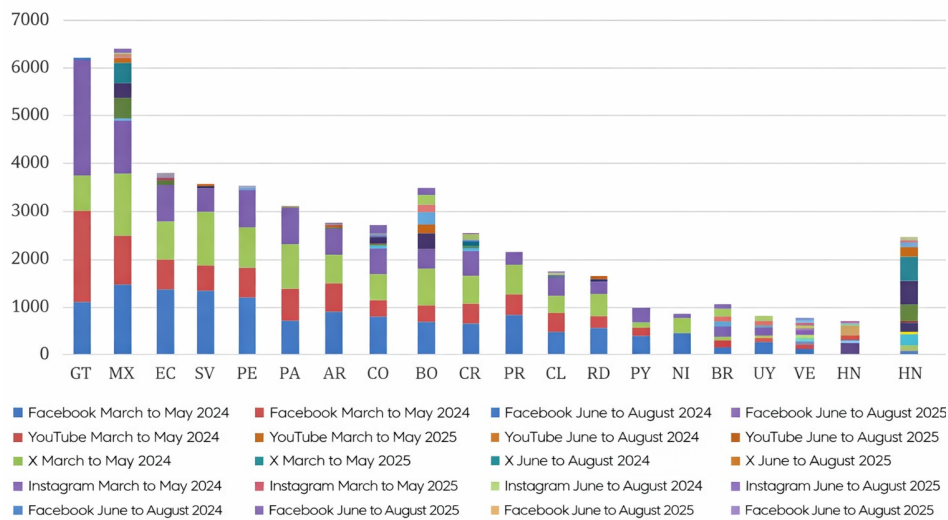
Figure 2. *Growth in Festivals*



Social media activity is defined by post frequency, although a high number of posts does not guarantee interaction (see Figure 3). Posting frequency varies by social network; on Facebook and Instagram, posting frequency increases in 2025, while on YouTube and X, government agencies are more active in 2024. Ministries and Secretariats of Culture lack strategic content planning, and saturation practices are evident in countries such as Guatemala (34 posts/day), Mexico (27 posts/day), and Ecuador (19), all well above the recommended average of two posts per day (Santos, 2023). In contrast, Peru maintains minimal frequency, and Honduras shows no activity. The examples of Nicaragua, Brazil, Uruguay, and Venezuela, which maintain an adequate average, suggest that balanced use is more sustainable.

On YouTube, Uruguay saturates the platform with nineteen videos per week, while seven countries do not update their content. On X, with a suggested average of 2–3 posts per day (Brayden, 2023), only Bolivia meets the recommendation; Mexico and Venezuela exceed it with eight posts per day, and most countries do not maintain daily activity. On Instagram, Ecuador, Chile, and Paraguay publish within the recommended range (3–5 posts per week), although 41% of festivals surpass this level: Nicaragua reaches 22 posts and Bolivia 34 per week, indicating saturation without any guarantee of better results.

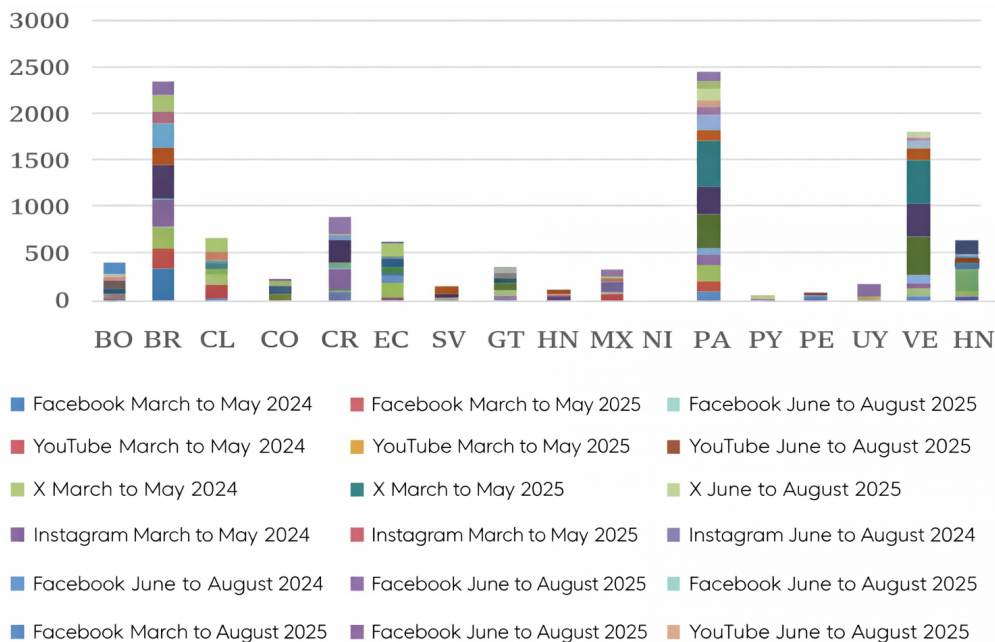
Figure 3. Number of publications in Ministries and Secretariats



Source: Author's own elaboration.

The festival's approach is even less strategic (see Figure 4).

Figure 4. Number of publications at Festivals



On Facebook, only Brazil maintains a stable average of two posts per week; eight festivals post sporadically, six post once a week, and countries like Cuba, El Salvador, Honduras, and Nicaragua do not generate any content during the analyzed period. On YouTube, several accounts (Argentina, Chile, Cuba, Honduras, Nicaragua, and Paraguay) do not post videos, while Uruguay again oversaturates the network with 19 videos per week; only Colombia and Costa Rica meet the 2–3 videos-per-week standard. On X, 44.4% of festivals do not post daily;

Guatemala, Honduras, Panama, and Paraguay show no activity, compared to Mexico (7 tweets/day) and Uruguay (8 tweets/day), which far exceed the suggested average. Finally, on Instagram, 41% of festivals post more than seven times per week, with peaks in Mexico (22) and Bolivia (33), while Cuba, El Salvador, and Honduras do not update their accounts. Taken together, these data show that festivals lack editorial planning, alternating between inactivity and saturation, which affects communicative effectiveness.

Commitment

Engagement is an indicator of content resonance with the audience, reflecting how frequently followers interact with posts. It is calculated by summing the interactions on posts, dividing that sum by the total number of followers, and multiplying the result by one hundred, adjusting for the specific social network being analyzed. Regarding the engagement of Ministries and Secretariats on Facebook (see Table 1), significant variations are observed. Countries such as El Salvador, Guatemala, and Puerto Rico fall into the "Optimal" category, while Cuba, Nicaragua, and Panama are in the "High Acceptable" category. This suggests that certain segmentation and content strategies are successfully capturing the public's attention. X shows an increase in the "Needs Improvement" category. The data confirms that smaller communities exhibit higher engagement.

On YouTube, the picture is more moderate. Paraguay maintains an "Optimal" level, and Brazil rises from "High Acceptable" to "Optimal," while most countries remain in low ranges. In X, volatility is noticeable; the "Needs Improvement" category increases from 56% to 88%, although specific cases like Puerto Rico and Panama manage to consolidate their position at "Optimal."

For its part, Instagram shows more encouraging signs: the proportion of countries in "Optimal" increases and the presence in "Needs Improvement" decreases, in certain periods.

Table 1. *Commitment to Ministries and Secretariats*

Country	Facebook				YouTube				X				Instagram			
	March to May		June to August		March to May		from June to August		March to May		from June to August		March to May		from June to August	
	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
AR	23.8	25.4	27	28.3	19.9	24.0	23.9	24.7	19.2	10.7	22.4	2.0	52.4	1.6	34.2	3.0
BO	27.6	33.7	55	66.1	16.3	20.0	19.5	20.4	0	0	0	0	0	0		

Country	Facebook				YouTube				X		Instagram					
	March	to	June	to	March	to	from	March	from	March	to	March	to	from	from	from
	May	June	August	August	May	June	June to	to May	June to	to May	August	May	August	June to	June to	June to
	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
BR	0.7	3.9	0.3	1.9	48.5	85.8	60.5	10.0	7.2	6.8	0.0	0.3	0	10.0	0	10.0
CL	8.2	13.5	5.9	18.6	0.0	0.0	0.0	0.4	26.8	4.5	17.0	0.6	49.4	10.3	34.0	30.0
CO	13.2	18.7	19.3	19.0	10.3	14.4	12	14.5	0	0	-2.4	0.00	53.8	3.1	62.2	14.4
CR	5.0	12.0	9.3	10.5	15.6	19.6	17.7	20.2	2.2	3.7	8.8	25.2	9.1	0	18.5	13.6
CU	40.4	72.7	60.5	56.9	50.6	55.4	51.9	51.6	32.4	11.6	6.6	0.02				
EC	11.2	24.8	17	33.9	14.5	18.1	17.0	18.2	26.8	63.2	30.5	0.02	25.1	0.8	28.6	0
SV	40.2	100	40.4	100	29.5	39.6	35.6	39.7	80.8	10.0	69.9	5	31.0	6.6	20.2	2.8
GT	14.3	98.6	21.2	86.7	19.5	24.0	22.6	24.7					44.5	29.5	25.8	44.9
HN	0	0	0.0	0.0									0	0		
MX	100	30.2	37.2	33.2	19	23.7	22.4	24.3	0	9.5	4.5	0.2	20.1	0.7	42.1	1.3
NI	27.5	67.0	17.98	94.64	0	0			0	0			0	0		

Country	Facebook				YouTube				X				Instagram			
	March May	to	June August	to	March May	to	from June to August	March to May	from June to August	to	March to May	from June to August	to	March to May	from June to August	
	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
PA	30.2	65.5	100	69.7	0	0			46.0	32.1	67.3	1.7	63.8	13	10.0	41.4
PY	23.3	0	21.9	0	100	10.0	10.0	94.8	33.2	58.1	36.9	10.0	61.8	8.9	29.2	25.4
PE	10.3	32.5	19.6	33.2	0	0			0	0	16.06	10	38.6	9.6	37.8	27.4
PR	44.7	80.3	36.2	55.9	52.4	64.4	60.5	65.6	97.2	0	10.0	1.5	10.0	19.8	61.8	26.2
RD	15.5	15.2	5.5	14.9	34.1	39	36.4	37	3	11.4	7.1	0.9	81.7	8.7	40.6	32.5
UY	2.2	1.4	3.5	0.5	48.2	58.7	55.8	60.5	8.6	5.2	8.8	0.4	25.0	0.6	16.9	1.2
VE	0	2.0	0.1	6.4	31.4	39.1	37.2	40.5	8.3	0	21.1	1.9	23	4.3	17.2	23.3
OptimumHigh acceptableAcceptableAcceptable lowImprovableWithout account																

Source: Author's own elaboration.

Regarding the commitment of Festivals (see Table 2), on Facebook, although the Uruguay Festival maintains the "Optimal" category in both periods, the overall picture shows that about 90% of festivals remain at "Needs Improvement" levels, which confirms the need to redesign interaction strategies. On YouTube, most cases fall into the "Needs Improvement" category, with a few exceptions, such as Costa Rica and Uruguay, which achieve better results but do not

establish a stable trend. In X, engagement is also low, with the "Needs Improvement" rating predominating, with notable exceptions in Uruguay and Panama, indicating a more strategic use of this platform in specific contexts. On the other hand, Instagram stands out as the most dynamic network: an increase in the number of countries in the "Optimal" category is observed, including Uruguay, Guatemala, and Mexico, reflecting better adaptation to the platform's dynamics. The data confirms that most festivals still lack sustained digital engagement strategies, especially on Facebook and YouTube, where the "Needs Improvement" category continues to predominate.

Table 2. *Festivals' Commitment*

Country	Facebook				YouTube				X				Instagram			
	From March to May		June to August		From March to May		June to August		From March to May		June to August		From March to May		June to August	
	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
AR	4.7	1.7	27	28.3	0	0	23.8	24.7	0	3.9	22.4	2.0	0	45.7	34.2	3.0
BO	0	0	55	66.1	1.9	0	19.5	20.4	0	0	0	0	0	4.0	0	0
BR	0	0	0.3	1.9	0	0	60.5	100	0	0	0	0.3	0	0	0	100
CL	1	0.7	5.9	18.6	0	0	0	0.4	0	1.6	17.0	0.6	0	23.8	34.0	30.0
CO	9.2	17.4	19.3	19.0	13.7	0	12	14.5	0	39.7	-2.4	0	0	1.5	62.2	14.4
CR	10.4	1.5	9.3	10.5	100	0	17.7	20.2	0	3.5	8.8	25.2	59.0	22.8	18.5	13.6
CU	0	0	60.5	56.9	0	0	51.9	51.6	0	0	6.6	0.02	0	0	0	0
EC	2.2	0.8	17	33.9	0	0	17.0	18.2	13	1.9	30.4	0.02	12.3	15.4	28.6	0

Country	Facebook				YouTube				X				Instagram			
	From March to May		June to August		From March to May		June to August		From March to May		June to August		From March to May		June to August	
	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
SV	0	0	40.4	10.0	0	0	35.6	39.7	0	0	69.9	5	0	0	20.2	2.8
GT	4.7	5.9	21.2	86.7	0.1	0	22.6	24.7	0	0	0	0	14.6	98.2	25.8	44.9
HN			0.0	0.0												
MX	35.0	43.8	37.2	33.2	12.7	38.71	22.4	24.3	37.73	13.5	4.5	0.2	58.6	10.0	42.1	1.3
NI			17.98	94.64												
PA	1.6	0.3	10.0	69.7	0.1	0	0	0	0	10.0	67.3	1.7	11.3	9.7	10.0	41.4
PY	0	0	21.9	0	0	0	10.0	94.8	0	0.6	36.9	10.0	0	0	29.2	25.4
PE	10.9	0	19.6	33.2	0	0	0	0	0	0	16.1	1.0	56.1	0	37.8	27.4
PR	0	0	36.2	55.9	0	0	60.4	65.6	0	0	10.0	1.5	0	0	61.8	26.2
RD			5.5	14.87			36.4	37			7.1	0.9	0	0	40.6	32.5
UY	10.0	10.0	3.5	0.5	4.7	10.0	55.8	60.5	10.0	0	8.8	0.4	10.0	51.7	16.9	1.2

	Facebook				YouTube				X				Instagram			
	From March to May		June to August		From March to May		June to August		From March to May		June to August		From March to May		June to August	
Country	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
VE	0	0	0.1	6.4	0	0	37.2	40.5	0	0	21.1	1.9	0	0	17.2	23.3
Optimum		High acceptable		Acceptable		Acceptable low		Improvable		Without account						

Cultural Officials Interviews from FIAV Loja (Ecuador) and the Ministry of Cultures, Arts and Knowledge (Colombia) allow the triangulation with the quantitative evidence. The analysis reveals distinct communication models, although with points of convergence in digital cultural promotion (see Table 3).

Table 3. *Executive summary of interviews*

Axis of analysis	Ecuador (FIAVL)	Colombia (Ministry of Cultures, Arts and Knowledge)
Cultural management model	Festival with an annual curatorial concept; eight established editions	Cultural communication as a tool for social transformation and inclusion
Communication strategy	Less institutional communication tone; active management on owned networks and media	Dual structure: Public Relations and Press + Directorate of Audiovisual and Interactive Media
Institutional articulation	Collaboration with the Ministry of Culture, the Ministry of Foreign Affairs, the Loja Municipal Government, chambers of commerce, and private entities (15 institutions)	Interinstitutional work; coordination with community media
Use of metrics	Automated attendance counting system (17,000 in 2024) and virtual ethnography	Use of limited metrics; digital strategies combined with territorial ones

Gaps identified	Lack of a digital monetization model; lack of economic sustainability	Connectivity gap: only 59.5% of households have internet; 32% in rural areas
Opportunities	Diversification of audiences; positioning as a cultural and tourist circuit	Promoting peace processes, community participation, and inclusive narratives

Source: Author's own elaboration.

In Ecuador, the festival has consolidated an annual curatorial concept as its narrative axis over eight editions, shaping both its programming and outreach strategies. It operates under a collaborative structural logic that has enabled it to position itself as a cultural and tourist circuit with national and international reach. Key strategies include a less institutionalized communication style, active management of its own media (website and social networks), and the implementation of an automated audience measurement system, which in 2024 recorded over 17,000 attendees through in-person attendance tracking and semi-annual virtual ethnography.

For its part, Colombia conceives of cultural communication as an instrument of social transformation oriented toward inclusion and peacebuilding. Its strategy is organized under an organizational structure that allows it to develop differentiated content for heterogeneous audiences, with an emphasis on citizen participation. According to data from the National Administrative Department of Statistics (DANE), only 59.5% of Colombian households had internet access in 2024, a figure that drops to 32% in rural areas, reflecting a “profound inequality in access to digital resources that limits cultural democratization” (DANE, 2022, p. 14). This gap conditions the Ministry's digital effectiveness, forcing it to complement its actions with community media and territorial communication projects. Both experiences share structural challenges, including: the absence of a systematic model for the digitization and monetization of cultural expressions; the need to strengthen inter-institutional coordination, especially with the Ministries of Education and Information Technology; and the lack of standardized indicators of digital impact.

However, progress has also been identified: FIAVL is diversifying its audiences through innovative curatorial narratives, while the Colombian Ministry is strengthening communication processes linked to community participation, cultural pacts, and gatherings. Taken together, the qualitative findings show that, although the management models differ in scale and approach, both seek to expand cultural accessibility, democratize symbolic consumption, and strengthen social cohesion through digital communication. As Castells (2009) points out, “the capacity to produce and disseminate culture increasingly depends on articulation with digital networks” (p. 141), which is reflected in the need for both festivals and ministries to integrate transmedia strategies to guarantee cultural sustainability in a hybrid environment. Likewise, according to UNESCO (2010), “creativity is the most important renewable resource of a nation, and therefore access to it must be democratized” (p. 7), emphasizing the urgency of consolidating inclusive digital policies.

The focus group with cultural stakeholders conducted in Loja allowed for the identification of the evolution of cultural models in three phases: before, during, and after the pandemic. Before

2020, in-person models and reliance on sponsorships as a sustainability mechanism predominated; as the participants noted, “direct contact with the public predominates as the main link for cultural exchange” (Focus Group Report, 2024, p. 3). During the pandemic, the cultural industry faced technological limitations and a lack of digital preparedness, although new opportunities emerged, such as the use of international castings via Zoom and the installation of home studios for recording and dubbing: “the need for training in the use of virtual channels was identified... such as the use of home studios” (Focus Group Report, 2024, p. 5).

In the post-pandemic era, a return to in-person activities is observed, accompanied by a clear demand to educate local audiences in contemporary forms of expression and to create permanent virtual platforms that enable the cultural industry to highlight itself and generate revenue. In fact, the report points out that “audience development must begin in schools” (Focus Group Report, 2024, p. 7), which directly connects to the need to coordinate educational and cultural policies. The focus group also revealed cultural business opportunities associated with voice acting, online concerts, and hybrid workshops with international experts. These findings reinforce the thesis that the local cultural industry must blend in-person and digital experiences, overcoming individualistic dynamics among artists and fostering collaborative networks. “It is necessary to improve the channels of cultural connection among artists because individualism exists; they could support each other more as a team” (Focus Group Report, 2024, p. 8).

The group discussion technique showed that the pandemic not only accelerated the shift towards a virtual culture but also exposed structural shortcomings in monetization and audience development. However, it opened new possibilities for expansion into international markets, demonstrating that cultural sustainability in Loja, in Ecuador, and indeed in most Latin American countries, depends on the convergence of technological innovation, audience education, and inter-institutional cooperation.

As part of the data triangulation for this study, a business model for the post-pandemic cultural industry was sought using the well-known Model Business Canvas (see Table 4).

Table 4. *Business model for the post-pandemic cultural industry*

Element	Description
Value proposition	Innovative hybrid cultural experiences, combining in-person and virtual elements to broaden reach and accessibility. Permanent digital showcases for continuous promotion and direct monetization of artistic works. Educational programs that promote the understanding and appreciation of contemporary artistic languages. Creative and diverse content: online concerts, hybrid workshops, audiovisual productions with professional dubbing. An inclusive approach to democratizing culture, ensuring accessibility to diverse audiences.
Customer segments	Traditional audiences: attendees of live concerts, exhibitions, and cultural fairs. New virtual audiences: young people, families, teachers, and international communities via streaming.

	Local private companies are interested in sponsoring cultural events and projects. International markets specializing in dubbing, castings, and online events.
Channels	Digital platforms and social networks: Facebook, Instagram, YouTube, Zoom, Spotify, Patreon. Specialized virtual showcases that exhibit artists and cultural groups. In-person events: fairs, festivals, and cultural exhibitions. Virtual radio and community media for local and regional broadcasting. Organic word-of-mouth strategies boosted through social media campaigns.
Customer relations	Building and managing engaged and participatory digital communities. Direct and constant communication: surveys, live broadcasts, question and answer sessions. Membership or subscription programs that generate loyalty and exclusive access to content. Personalized experiences, such as access to virtual backstage and digital meetings with artists.
Sources of income	Ticket sales for hybrid events and shows. Dubbing, voice-over, and audiovisual production services for national and international production companies. Sponsorships, endorsements, and commercial alliances with private companies. Hybrid courses and workshops with registration fees. Monetization of digital content through platforms such as YouTube, Spotify, and Patreon.
Key resources	Local and international artistic and creative talent. Adequate physical infrastructure: theaters, exhibition halls, and fairs. Modern and portable technological equipment: mini-studios, cameras, microphones, editing, and transmission software. National and international networks and alliances that enhance cultural reach. Human capital with expertise in digital communication, cultural marketing, and hybrid project management.
Key activities	Production, promotion, and dissemination of hybrid shows and events. Design and constant updating of digital showcases and virtual catalogs. Ongoing training for artists in digital tools and innovative formats. Pedagogical curatorship to facilitate the understanding of contemporary artistic languages. Establishment and strengthening of strategic alliances with the private, educational, and governmental sectors.
Key partners	National, regional, and local governments that provide support through policies and funding. Collaborating educational institutions (schools, colleges, universities). Private companies and brands for sponsorships and endorsements. Digital platforms and dependable technology providers. Cultural groups, artistic associations, and international networks that promote cooperation.

Cost structure	Artistic production: set design, assembly, fees, and rights. Development, maintenance, and updating digital platforms and online showcases. Training and development in digital skills and cultural management for artists. Transmedia marketing, digital communication, and dissemination campaigns. Comprehensive logistics for hybrid and in-person events (technical equipment, space, biosafety protocols).
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Source: Author's own elaboration.

Regarding segments and customers, it is important to consider that: "What defines where an organization should focus is not the market or trends, but consumers and potential customers" (Paladines-Galarza, Gutiérrez, and Gutiérrez, 2020, pp. 117-144).

Debate on the results

The research findings reveal a significant transformation in communication management within Latin American cultural institutions. Analysis of the Communication 2.0 model shows that, while social media presence is growing, it is uneven across countries and platforms. Facebook continues to dominate in terms of reach, while Instagram is positioned as the network with the greatest dynamism and engagement, primarily for the cultural promotion of festivals. However, growth on YouTube and X is slower and, in many cases, stagnant. This activity reflects inconsistent planning, with saturation practices in some countries contrasted with inactivity in others, which compromises the communicative sustainability of culture and affects followers' participation and engagement. Finally, engagement presents a paradox: while small communities achieve optimal levels of interaction, institutions with larger audiences perform poorly.

Qualitative triangulation complements the findings and presents two divergent models of cultural management: on the one hand, an innovative approach (Ecuador), and on the other, a model aimed at social transformation and inclusion (Colombia). However, both models agree on the need to strengthen metrics, digitization, and institutional coordination. As a complement, the focus group in Loja confirms that the pandemic accelerated virtualization, revealed structural limitations, and opened opportunities for cultural hybridization. These findings align with the literature on digital communication and Culture 2.0. In line with Capriotti et al. (2019), it is confirmed that dialogic communication remains limited in most ministries and festivals, thereby restricting the transformative potential of social media and reinforcing a traditional, unidirectional model. However, the qualitative evidence shows that when relatable and identity-based narratives are used, cultural resonance increases, confirming González-Carrión and Aguaded's (2020) observations regarding the value of authenticity in digital environments.

Analyzing the theoretical perspective, the results align with Castells' (2009) proposal regarding the centrality of networks in contemporary cultural production. Cultural management today cannot be understood apart from digital logic or the principles of 2.0 communication; these are solidified as a hybrid network in which accessibility, interaction, and sustainability depend on

technological integration. In this sense, UNESCO (2010) emphasizes that creativity must be democratized as a renewable resource, and this study confirms this premise by showing that cultural access expands when inclusive digital policies, digital narratives, and community participation converge.

Business Model Canvas is a valuable contribution to strengthening the new processes of the post-pandemic cultural industry. This framework allows for a structural analysis of the value proposition, audience segments, and monetization strategies, offering a conceptual tool that transcends the logic of dissemination and focuses on cultural sustainability.

On a practical level, the results offer key guidelines for strengthening cultural management in digital environments:

Strategic content planning: It is evident that saturation or inactivity affects communicative effectiveness; therefore, it is recommended to establish content strategy plans with frequencies adjusted to each platform, following international standards.

Community consolidation: The focus group emphasizes the urgency of educating audiences in contemporary languages, which should be translated into cross-sectoral policies of culture, education, and digital literacy.

Sustainable monetization: The lack of digital funding models limits the continuity of cultural projects. Initiatives such as virtual showcases, memberships, and hybrid workshops are emerging as diversified revenue streams for cultural institutions and should be strengthened.

Digital inclusion: The connectivity gap, particularly in rural areas, demands the integration of community and territorial strategies to ensure cultural democratization, so that access to culture is not limited to urban elites.

Institutional articulation: Cooperation between ministries of Culture, Education, and Information Technologies is essential to consolidate a sustainable and participatory digital cultural ecosystem that promotes cultural development and, primarily, open access. Based on the research findings, several relevant lines of inquiry have been identified. First, longitudinal studies are needed to analyze the evolution of cultural engagement on social media over longer periods. Second, cross-cultural comparisons with Europe, Asia, and Africa could offer a global comparative framework for cultural digitization. Third, it is urgent to move toward measuring the economic impact of digital strategies in the cultural industry, exploring their contribution to creative GDP and job creation. Finally, further investigation into digital monetization processes is recommended by examining successful cases of cultural sustainability on emerging platforms. The study demonstrates that the convergence of digital communication and cultural management is redefining how culture is conceived, produced, and consumed in Latin America. Democratizing access, innovating narratives, and diversifying business models are emerging as the central axis of cultural sustainability. However, structural gaps persist that require addressing through inclusive policies, institutional coordination, and audience development. Only in this way can culture be consolidated as a universal right in the digital age, ensuring its identity-forming, transformative, and social cohesion-generating role.

Conclusions

The study shows that digitization and virtualization are significantly transforming communication and cultural promotion processes in Latin America, especially in the post-pandemic period. The quantitative analysis of the Web 2.0 communication model reveals that, although there has been an expansion in the digital presence of ministries, secretariats, and festivals, notable asymmetries persist between countries and platforms. Facebook remains the network with the greatest reach, while Instagram shows the greatest dynamism in engagement. However, YouTube and X maintain limited development, reflecting the need for differentiated strategies adapted to the specific characteristics of each platform and audience. In practical terms, the study provides a Canvas model adapted to the post-pandemic cultural sector, integrating hybrid value propositions, permanent digital showcases, diversified revenue streams, and audience-loyalty strategies. This framework is an applicable tool to diverse national and local contexts, facilitating innovation and cultural sustainability in digital environments. In conclusion, the convergence of digital communication and cultural management is now a pillar for the democratization of culture in Latin America. Overcoming connectivity gaps, promoting narrative innovation, and strengthening inter-institutional partnerships are urgent challenges to ensure that culture is consolidated as a universal, inclusive, and sustainable right in the digital age.

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From Alice to the Algorithm. Narrative Architecture, AI-Generated Images and Imaginary Spaces on Social Media

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Introduction

The emergence of generative artificial intelligence in the field of visual production has triggered a structural change in architectural representation, radically transforming the ways in which we conceive, inhabit, and narrate space. Much like Carroll's protagonist, crossing the mirror or falling down the rabbit hole (Carroll, 2006a, 2006b), the contemporary user is faced with an inversion of reality where the laws of Newtonian physics and functional logic are suspended in favor of algorithmic and probabilistic fluidity. This phenomenon evokes Sophia Psarra's description of Borges' *Library of Babel*, where the combinatorics of infinite variations of orthographic symbols contain everything that can be expressed, yet the search for meaning, embodied in the search for the "Vindication," becomes an almost impossible task amid a cosmos governed by divine disorder (Borges, 1993; Psarra, 2009).

AI-generated architecture operates like the infinite library or like the early combinatorial speculations, which calculated that, from a limited number of terms, trillions upon trillions of possible expressions could be obtained. A combinatorics of pixels and vectors that, although unimaginably vast, is not infinite in the strict sense, but functions as a mathematical construction of multiplicities, in the sense analyzed by Psarra (2009). However, lacking the resistance of real matter, this architecture risks becoming what Gaston Bachelard describes as a "basic" or pre-scientific experience, a knowledge accompanied by an excess of images, picturesque, easy and seductive, which blocks the rational abstraction needed for science (Bachelard, 2000). Just as many physics books of the eighteenth century sought to be curious and entertaining for a worldly audience, the AI image aims for the immediate satisfaction of visual libido, privileging wonder over tectonic understanding (Bachelard, 2000).

This chapter does not intend to be a technical manual, but rather a philosophical and aesthetic analysis that starts from the premise that architecture is not just physical construction, but a narrative structure capable of orchestrating cognitive and sensory experience (Psarra, 2009). As Bachelard notes "imagining will always be greater than living" (Bachelard, 2006a). Through this text, the aim is to reveal how AI-generated architecture reconstructs, often unconsciously, Alice's storyline, a journey toward the intimacy of matter and logical paradox, oscillating between *animus* (intellect) and *anima* (dreamlike imagination) in the sense developed by Bachelard (1982). It is a matter of clarifying whether we are facing a new form of poetic inhabitation or a regression toward what, following Bachelard, we could describe as a "metaphysics of the sponge," where matter loses its quality of resistance and is reduced to a purely dreamlike malleability (Bachelard, 2000).

Research development. The AI-generated image as a *digital rabbit hole* and epistemological challenge.

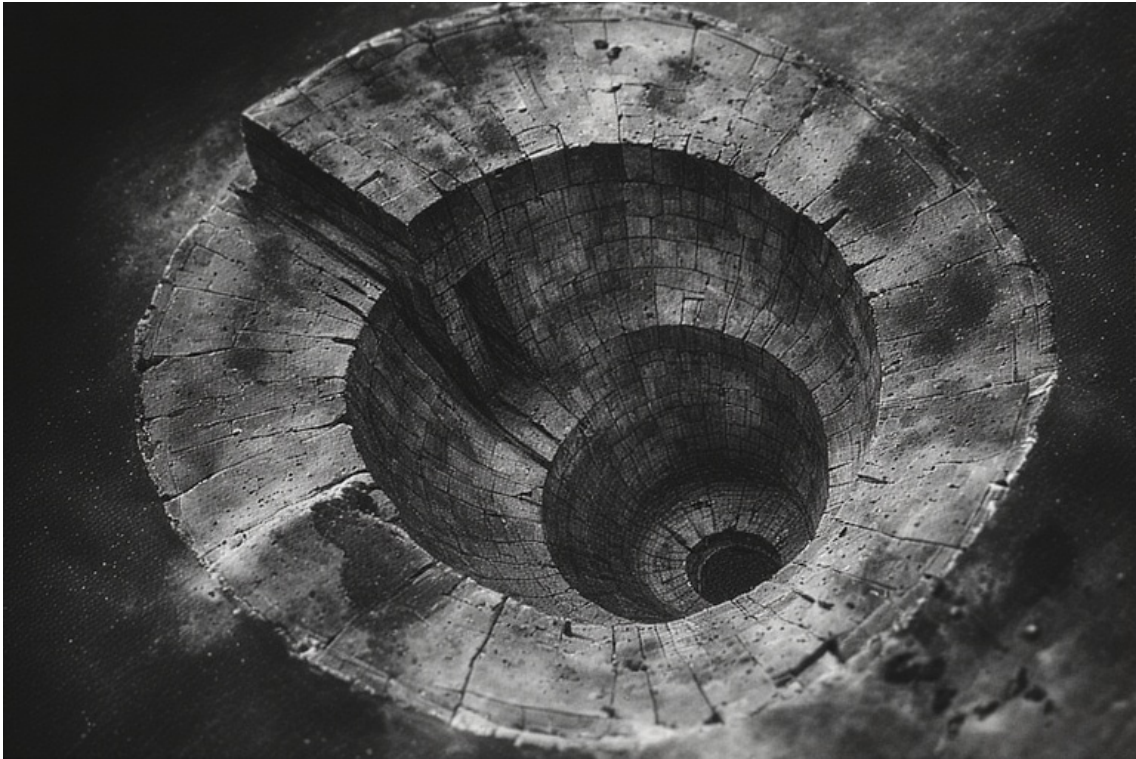
From the fall of Euclidean space to *latent space*

The central object of this study, the architectural image generated by Artificial Intelligence (AI) through diffusion models (*text-to-image*), establishes a phenomenology of space that radically breaks with the tradition of project-based architectural representation. Phenomenologically, access to these spaces does not occur through physical movement or traditional geometric projection, but rather through immersion in what we call the *digital rabbit hole*. This metaphor, drawn from *Alice in Wonderland*, is not merely literary, but describes a change in the order of reality, the shift from a reality governed by Newtonian physics and material tectonics to a fluid reality ruled by statistical probability and vector-space malleability.

In Lewis Carroll's narrative, Alice's fall down the rabbit hole marks the beginning of a break with the logic of waking life. The rabbit hole runs straight like a tunnel and then twists so sharply downwards that Alice had no time to stop before falling down what seemed a very deep well (Carroll, 2006b). However, as Gaston Bachelard points out in *Air and Dreams*, this fall possesses a distinctive dreamlike quality; it is not a fall accelerated by gravity that ends in physical trauma, but an imaginary fall, slow and gentle. In the story, Alice falls so slowly that she has time to observe the cupboards, shelves, and maps adorning the walls of the well, turning the descent into an act of domestic contemplation and intellectual curiosity (Carroll, 2006b).

Bachelard distinguishes between physical and the dreamlike fall, noting that the imaginary fall does not end in a crash, but becomes a journey into the intimacy of matter; it is a fall that does not make us feel the wind of the descent nor the terror of the impact (Bachelard, 2006a). Similarly, the contemporary user who delves into the infinite *scroll* of digital platforms experiences a bottomless fall with no physical end. The digital interface acts as Carroll's well, a vertical channel where images of impossible architectures follow one another in a continuous flow, allowing the viewer to inhabit an "intimate immensity" that requires no bodily movement (Bachelard, 2006b). We define this immersive interface as the *digital rabbit hole*, the ontological threshold where the user abandons the tectonic logic of the physical world to enter the fluidity of the algorithm. This descent leads us to what is technically called *latent space*. This sensation of infinite depth and a fall without physical impact is illustrated in Figure 1, where the circular structure descends into the darkness of *latent space*.

Figure 1. The verticality of the well and the ontological fall



Note. The image visualizes the concept of the digital rabbit hole as a vertical descent into latent space, illustrating the reconfiguration of gravity and the bottomless depth described in section 1.1. Source: Author's own work generated using AI tools (2026) and image-editing software.

David M. Berry (2025) defines this space as the mathematical and probabilistic environment where AI dissolves, encodes, and reconstitutes human culture, enabling the creation of synthetic images and texts that lack a singular original. This multidimensional space implies a reconfiguration of verticality; according to Bachelard, verticality is the axis of dynamic imagination.

In the *digital rabbit hole*, architecture is liberated from Vitruvian *firmitas*; gravity ceases to be an inescapable law and becomes an optional aesthetic variable. The generated images show floating buildings, rhizomatic structures that grow without foundations, and massive materials that levitate, validating a “psychology of ascension” where matter loses its weight to gain dreamlike value. As Arnuncio Pastor points out, perhaps the clearest sensation of oppression we can perceive in a spatial sense is the feeling that a great weight hangs over us, a sensation that AI dissolves by proposing a space with neither up nor down (Arnuncio Pastor, 2007).

The Inversion and Post- Consciousness.

This liberation from physics comes at an ontological price. David M. Berry describes this phenomenon as the *Inversion*, a historical moment in which computation not only simulates reality but begins to precede and actively constitute it (Berry, 2025). The Inversion represents a critical threshold where automated systems start to treat algorithmic behavior as real and human

behavior as an exception or forgery, inverting the traditional relationship between original and copy, authentic and simulated (Berry, 2025).

In the *digital rabbit hole*, representation (the synthetic image) is no longer a reference to a built or buildable reality; instead, simulation becomes the primary framework of cultural experience. Just as Alice enters a world where logic is inverted (nonsense), AI generates a *post-consciousness*. Berry argues that this marks a qualitatively new state where the very distinction between individual and synthetic consciousness becomes porous (Berry, 2025). Architecture exists purely as image, detached from the need for physical shelter or social function, and inscribes itself in what David M. Berry calls an *inversional logic*, in which computational systems not only represent reality but reconfigure its conditions of possibility in real time (Berry, 2014, 2025).

The epistemological obstacle. The seduction of “basic experience”

If we analyze the production of AI images from the strict perspective of the architectural and scientific discipline, we are faced with what Bachelard, in *The Formation of the Scientific Mind*, categorically defines as an *epistemological obstacle*. Bachelard warns about the danger of “basic experience” (*l'expérience basique*), knowledge that presents itself in an immediate, picturesque, colorful, and easy way, seducing the observer and blocking the rational abstraction necessary for true understanding (Bachelard, 2000).

Images generated by tools like Midjourney or DALL-E tend to fall into that “basic experience” described by Bachelard, a true profusion of hyperrealistic images that immediately satisfies the desire to see, rather than encouraging a critical distance. Bachelard points out that “in the face of reality, what one thinks is clearly known obscures what ought to be known” (Bachelard, 2000). In the case of AI architecture, the visual immediacy of the finished image obscures the understanding of its tectonic infeasibility or functional emptiness. The user marvels at the image in the same way as the public in the eighteenth century marveled at the spectacles of static electricity that Bachelard describes, seeking curiosity and immediate amazement rather than understanding the underlying scientific law (Bachelard, 2000).

This phenomenon encourages a regression to a “pre-scientific spirit” within architectural visual culture. Instead of analyzing architecture as a complex system of spatial, social, and constructive relationships (what Bachelard would call an “abstract construction”), AI promotes a physics of visual pleasure where the image is consumed as an object of immediate delight (Bachelard, 2000).

The substantialist obstacle. The “metaphysics of the sponge”

Delving deeper into the epistemological critique, architecture generated by AI reactivates what Gaston Bachelard categorically defines as the *substantialist obstacle*. According to the philosopher, this obstacle arises from the tendency to explain phenomena by attributing direct qualities to a deep and intimate substance, piling adjectives onto the same noun without concern for the hierarchy of their empirical relationships (Bachelard, 2000). In the *digital rabbit hole*, architectural matter behaves not as a tectonic structure with physical limits, but as a docile substance that passively absorbs the semantic attributes of the *prompt*.

This operation brings us back to the metaphor of the sponge. In the pre-scientific thought analyzed by Bachelard, matter was often conceived through vague intuitions. The sponge was a universal metaphor to explain any phenomenon of absorption or mixing, without understanding the real mechanisms: “The function of the sponge is so clearly and distinctly evident that one does not even feel the need to explain it” (Bachelard, 2000).

AI operates under a contemporary “metaphysics of the sponge.” Generative models treat architectural matter as an infinitely permeable and absorbent substance, guided exclusively by the semantic tags (*prompts*) that act as fluids soaking into it. If the user requests a building of liquid crystal, the AI generates the image without any resistance, treating the material as a substance capable of absorbing any adjective (Bachelard, 2000). This leads to an abusive valorization of adjectives over nouns, where matter loses its resistance to become a “pasty mass” susceptible to infinite metamorphoses (Bachelard, 2000). This material permeability can be seen in Figure 2, where the structure is organized as an absorbent and porous substance.

Figure 2. The fractal spiral and the porosity of matter



Note. The image depicts the structure of the shell analyzed by Bachelard, reconfigured by AI as a fractal and porous geometry. It illustrates the “metaphysics of the sponge,” where matter becomes permeable and absorbs light and space without a rigid tectonic structure. Source: Author’s own work generated using AI tools (2026) and image-editing software.

Unique genericity and surrealization

Finally, it is crucial to address the central paradox of this *digital rabbit hole*: the tension between the apparent novelty of the images and the underlying structural repetition that drives their generation. Westberg and Kvåle coin the term “generic uniqueness” to describe the nature of

AI images (Westberg & Kvåle, 2024). Although each generated image is technically unique (an unrepeatability combination of pixels), it tends to reproduce standardized and conformist visual tropes.

Furthermore, AI enables what Westberg and Kvåle call *innovative surrealization*: an unconventional co-articulation of visual elements from different temporal and cultural sources, which normalizes absurdity as an aesthetic category in generated images (Westberg & Kvåle, 2024). This ability to generate surreal images through the metaphorical transfer of semiotic resources from one domain to another resonates with the logic of Carroll's *nonsense*, where words and things are combined in impossible but grammatically correct ways. The resulting architecture is an ontological hybrid, a mental construction that, although generic in its underlying patterns, appears unique in its pixelated manifestation.

Methodology and Results. Topoanalysis of the phenomenology of synthetic space

Methodological Framework. Toward a topoanalysis of latent space

This research extends *topoanalysis* beyond physical materiality, applying it to what we define as *synthetic space*. We understand this space not as a classic virtual simulation, but as the result of an algorithmic genesis in which AI dissolves and reconfigures visual culture through probabilistic processes, creating a regime of "synthetic temporality" with no prior tectonic original (Berry, 2025).

The premise is that AI's *latent space* acts as a new *topos*. The research is based on a qualitative methodology of hermeneutic and phenomenological character, designed to approach the architectural image generated by Artificial Intelligence (AI) not as a mere technical artifact or a simple product of statistical combinatorics, but as a phenomenon of *imaginative consciousness* that transforms the subject's perception. For this, the concept of *topoanalysis* proposed by Gaston Bachelard is operationalized. Whereas classic psychoanalysis seeks the subject's history in the temporality of their traumas, *topoanalysis* is defined as the "systematic psychological study of the sites of our intimate lives" (Bachelard, 2006b). Its aim is to determine the human value of spaces of possession, of spaces loved and defended against adverse forces, investigating how imagination inhabits vital space (Bachelard, 2006b).

In the context of the *algorithmic condition* described by Berry, this research extends *topoanalysis* beyond the physical materiality of the natal home, the nest, or the corner, applying it to virtual spaces generated by diffusion models (*text-to-image*). The premise is that AI's *latent space*, that multidimensional mathematical dimension where vectors and probabilities encode the relationship between language and image, acts as a new *topos* for the contemporary psyche. The methodology involves a phenomenological reading of these images, seeking the *resonance* (*retentissement*) they provoke in the spectator. As Bachelard notes, the poetic image is not an echo of the past but possesses its own "sonority of being"; it has a dynamism that precedes causality and reverberates directly in the soul (Bachelard, 2006b). Similarly, the synthetic image, though derived from a database (past), is presented to the user as an ontological novelty (present) that demands to be inhabited by the imagination.

This approach is complemented by a comparative hermeneutics using *Alice in Wonderland* and *Through the Looking-Glass* by Lewis Carroll as theoretical models. This is not a simple literary analogy but rather a way to use the logical structure of *nonsense* and Carroll's spatial paradox to decode the visual syntax of AI. Sophia Psarra, in *Architecture and Narrative*, demonstrates how literature uses conceptual mechanisms, bifurcations, mirrors, labyrinths, that inform the construction of spatial experience in architecture (Psarra, 2009). Psarra analyzes how authors like Borges employ conceptual strategies such as fiction within fiction, reflections, and duplications, which resemble the mechanisms used to organize architectural spatial relationships (Psarra, 2009). Following this line, we analyze how AI organizes space not through constructive tectonics and gravitational logic but through narrative and oneiric ordering mechanisms, infinite repetition, scalar inversion, and the dissolution of boundaries.

The validation of this methodology lies in the ability of the images to evoke genuine emotional responses, a phenomenon recently corroborated by empirical studies such as those by Zhang, Fort, and Giménez Mateu, who demonstrated that AI-generated architectural images are capable of eliciting specific emotional states, validating their impact on the observer's "inner landscape" (Zhang et al., 2024). Thus, digital *topoanalysis* does not study the constructive truth of the simulated building, but the truth of the oneiric experience it facilitates, understanding that "the dreamed space and the scientifically conceived space have nothing in common" (Wunenburger, 2009).

Results. The Phenomenology of Synthetic Space

The phenomenological analysis of a representative selection of AI-generated architectural images reveals three structural categories of convergence with Carroll's narrative: the alteration of scale (the fantastic), material metamorphosis (the *substantialist obstacle*), and the paradox of the limit (mirror/labyrinth). These categories define the ontology of *synthetic space* and confirm that AI's material imagination operates according to poetic rather than physical principles.

The Scale of the Fantastic and the Dialectic of the Miniature

The first phenomenological constant in AI architecture is the radical manipulation of scale, a strategy that parallels Alice's bodily transformations. In Carroll's story, the protagonist drinks from a bottle or eats a cake to adjust her size to the environment's demands, growing until she hits the ceiling or shrinking to pass through small doors (Carroll, 2006b). This tension between the subject's dimension and that of the architectural space is represented in Figure 3, where the light at the end of the tunnel marks the desire for an unattainable scale.

Figure 3. The threshold of scale and the corridor towards the light



Note. The image visualizes the tiny corridor described by Carroll as a space of ontological transition. It represents the conflict of scale between the subject (Alice) and the object of desire (the garden/light), validating Bachelard's dialectic that "the large emerges from the small" through the liberation of geometric dimensions. Source: Author's own work generated using AI tools (2026) and image-editing software.

Bachelard, in his chapter on the miniature, reminds us that "the large is nothing more than the exaggeration of the small" and that the imagination does not stop at standard geometric measurements (Bachelard, 2006b).

AI exploits this dialectic in two fundamental ways:

1. The gigantification of the everyday. AI frequently generates habitable structures that are, formally, enlarged everyday objects (teapots, shoes, watches, mushrooms). This is not merely a surrealist game, but a validation of material imagination that seeks to inhabit the form of the cherished object. By magnifying an object, AI allows the user to enter the intimacy of the material. As Bachelard points out, "detail enlarges objects"; seeing a porcelain or leather texture at monumental scale, the viewer experiences an inversion of the visual hierarchy (Bachelard, 2006b). The house does not contain the object; the object becomes the house.
2. The miniaturization of the world. Conversely, AI presents urban landscapes or monumental buildings reduced to the scale of a jewel or a toy. This gives the viewer a position of ontological dominance. Bachelard states that the man who possesses the miniature possesses the world; from the top of his tower, the philosopher of domination miniaturizes the universe (Bachelard, 2006b). In AI, this miniaturization is manifested in the generation of micro-worlds contained in

crystal spheres or floating islands, evoking the sensation of a complete, self-contained universe, free from the dimensional obligations of physical reality.

This manipulation of scale provokes an aesthetic shock that breaks perceptual habit. Architecture ceases to be a functional backdrop and becomes an active agent that challenges the user's proprioception. Just as Alice questions her identity when her size changes ("Who are you?" asks the Caterpillar), the digital viewer is confronted by architecture that destabilizes their anthropometric relationship with space, immersing them in a state of recovered childhood where size is a variable of the will and not a constant of physics.

Metamorphosis and *substantialist obstacles*. Dreamed Matter

A critical result of the analysis is the identification of what Bachelard, in his epistemological critique, calls the *substantialist obstacle*. In pre-scientific thought, matter was often conceived through vague and generalizing intuitions. The sponge was a universal metaphor to explain any phenomenon of absorption or mixture, without the need to explain the actual mechanism (Bachelard, 2000). AI operates under a contemporary "metaphysics of the sponge", treating architectural matter as an infinitely permeable, transmutable, and absorbent substance.

Generative models lack tectonic understanding; they do not know that stone is heavy and fragile under tension, or that glass cannot support massive loads without auxiliary structure. Instead, AI is guided by semantic labels (*prompts*) that act as fluids permeating the matter. This generates spongy or soft architecture, where matter loses its resistance to become pure visual appearance. Bachelard criticizes how the pre-scientific mind accumulates adjectives to define a substance (Bachelard, 2000). AI does the same, defining architecture by the sum of styles and textures (biomorphic, futuristic, velvety) rather than its structure.

This material plasticity allows the fusion of opposites (liquid stone, flexible crystal), validating Carroll's logic of *nonsense*. Visually, AI creates material hybrids that are coherent in the image but impossible in physics, activating a dynamic imagination which, in Bachelard's terms, constitutes one of the forces of human audacity (Bachelard, 2006a). Furthermore, AI-generated interior spaces often evoke organic cavities, akin to Bachelard's nest or shell. These are spaces for crouching, where architecture molds itself to the imagined body as a second skin and reactivates the archetypal function of shelter and uterine protection that Bachelard attributes to the dream house (Bachelard, 2006b).

Paradox, mirror, and boundary. The topology of the impossible

The third phenomenological category is the reconfiguration of the boundary and the introduction of spatial paradox, central elements in *Alice Through the Looking-Glass*. In Carroll's narrative, the mirror is not a passive reflective surface, but a permeable membrane that gives access to a world where logic is inverted (Carroll, 2006a). Foucault describes the mirror as a utopia and, at the same time, as a *heterotopia*, a place without a place that makes the site I occupy, at the moment I look at myself, both absolutely real, by its relation to the surrounding space, and absolutely unreal, because it appears at a virtual point (Foucault, 1999).

In AI architecture, we identify three topological operations that replicate this structure:

1. The mirror as operative interface. Synthetic architecture is saturated with reflective surfaces and polished floors that duplicate the space. Unlike the real mirror that confirms identity, the AI mirror often returns to a distorted or autonomous image, functioning as the threshold to *latent space*. The reflected image announces the rupture with the world, with reality (Bachelard, 2006b).

2. The strange loop and the labyrinth. Generated images frequently present staircases that lead nowhere, recursive Escher-type structures or Moebius bands. These are architectures of infinity, where the repetition of a single element suggests a space with neither beginning nor end. Phenomenologically, they generate what Bachelard calls a vertigo of “intimate immensity” (Bachelard, 2006b). Space is not traversed to reach a destination, but to experience the infinite journey, as in Carroll’s mad tea party race. As Arnuncio Pastor points out, those who only seek the exit do not understand the labyrinth; even if they find it, they will leave without having understood it (Arnuncio Pastor, 2007).

3. The dissolution of the boundary (*Blurring*). AI fosters an aesthetic of diffuse boundaries (*blurring architecture*), in which the classical Cartesian distinction between interior and exterior is weakened. Walls of mist, façades that dissolve into the forest, or ceilings that are open sky configure a “dialectic of the half-open” (Bachelard, 2006b). This operation of boundary dissolution is seen in Figure 4, where the separation between subject, nature, and architecture vanishes, validating an aesthetic of diffuse boundaries.

Figure 4. Metamorphosis of matter and the dreamlike wall



Note. This figure visualizes the concept of diffuse boundaries and the surrealization of material. It demonstrates the ability of AI to fuse ontologically opposed elements (human flesh

and brick), validating the logic of *nonsense* and material imagination, where the wall dreams or the dreamer becomes the wall. Source: Author's own work generated using AI tools (2026) and image-editing software.

Bachelard states that "the door is a whole cosmos of the half-open" (Bachelard, 2006b); AI radicalizes this condition by transforming the building into a permeable threshold. This logic resonates with the Virtual House by Foreign Office Architects, conceived as a journey that folds onto itself like a Möbius strip, destabilizing the traditional orientation of the relationship between interior and exterior (Ábalos, 2000).

In conclusion, *topoanalysis* suggests that AI-generated space validates logical absurdity as a constructive category in the digital environment. What would constitute a structural error in physical reality becomes, in the synthetic image, what Westberg and Kvåle call *innovative surrealization*: unusual visual combinations that articulate elements from heterogeneous temporal and cultural origins (Westberg & Kvåle, 2024). This confirms that it is possible to inhabit the image without building it, insofar as the authenticity of spatial experience does not depend exclusively on physical materiality, but on the capacity of the image to host daydreaming and resonate in the intimacy of the subject, using space to narrate our own fascination with the impossible.

The *algorithmic condition* and uprooted inhabiting

Ontological inversion and algorithmic genesis

The discussion of the results obtained places us before a structural transformation of the human experience that David M. Berry has called the *algorithmic condition* (Berry, 2025). This condition should not be understood merely as an accelerated technological mediation, but as a fundamental epochal change in cultural and spatial production. Unlike the means of mechanical reproduction analyzed by Benjamin (Benjamin, 2008), which dealt with the circulation of pre-existing cultural forms, the *algorithmic condition* marks a turn toward algorithmic genesis. It is an additive and generative moment where computational systems autonomously create cultural content, destabilizing traditional distinctions between human and algorithmic production (Berry, 2025).

At the center of this discussion lies the concept of *inversion*. Berry argues that we have crossed a critical threshold where simulation not only imitates reality but begins to precede and actively constitute it (Berry, 2025). Just as around 2013 it was found that a substantial part of YouTube traffic originated from *bots* posing as human users, contemporary visual culture is now experiencing what Berry calls an *Inversion*, a shift in which the synthetic image tends to become the new standard of authenticity, relegating physical reality to an imperfect residue within the *algorithmic condition* (Berry, 2025). Phenomenologically, this can be related to Alice's journey through the looking glass; the reflected world ceases to function as a passive copy and becomes an operating system with its own logical and physical laws, in which inside and outside invert their hierarchies of reality (Carroll, 2006).

Phenomenologically, this inversion has profound implications for architecture. Traditional architecture was understood as a reflection of social needs and physical laws, whereas AI-generated architecture in the *digital rabbit hole* tends to function as a real-time feedback system

that models and reconfigures social expectations of space within the *algorithmic condition* described by Berry (Berry, 2025). The architectural image is no longer limited to representing a possible building; increasingly, it is the possible building that aspires to resemble the generated image. This inversion shapes a kind of emerging social pathology, in which reality and artificiality intermingle under what Berry calls the *algorithmic condition* and the advent of a state of *post-consciousness* (Berry, 2025). In this context, the distinction between the designer's intensive individual consciousness and the *synthetic consciousness* of the probabilistic model becomes porous, challenging the very notion of authorship and creativity in architectural design (Berry, 2025).

Heidegger and uprootedness in the era of *latent space*

When confronting this *algorithmic condition* with the ontology of inhabiting, the tension becomes critical. In his lecture *Building, Dwelling, Thinking*, Martin Heidegger argues that dwelling is not reduced to occupying a shelter, but constitutes the fundamental mode of being for mortals, to the point of stating that "only if we are able to dwell, can we build" (Heidegger, 1951). At the same time, he warns about *Heimatlosigkeit*, uprootedness, as the fate of modern man. It is not just the lack of physical housing, but the inability of mortals to achieve the essence of dwelling in a world where technology establishes a merely instrumental relationship with the earth (Heidegger, 1951).

AI-generated architecture radicalizes this uprootedness. The *latent space* of generative models is, by definition, a mathematical non-place, devoid of geographic coordinates and the resistance of the earth that Heidegger considers constitutive of the "fourfold", the gathering of earth, sky, divinities, and mortals in which dwelling finds its meaning (Heidegger, 1951). In the synthetic image there is no earth to support nor sky to receive, only a simulation of textures and lights floating in vectorial weightlessness. If the Heideggerian bridge brought together the stream, the banks, and the earth in reciprocal neighborhood, creating a place and granting space, the AI image tends, on the contrary, to dissolve place into a liquid ubiquity (Heidegger, 1951).

The user who inhabits these spaces through the screen experiences what we can call here "ontological uninhabitability", that is, the impossibility of accessing the essence of dwelling that Heidegger situates in the relationship between building, dwelling, and place (Heidegger, 1951). The digital house is not a place to settle but to traverse; it is a flow-image. In this sense, the *digital rabbit hole* can be read as the culmination of uprootedness, a space in which the human being unfolds in an irreconcilable tension between the need for roots, the desire for the image of the house, and the technical impossibility of physically inhabiting it. This situation extends Heidegger's diagnosis of modern uprootedness as the loss of the essence of dwelling in a world dominated by technology (Heidegger, 1951). AI produces an architecture of estrangement, where the familiarity of domestic elements (chairs, windows, roofs) is undermined by their hallucinatory disposition and lack of tectonic logic, evoking Freud's *Unheimlichkeit*, that uncanny quality of the familiar when it returns as something strange and unsettling (Freud, 1919).

The Bachelardian response. The "function of the unreal" and the dreamlike refuge

Nevertheless, an exclusively Heideggerian reading would be incomplete and excessively pessimistic in light of the vitality of these images. It is necessary to invoke Gaston Bachelard's

poetics of space to understand why, despite their tectonic falseness, these images inhabit us. Bachelard maintains that “to imagine will always be greater than to live” (Bachelard, 2006b), and that the main function of imagination is not to reproduce reality, but to produce “images of happiness” that protect the human being.

In contrast to Heideggerian uprootedness, Bachelard proposes *topoanalysis* as a validation of dreamlike intimacy. “One dwells intensely who has learned to crouch” (Bachelard, 2006b). AI images, with their surreal corners, biomorphic nests, and shell-houses, powerfully activate what Bachelard calls the “function of the unreal,” that imaginative faculty that allows the dream house to overflow the immediate experience of space (Bachelard, 2006b). From this perspective, it could be said that a subject deprived of this function is trapped in the pure immediacy of the real, often traumatic, unable to imaginatively process their experience (Bachelard, 2006a). Synthetic architecture, freed from gravity and function, becomes pure dream material, allowing the user to inhabit the image as a psychic refuge.

The empirical results of Zhang, Fort, and Giménez Mateu, which show emotional responses of joy, interest, and attraction to AI-generated architectural images, reinforce Bachelard’s thesis that the psychological reality of the image does not depend on its physical reality, but on its ability to activate affects and imagination (Zhang et al., 2024; Bachelard, 2006b). Poetic image possesses a resonance (*retentissement*) that cannot be reduced to a chain of causes, for it bursts forth as an immediate event of the imagination, preceding even discursive thought (Bachelard, 2006b). In the *digital rabbit hole*, the user finds ephemeral refuges and occasional shelters that, although virtual, reactivate the archetypal need for protection and mystery proper to the dream house, the nest, the cave, or the hut. From this perspective, AI recovers the primitiveness of the refuge and reintroduces it into a technified environment, allowing a form of poetic inhabiting that compensates, at least imaginatively, for the coldness of the functional world (Bachelard, 2006b). As Figure 5 shows, the monumental scale of the openings compared to human silhouettes illustrates the creation of a dreamlike refuge atmosphere.

Figure 5. The “intimate immensity” in cave architecture



Note. Representation of a spongy, cavernous space that evokes the primitiveness of the refuge. The monumental scale of the openings compared to human silhouettes illustrates the magnification of intimate space and the creation of a dreamlike atmosphere, detached from traditional structural function. Source: Author's own work generated using AI tools (2026) and image-editing software.

Unique Genericity and the "Mad Tea Party" Loop

However, the discussion must critically address the nature of this dreamlike production. Westberg and Kvåle introduce the concept of "generic uniqueness" to describe the paradox of the AI-generated image. Each image is technically unique, an unrepeatable combination of pixels, but culturally generic, as it reproduces standardized backgrounds, idealized bodies and a diversity reduced to just a few visible markers, following dominant visual tropes (Westberg & Kvåle, 2024). In this way, what the authors call a *conformist diversity* is established a diversity that integrates difference only within the boundaries of hegemonic biases.

This condition resonates with the "mad tea party" scene in *Alice in Wonderland*. At the table of Mad Hatter and the March Hare, it is always the same time (six o'clock), and the characters are condemned to go round in circles, changing seats but repeating the same ceremony, empty of any real temporal content (Carroll, 2006). Analogously, the consumption of architecture on social media under the *algorithmic condition* generates a loop of standardized novelty. The algorithm offers us infinite variations of this dream home (hyper-realistic, with dramatic lighting, lush vegetation), creating a sense of visual satiety that hides the lack of genuine typological or social innovation.

This phenomenon of repetition connects with Bachelard's critique of "basic experience" and the *substantialist obstacle*, that fixation on experience in immediate essences and an excessive valorization of certain images or qualities (Bachelard, 2000). In this sense, AI tends towards an excessive valorization of adjectives, the dreamlike, the surreal, over the real substance of dwelling. The image becomes a kind of sponge that absorbs superficial desires but lacks the temporal depth that Bachelard attributes to the childhood home, the home that sinks its roots and is built over time and slow dreaming (Bachelard, 2006b). AI architecture is often an architecture without childhood, generated almost instantaneously and devoid of the patina of time and memory that constitute true dwelling.

Towards a *Post-Consciousness* of Dwelling. *Automimesis* and Resistance

Finally, the discussion leads to what Berry calls *post-consciousness*, a state in which the boundaries between individual imagination and forms of *synthetic consciousness* mediated by algorithmic systems become progressively porous (Berry, 2025). Under this condition, AI participates in what the author characterizes as automimetic production, imitating and reconfiguring human creative processes to generate value within computational capitalism (Berry, 2025). This opens up an ethical and ontological challenge for the architect: how to design in the era of *post-consciousness* when professional imagination itself is immersed in this new algorithmic ecology?

If, as Valéry suggests, our mind is made up of disorder plus a need to create order, AI seems to operate in the opposite way, or at least according to logic foreign to the human one (Valéry, 2004). Resistance, then, might lie in the ability to topoanalyse these images, not to consume

them passively as mere products of a physics of pleasure, but to actively interrogate them as symptoms of our spatial desires and lacks. In this sense, the distortion of reality that AI offers can function, following Flannery O'Connor, as a distortion used to reach the truth (as cited in Miguel, 2000).

AI-generated architecture, with its impossible staircases and hybrid materials, acts as a distorting mirror that reveals the rigidity of our conventions of dwelling. Just as Carroll's *nonsense* is not an absence of meaning, but a rigorous play with the rules of meaning (Deleuze, 2005), algorithmic architecture is not an absence of architecture, but an exploration of the limits of the imaginable. The challenge is to transform this *epistemological obstacle* into an opportunity to exercise a dynamic imagination, capable of shaking the sleepiness of knowledge and reactivating the ability to question and reform our images of the world (Bachelard, 2000). Only in this way could the inhabitant awaken from that epistemological slumber and recover the faculty of dreaming spaces that might eventually be built.

In conclusion, the *algorithmic condition* places us at a crossroads between absolute uprootedness (the loss of tectonic reality) and the absolute expansion of imagination (the poetic dwelling in *latent space*). The AI image is, simultaneously, the burrow that distances us from the earth and the telescope that allows us to glimpse new ways of inhabiting it.

Figure 6. Aerial inhabitation and the sublimation of matter



Note. The image represents the response of material imagination to the condition of uprootedness: the creation of a weightless refuge. It illustrates the tension between the loss of physical support (Heidegger) and the gain of oneiric mobility (Bachelard), where the house

becomes a nest or a vehicle for ascent. Source: Author's own work generated using AI tools (2026) and image-editing software.

The Paradox of Unique Genericity and the Temporal Loop.

Ultimately, the research points to a critical tension in the cultural production of AI, which can be described as a phenomenon of unique genericity, where each image appears formally singular but relies on surprisingly homogeneous and repetitive visual repertoire. Although every image generated is technically unique, an unrepeatable combination of noise and pixels, culturally, it tends to be generic and repetitive. As in Alice's "mad tea party", where the Hatter and the Hare are condemned to always live at six o'clock, moving around the table without time moving forward, the consumption of AI architecture on social media creates an aesthetic loop. The algorithm favours the repetition of successful visual tropes, creating a conformist diversity. AI presents itself as a kind of visual *Library of Babel*, capable of displaying infinite combinations of forms and scenes. However, the results indicate that, beneath this appearance of inexhaustible creativity, it often traps the user in an echo chamber of predictable motifs and variations.

This unique genericity threatens to standardise the global architectural imagination. It has also been observed that this repetition can acquire an almost ritual value for the dreamer. As images return and are reconfigured, they help to cement certain intimate convictions and reactivate, time and again, imaginary possibilities that everyday life fails to unfold. The risk lies in physical architecture beginning to imitate these generic models to satisfy the visual expectations shaped by the algorithm, thus inverting the relationship between reality and representation.

Final Reflection. Towards a critical *topoanalysis*

The return to reality after descending into the rabbit hole of the algorithm cannot be a naive one; architects and theorists can no longer afford to ignore the existence of this vast *latent space*. The central conclusion is the urgent need to articulate a critical *topoanalysis* of the digital image, understood as a practice that combines epistemological suspicion with phenomenological attention.

This *topoanalysis* should assume a double function. On the one hand, a therapeutic function, aimed at psychoanalyzing the fascination with easy images and unmasking the substantialist inertias and intellectual comforts that make what we believe we know all too clearly end up obscuring what we truly need to understand. On the other, a poetic function, able to recognize the value of these images as nourishment for imaginary life, promoting a dream of will rather than a passive contemplative drift, and preserving, as Valéry demanded, the resources of disorder in the very exercise of the spirit.

Within this framework, the *digital rabbit hole* does not appear as a simple loop of nonsense nor as a place to become trapped, but rather as a genuine ontological laboratory. AI images function as contemporary mirrors that, if we know how to traverse them critically, return an inverted but revealing version of our desires to inhabit. In them, the unstable and seductive flame of spatial imagination once again illuminates dark zones of architectural desire, and before that flickering light, like the dreamer before the candle, we must learn to watch over our own dream rather than abandon ourselves to it unguarded. As represented in Figure 7, this search implies a conscious ascent from the depths of the algorithm towards the light of critical consciousness, a necessary journey to avoid becoming trapped in the loop of dreaming.

Figure 7. The return from the digital rabbit hole



Note. Visual allegory of the ontological fall into the algorithm's *latent space*. The image captures the transition from the physical world to the depths of the synthetic image, acting as the threshold of the *digital rabbit hole* where the laws of Newtonian physics are suspended. Source: Author's own work generated using AI tools (2026) and image-editing software.

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Marketing, Advertising, and Consumer Perception

Exploratory study on cocoa production and processing in Santander from the perspective of advertising communication: strategies for social empowerment in rural Colombia

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Introduction

Cocoa cultivation is not only an economic activity, but also a distinctive brand that carries with it an invaluable cultural and environmental legacy. Beyond being simply an agricultural product, cocoa represents a history of tradition, sustainability, and excellence in production.

From the perspective of tradition and culture, cocoa producers in Santander are limited by the development of a highly competitive industry at the business level, but one that is not widely known in social entrepreneurship settings. Farmers in the region need to raise awareness of their traditions and customs based on ancestral knowledge, which will enable them to empower their product in different commercial settings in the region, such as tourism, categories and subcategories of cocoa products, among others.

In this regard, this research project seeks to work, through advertising, on the development of the cocoa industry with farmers in the central region of the department of Santander, specifically in the Comunera province (a political division of Colombia that distributes departments into smaller, segmented areas) by reconstructing stories, customs, and culture in order to identify actions that enable social reconstruction, based on the representation of the most significant aspects of the people, generating advertising communication strategies that in turn allow for greater visibility of the producing population. This article documents the research, in which an exploratory exercise is carried out with the communities under study, allowing us to understand the entire process of growing, harvesting, and producing cocoa fruit directly with the farmers of the municipality of Palmas del Socorro.

Reference framework - State of the art

For the theoretical and research reconstruction, the topic of advertising and communication in the peasant production sector and its empowerment from the perspective of ancestral knowledge and its importance in the visibility of content in today's media is taken up. This exercise, which has been ongoing for several months, has made it possible to collect 35 master's and doctoral theses; 46 articles resulting from research and theoretical reflection, with 357 bibliographic citations, developed from 2021 to the present day; where related topics were worked on, identifying the following trends:

1. Communication and peasant production.
2. Social advertising and agricultural products.

3. Ancestral knowledge, peasantry, and advertising.

The above trends that were identified showed a clear inclination to develop work on the development of advertising processes in the peasant sector within the framework of new technologies, with social and cultural development. However, methodological works are also proposed that apply exploratory ethnography in communication, which show the intention of epistemological development of the concept of advertising within the scope of the country's agricultural production.

The most significant trends identified in this regard are described below:

A significant number of studies have been carried out on the need to work on communication processes and implement different communication tools in the field of agricultural production from a social and cultural perspective. González Vélez, C. A., (2021) developed the concept of advertising in Colombia from the perspective of rural activity, identifying different ways of conveying the message through the use of different communication platforms.

While Gonzalez (2021) proposes a media action of the message in the context of advertising in the industry, for Giraldo Vásquez (2021), it highlights the importance of advertising from the construction of collective memory, even from social scenarios of memory, from the application of the advertising message in the beer product in Antioquia. Working with the exploration methodology, he highlights the inclusion of advertising as a tool for building the cultural heritage of communities.

Thus, the management of communication today is defined as a problematic axis, as are the communities that are exposed to the complexity required by the interdisciplinary approach that characterizes the work and articulates the contributions with the discipline, which seek to argue this transition to new information schemes that are currently seen.

Therefore, based on the elements of the research and the practice of advertising, some structures are identified that define the reflections, observations, analyses, and interdisciplinary solutions that focus on the social, cultural, and political needs of rural products in Colombia, based on . In this sense, the trend in social advertising is represented in Villa Castaño's (2021) study on the consumption of coffee products in the coffee-growing region, which highlighted the importance of constructing messages on different platforms that applied social establishment through advertising messages.

This research focused on the development of dissemination mechanisms within the rural market environment, a place of agricultural product entrepreneurship, identifying the need to strategically appropriate digital dissemination mechanisms that would allow for the development of the industry and the visibility of agricultural product marketing processes.

All of the above defines and specifies the focus as an area of communication, research, and social responsibility, in which projects are defined based on dissemination criteria, developed from Communication and Language. "Communication between humans and the relationship between them and nature, based on production with its complement and consumption, experience and power, crystallizes throughout history in specific territories, thereby generating cultures and collective identities." Vásquez Palacio, W. A., Z. (2024).

Therefore, according to Castro, E. M. C., (2025), the natural process of society, due to the fact that each of its constituent components feeds into a supposedly unique structure, although from within it is the same as all the others. Nothing is composed of its essence and nothing is unique, like another; but perhaps communication and ancestral knowledge unfold in a series of elements that require abstract complexity to try to understand phenomena that are exposed from their own realities, from the identification of their own nature; incorporated from their natural environment into the society that has made us, materially and symbolically, an inseparable part of it. The relationship between communication and farmers involves the use of means that raise awareness and generate knowledge appropriation. Castro, E. M. C., & Solórzano, A. T. R. (2025).

With regard to the above considerations, we find that in Colombia and Latin America, numerous studies have been conducted on the importance of communication in the agricultural sector. However, these studies are mainly focused on the application of languages used in new information technologies and in purely advertising scenarios.

Communication is presented as an instance from different spheres. Duran (2022) presented in his work the elimination of communication as the process of exchanging opinions, statements, and reformulations of concepts among actors in cocoa production in Ecuador and confirmed that it is not a facilitating instrument, but rather the behavior of human beings with the intention of interacting, interrelating, and engaging with each other. On that commitment, advertising as a mechanism that assumes responsibility in the process of constructing scenarios that are as meaningful as possible. (Duran, 2022)

In accordance with the above, the literature review that was carried out as a first exercise on the current state of research on the subject identifies a clear need to interpret, from a communication perspective, the language that is developed in the context of the marketing of farm products as an essential element for the development of messages that educate communities based on their ancestral knowledge, traditions, and culture from a social perspective. The different exercises referenced as research work in each of the identified trends highlight the need to continue working on this topic to strengthen advertising discourse and generate training tools based on the identification of social issues in the commercial environment.

During the study, while searching for advances in research on the topic being worked on and consulting specialized indexing systems for scientific publications on education and communication, it was found that the discussion of the categories involved in this study includes studies related to advertising and modern societies, the development of communication proposals within the social environment, and advertising as a tool for social shaping.

Advertising and peasant production

It is understood that for decades, advertising has focused on the development of products originating from the manipulation of raw materials that allow for the development of easily marketable products. Although during the 1950s in Colombia, according to studies by Ribero (2025), advertising language began to be used in traditional media as a tool for the dissemination and marketing of manufactured products. However, even today, agricultural products are rarely featured in campaigns in traditional or digital media.

The statement describes an advertising approach focused on promoting products made in Colombia or internationally from raw materials. Although advertising has been geared for decades toward mass-market products derived from the processing of raw materials, the agricultural industry has limited itself to marketing products through traditional marketing channels, using large and medium-sized retail outlets.

According to the above, the first advertising strategies for farmers focused on promoting agricultural products through traditional channels such as radio and local fairs. The campaigns were mainly informative and focused on educating farmers about new products and agricultural techniques. With improvements in transportation and communication infrastructure, advertising began to use print media, such as brochures and magazines specializing in agriculture. Cooperatives and farmers' associations also played an important role in disseminating information.

The work carried out in this sector shows that the criteria for dissemination are limited to demographic and psychographic segmentation, which has allowed advertisers to create more personalized and relevant messages. Diversity within the farming population is taken into account, including factors such as crop type, farm size, and level of education.

Figure 1. Taken by Fabio Andrés Ribero. Tourist route of cocoa production in the municipality of Simacota in Santander.



Advertising is thus understood as the area of knowledge that allows the most appropriate communication strategy for development to be identified. For Kotler (2006), it refers to the presentation of content that promotes products and services that benefit society. If we were to focus solely on this last part, advertising is a field of communication that allows the generation of content that promotes people's response to a particular purpose.

According to Ribero (2020), the production of advertising content allows for the transformation of the subject in the community environment and their development as a subject within society. Advertising as such not only sells, it transforms, and in this sense, it proposes the construction of content that allows for the development of communities from the visualization of their own reality.

Therefore, from the logic of dissemination and content construction, the relationship between language and advertising has been studied from various theoretical perspectives. These theories explore how language is used in advertising to influence, persuade, and communicate messages effectively. Below are some of the most prominent theories on language in advertising:

Persuasion Theory

From Aristotle's point of view, persuasion theory is based on the identification of three key elements that allow us to understand the sensitivity of the message being presented: ethos (credibility of the speaker), pathos (emotional appeal), and logos (logical argument). In advertising, these strategies are used to construct convincing and effective messages. Aristotle (ca. 335 BC).

According to the above, persuasion has long been considered the mechanism for constructing realities that are immersed in people's lives. In other words, it is part of each individual's construction and is easily manipulated. Moya (1999) notes that, in communication, the interaction of the message defines the understanding of the world and its proximity to the reality of its context. In advertising, it is precisely an essential element for the exercise of the discipline and also for this research.

This category is very important for the development of the research because it allows us to understand the intention of the message in a particular scenario, such as the marketing of agricultural products, where it also allows us to understand the dynamics of the message in the development of advertising campaigns from the exercise of recovering ancestral knowledge and traditions.

In this sense, Martin-Barbero's (2023) communication of the ancestral, from the conception of communication and culture, describes the importance of the message from the reconstruction of traditions and ancestral knowledge that allows us to understand the relationships defined by the advertising message and its representation in the different contents.

On the other hand, the concept of advertising is approached from a decolonial point of view as presented by Mignolo, WD, Segato, R., & Walsh, CE (2024), who understand the importance of the message from the construction of messages that define communicative intentionality from the identification of the central idea and the needs to transmit the enterprise that has its relationship with each of the communicative practices that represent the significance of the traditions and customs of the communities, in this case of the municipalities of the department of Santander, cocoa producers.

Similarly, the need to work on semiotics was established from the perspective determined by the representation of the cultural signifier of the populations, represented by the development of the cultural components that bring together rural communities, which evoke a series of traditions.

For a long time, in these areas of the department of Santander, cocoa has represented "the fruit of the gods," where it has always been linked to the social development of its inhabitants and the most representative historical scenarios that allow it to be a symbol of cultural, economic, and social wealth in Colombia. The department of Santander and the towns of El Socorro, Palmas del Socorro, Simacota, and San Vicente de Chucurí, where the study was conducted, are considered the world capital of cacao. The production of this fruit has allowed for the consolidation of rural communities dedicated to the planting, processing, and marketing of the bean. However, despite its economic potential and symbolic value, the cocoa production chain faces difficulties in terms of visibility, positioning, and recognition in national and international markets.

In this scenario, advertising communication is presented as a strategic tool to strengthen the identity of Santander cocoa, promote sustainability, and foster the social empowerment of farmers through narratives that redefine the value of the Colombian countryside.

Advertising Communication and Territorial Development

According to Joan Costa (2001), advertising communication not only fulfills persuasive functions, but also cultural and symbolic ones, as it constructs social imaginaries and representations around products. From this perspective, rural advertising should not be limited to promoting consumption, but can act as a mediator between tradition, identity, and modernity, contributing to the strengthening of the social fabric.

Philip Kotler and Nancy Lee (2007) expand on this approach by introducing the concept of social marketing, understanding communication as a transformative process that seeks to modify attitudes or behaviors for the collective benefit. In the case of Santander cocoa, this perspective allows for the articulation of advertising strategies with objectives of sustainability, cooperation, and recognition of peasant work.

Communication, culture, and ancestral knowledge.

Authors such as Néstor García Canclini (1990) and Jesús Martín-Barbero (2002) have pointed out that communication processes in Latin America must be understood from the perspective of cultural hybridization and social mediations. In the rural context, these mediations allow for the recovery of ancestral knowledge associated with the land, climate, and agricultural traditions, recognizing them as legitimate forms of knowledge.

In this sense, cacao is not only an agricultural product, but also a cultural symbol that articulates memories, community practices, and identity values. From an advertising communication perspective, rescuing these elements implies giving voice to the territory, translating its stories into visual and narrative discourses capable of connecting with urban and global audiences.

Communication for development and empowerment

According to Luis Ramiro Beltrán (1985) and Alfonso Gumucio-Dagron (2001), communication for development aims to democratize speech, strengthen local capacities, and promote citizen participation. Thus, advertising can be redefined as a tool for empowerment when its objective transcends sales and is oriented toward the visibility of historical subjects traditionally marginalized from media discourse.

Applied to Santander cocoa, this approach proposes participatory and community-based advertising, where farmers are not only producers but also narrators of their own history, protagonists of messages that reflect their identity, dignity, and contribution to the country.

Conceptual and practical background

Various national and international initiatives have sought to position agricultural products through communication strategies with a territorial focus. Cases such as "Café de Colombia" or "Cacao de Chuao" in Venezuela have shown that country branding and cultural narrative are key to the recognition of the product and its producing communities.

In Santander, associations such as Fedecacao and local cooperatives have promoted campaigns to improve the marketing of fine aroma cocoa. However, there is still a gap in the narrative communication dimension, where the voice of farmers, their environment, and their traditional knowledge are an essential part of the message.

Contributions from Advertising Communication

The exploratory study will enable us to: Identify visual and discursive narratives that represent the identity of Santander cocoa. Design advertising strategies focused on sustainability and rural pride. Promote rural communication education to strengthen the leadership of producing communities. Link communication to the Sustainable Development Goals (SDGs), especially those related to decent work, reducing inequalities, and responsible production.

In developing the research project, a solution must be found to this problem of triangulation of the information collected through careful analysis and interpretation of a reality that defines the appropriation of peasant farming in Santander. In this sense, a series of categories are defined that will allow for the cross-referencing of the interpretation of the instruments that are being applied in the research. Among those being worked on are:

Advertising Discourse Theory

In the research exercise, the data collected from the peasantry in Santander will be interpreted to develop advertising strategies. Thus, according to Roland Barthes (1957), who analyzed how advertisements use symbols and signs to construct meanings that go beyond the description of the product, it is possible to understand the appropriation of a discourse from the presentation of their activities, defined from the communicative proposal, according to how people define the significance of their activity interacts with the creative meaning of the advertising campaign.

In this sense, it is understood that the activities carried out in favor of the production, , and marketing of a product directly generate a social impact that particularly determines people's actions. According to Spencer and Wilson (1986), from the theory of relevance, they define communication as a process of inference in which the listeners or receivers of an advertising message seek to obtain the maximum cognitive effect with the minimum procedural effort. Therefore, the simpler the message, the greater its impact. And if it has significance for the productive structure of the market, advertisers create messages that attract public attention and are easily interpreted.

Taking into account this inference of the message, it is important to find significant elements of the culture surrounding cocoa cultivation in Santander that represent each of the messages from the definition of the theory of encoding and decoding put forward by Stuart Hall (2003), who affirmed the idea that advertising messages are encoded by creators and decoded by the audience, allowing for the creation of a perception and interpretation of the message that can vary according to the cultural and social context of the receiver.

When creating content for advertising defined by the advertising strategy, it is important to consider the elements that the research exposes through the development of audiovisual narratives. For Forcelli (1987), who studied the influence of advertising messages within social environments, they allow us to understand people's reality from different contexts and their interaction through visual metaphors, metonymies, and other figures used to convey complex meanings quickly and effectively.

As part of this research exercise, fieldwork was carried out in the population under study, with farmers in the region. It was first established that production in the province takes place on small plots of land where basically the family unit, consisting of parents and children, works the land on small plots made available thanks to rural development policies.

Similarly, all knowledge is concentrated on the management of the plant, the land, and the inputs for growing the bush. Fruit harvesting is done by hand, with the whole family helping, even though some of its members do not live in the same municipality.

The pulp is then extracted, yielding at least 10 by-products that can be extracted from the fruit and which, until now, have not been widely used. The seeds are removed and a fermentation process is carried out, the liquid from which can be used as cocoa wine. Some farmers use these products and market them without any brand name.

It is clear that the provincial government and, in this case, the municipality of Palmas del Socorro, have worked to promote alternative crops to coffee in this region of the country. According to the farmers, this allows them to "refresh the soil" by growing another product such as cacao. Support has been essential for training farmers in this region, with professionals providing advice on agricultural processes, cultivation, inputs, and other matters.

From the involvement of research in each of the processes that allow for the creation of spaces for communication in the cocoa production environment, it can be established that this type of production represents not only a necessary marketing scenario but also a product with a high degree of social, cultural, and political significance among the different communities. This represents an essential element for the social dissemination of the advertising message from a communication perspective.

In this sense, Costa (2001) expresses the importance of building a brand based on the corporate values of the company. Farmers do not have the basic elements: mission, vision, or product description. They need to be able to identify their value proposition, image, and significance, which a logo or symbol would provide, allowing them to differentiate themselves from other products in the same category, such as grape wine.

Once fermented, the drying process is carried out and the peel is extracted, which also happens to be a marketable product. The "Campo Elias" venture distributes the peel as an infusion

product for tea consumption and even as a by-product in creams and infusions used to make skin nutrients.

This small business, run by two sisters, seeks to generate a cultural representation of their product, without managing to construct a meaning for the message found in the elements that can be represented from their knowledge, which has been passed down from generation to generation.

After several sessions with growers and distributors, the urgent need to devise strategies that determine their knowledge as an element of empowerment of the activity in the context of marketing their products begins to become apparent. This gives rise to the possibility of implementing social advertising to generate content that creates messages that spread a message of empowerment about the special work done by the community based on the significance of the cultural memory that sustains this social work.

The cultivation and marketing of cocoa provide a privileged setting for ethnographic analysis, as they encapsulate the economic, cultural, and social dynamics of rural communities in Colombia. Cocoa is not only a plant from which consumer goods are derived, but also a symbolic element that organizes daily life, kinship relations, commercial exchanges, and the future prospects of peasant families.

From participant observation on cocoa farms and in marketplaces, it is evident that cocoa is linked to the rhythms of the agricultural calendar, to the knowledge transmitted from ancestral wisdom that defines the importance of a collective work ethic. Cultivation therefore requires constant care: pruning, pod selection, fermentation, and drying are practices where tradition and innovation converge.

Producers proudly recount the stories of their parents and grandparents, who, using rudimentary techniques, sustained a crop that today seeks to enter fair trade circuits and global value chains.

On a social level, cacao shapes a network of community relationships. The community's values enable it to create communication proposals that share this knowledge with other people in Colombia and around the world, thereby turning them into representatives within the product's value chain. The cacao economy is therefore also a moral economy, where prices are negotiated, but so are prestige, trust, and reputation.

In marketing spaces, such as cooperatives and associations, there is tension between local logic—where solidarity and the exchange of favors prevail—and the demands of the global market, which imposes standards of quality, certification, and competitiveness. Medium-sized traders between these two worlds know the rules of the international buyer, but also the realities of producer families, who often sell their cocoa without calculating the added value of their work.

Conclusions

According to the above, cocoa as an object of ethnographic study allows us to see how farmers construct identity. The discourse of "being a cocoa farmer" is associated with pride in working the land, resistance to illicit crops, and a commitment to alternative development that dignifies rural life. Thus, more than just an agricultural product, cocoa becomes a symbol of belonging, memory, and future possibilities for communities.

The support provided in the marketing of their products has also been very good. They take the processed crop to distributors operating in the region who collect and market the unprocessed fruit. However, there are many things that still need to be worked on, and analyzing them from an advertising perspective explains a phenomenon that is essential for people's social development.

According to the above, it can be said that the principle of advertising is limited to the intention of proposing messages that motivate purchase. However, what begins to become evident in ethnography, when the researcher encounters the clear value of reality demonstrated in a context that reflects the traditional memory of a productive culture that refuses to die thanks to the importance of traditions in the current social scenario.

It can therefore be determined that advertising represents a very important current trend that signifies the social aspect that clearly defines the representation of the community. In this sense, Lopez (2005) defines the meaning of advertising that allows for the development of proposals in the social sphere itself, which allows us to understand the communicative dynamics of the representation of customs and beliefs through the promotion of products made by communities.

A reality that is beginning to become evident from ethnographic research is the lack of capabilities for the development of advertising proposals; communities are clear about their production and marketing processes, but when it comes to promoting their products, they fall short in communication, strategy, and content generation.

With reference to the above, social advertising not only proposes messages that define the interests of certain communities, but also intends to propose messages that allow them to benefit from the proposals presented in the messages. In this particular case, generating messages that express the traditions and customs surrounding the cultivation and marketing of cocoa generates appropriation and identification with the message.

From the perspective of the research exercise, the actors who have participated in this exploratory phase have realized the importance of reclaiming family values as an essential element of communication determined by the persuasive "insight" of advertising campaigns; a well-defined message of society's behavior that allows for the appropriation and empowerment of peasant work over market guidelines.

Accordingly, it is one thing to use society as an audience and another for messages to be specifically dedicated to social purposes. There is a form of advertising that goes beyond mere social interest, as it has objectives related to the improvement of individuals and society in general. This advertising, in my opinion, deserves to be called Social Advertising. (López, M. C. A., 2005).

What is identified in this exploratory exercise with field journals is that the cultivation of land for planting cocoa and the entire artisanal process of marketing the product is a topic that is easily visualized by the communities of influence. Therefore, advertising communication, which is a persuasive, paid, intentional activity with specific interests, is used through advertising media to support specific causes of social interest. Where ties can be established with communities and empower a daily exercise in work that is relevant to the reality of today's society.

In this sense, social advertising would serve to focus commercial objectives on the cocoa farming community in Santander, seeking effects that contribute to social and human development in the short or long term, and can be included in programs for social change and awareness.

Therefore, based on the ethnographic experience carried out in this area of the department, social advertising can be identified as a tool for developing this type of activity, which allows for the promotion of persuasive, intentional, and interested actions that serve, through advertising, specific causes of social interest. Therefore, social advertising sets non-commercial objectives, seeking effects that contribute, either in the short or long term, to social and/or human development, and forming part, or not, of programs for social change and awareness.

This research has made it possible to explore new trends in social advertising aimed at highlighting the development of a nascent industry in the country. The marketing of farm products directly from the field, through the innovation and creativity of its farmers. An action that represents the new challenges of advertising that define the intention of the message about the proactivity of people in their own microsocial development and information gathering.

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Religious Symbols in Online Advertising: Affection, Trust, and Purchase Intention

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Introduction

Portugal has always lived with the cultural heritage of the world's major religions, Christian and non-Christian, with a strong Islamic presence, especially in former colonies such as Mozambique and Guinea. The world's major religions have always been present in Portuguese territory, although they have not always enjoyed full freedom, sometimes being the target of persecution. This was the case of the Jewish community, which faced expulsion in the 15th century but later regained the right to freedom of worship. Other communities, such as Jehovah's Witnesses, also faced discrimination, particularly for refusing to perform compulsory military service during the colonial war (DN/Lusa, 2024).

During the Estado Novo regime, minority churches were permitted, but lacked minimum legal status, with no clear guarantees of rights and duties. "There were several religions. In fact, some religions have been in Portugal for over 200 years" (DN/Lusa, 2024). Baptists, Lutherans and Jews are examples of such communities with a historical presence in the country. In addition, many of these religions were also well established in the Portuguese colonies, where they maintained active missions. In these regions, education was often provided by religious missions, mostly Catholic, but also by non-Catholic missions, some of which were eventually accused and expelled by the regime (DN/Lusa, 2024).

According to data from the National Statistics Institute (INE), in 1981, the Protestant denomination had 39,122 followers, while another Christian denomination had 59,985 followers. The Jewish community had 5,493 followers, the Muslim religion had 4,335 followers, and the Orthodox religion had only 2,564 followers. About 253,786 people declared themselves to be without religion.

In 2021, the data show a significant change in the religious landscape in Portugal. The Protestant/Evangelical church now has 186,832 followers, Jehovah's Witnesses 63,609, and other Christian denominations 90,948. The Orthodox community has grown sharply, reaching 60,381 people, while the Muslim community has grown to 36,480. The Jewish community, in contrast, has seen its numbers decline to 2,910. The number of people without religion has increased significantly to around 1.2 million. For the first time, there are also 19,471 Hindus and 16,757 Buddhists registered, as well as 24,366 people who identify with another non-Christian religion (DN/Lusa, 2024).

Table 1. *Characterisation of religion in Portugal until 2021*

Religion	Number	percentage
Christianity	7.444.786	84,77%
Catholicism	7.043.016	80,20%
Orthodoxy	60.381	0,69%
Protestantism	186.832	2,13%
Jehovah's Witnesses	63.609	0,72%
Other Christian	90.948	1,04%
Non-Christian religions	99.984	1,14%
Buddhism	16.757	0,19%
Hinduism	19.471	0,22%
Judaism	2.910	0,03%
Islam	36.480	0,42%
Other non-Christians	24.366	0,28%
No religion	1.237.130	14,09%
Note: Question asked to the population aged 15 years or older.		

Source: INE (2021)

Numerous studies have explored the intersection between religion and consumer behaviour, highlighting its importance in consumer decision-making, as well as in their perception of advertisements (Henley et al., 2009; Kaur et al., 2022). The inclusion of religious symbols in online advertising has attracted considerable attention and has been the subject of debate among academics. This growing interest is driven by the ability of religious symbols to communicate complex messages with a strong emotional impact (Agarwala, Mishra & Singh, 2021), allowing advertising to gain some prominence in a context of advertising saturation in the media and digital landscape (Mallia, 2009). However, a growing body of research reveals contradictory results regarding how consumers react to religious symbols in advertisements (Kalliny et al., 2020).

Although some studies support the effectiveness of religious symbols, the results are often inconsistent overall. For example, Taylor et al. (2010) demonstrated that the impact of religious symbols on quality perception varies depending on the individual's level of religiosity. In contrast, Nickerson et al. (2022) reported that religious symbols had no significant effect on attitudes or intentions, regardless of levels of religiosity. Similarly, Muralidharan et al. (2018a) found no significant differences in responses to religious versus non-religious advertisements among highly religious individuals. These contradictory results highlight the need for a meta-analytic approach to identify the factors contributing to these discrepancies.

Given the fragmented understanding of religious symbols in the advertising literature, it is essential to explain the reasons behind the contradictory results, specifically the relationship between religious symbols and ad persuasion. Therefore, the starting question for this investigation is: what is the impact of religious symbols in online advertising for secular products in Portugal? To answer this research question, the following specific objectives were defined:

1. To assess the impact of religious symbols on the acceptance and rejection of online advertising;
2. To identify the main predictors that influence the effectiveness of religious symbols in online advertising.
3. To analyse the direct effect of the use of religious symbols in online advertising on affection, trust and consumption intention;
4. Investigate the moderating role of religiosity in the relationship between online advertising and religious symbols and the variables of affect, trust, and intention to consume online advertising for secular products;

The research contributes to the literature by deepening the understanding of online advertising responses to religious symbols in secular products.

Religion: key concepts

Religion is defined as “an organised system of beliefs, practices and symbols designed to facilitate closeness to the transcendent and promote understanding of the relationship and responsibility of each person towards others in community life” (Koenig, King & Carson 2001, p. 18). Religion encompasses actions, rituals, ceremonies (Koenig 2012), and establishes social norms and moral principles (Farah & El Samad 2014). For example, Islamic values significantly influence the purchasing behaviour of Muslims (Li, Raji & Rasul 2023; Siyavooshi et al., 2019), by strictly prohibiting the consumption of pork, alcohol and participation in interest-bearing financing (Asif 2018). Similarly, Hindu beliefs dictate the avoidance of beef consumption, while Catholic practices involve abstaining from meat on Fridays during Lent (Coşgel & Minkler 2004; Wang et al. 2018).

These religious precepts go beyond personal conduct and profoundly shape brand strategies. Faith-based communication strategy, which aligns products with religious values, is a direct result of these influences (Fam et al., 2004; Izberk-Bilgin & Nakata 2016).

For example, Walmart has also integrated religious symbols into its marketing efforts, offering halal meats, Islamic greeting cards, and frozen food products to satisfy Muslim consumers (Izberk-Bilgin & Nakata 2016). Similarly, brands targeting Jewish consumers promote products certified as kosher, reflecting a strategic alignment with religious dietary laws (Santovito et al. 2023).

Meyer (2004) notes that religious symbols, such as the Christian cross or the Islamic crescent, are used to reinforce values such as morality and ethics. In addition, religious holidays, such as Christmas and Ramadan, are opportune moments for advertising campaigns that seek to associate products with spiritual celebrations (Obadare & Adebani, 2010).

A notable example can be found in the advertising campaign by telecommunications operator MTN during Ramadan in Nigeria. MTN, one of the largest telecommunications companies in Africa, created a series of digital advertisements specifically for the holy month of Ramadan, targeting Muslim audiences. These advertisements highlighted messages of solidarity, charity, and spiritual reflection, values that are central to Ramadan, and offered special discounts on

telecommunications services that could facilitate communication between family and friends during this period.

The visual elements of the campaign included the Islamic crescent, colours associated with Islam (such as green and gold) and quotes from sacred texts, creating a strong emotional connection with the target audience. This explicit use of religious symbols and themes not only captured consumers' attention but also reinforced MTN's brand identification with the values of the Muslim community.

The literature provides insight into consumer behaviours shaped by religious and spiritual influences. Research shows that consumers without religious affiliation engage more with spiritual advertisements, experience greater cognitive arousal (La Ferle et al., 2022), and are less concerned with overt materialistic messages. In contrast, religious consumers tend to have negative attitudes towards advertisements that portray brands as symbols of social approval (Veer & Shankar 2011). Furthermore, religious individuals often seek information within their faith communities, while non-religious individuals tend to rely more on the media and commercial representatives (Choi et al., 2010). These data suggest that religious identity promotes adherence to group norms, leading to a more sceptical consumer attitude towards external sources.

Based on this theoretical framework, we define the following hypothesis:

H1: The presence of religious symbols in online advertising has a greater positive effect on the perception of advertising, compared to advertising that does not contain religious symbols.

Religious symbols and online advertising

The term religious symbol refers to the use of religious signs, values, or other references in marketing messages (Bakar et al. 2021; Minton 2020) with the aim of conveying meaning and influencing consumer behaviour (Agarwala et al., 2021; Zehra & Minton 2020). The existing literature suggests that religious consumers respond more favourably to advertisements that include religious symbols (Arli et al., 2022; Dotson & Hyatt 2000; Minton 2020), with individual religiosity playing a significant role in shaping their attitudes and purchase intentions. For example, Muslim consumers' preference for brands with Islamic symbols on their packaging highlights the effectiveness of these symbols in aligning with consumer values (Bakar et al. 2021). Thus, the strategic use of religious symbols has become an essential component of marketing, offering a way to connect with consumers' "deeper sense of meaning, purpose, beliefs and values" (Minton 2020, p. 370). However, the use of religious symbols in advertising carries potential risks and — if perceived as exploitative — can generate negative reactions from consumers (Minton 2020; Taylor, Halstead & Haynes 2010). Nevertheless, when used appropriately, religious symbols have been shown to positively influence consumers' attitudes and behavioural intentions (Arli et al., 2022).

In secularised societies, the challenges posed by the pandemic have driven a religious inclination among individuals (Newport 2020; Pew Research Centre 2020), which has further increased the use of religious appeals in marketing. Based on this theoretical framework, the following hypothesis was defined:

As Hackley (2013) states, ‘the instrumentalisation of religion in advertising can be perceived as a form of desecration, especially in highly religious contexts’ (p. 122).

In a context of religious diversity, this implies a variety of sensibilities and norms that challenge standard advertising practices. According to McDaniel and Burnett (1990), consumers of different religions process symbolic messages in different ways. For example, Muslims tend to react negatively to anthropomorphic images of religious figures, while Christians in general may accept iconographic representations.

Chen et al. (2018) explore how cultural context moderates the influence of religious symbols: “the effectiveness of religious advertising depends on the congruence between the symbol, the product, and the target audience” (p. 310). Thus, a Christian cross in a clothing campaign may increase purchase intention among evangelical Christians but reduce it among Muslims or atheists.

We therefore formulate the following hypotheses:

H2: The presence of religious symbols in online advertising has a greater positive effect on trust in the advertisement compared to an advertisement that does not contain religious symbols;

H3a: Affection for online advertising of secular products will mediate the relationship between the presence of religious symbols and the intention to consume the advertisement;

H3b: Trust in online advertising will mediate the relationship between the presence of religious symbols and the intention to consume the advertisement.

In the quantitative data collection technique, all questionnaires were considered complete and valid. Each participant declared their religious affiliation. The scales were tested for reliability, with all Cronbach's alphas (Cronbach, 1951) showing sufficiently high values (Peterson, 1994; Nunnally, 1978).

Table 2. *Descriptive Statistics (DV)*

Dependent Variable	Groups	Mean (M)	Standard Deviation (SD)
Affection for online advertising ($\alpha=0.81$)	Controlo	3.44	1.10
	Tratamento	3.77	0.93
	Total	3.90	1.03
Trust in online advertising ($\alpha=0.71$)	Controlo	3.65	1.19
	Tratamento	4.02	1.08
	Total	3.85	1.14
Intention to consume ($\alpha=0.91$)	Controlo	3.45	1.34
	Tratamento	3.65	1.28
	Total	3.65	1.33

Source: Author elaboration

The three variables showed good internal consistency indices, with satisfactory Cronbach's alphas: 0.81 for affection for online advertising, 0.71 for trust in online advertising, and 0.91 for intention to consume online advertising, indicating reliability in the scales used for measurement.

To test the differences between the effects of religious symbols in online advertising, the Student's t-test for independent samples was performed. The results indicated that the group exposed to online advertising of secular products with religious symbols showed a significantly higher level of affection for online advertising ($M=3.77$; $SD=0.93$) compared to the group exposed to online advertising for secular products without religious symbols ($M=3.44$; $SD=1.10$), $t(95)=2.15$, $p<0.05$, $d=0.45$, indicating a moderate effect of the presence of religious symbols on affection towards the advertisement.

In relation to trust in online advertising, the group exposed to online advertising for secular products with religious symbols showed significantly higher levels ($M=4.05$; $SD=1.08$) compared to the group exposed to online advertising for secular products without religious symbols ($M=3.65$; $SD=1.19$), $t(95)=2.21$, $p<0.05$, $d=0.42$. This result supports the hypothesis that the presence of religious symbols in the advertisement reinforces trust in online advertising. Regarding the intention to consume online advertising for secular products, participants who were exposed to online advertisements with religious symbols demonstrated a significantly higher intention ($M=3.85$; $SD=1.28$) than the group that did not observe religious symbols in online advertising ($M=3.45$; $SD=1.34$), $t(95)=2.06$, $p<0.05$, $d=0.39$, evidencing a positive effect of religious symbolism on behavioural predisposition to consumption resulting from online advertising of secular products.

These results partially confirm hypotheses H1 and H2, suggesting that the presence of religious symbols in online advertising for secular products enhances both positive perception and trust, which, in turn, increases consumption intention. In addition, Structural Equation Modelling (SEM) was used to evaluate the proposed hypotheses (H3a and H3b). The results revealed that affection for advertising significantly mediated the relationship between the presence of religious symbols and consumption intention ($\beta=0.31$, $p<0.01$). Similarly, trust in advertising also acted as a significant mediator ($\beta=0.28$, $p<0.01$).

The overall model fit the data well ($\chi^2/df = 1.98$; $CFI = 0.95$; $RMSEA = 0.06$), confirming the mediating role of affection for the advertisement and trust in the advertisement in the relationship between religious symbols in advertisements and consumption intention.

Tabela 3. *Descriptive Statistics (DV) (DV)*

Dependent Variable	Item	M	SD
Affection for online advertising ($\alpha=0.89$)			
	Religious symbol	3.79	1.33
Trust in online advertising ($\alpha=0.80$)			
	Religious symbol	5.01	1.50
Intention to consume ($\alpha=0.91$)			
	Religious symbol	4.23	0.92
Religiousness ($\alpha=0.89$)			
	Religious symbol	4.98	2.44

Source: Author elaboration

Table 3 shows the means and standard deviations of the main variables in the study for the group exposed to religious symbols in online advertising. Affection for online advertising had a mean of 3.79 (SD=1.33), indicating a moderately positive perception of advertisements with religious symbols.

Trust in online advertising revealed a higher mean of 5.01 (SD=1.50), suggesting that advertisements with religious symbols generated a high level of trust among participants.

The intention to consume secular online advertising with religious symbols was 4.23 (SD=0.92), also above the midpoint of the scale, suggesting a positive predisposition to consume the advertisement when it includes religious symbols. The level of religiosity of participants in this group was relatively high, with an average of 4.98 (SD=2.44) on a validated scale ($\alpha=0.89$), indicating that, on average, individuals exposed to religious symbols in online advertising have above-average religiosity.

All scales showed high levels of reliability, with Cronbach's alpha ranging from 0.80 to 0.91, indicating adequate internal consistency for analysis purposes.

The average level of affectivity towards online advertising was 3.79 (SD = 1.33) on a scale of 1 to 7. This value indicates a moderately positive trend in participants' emotional response to the symbol presented in the online advertising campaign. This result suggests that the symbol had a reasonable, albeit not extremely high, emotional impact on consumers. The trust generated by online advertising with the symbol was perceived more highly, with an average of 5.01 (SD = 1.50). This is the highest average value among the variables analysed, suggesting that the religious symbol used in online advertising was particularly effective in generating credibility in the message conveyed. Trust is an important antecedent for purchase intention and brand image building, which reinforces the symbolic importance of visual elements in advertising.

The intention to consume online advertising containing the symbol obtained an average of 4.23 (SD = 0.92), signalling a moderately high willingness among participants to act on the message received, whether by clicking, searching or purchasing the product. The relatively low standard

deviation suggests that the responses were more homogeneous compared to the other variables.

Religiousness was rated with an average of 4.98 (SD = 2.44), indicating high diversity among participants. The significantly higher standard deviation in this variable suggests that the level of religiosity varied widely among respondents, which may have important implications for interpreting the symbolic effectiveness of advertising, especially if the symbol used carries religious, cultural, or ethical connotations.

Table 4. *Characteristics of the Quantitative Sample*

Sample characteristics	Studies (n)	Estimated Point (d)	SE	Lower Limit	Upper Limit	Q	df	p
Gender								
Male	328	.095	.046	.006	.184	364.951	27	.037
Female	244	.132	.068	-0.001	.265	415.033	23	.051
Occupation								
Students	355	.127	.042	.071	.115	402.245	34	.002
Self-employed/employed by others	217	.212	.036	.142	.283	341.102	24	.001
Religious affiliation								
Christians	309	.073	.308	-0.038	.184	.693	1	.405
Muslims	114	.142	.082	-0.085	.237	.859	1	.354
Religion of African origin	96	.163	.52	-0.042	.101	.765	1	.489
Other/mixed	53	.155	.048	.060	.250	.323	1	.570
Region								
Northern region	201	.222	.053	.091	.299	.941	1	.410
Central region	176	.177	.050	.079	.275	.672	1	.261
Southern region	195	.095	.059	-0.036	.226	.401	1	.126

Source: Author elaboration

Table 4 presents a statistical summary of the main sociodemographic characteristics of the sample, based on the aggregate results of the analyses conducted in SPSS. For each subgroup, the number of studies included (n), the standardised mean effect (d), the standard error (SE), the

95% confidence interval (lower and upper limits), as well as the heterogeneity statistics (Q, degrees of freedom and p-value) are reported.

With regard to gender, a slightly positive effect was observed among male participants ($d = 0.095$; 95% CI: $0.006 - 0.184$), with marginal statistical significance ($p = 0.037$). For females, the mean effect was slightly higher ($d = 0.132$), although the confidence interval included zero (95% CI: $-0.001 - 0.265$), indicating a lack of statistical significance ($p = 0.051$). In both cases, the high Q values and associated p-values (< 0.05) indicate significant heterogeneity among the studies analysed.

Regarding occupation, students showed a positive mean effect ($d = 0.127$), with a confidence interval within the limits of statistical significance (95% CI: $0.071 - 0.115$) and high heterogeneity ($Q = 402.245$; $p = 0.002$). Self-employed or employed workers showed a moderately more significant effect ($d = 0.212$; 95% CI: $0.142 - 0.283$), also with statistically significant heterogeneity ($p = 0.001$). These results suggest that professional occupation is a relevant differentiating variable in the analysed context. With regard to religious affiliation, none of the categories showed statistically significant effects, with all confidence intervals covering zero. In addition, the high p-values ($p > 0.3$) suggest an absence of heterogeneity between studies for these categories. It is important to review possible errors in the values reported for the African religion group, given that the confidence interval limits appear to be inverted or incorrect.

Finally, in relation to area of residence, participants from the northern area ($d = 0.222$; 95% CI: $0.091 - 0.299$) and the central area ($d = 0.177$; 95% CI: $0.079 - 0.275$) showed statistically significant effects, with no relevant heterogeneity ($p = 0.410$ and $p = 0.261$, respectively). Participants from the southern region showed a smaller, non-significant effect ($d = 0.095$), with a confidence interval that includes zero (95% CI: $-0.036 - 0.226$).

Table 5. *Parallel mediation.*

	Affection for online advertising				Trust in online advertising	
	Effect of IV on M	Effect of M on VD	Indirect Effect of VI on VD	Effect of VI on M	Effect of M on VD	Indirect Effect of VI on VD
Coefficient	0.99	1.52	1.51	1.21	0.52	0.63
Confidence interval	.16–1.82	1.20–1.84	.37–2.81	.39–2.03	.20–.84	.11–1.49

Source: Author elaboration

The results presented in Table 5 provide robust empirical evidence about the mediating role of religiosity in the relationship between exposure to religious symbols in online advertising and the intention to consume online advertising, through two distinct mechanisms: affection towards online advertising and perceived trust in online advertising. In the first stage, it was observed that the presence of religious symbols in online advertising significantly impacts the perceived level of religiosity (coefficient = 0.99 ; CI = $0.16-1.82$). In turn, a higher level of religiosity is positively associated with an increase in the affection generated towards online advertising

(coefficient = 1.52; CI = 1.20–1.84). The indirect effect was equally significant, with a coefficient of 1.51 and a confidence interval of 0.37 to 2.81, suggesting that religiosity plays a relevant mediating role in strengthening the emotional bond that consumers develop with online advertising featuring religious symbols. In the second stage, religiosity activated by religious symbols in online advertising also had a positive effect on perceived trust in the advertisement (coefficient = 0.52; CI = 0.20–0.84), after a significant direct impact of the independent variable on religiosity (coefficient = 1.21; CI = 0.39–2.03). The indirect effect via trust proved to be significant (coefficient = 0.63; CI = 0.11–1.49), although of lesser magnitude than the effect mediated by affect. These results provide empirical support suggesting that the use of religious symbols in online advertising can be an effective resource for influencing consumer behaviour, particularly in cultural contexts where religiosity plays a central role in individual and collective identity. However, the use of these symbols should be carried out with caution, in an ethical and respectful manner, to avoid possible negative reactions associated with the perception of the instrumentalisation of faith.

Table 6. *Characteristics of focus group participants*

	Total (n=97)	
	n	%
Gender		
Male	61	62.8
Female	36	37.1
Education		
12th grade completed	41	42.2
Bachelor's degree completed	29	30
Master's degree completed	21	21.6
Phd	6	6
Religion		
Christianity	41	42,3
Islam	29	30
African-based religion	16	16.4
Independent religion	11	11.3
Occupation		
Teacher	7	7.2
Computer engineer	5	5.1
Self-employed	24	25
Pastor	16	16.4
University student	18	18.5
Filmmaker	12	12.3
Management consultant	4	4.1
Entrepreneur	8	8.2
Lowyer	3	3

For the focus groups, the total sample consists of 97 participants, with a predominance of males (62.8%), while females represent (37.1%). This difference may reflect the demographic composition of the group studied or possible differences in availability or interest in participating in the focus group.

In terms of education, it is observed that most participants have a high level of education. The most representative group is that of participants who have completed 12th grade (42.2%), followed by those with a bachelor's degree (30%) and a master's degree (21.6%). Only a small portion (6%) have a doctorate, which suggests that the group is mostly composed of individuals with higher education, although the highest level of education (doctorate) is less frequent.

In terms of religion, there is significant diversity among the participants. The predominant religion is Christianity (42.3%), followed by Islam (30%). Religions of African origin account for 16.4%, and independent religions account for 11.3%. This religious diversity may influence the perspectives and discussions of the focus group, enriching the dialogue with different cultural values and beliefs.

The participants' occupations are also quite varied, with a higher concentration of self-employed workers (25%), university students (18.5%) and pastors (16.4%). Other professions include filmmakers (12.3%), entrepreneurs (8.2%), teachers (7.2%), computer engineers (5.1%), management consultants (4.1%) and lawyers (3%). This variety suggests a multifaceted group in terms of professional experiences, which may contribute to a greater richness in the content of the focus group discussions.

During the eight focus groups, it was consistently observed that participants attributed greater persuasive effectiveness to visual religious symbols than to textual ones. This finding is in line with the assumptions of visual rhetoric and symbolic interactionism theory, providing a solid theoretical framework for interpreting the results.

The theory of visual rhetoric maintains that images inherently have a high persuasive potential, in that they can communicate complex meanings and evoke emotional responses immediately and intuitively (Foss, 2012). Unlike textual elements, which require linear and cognitive decoding, visual stimuli tend to operate on a more affective and symbolic level, being particularly effective in activating deeply rooted religious values and beliefs.

Similarly, symbolic interactionism theory argues that meanings are constructed and shared through symbolic interaction (Blumer, 1969). In this context, visual symbols play a central role, as they function as vehicles for socially constructed meanings that guide action and shape individual and collective perceptions (Chen et al., 2020). Our empirical data demonstrate that visual religious symbols are not only more easily recognised and interpreted, but also activate deeper cultural and spiritual repertoires than their textual equivalents.

Table 7. *Parallel mediation results*

Variable	Affection for online advertising			Trust in online advertising		
	Effect of VI on M	Effect of M on VD	Indirect effect of VI on VD	Effect of VI on M	Effect of M on VD	Indirect effect of VI on VD
	Coefficient	Coefficient	Coefficient	Coefficient	Coefficient	Coefficient
Religious Symbol	0,84	0,48	0,40	0,97	0,76	0,74
Confidence Interval	0,06–1,63	0,32–0,64	0,07–0,87	0,28–1,66	0,57–0,95	0,19–1,29

Table 7 presents the results of the regression tests, through parallel mediation analysis, considering two distinct mediators: affection for online advertisements and trust in online advertisements. The objective was to verify how the presence of religious symbols in online advertising influences consumers' attitudes towards advertising, through these two mediating variables.

Looking at the results, it can be seen that the presence of religious symbols has a positive effect on both affection and trust. Specifically, religious symbols had a coefficient of 0.84 in terms of their impact on affection, with a confidence interval between 0.06 and 1.63, which indicates a statistically significant effect. This affect, in turn, influences the dependent variable (consumption intention or attitude towards the product) with a coefficient of 0.48. The total indirect effect of this mediation, combining these two paths, is 0.40, with a confidence interval between 0.07 and 0.87, suggesting that affect acts as an important mediator in this relationship.

As for trust in advertisements, the religious symbol also had a positive effect (0.97) on trust, with an interval between 0.28 and 1.66. Trust, in turn, has a significant influence on the dependent variable (coefficient of 0.76), with a confidence interval of 0.57 to 0.95. The indirect effect through trust is slightly stronger than that of affection, with a coefficient of 0.74 and a confidence interval between 0.19 and 1.29.

The parallel mediation analysis demonstrates that the presence of religious symbols in online advertisements has a significant and positive influence on two fundamental dimensions of consumer response: affection and trust. These dimensions, in turn, mediate the relationship between exposure to religious symbols and consumer attitudes towards advertising, reflecting greater purchase intention or favourable evaluation of the product/brand.

With regard to affect, the data indicate that the presence of a religious symbol generates a positive effect (coefficient = 0.84), with a significant impact on consumers' emotional response to the advertisement. This affective response, in turn, has a relevant indirect effect (coefficient = 0.40) on the dependent variable. These results are theoretically grounded in studies such as that by Agarwala et al. (2021), which demonstrate that religious symbols promote feelings of spiritual closeness, reverence, and acceptance, increasing positive brand evaluation. Similarly, Butt et al. (2018) reveal that the use of Islamic symbolism in advertising contributes to consumer emotional engagement, especially when consumers recognise congruence between their values and the values implicit in the advertising content.

This affective dimension is also anchored in the perspective of symbolic interaction, as advocated by Blumer (1969), according to which religious symbols take on shared social and emotional meanings that shape behaviour and perception. The emotional connection between consumers and religious symbols can therefore be seen as a manifestation of the process of collective meaning attribution. Belk et al. (1989) reinforce this interpretation by proposing that the consumption of objects and messages with sacred connotations transcends functional utility and approaches a ritual and identity-forming experience.

In parallel, the mediating effect of cognitive trust proves to be even more significant. The religious symbol had a coefficient of 0.97 on trust in online advertisements, and the indirect effect of this trust on the dependent variable reaches 0.74. This finding is consistent with the conclusions of Al-Wugayan (2022), who identified that the presence of religious figures or spiritual references in social campaigns increases the credibility of the message, generating a greater willingness to act, as in the case of donations or institutional support.

The role of trust is further emphasised by Alhabash et al. (2017), who demonstrate that the integration of religious verses into alcohol prevention messages significantly increased acceptance of the message, provided it was perceived as genuine and respectful. In the same vein, Che et al. (2018) point out that religious symbols function as heuristic shortcuts to credibility, reducing ambiguity and increasing trust, especially in digital contexts where the absence of physical contact makes moral and ethical judgements even more relevant.

It is important to note that these effects — both emotional and cognitive — are amplified when there is congruence between the values of the target audience and the symbolic content of the advertisement. Studies such as that by Ariza et al. (2020) confirm that young people from religious backgrounds recognise and value sacred symbols more intensely, attributing greater legitimacy and significance to them. Similarly, Bakar et al. (2021) warn that the positive effect of religious appeals depends on the intensity of the consumer's religiosity, and that cultural and spiritual variations must be taken into account to avoid rejection or negative interpretations.

Conclusions

The results of this study provide robust empirical evidence on the impact of religious symbols in online advertising for secular products. Using a mixed methodological approach (quantitative and qualitative), it was demonstrated that visual religious symbols have a significantly positive effect on three central variables in the consumer response model: affection for online advertising, trust in online advertising, and intention to consume the advertisement.

First, quantitative data revealed that participants exposed to advertisements with religious symbols reported significantly higher levels of affection ($d = 0.45$), trust ($d = 0.42$), and consumption intention ($d = 0.39$) compared to the control group. These effects, although moderate, are consistent and statistically significant ($p < 0.05$), confirming the initial hypotheses about the symbolic effectiveness of religious stimuli in advertising.

In addition, mediation analyses (SEM and parallel mediation) showed that the impact of religious symbols on consumption intention is mediated by two distinct mechanisms: the affection generated by online advertising and trust in online advertising. Both paths showed significant

indirect effects, with the affective path being the most influential ($\beta = 0.31$), reinforcing the centrality of emotional responses in the effectiveness of symbolic persuasion.

Additionally, the results suggest that the participants' level of religiosity, assessed with high internal consistency ($\alpha = 0.89$), plays a relevant mediating and moderating role in the processing of symbolic stimuli. Focus group participants with higher levels of religiosity reacted more positively to online advertising with religious symbols. This finding points to the importance of considering contextual and identity variables, such as religiosity, in the analysis of advertising effects.

The sociodemographic and religious diversity of the sample adds external validity to the results, since positive reactions to visual religious symbols were observed among participants with different educational backgrounds, occupations, and religious affiliations, albeit with variations in intensity.

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Visual Pollution from Advertising

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Introduction

The diversification of advertising in modern urban environments has transformed public spaces into a stage heavily mediated by commercial and political visual stimuli. Far from serving an informative function, these graphic elements reshape the communicative landscape, directly impacting perceptual processes, the everyday experience of the city, and the symbolic construction of territory. Along these lines, the so-called 'visual pollution of advertising' emerges as a complex phenomenon that articulates aesthetic, cognitive, social, and ethical dimensions, simultaneously linking three characteristic approaches to reception in outdoor spaces: visual communication, urban planning, and environmental psychology.

Several studies (Bonato, 2024; Bulduk, 2012; Madleňák & Madleňáková, 2025) have argued that the unregulated proliferation of advertising messages in open urban contexts not only reduces the communicative effectiveness of advertisements but also introduces forms of visual noise that impair message legibility and overwhelm citizens' attention spans. From the perspective of attentional components, public space becomes a '*symbolic battleground*' where multiple actors vie for the limited resource of the gaze. This is why Madleňák & Madleňáková (2025) refer to this phenomenon as '*visual overexploitation*,' which produces effects of habituation, fatigue, and disinterest, and directly impacts the loss of message comprehension.

These problems are particularly relevant in public contexts, whether due to weak state regulation of public space, where outdoor advertising proliferates without visual planning criteria or communicative responsibility.

It is clear that addressing 'visual pollution' solely as an environmental or urban planning issue is insufficient; rather, it is necessary to study it from a semiotic and perceptual perspective that transcends the processes of reception, attention, and visual memory, while simultaneously conditioning the relationship between advertising messages and their audiences (Bonato, 2024).

As a result, the saturation of stimuli not only weakens the persuasive effectiveness of advertising, but also transforms the urban experience into an environment of information overload that hinders the discrimination between relevant content. Based on these considerations, this book chapter seeks to answer a fundamental question that guides its analytical development: How does visual pollution contribute to advertising saturation in public spaces?

This question helps to problematize the relationship between advertising and public spaces from a purely instrumental perspective, highlighting the analysis of communicative and cognitive

processes. In this way, visual pollution is understood as a communication model based on overexposure and intensive competition for attention.

Likewise, this chapter proposes a reflective analysis of the level of communicative saturation in public spaces, considering the perceptual, symbolic, and sociocultural effects.

Finally, the chapter seeks to contribute to a comprehensive understanding of advertising visual pollution, proposing the need to include media literacy and educational approaches to broaden the discussion to the entire community involved.

Urban space as a communicative environment

From a communicative perspective, urban space functions as a complex arena of signs, cultural practices, and power relations. Furthermore, all systems—such as urban elements, streets, facades, signage, graphics, and advertising displays—configure a visual framework that contributes to the production of meaning and guides the behavior of those who move through them.

According to Czajkowski *et al.* (2022) the city should be considered a constantly rewritten visual text, where the architectural, symbolic, and media elements interact in the construction of perceptual meaning. The key is to understand that perceptual processes do not transcend the purely sensory; they go further and require cultural aspects for comprehension.

If we consider that individuals interpret their environment through cognitive frameworks (attention, memory, and social expectations), advertising spaces not only fulfill informative functions but also intervene in shaping the identity of the place and, indeed, in the hierarchical production of symbolism. With this we can mention that all advertising adhering to social relevance improves, seduces attention and captures perception (Shan *et al.*, 2023).

Therefore, this perspective of establishing urban space as a communicative element allows us to understand it as a perceptual and cultural construct. In other words, public spaces are not just about the physical arrangement of buildings and streets, but about a visual organization that expresses values, interests, and models of the city. A visually ordered environment facilitates orientation, legibility, and the symbolic appropriation of the territory; while a saturated or chaotic space immerses us in semantic ambiguity and fragments the perceptual experience.

Civera *et al.* (2025) mention that, during election periods, public spaces become a bargaining table where various political messages compete to occupy the city's visible surface, ultimately becoming the electorate's preferred choice. To arrive at this preferred choice of stimuli, it is essential to recognize that urban space implies acknowledging that visual pollution can become a semiotic dysfunction (Bonato, 2024).

From this perspective, analyzing visual advertising pollution requires situating oneself at the intersection of perception, communication, and public space. It is not simply a matter of quantifying the presence of advertisements, but of examining how they reconfigure the urban communicative ecosystem.

Ultimately, public space, understood as a communicative environment, then becomes a strategic field for understanding the effects of visual saturation on attention, message interpretation, and the symbolic construction of the city.

Visual pollution from advertising

Visual pollution requires consideration of perceptual, semiotic, sociocultural, and legal dimensions, as previously mentioned. Generally speaking, it refers to the alteration of the visual environment caused by the intensive and unregulated insertion of advertising devices that disrupt the legibility of the urban landscape and affect the processes of attention, interpretation, and visual memory.

Cercleux *et al.* (2016) state that visual pollution is distinguished from environmental pollution by its symbolic nature. Visual pollution implies both the material degradation of the environment in a physical sense and the distortion of the urban semiotic ecosystem. In this sense, it can be understood as a dysfunction of the system of signs that structures public space: where observation should facilitate orientation, understanding, and social interaction, a field saturated with competing messages emerges, fragmenting meaning and eroding the perceptual coherence of the environment.

Several studies have associated this phenomenon with concepts such as visual noise, perceptual disorder, or communicative saturation. However, Casado-Aranda *et al.* (2018) argue that it is essential to establish an analytical distinction between these terms.

"The information provided to members of society or to potential environmentally conscious consumers through advertising increases awareness of environmental problems" (p. 665)

'Visual noise' refers to interference that hinders the clear reading of messages; saturation alludes to an excess of stimuli that exceeds attentional processing capacity; while visual advertising pollution integrates both processes within a specific urban framework, situating the problem in the relationship between advertising practices and public space. It is not simply a matter of too many advertisements, but rather a visual configuration that disrupts the communicative function of the environment (Bulduk, 2012).

In this context, 'advertising saturation' can be understood as an operational manifestation of visual pollution. When commercial and political messages proliferate without any criteria for visual hierarchy or spatial regulation, an intensive competition for attention arises, leading to phenomena of perceptual habituation and cognitive fatigue. Paradoxically, the increase in advertising presence does not lead to a proportional increase in its communicative effectiveness; rather, it tends to generate indifference, rejection, or attentional blockage on the part of the recipients. Visual pollution, therefore, not only affects the urban environment but also undermines the very persuasive rationality of advertising (Campos *et al.*, 2021).

Likewise, Shan *et al.* (2023) argue that this phenomenon is not socially neutral. The intensive occupation of public space by advertising messages responds to economic and political logics that transform the city into a commodified platform for visibility. Advertising visual pollution should therefore be understood as a symptom of communication models based on the systematic exploitation of attention. In this context, urban space ceases to function primarily as

a place for citizen encounter and deliberation, becoming instead an arena for contestation over the gaze, where commercial interests tend to prevail over other forms of symbolic expresión.

From a perceptual standpoint, advertising visual pollution manifests as overstimulation of the visual field, directly impacting the ability to discriminate information. The proliferation of heterogeneous colors, fonts, images, and formats creates an environment of high semantic density that demands constant cognitive effort from the observer. This demand increases attentional load and reduces the depth of message processing, favoring superficial and fragmented forms of perception (Santa & Drews, 2023).

In short, advertising visual pollution can be defined, according to Sun & Kwak (2024), as a process of destructuring the urban visual environment caused by the intensive and unregulated proliferation of advertising messages, which generates communicative noise, perceptual saturation, and a weakening of the symbolic function of public space. Its analysis does not refer solely to problems of urban design or aesthetics, but rather to a deeper transformation of the conditions of production, circulation, and reception of messages in the contemporary city. Understood in this way, it is configured as a privileged object of study for communication sciences, insofar as it reveals the tensions

Perceptual processes and attention in crowded environments

The visual experience of the urban environment is constructed from perceptual processes that articulate sensory stimuli with higher cognitive operations, such as attention, memory, and symbolic interpretation.

An original image, with expressive and relevant symbolic elements, gives online advertising a visual identity. Through visual identity, online advertising becomes memorable, unique, and easy to distinguish from competitors' advertising. Petrovici (2014) mentions that,

Perception is not a passive recording of information, but an active process of selecting and organizing available visual data. In contexts characterized by a high density of graphic stimuli—as occurs in spaces affected by visual advertising pollution—these processes are subjected to constant pressure that reconfigures the dynamics of message reception (p. 720).

Attention operates as a regulatory mechanism that filters and prioritizes relevant stimuli based on the subject's goals and environmental conditions. However, its capacity is limited. In visually saturated environments, multiple stimuli compete simultaneously for attention, creating a situation of perceptual competition that fragments attentional focus. This fragmentation does not necessarily imply a greater amount of processed information, but rather a superficial redistribution of cognitive resources, to the detriment of deeper understanding.

From a cognitive point of view, the overabundance of visual stimuli increases the extrinsic load on the perceptual system, by requiring the observer to make a constant effort to discriminate between relevant and irrelevant signals (Niu & Ma, 2024).

For their part, Santa & Drews (2023) assert that,

We believe this framework is appropriate for achieving our goal of understanding consumers' information processing of advertising, as it explains in three simple stages how advertising

influences consumers' attitudes and perceptions toward a product and, ultimately, their behavior. In particular, the three stages describe: (1) the advertisement message as the input consumers receive, (2) the filters that determine consumers' level of attention, and (3) consumers' cognitive and affective processing of advertising. (p. 107760)

This sustained effort favors the emergence of 'attentional fatigue' phenomena, characterized by a progressive decrease in the ability to concentrate and a tendency towards the automatization of perception. Under such conditions, subjects develop adaptive strategies that prioritize the reduction of conscious processing, such as selective inattention or perceptual blocking in the face of repetitive stimuli (L. Sun & Kwak, 2024).

This process is especially significant in relation to advertising messages. When exposure becomes repetitive and excessive, the attentional response tends to weaken, leading to forms of perceptual habituation. Habituation does not imply a total neutralization of the stimulus, but rather a loss of its ability to stand out in the visual field. Thus, advertisements cease to function as distinct elements and become integrated into the perceptual background of the urban environment, transforming into part of the everyday visual noise.

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According to Sun & Kwak (2024) visual saturation also affects memory mechanisms. The encoding of visual information requires a minimum threshold of sustained attention. In saturated environments, the discontinuity of attentional focus hinders the consolidation of messages in short- and long-term memory. As a consequence, the recall of advertising content becomes fragmented and unstable, compromising both the communicative effectiveness of the messages and the subject's ability to construct coherent representations of the urban environment.

Furthermore, constant visual saturation fosters an accelerated and superficial mode of perception, prioritizing the immediate recognition of shapes and colors over the semantic processing of content. This perceptual mode, functional for survival in overstimulated contexts, reduces the possibility of critically analyzing messages and limits the reflective elaboration of their meanings. Attention is then directed toward striking features—chromatic contrasts, exaggerated sizes, emphatic typography—rather than toward the informational structure of the message (Kreil, 2021).

From a communicational perspective, these processes reveal a fundamental paradox: the increase in stimuli does not lead to a proportional increase in effective reception, but rather tends to erode the environment's capacity to communicate clearly. Visual saturation transforms urban space into a field of undifferentiated stimuli, where the informational hierarchy is diluted and the orienting function of the landscape is weakened. The city, instead of offering stable visual references, becomes a continuous flow of signs that compete without apparent order.

In sociocultural terms, this transformation affects the individual's relationship with their environment. Fragmented perception hinders the symbolic appropriation of urban space and weakens identity ties to the place. When attention is constantly demanded by commercial messages, the urban experience is redefined as a passage between stimuli, rather than a meaningful interaction with the Environment (Ding *et al.*, 2025). Public space loses some of its symbolic density and approaches a logic of constant visual consumption.

Gijsenberg *et al.* (2025) emphasize that understanding these processes allows us to situate advertising visual pollution not only as an urban design problem, but also as an issue linked to the ecology of attention. Saturated urban space alters the very conditions of possibility for meaningful perception, imposing a perceptual economy based on competition and repetition. In this sense, visual saturation can be understood as a form of everyday cognitive fatigue that affects both the effectiveness of communication and the quality of the urban experience.

In summary, perceptual and attentional processes in saturated environments are characterized by fragmentation of visual focus, habituation to repeated stimuli, reduced interpretive depth, and instability of visual memory. These effects are not collateral but rather constitutive of a communication model based on overexposure. Analyzing visual pollution from this perspective allows us to shift the emphasis from the quantity of advertisements to the cognitive and symbolic conditions that make meaningful urban communication possible.

Sociocultural effects of advertising saturation

Advertising saturation in urban spaces not only produces individual perceptual effects but also introduces profound transformations in the sociocultural dynamics that structure the relationship between individuals and their environment. By visually colonizing public space, advertising reconfigures the symbolic frameworks from which the city is interpreted, influencing how it is inhabited, traversed, and given meaning. The urban landscape ceases to function exclusively as a repository of collective memory and territorial identity, becoming instead a stage for the intensive circulation of commercial and political messages (C. Sun, 2025).

According to Tian & Wang (2025), one of the most relevant sociocultural effects of advertising saturation is the progressive commodification of visibility. In contexts where advertising presence is dominant, access to visual space is mediated by the economic capacity of the actors who produce the messages. The city thus becomes an exhibition surface governed by market logic, in which certain discourses acquire centrality while others are relegated or rendered invisible. This process alters the function of public space as an area of symbolic plurality and tends to privilege narratives associated with consumption, economic performance, and political promotion.

From this perspective, Bonato (2024) argues that advertising saturation contributes to a redefinition of the urban experience. Everyday interaction with the visual environment is permeated by a constant persuasive appeal, shifting attention from the structural elements of the landscape—architecture, history, local identity—toward ephemeral, promotional surfaces. This shift fosters an instrumental relationship with the city, in which space ceases to be interpreted as a place of belonging and becomes a transient medium for messages. The urban experience thus becomes less narrative and more fragmented, organized around discontinuous stimuli.

In cultural terms, advertising saturation tends to homogenize the visual codes of the urban environment. The repetition of formats, typography, color schemes, and impact strategies produces an aesthetic standardization that weakens the visual particularities of different areas. This phenomenon contributes to the loss of uniqueness in the urban landscape and fosters processes of symbolic globalization, in which local references are diluted by transnational visual models. The city then approaches a generic aesthetic, where advertising signs acquire greater presence than the elements of local identity (Shan et al., 2023).

Likewise, advertising saturation affects modes of social interaction by introducing a communicative presence that is not articulated in dialogical terms, but rather unidirectional. Advertising messages address the individual as a consumer or voter, reducing the complexity of their civic role. This constant addressing contributes to a form of subjectivation based on the logic of induced desire and individual choice, displacing other forms of symbolic participation linked to exchange, memory, or collective deliberation. Consequently, public space is reconfigured more as a visual marketplace than as a sphere of social interaction.

Another significant sociocultural effect is the normalization of visual excess. Continuous exposure to saturated environments generates processes of perceptual and cultural adaptation that transform this overload into an ordinary state of urban experience. Saturation ceases to be perceived as an anomaly and becomes a habitual condition of the landscape. This normalization weakens critical capacity regarding the phenomenon and hinders the problematization of its effects, as advertising overexposure becomes integrated into daily routines as just another component of the environment (Page & Connell, 2025).

From the perspective of urban identity, Lowton (2026) suggests that advertising saturation interferes with the construction of collective imaginaries about the city. Commercial and political messages not only occupy physical space but also produce implicit narratives about what is visible, valuable, or desirable. When these narratives prevail over other forms of representation—cultural, heritage, or community based the symbolic balance of the environment is disrupted. The city ceases to be perceived primarily as a shared space and is reinterpreted as a platform for the display of particular interests.

In this sense, advertising saturation cannot be analyzed apart from the power relations that structure the use of urban space. The ability to visually intervene in the city implies a form of symbolic control over collective perception. The accumulation of messages does not respond solely to technical or aesthetic decisions, but rather to strategies of discursive positioning in public space. Thus, visual advertising pollution is inscribed within a field of disputes over visibility, where economic, political, and cultural dimensions are articulated (Arnberg, 2019).

Finally, the sociocultural effects of advertising saturation also manifest themselves in the transformation of citizens' communicative expectations. The reiteration of persuasive stimuli fosters a pragmatic relationship with messages, focused on immediate impact rather than symbolic elaboration. This orientation reduces the semantic density of the urban environment and promotes a visual culture based on immediacy, simplification, and repetition. The city thus becomes a space of continuous perceptual consumption, in which communication loses some of its integrative and reflective function.

In short, advertising saturation produces sociocultural effects that transcend the realm of individual perception, impacting the symbolic configuration of public space, the construction of urban identities, and forms of social interaction. By commodifying visibility, homogenizing visual codes, and normalizing excess, this phenomenon restructures the cultural conditions of urban experience. Understanding these effects is fundamental to situating advertising visual pollution as a communication problem of collective scope, closely linked to city models, market logics and the formation of contemporary social imaginaries.

Conclusions

Advertising visual pollution is a complex communication phenomenon that transcends the mere quantitative accumulation of advertisements in urban spaces. Its conceptual definition allows us to understand it as a dysfunction of the city's visual ecosystem, in which the intensive and unregulated proliferation of commercial messages alters the legibility of the urban landscape and weakens its symbolic function. In this sense, it is not only an aesthetic or land-use planning problem, but also a profound transformation in the conditions of production and reception of messages circulating in public spaces.

The analysis of perceptual and attentional processes reveals that visual saturation introduces dynamics of competition for attention that fragment the perceptual focus and reduce the depth of cognitive processing. Repeated overexposure to advertising stimuli fosters habituation, attentional fatigue, and a weakening of visual memory, which compromises both the communicative effectiveness of the messages and the capacity of the urban environment to function as a meaningful system. The saturated city thus becomes a field of undifferentiated stimuli, where the information hierarchy is diluted and the urban experience becomes scattered and superficial.

From a sociocultural perspective, advertising saturation contributes to the commodification of visibility and the symbolic reconfiguration of public space. The intensive occupation of the urban landscape by commercial and political discourses displaces other forms of meaning linked to memory, identity, and cultural plurality, favoring processes of aesthetic homogenization and the normalization of visual excess. This phenomenon alters the ways of inhabiting and representing the city, transforming it into an exhibition platform governed by market logics rather than a sphere of collective symbolic interaction.

Likewise, advertising saturation introduces forms of subjectivation oriented toward consumption and individual choice, weakening the dialogical dimension of public space. The urban experience is redefined as a passage between persuasive stimuli, which impoverishes the subject's relationship with their environment and reduces the semantic density of the visual landscape. In this context, visual advertising pollution can be understood as a symptom of communication models based on the overexploitation of attention, the consequences of which affect both individual perception and the cultural configuration of the city.

Taken together, the theoretical findings presented allow us to affirm that visual advertising pollution constitutes a communication problem of collective scope, simultaneously impacting the perceptual, symbolic, and sociocultural levels. Its analysis reveals the need to rethink the relationship between advertising, urban space, and citizenship from approaches that integrate the ecology of attention, communicative responsibility, and the critical management of visibility.

Understanding this phenomenon not only involves describing its manifestations but also questioning the models of the city and of communication that make it possible, placing visual saturation at the heart of contemporary reflection on urban culture and visual communication.

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Visual Factors in the Commercial Environment and Their Impact on Consumer Perception: A Quantitative Analysis of Urban Commercial Spaces and Their Representation on Social Media

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Introduction

Urban commercial spaces have undergone a profound transformation in recent decades. From being conceived primarily as places of economic exchange, they have become experiential environments in which consumers not only purchase products or services but also interact with spaces laden with visual, sensory, and symbolic stimuli. In this context, the visual design of the commercial environment plays a central role in how users perceive, understand, and value the space they navigate (Grewal et al., 2009; Holbrook & Hirschman, 1982; Schmitt, 1999; Verhoef et al., 2009).

In cities characterized by high population density and intense commercial competition, consumers are exposed to multiple stimuli simultaneously. Facades, shop windows, signage, urban lighting, traffic flows, and advertisements compete for the user's attention. Amid this visual saturation, the commercial environment must function as an organized system that allows consumers to orient themselves, feel comfortable, and develop their experience fluidly. The visual organization of space, therefore, not only serves an aesthetic function, but also directly influences consumers' understanding of their surroundings and the trust they place in the establishment (Anteblian et al., 2013; Babin & Attaway, 2000; Holbrook & Hirschman, 1982; Schmitt, 1999).

From this perspective, the urban commercial environment can be understood as a visual structure that constantly communicates information. Consumers interpret signals related to order, quality, safety, and professionalism of the space even before interacting with the products. These initial interpretations condition the subsequent experience and affect how users decide to stay, explore, or leave the place. A visually coherent environment tends to generate feelings of control and comfort; a disorganized or confusing one can cause rejection, stress, or mistrust (Baker et al., 1994; Baker et al., 2002; Bitner, 1992; Turley & Milliman, 2000).

In addition to this physical dimension of the experience, there is now an increasingly relevant digital dimension. The consumer experience does not end when consumers leave the commercial space; it continues through their social media presence. The photographs, videos, and comments that users share function as visual narratives that project a particular image of the commercial environment to other consumers. In this way, commercial space also becomes an object of communication, whose value is constructed both physically and digitally (Boyd & Ellison, 2007; Gonzalez-Lafaysse & Lapassouse-Madrid, 2016; Taylor et al., 2011).

The images shared on social media are not neutral. Consumers tend to record and disseminate those spaces that they perceive as visually attractive, orderly, or consistent with their personal

identity. This practice amplifies the impact of the visual design of the commercial environment. It reinforces the idea that consumer experience is mediated by visual factors that transcend the moment of purchase. In this sense, the commercial environment serves as a stage that not only organizes the experience but also influences how that experience is narrated and shared (Hassenzahl & Tractinsky, 2006; Hubert & Kenning, 2008).

Understanding the role of the visual ambiance, therefore, involves analyzing how specific factors shape consumer perceptions. Among these factors, aesthetic coherence, signage, and visual ambiance are key variables. Aesthetic coherence refers to the harmonious integration of space's visual elements; signage serves an informative and orienting function; and visual ambiance shapes the overall atmosphere of the environment. Each of these components influences fundamental perceptual dimensions such as the perception of order, user orientation, and trust in the commercial space (Ballantine et al., 2015; Bitner, 1992).

From an academic perspective, the study of these factors is relevant because it advances our understanding of consumer experience in complex urban contexts. It also provides conceptual and empirical tools for analyzing the relationships among visual design, consumer behavior, and digital communication. Within this framework, this chapter proposes a quantitative analysis aimed at identifying the impact of visual factors in the urban commercial environment on consumer perception and the representation of space on social media, integrating the in-person experience with its digital projection (Kim et al., 2014; Stepchenkova & Li, 2014; Zhiyong et al., 2021).

In this context, this chapter aims to quantitatively analyze how aesthetic coherence, signage, and the visual ambiance of the urban commercial environment influence perceptions of order, user orientation, and consumer confidence, and how these perceptions are projected in representations of commercial space on social media. Based on this objective, the research aims to answer how these visual factors condition the consumer experience and their assessment of the commercial environment, both in person and digitally (Baek et al., 2018; Clement et al., 2013; Kahn, 2017; Khan et al., 2023).

The objective of this chapter is to quantitatively analyze how aesthetic coherence, signage, and visual ambiance in urban commercial environments influence perceptions of order, user orientation, and consumer confidence, and to examine how these perceptual dimensions shape the representation of commercial space on social media.

Themes addressed and chapter structure

The chapter is structured progressively to provide a comprehensive understanding of the phenomenon under study. First, the problem situation that justifies the research is developed, highlighting the importance of the visual ambiance in consumer experience in urban commercial spaces. Second, the study variables (aesthetic coherence, signage, and visual ambiance) are analyzed, and the hypotheses that guide the empirical analysis are formulated. Third, the methodological process is described, and the results obtained from a structural model are presented, interpreting the effect of each visual factor on the consumer's perceptual dimensions. Finally, an integrated interpretation of the findings is given, and conclusions are drawn that highlight the study's theoretical and practical contributions (Bitner, 1992; Behera et al., 2021; Jalil et al., 2016; Lombart et al., 2020).

The urban visual ambiance as a mediator of the shopping experience

The urban visual ambiance is one of the primary mediators between individuals and contemporary cities. In commercial spaces, this mediation becomes relevant, as consumers interact not only with products or services but also with a visual framework that organizes routes, prioritizes information, and constructs meanings. From this perspective, urban commercial space can be understood as a visual interface that connects users with consumer experience, influencing their behavior, perceptions, and assessments of the environment (Bitner, 1992; Hassenzahl & Tractinsky, 2006).

Today's cities are characterized by a high density of visual stimuli. Advertisements, signage, flows of people, diverse architecture, and digital devices make up a complex landscape that requires users to constantly select and pay attention. In this context, commercial spaces do not operate in isolation; they are part of a broader visual ecosystem in which the clarity, coherence, and legibility of the environment determine consumer experience. When commercial spaces organize these stimuli visually, they present themselves as comprehensible environments amid urban chaos; when they fail to do so, they contribute to user saturation and perceptual fatigue (Cachero-Martínez & Vázquez-Casielles, 2017; Grewal et al., 2009; Verhoef et al., 2009).

From an experiential perspective, the visual ambiance functions as a cognitive organizer. Consumers interpret space through visual cues that enable them to anticipate routes, identify areas of interest, and understand the place's overall functioning. These cues are not always explicit; they often manifest as spatial layout, color consistency, lighting, or relationships among visual elements. In this way, the design of the commercial environment influences how users mentally construct the space and make decisions during their journey (Hassenzahl & Tractinsky, 2006; Kahn, 2017).

The commercial experience, understood as an integral process, is constructed through the interaction between perception, emotion, and action. The visual ambiance intervenes in these three dimensions simultaneously. At the perceptual level, it organizes available information; at the emotional level, it elicits feelings of pleasure, trust, or discomfort; and at the behavioral level, it influences movement, length of stay, and willingness to interact with the environment. This triple impact explains why the visual design of commercial spaces cannot be reduced to aesthetics but must be analyzed as a strategic component of consumer experience (Grewal et al., 2009; Verhoef et al., 2009).

In urban commercial spaces, visual mediation takes on an additional layer of complexity due to the diversity of users and the multiplicity of uses of the space. Consumers do not always arrive with a clear objective or with the same level of familiarity with the environment. Some seek quick and functional experience; others prioritize exploration and enjoyment of space. In both cases, the visual ambiance must offer explicit references that allow users to orient themselves and construct their own experience without unnecessary friction. The absence of these references can lead to disorientation, stress, or rejection, negatively affecting the assessment of the space (Cachero-Martínez & Vázquez-Casielles, 2017; Grewal et al., 2009; Verhoef et al., 2009).

The symbolic dimension of the visual ambiance also plays a central role in the shopping experience. Spaces not only communicate functional information, but also convey values

associated with the brand, the type of consumption, and the target audience. The choice of materials, colors, fonts, and graphic resources contributes to the construction of a visual identity that consumers interpret, whether consciously or unconsciously. This identity influences perceptions of space's quality, modernity, proximity, and exclusivity, thereby conditioning the relationship the user establishes with the commercial environment (Baker et al., 1994; Pileliene & Grigaliunaite, 2017).

In this sense, the urban visual ambiance can be understood as a language. Through this language, the commercial space communicates who it is, who it is aimed at, and what kind of experience it offers. When this language is coherent, consumers can easily decode the message and establish a more fluid relationship with space. When it is contradictory or confusing, dissonance is generated that affects the user's experience and confidence. This logic reinforces the importance of analyzing the visual factors of the commercial environment from an integrative perspective that considers both its functional and symbolic dimensions (Lunardo & Mbengue, 2013; Bachnik & Nowacki, 2018).

The visual mediation of the commercial environment is not limited to the in-person visit. Currently, this mediation extends to the digital realm through the representation of space on social media. The images shared by consumers function as extensions of the physical environment, projecting a particular visual reading of the space to other users. In this process, the design of the environment directly influences the way space is photographed, framed, and visually narrated. Elements that are legible, coherent, or aesthetically appealing tend to be highlighted, whereas those perceived as confusing or poorly integrated are often omitted from the representation.

This extension of the experience into the digital environment reinforces the idea that urban commercial space should be conceived as an expanded visual system. The consumer experience does not end in physical space; it continues through the circulation of images, comments, and reviews on digital platforms. Consequently, the visual features of the commercial environment influence not only individual users' perceptions but also the collective construction of space's image.

From an academic perspective, analyzing the urban visual ambiance as a mediator of commercial experience allows for the integration of approaches from design, environmental psychology, consumer behavior, and visual communication. This integration is particularly relevant to understanding contemporary phenomena, in which the consumer experience is constructed at the intersection of the physical and the digital. In this context, the study of aesthetic coherence, signage, and visual ambiance is relevant for explaining how the visual ambiance organizes experience and shapes how it is perceived and shared.

This conceptual block, therefore, offers an interpretive framework that enables contextualization of the subsequent analysis of the visual factors of the urban commercial environment. By understanding the visual ambiance as an active mediator of consumer experience, the foundations are laid for empirically examining how specific design components influence key perceptual dimensions and the representation of commercial space on social media (Bachnik & Nowacki, 2018; Chen, 2024; Lunardo & Mbengue, 2013).

Visual factors of the urban commercial environment: problem situation, study variables, and hypotheses

Urban commercial spaces are developing in a context marked by increasing visual and symbolic complexity. Competition among establishments is not limited to price or product quality; it also extends to the ability to offer spatial experience that is understandable, attractive, and reliable for consumers. In this scenario, the physical environment serves as a strategic resource that shapes user perceptions and behaviors (Behera et al., 2021; Webb et al., 2011).

However, the visual configuration of many commercial spaces does not always respond to this logic. It is common to find environments in which a lack of aesthetic coherence, insufficient signage, or poorly integrated visual ambiance produce fragmented experiences. Consumers may feel disoriented, overwhelmed by excessive stimuli, or unsure about how space works. These feelings, although sometimes difficult to articulate, directly influence environmental assessment and willingness to interact with the establishment (Baker et al., 2002; Turley & Milliman, 2000).

The problem is exacerbated in complex urban contexts, where users encounter multiple simultaneous stimuli and have little time to interpret their surroundings. In these scenarios, the commercial environment should facilitate the experience rather than create additional difficulty. When space fails to fulfill this function, the consumer experience is adversely affected, which can translate into shorter stays, unfavorable evaluations, or a low willingness to share the experience on social media (Jalil et al., 2016; Liu & Liu, 2020).

Theoretical development of visual factors in the urban commercial environment

Aesthetic coherence is one of the fundamental pillars of visual design in urban commercial spaces, as it acts as a perceptual organizer that facilitates the consumer's understanding of the environment. From a theoretical perspective, aesthetic coherence refers to the visual consistency among the elements that constitute the space, including the color palette, lighting, materiality, typography, environmental graphics, and spatial layout. When these components maintain an integrated logic, the user perceives the space as more orderly, legible, and understandable (Baek et al., 2018; Clement et al., 2013; Kahn, 2017).

The perception of order should not be understood solely as the absence of physical disorganization, but rather as a cognitive construct that emerges from how the visual ambiance communicates hierarchies and spatial relationships. A visually coherent commercial space allows consumers to quickly identify areas of interest, anticipate routes, and understand the overall structure of the place. This clarity reduces the cognitive load associated with interpreting space, favoring a more fluid and less demanding experience from a perceptual point of view (Baker et al., 1994; Baker et al., 2002).

In urban contexts characterized by visual saturation, aesthetic coherence assumes greater strategic value. Consumers are confronted daily with fragmented and contradictory visual stimuli, increasing the need for environments that offer a stable perceptual experience. A commercial space that maintains consistent visual coherence positions itself as a benchmark within the urban landscape, generating a sense of control and predictability that positively influences the place's valuation (Turley & Milliman, 2000; Ballantine et al., 2015).

From the consumer experience perspective, aesthetic coherence influences not only the perception of order but also confidence and willingness to interact with space. When the visual ambience is perceived as well-maintained and consistent, consumers tend to associate these characteristics with professionalism and quality, which reinforces their overall evaluation of the establishment. This relationship explains why aesthetic coherence emerges as a central factor in the urban shopping experience and justifies its analysis as an independent variable in the present study.

Signage and user orientation in urban commercial environments

Signage is an essential component of the visual ambience in urban commercial spaces, as it guides consumers and facilitates their movement within space. From a functional perspective, signage enables precise and efficient communication of relevant information, supporting users' decision-making throughout their journey. However, its impact goes beyond the mere transmission of information, as it directly influences consumers' perception of control and autonomy (Bitner, 1992; Jalil et al., 2016; Lombart et al., 2020).

User orientation in complex commercial spaces largely depends on the quality of the available visual information systems. Clear, visible, and consistent signage enables consumers to understand the logic of the space, identify entrances, exits, and specific areas, and move around without uncertainty. When this information is insufficient or contradictory, users may experience confusion, frustration, and a negative perception of the environment, regardless of the quality of the commercial offering (Khan et al., 2023; Baker et al., 2002).

From a theoretical perspective, signage can be understood as a mediator between physical space and the consumer's cognitive experience. Through symbols, texts, and visual codes, signage translates spatial complexity into accessible information, reducing the need for random exploration. This mediation is especially relevant in large-scale urban commercial spaces, where spontaneous orientation becomes more difficult due to the multiplicity of stimuli and possible routes.

In addition to its instrumental function, signage participates in the symbolic construction of the commercial environment. When signage design is harmoniously integrated with the space's visual identity, it reinforces the perception of order and aesthetic coherence. In contrast, improvised or incongruous signage can create visual dissonance that affects consumer experience. Therefore, signage should not be conceived as an isolated element but as an integral part of the commercial environment's visual system.

Visual ambience and building trust in the commercial space

Visual ambience plays a decisive role in shaping consumers' emotional experiences within urban commercial spaces. Unlike aesthetic coherence and signage, whose functions are more directly related to legibility and orientation, visual ambience has a particular impact on eliciting sensations of comfort, safety, and trust (Krishna, 2012; Spence et al., 2014).

The atmosphere of a commercial space is constructed from the interaction between multiple visual and sensory stimuli, such as ambient lighting, the materials used, the texture of surfaces, and the visual organization of the environment. These elements influence the subjective perception of space, eliciting emotional responses that shape consumers' evaluations of the

establishment. A visually appealing environment is often perceived as more reliable and professional, whereas a neglected environment can raise doubts about the quality of space (Spangenberg et al., 1996; Ryu et al., 2012).

From a consumer behavior perspective, trust is a key dimension of the shopping experience. Trust is not limited to the relationship with the brand or product; it extends to the physical environment in which the experience occurs. When consumers perceive the space as safe and consistent, they are more willing to stay, explore, and establish a more positive relationship with the establishment. In this sense, the visual ambiance acts as a facilitator of trust (Lunardo & Mbengue, 2013; Chen, 2024; Bachnik & Nowacki, 2018).

The relationship between the visual ambiance and trust is particularly relevant in urban commercial spaces, where consumers may not have prior relationships with the establishment. In these cases, the space's atmosphere serves as an initial indicator of quality and credibility. This early assessment influences subsequent experience and can determine whether to interact with the environment or share the experience on social media (Krishna, 2012; Spangenberg et al., 1996; Spence et al., 2014).

Integration of visual factors into the consumer experience

While aesthetic coherence, signage, and visual ambiance can be analyzed individually, their impact on the consumer experience is integrated. These factors do not operate in isolation but interact to shape a coherent perceptual and emotional experience. A commercial environment may have clear signage, but if it lacks aesthetic coherence or an appropriate ambiance, the overall experience may be affected.

The integration of visual factors enables us to understand the commercial environment as a system in which each component reinforces or weakens the effects of the others. Aesthetic coherence facilitates the perception of order; signage supports orientation within that order; and visual ambiance contributes to the generation of trust and well-being. This interaction underscores the fundamental role of visual factors in understanding the consumer experience in urban commercial spaces.

From this perspective, the theoretical development of visual factors provides the foundation for the empirical analysis presented in this chapter. Understanding how each variable influences specific perceptual dimensions and how they interact strengthens the interpretation of the results and justifies the relevance of the proposed analytical model.

Based on the above, this chapter assumes that the visual factors analyzed operate as an integrated system: aesthetic coherence organizes the overall reading of the environment, signage structures navigation, and visual ambiance consolidates the emotional evaluation of space. Together, these components reduce consumer uncertainty, promote a more fluid experience, and strengthen the establishment's value. Based on this logic, the empirical analysis aims to verify specific relationships between each visual factor and key perceptual dimensions, while also considering that these perceptions influence users' willingness to record and share the commercial space on social media.

In hypothetical terms, the following hypotheses are proposed:

H1: Greater aesthetic coherence in the commercial environment increases the perception of order in space.

H2: Clear, visible, and consistent signage improves user orientation during the visit.

H3: A carefully designed visual ambiance strengthens consumer confidence and their assessment of the commercial environment.

Complementarily, it is assumed that positive perceptions of order, orientation, and confidence increase consumers' willingness to present the commercial space favorably on social media.

The results of the structural model indicate clear, statistically significant relationships between the visual factors of the commercial environment and consumers' perceptual dimensions. First, aesthetic coherence has the most significant effect on the perception of order in the commercial space ($\beta = 0.51, p < .001$). This result indicates that as the visual ambiance is perceived as more integrated and consistent, consumers tend to interpret the space as more orderly and understandable.

The results obtained from the statistical analysis are presented below, beginning with an overview of the variables included in the study.

Table 1. *Descriptive statistics of the study variables*

Variable	n	Mean	Standard deviation
Aesthetic coherence	312	4.12	0.61
Signage	312	3.98	0.67
Visual ambiance	312	4.05	0.64
Perception of order	312	4.18	0.58
User orientation	312	4.02	0.63
Confidence in the commercial space	312	4.09	0.60

Note. M = mean; SD = standard deviation. Likert scale from 1 (strongly disagree) to 5 (strongly agree). Prepared by the authors based on study data.

Table 1 shows that all variables have means above the midpoint of the scale, indicating an overall positive assessment of the visual ambiance. The perception of order ($M = 4.18$) and aesthetic coherence ($M = 4.12$) have the highest averages, suggesting that participants perceive the space as organized and visually consistent. The relatively low standard deviations show moderate dispersion, which supports stability in consumer assessments.

This finding confirms that the perception of order does not depend solely on the physical arrangement of elements, but also on the visual logic that articulates the environment as a whole. A visually coherent space reduces users' cognitive load, facilitates place interpretation, and contributes to a more fluid experience. Aesthetic coherence, in this sense, functions as a structuring element of consumer experience.

Second, the results show that signage has a significant influence on consumer orientation within the commercial space ($\beta = 0.38$, $p < .01$). This effect confirms the importance of visual information systems as tools that facilitate movement and understanding of the environment. Clear signage allows consumers to move with greater autonomy, reduce uncertainty, and optimize their journey within the commercial space.

The influence of signage on orientation is particularly relevant in urban commercial spaces characterized by high spatial complexity. In these contexts, consumers' ability to orient themselves efficiently directly affects their level of satisfaction and overall assessment of the environment. The result obtained reinforces the idea that signage not only serves an instrumental function but is also an integral part of the user's perceptual experience.

Third, visual ambiance shows a positive and significant association with consumer confidence ($\beta = 0.43$, $p < .001$). This finding indicates that the visual atmosphere of space directly influences consumers' emotional perceptions, contributing to feelings of safety, comfort, and credibility.

The relationship between visual ambiance and trust suggests that consumers evaluate the commercial environment not only on the basis of functional criteria, but also from a symbolic dimension. A visually appealing environment conveys signals of professionalism and attention to detail, thereby reinforcing trust in the establishment and increasing users' willingness to interact with space.

To evaluate the relationships between the visual factors of the commercial environment and consumers' perceptual dimensions, a structural equation model was estimated. The standardized effects obtained are presented in Table 2.

Table 2. *Structural model results: standardized effects*

Structural relationship	β	p
Aesthetic coherence → Perception of order	0.51	< .001
Signage → User orientation	0.38	< .01
Visual ambiance → Confidence in the commercial space	0.43	< .001

Note. β = standardized coefficient. The coefficients were estimated using structural equation modeling.

Prepared by the authors based on study data.

Table 2 presents positive, statistically significant effects of visual factors on consumer perceptual dimensions. Aesthetic coherence has the strongest effect on the perception of order ($\beta = 0.51$, $p < .001$), confirming its central role in the perceptual organization of space. Signage significantly influences user orientation ($\beta = 0.38$, $p < .01$), while visual ambiance is associated with greater confidence in the commercial space ($\beta = 0.43$, $p < .001$). Overall, the results support the proposed theoretical model.

Model fit assessment

The structural model presents satisfactory fit indices, supporting the internal consistency of the proposed relationships and the validity of the analysis. The values obtained for the comparative fit index (CFI = 0.95) and for the root mean square error of approximation (RMSEA = 0.06) indicate that the model structure is adequate to explain the relationships between visual factors and consumer perceptual dimensions.

These indicators confirm that the proposed model coherently represents the studied phenomenon, with no significant inconsistencies between the data and the proposed theoretical structure. Consequently, the results obtained can be interpreted with a high degree of confidence, allowing solid conclusions to be drawn about the role of the visual ambiance in consumer experience.

To evaluate the adequacy of the proposed model, widely accepted fit indicators in structural analysis were considered (see Table 3).

Table 3. *Structural model fit indices*

Index	Value obtained	Acceptable criterion
CFI	0.95	≥ 0.90
RMSEA	0.06	≤ 0.08

Note. CFI = Comparative Fit Index; RMSEA = Root Mean Square Error of Approximation.

Prepared by the authors based on study data.

As shown in Table 3, the fit indices fall within the recommended ranges. The CFI (0.95) exceeds the minimum criterion (≥ 0.90), and the RMSEA (0.06) remains below the acceptable threshold (≤ 0.08), suggesting that the model adequately represents the proposed relationship structure. Consequently, the estimated effects can be interpreted with confidence.

Summary of findings

Overall, the results of the analysis confirm that visual factors in the urban commercial environment play a central role in shaping consumer experience. Aesthetic coherence emerges as the main determinant of the perception of order; signage is consolidated as a key factor for user orientation and emotional assessment; and the visual ambiance is closely linked to emotional valuation of the environment.

These findings provide a solid empirical basis for understanding how the visual design of commercial space influences consumer perception and lay the groundwork for a deeper interpretation of the results and for discussing their implications for the representation of space on social media, an aspect that will be developed in the next section of the chapter.

In order to synthesize the main empirical findings, a summary of the significant relationships is presented (see Table 4).

Table 4. *Synthesis of relationships between visual factors and perceptual dimensions*

Visual factor	Associated perceptual dimension	Empirical evidence
Aesthetic coherence	Perception of order	Meaningful positive relationship
Signage	User orientation	Meaningful positive relationship
Visual ambiance	Consumer confidence	Significant positive relationship

Note: Summary based on the results of the structural model.

Prepared by the author based on the study data.

Table 4 integrates the results into a direct reading of the model: each visual component is linked to a specific perceptual dimension. This correspondence reinforces the interpretation of the commercial environment as a functional and symbolic visual system: aesthetic coherence structures the perception of order, signage facilitates navigation, and visual ambiance sustains trust. Taken together, the synthesis facilitates the reading of findings and prepares the transition to interpretive discussion and projection on social media.

Analysis and interpretation of results

The interpretation of the results provides a deeper understanding of the role of the visual design of the urban commercial environment in consumer experience. The findings confirm that visual factors do not function as secondary or complementary elements but as structural components that organize how users perceive, understand, and value commercial space. In this sense, consumer experience is built on continuous interaction among visual stimuli, perceptual processes, and emotional evaluations.

One of the central contributions of the analysis is the confirmation that the aesthetic coherence of space strongly mediates perceptions of the commercial environment. The significant effect of this variable on the perception of order shows that consumers interpret order not only as a physical arrangement of elements, but also as a perceptual condition derived from the visual consistency of the environment. When integrated logic governs colors, lighting, materiality, and spatial graphics, the space is perceived as more understandable and predictable.

This perception of order has direct implications for the consumer experience. A visually coherent environment reduces the cognitive load associated with interpreting the space, allowing the user to focus on the shopping experience rather than on resolving environmental ambiguities. In this way, aesthetic coherence promotes more fluid journeys, enhances a sense of control, and contributes to a more positive evaluation of the commercial space. In urban contexts characterized by visual saturation, this clarity takes on even greater value. This result is consistent with the servicescape and retail atmosphere approach, in which stimuli from the physical environment influence cognitive evaluations of space, quality inferences, and assessments of the establishment (Bitner, 1992; Baker et al., 1994; Baker et al., 2002; Turley & Milliman, 2000).

The influence of signage on user orientation reinforces the idea that consumer experience relies on visual information systems that facilitate functional interaction with space. The observed effect confirms that orientation does not depend solely on user intuition but rather on the presence of clear, visible signs that are consistent with the environment's design. Signage helps structure the route, reduces uncertainty, and supports decision-making during the shopping experience.

From an interpretive perspective, signage plays a dual role. On the one hand, it acts as a functional resource that improves the efficiency of movement within the commercial space. On the other hand, it participates in the symbolic construction of the environment, since well-designed signage reinforces perceptions of order, professionalism, and care for space. When signage is harmoniously integrated into the overall visual design, it contributes to a consistent and pleasant experience; when it is deficient or contradictory, it can generate frustration and negatively affect the establishment's assessment. In line with evidence on complex commercial environments, signage functions as a navigation aid and reduce cognitive friction during the journey, promoting perceived autonomy and positive evaluation of the environment (Jalil et al., 2016; Lombart et al., 2020; Bitner, 1992).

Visual ambiance, which is significantly associated with consumer confidence, reveals the importance of the emotional dimension in the commercial environment experience. Confidence is not built solely on the objective quality of products or services, but also on the sensations conveyed by space. Lighting, materials, visual organization, and the overall atmosphere influence the perception of safety, comfort, and credibility of the establishment.

In this sense, the visual ambiance functions as an implicit language that communicates values to consumers. A visually well-maintained environment conveys signals of stability and professionalism, while a neglected environment can raise doubts about the quality or reliability of space. This relationship explains why trust emerges as a key dimension of consumer experience and why the visual ambiance plays a decisive role in its construction. This finding aligns with studies linking environmental atmosphere to affective inferences and trust, as it activates signals of care, professionalism, and reduced risk perception during interactions with the establishment (Lunardo & Mbengue, 2013; Spence et al., 2014; Chen, 2024).

The integration of these results allows us to conclude that the consumer experience in urban commercial spaces is shaped by a complex interplay among order, orientation, and trust. These dimensions do not operate in isolation and can function complementarily in experience; therefore, future models could evaluate additional pathways linking order, orientation, and trust to contrast these interdependencies empirically. However, these relationships were not specified in the present model, which focused exclusively on the direct effects of visual factors on perceptual dimensions. A space perceived as orderly facilitates orientation; clear orientation increases comfort; and a comfortable and understandable environment strengthens trust. Visual factors in the environment, therefore, act as articulators of a comprehensive experience (Boyd & Ellison, 2007; Taylor et al., 2011; Kim et al., 2014).

It should be noted that the representation of commercial space on social media was neither operationalized as a construct in the estimated model nor measured using specific questionnaire items. Therefore, the relationship with social media is presented in this section as an interpretive

implication derived from the observed effects on order, orientation, and trust, and not as a direct empirical result.

This analysis is particularly relevant when considering the representation of commercial space on social media. The consumer experience does not end at the moment of presence but extends through the production and circulation of images that document the environment. Consumers may tend to photograph and share spaces that they perceive as visually coherent, orderly, and trustworthy, as these environments reinforce a positive image of both the place and the person sharing it.

In this context, the visual design of commercial space could influence digital visibility, a hypothesis that requires specific measurement in future studies. An environment that offers a clear and pleasant visual experience is conducive to content generation on social media. Shared images function as visual narratives that project a particular reading of the space and condition the perception of other consumers who have not visited the place. Thus, aesthetic coherence, signage, and visual ambiance could contribute to the construction of the public image of the commercial space, insofar as they favor positive perceptions (order, orientation, and trust) (Gonzalez-Lafaysse & Lapassouse-Madrid, 2016; Zhiyong et al., 2021).

The relationship between in-person experience and digital representation reinforces the idea that the urban commercial environment should be conceived as a communicative system. Space not only organizes flow and activities but also conveys meanings that circulate in the digital environment. In this sense, the visual factors analyzed in this chapter take on strategic value, as they affect both consumer satisfaction and the symbolic dissemination of space on social media.

From a theoretical perspective, the results align with approaches that conceptualize the consumer experience as a perceptual and emotional process mediated by the environment. The analysis confirms that visual design is a fundamental dimension of this process, integrating functional and symbolic aspects. Likewise, the incorporation of social media representation broadens the scope of the analysis, allowing us to understand how the experience of space extends beyond the physical location and is projected into the digital realm.

In practical terms, the interpretation of the results suggests that the design of the urban commercial environment should be approached strategically and holistically. Aesthetic coherence, signage, and visual ambiance should not be considered independent elements, but rather interrelated components that, together, shape the consumer experience. Attention to these factors can improve the perception of space, strengthen user confidence, and enhance the establishment's digital visibility.

On this basis, it is necessary to broaden the reading to the digital realm, where the in-person experience is transformed into the representation and circulation of images (Eroglu et al., 2001, 2003; Flavián et al., 2009; Blázquez, 2014).

These results should be interpreted with certain limitations in mind. First, the cross-sectional design precludes establishing causality. Second, convenience sampling in Lima limits the generalization to other urban contexts. Third, because it relies on self-report, there is a risk of common method bias. Finally, representation on social media was not measured as a construct within the model, so its discussion is presented as a theoretical implication. Future studies could

use longitudinal or experimental designs, probabilistic sampling, and incorporate user-generated content metrics/items to contrast the digital projection of the environment empirically.

The commercial experience and its projection on social media: visual and communicative implications

The consumer experience in urban commercial spaces is not limited to the moment of presence, nor is it exhausted in direct interaction with the physical environment. Currently, this experience is extended and takes on new meaning through its projection on social media, where users produce and share visual representations of the space that influence perceptions among other consumers. This digital dimension introduces an additional layer of analysis that enables us to understand the commercial environment not only as a place of consumption but also as a communicative object circulating within the contemporary visual ecosystem (Grewal et al., 2017).

Social media has transformed the way consumers record, interpret, and disseminate their spatial experiences. Photographs, short videos, and visual stories function as narratives that condense perceptions of the commercial environment and communicate them to broader audiences. In this process, the visual design of space plays a decisive role, as it determines which elements are visible, which frames are salient, and which aspects of the environment are considered worth sharing (Boyd & Ellison, 2007; Kim et al., 2014; Taylor et al., 2011).

From this perspective, the aesthetic coherence of the commercial environment takes on additional communicative relevance. Visually integrated spaces, where there is a clear logic between colors, materials, lighting, and environmental graphics, tend to be perceived as more "photographable" and visually appealing. This quality not only enhances the consumer's in-person experience but also increases the likelihood that the space will be recorded and shared on social media. Aesthetic coherence facilitates the construction of visually balanced images, which reinforces the circulation of the space in the digital sphere.

The perception of order, directly associated with aesthetic coherence, indirectly influences the representation of commercial spaces on social media. Consumers tend to avoid sharing images of environments perceived as chaotic or visually confusing, as these do not align with the visual narratives that predominate on digital platforms. On the contrary, orderly, and legible spaces enable the construction of clear visual narratives in which the environment is presented as an attractive and reliable setting. In this way, the perception of order acts as a filter that conditions the digital visibility of commercial space.

Signage, for its part, influences consumer experience more subtly in the digital realm, but no less relevant for that. Clear and well-integrated signage helps users perceive the space as understandable and easy to navigate, thereby promoting a positive experience likely to be shared. In addition, signage is part of the visual landscape depicted in social media images, reinforcing the space's identity and visual coherence.

When signage is harmoniously integrated into the overall design of the environment, it reinforces perceptions of professionalism and care for space. This perception is translated into a digital representation, in which the commercial space is interpreted as a well-managed, user-

oriented environment. In contrast, poor or inconsistent signage can appear as visual noise in shared images, thereby affecting the space's aesthetic reading and public perception.

The visual ambiance plays a central role in the emotional dimension of the experience and in its digital projection. Consumers tend to share images of spaces that evoke positive feelings, such as comfort, warmth, or sophistication. The lighting, materials, and overall atmosphere of space directly influence these feelings, conditioning the way the environment is perceived and visually narrated. A visually appealing environment facilitates the construction of positive narratives on social media, where the space is associated with pleasant and memorable experiences.

Consumer confidence, linked to the visual ambiance, is also reflected in the willingness to recommend the space through digital platforms. Sharing an image or experience on social media constitutes a symbolic act of validation: the user associates their identity with the space they promote. For this reason, consumers tend to share environments that they consider trustworthy and aligned with their values. By influencing the perception of trust, visual ambiance thus becomes a key factor in the digital recommendation of commercial spaces.

The articulation between the in-person experience and digital representation allows us to understand the urban commercial environment as a hybrid device that operates simultaneously on the physical and symbolic planes. The visual design of the space organizes the consumer's experience of the place and conditions how that experience is translated into digital images and narratives. In this sense, the visual factors analyzed in the chapter not only influence the individual satisfaction of the user, but also the collective construction of the image of the commercial space.

This dynamic reinforces the strategic importance of visual design in the management of urban commercial spaces. A visually coherent, guiding, and emotionally reliable environment not only improves the in-person experience but also amplifies its reach through social media, multiplying its visibility and communicative impact. The commercial space thus becomes a node within a network of meanings circulating in the digital environment, where each shared image contributes to reinforcing or weakening its public image.

From an analytical perspective, integrating the digital dimension into the study of the commercial environment enables a broader understanding of the consumer experience. The experience can no longer be understood as an isolated event but rather as a continuous process that begins in physical space and continues through the circulation of images and reviews on social media. This continuity explains why environmental visual factors are becoming increasingly relevant in research on consumption, design, and communication.

In short, the relationship between the visual ambiance, consumer experience, and social media shows that the design of urban commercial space must be conceived as a comprehensive strategy. Aesthetic coherence, signage, and visual ambiance not only organize the in-person experience but also structure the way the space is represented, interpreted, and disseminated in the digital realm. This articulation is a central contribution of the chapter and underscores the need to analyze the urban commercial environment from a perspective that integrates experience, perception, and visual communication (Stepchenkova & Li, 2014; Verhoef et al., 2009).

Conclusions

This chapter has provided a comprehensive analysis of the role of visual factors in the urban commercial environment in shaping consumer experience and in how these spaces are perceived, valued, and represented on social media. Using a quantitative approach, the study has shown that aesthetic coherence, signage, and visual ambiance are structural components of the commercial environment, whose influence is directly manifested in key consumer perceptual dimensions. These findings confirm that the visual design of space should not be regarded as an accessory resource but rather as a strategic element that shapes the user experience and the overall assessment of the environment.

The results show that aesthetic coherence has the most significant effect on the perception of order in commercial spaces. This finding allows us to affirm that order is not interpreted solely as a physical condition of the environment, but as a perceptual construct derived from the visual integration of its elements. When a space has a clear, consistent, and recognizable aesthetic logic, consumers experience greater understanding of the environment, reduced cognitive effort, and a more fluid experience. In urban contexts characterized by visual saturation and symbolic competition, this coherence is consolidated as a determinant of user interaction with commercial spaces.

Likewise, the analysis confirms that signage significantly influences consumer orientation in commercial environments. Clear, visible, and coherent signage contributes to improving user movement, reduces uncertainty associated with navigating the space, and strengthens users' autonomy during the shopping experience. This result shows that consumer orientation does not depend exclusively on individual intuition, but on the quality of the visual information systems that structure the route and organize the spatial experience. Signage, therefore, fulfills both functional and symbolic roles, reinforcing perceptions of order and professionalism in commercial environments.

For its part, the visual ambiance shows a positive and significant association with consumer confidence and the emotional assessment of the commercial space. This finding indicates that consumer experience is not built solely on rational or functional criteria but also incorporates an emotional dimension shaped by the environment's atmosphere. Elements such as lighting, materials, visual organization, and spatial composition contribute to creating feelings of security, comfort, and credibility, thereby strengthening the relationship between the consumer and the establishment. Trust thus emerges as a key dimension that articulates the perceptual experience with the overall evaluation of the commercial space.

A central contribution of the chapter lies in the articulation between the consumer's in-person experience and the representation of the commercial space on social media. Based on findings regarding order, orientation, and trust, it is theoretically suggested that visually coherent, orderly, and trustworthy environments may be more likely to be photographed, shared, and recommended by users, thereby amplifying their digital visibility and reinforcing their public image. In this way, the visual design of the commercial environment serves as a bridge between physical space and its digital projection, extending the impact of the experience beyond the moment of purchase and positioning the consumer as an active mediator in the symbolic construction of space. This digital projection is presented as an interpretive implication and requires specific measurement in future research.

From a theoretical perspective, the study contributes to the understanding of the urban commercial environment as a complex visual and communicative system. By integrating variables associated with visual design with consumer perceptual dimensions and the representation of space on social media, the chapter broadens the traditional framework for analyzing consumer experience. This approach allows us to understand commercial space not only as a functional setting but also as a perceptual and symbolic device that organizes experience, communicates values, and conditions the construction of meaning in both the physical and digital realms.

From a methodological perspective, the use of a structural model enabled a joint evaluation of the relationships between the visual factors of the environment and the consumer's perceptual dimensions, revealing a consistent analytical structure and adequate adjustment indicators. This approach provides a solid basis for future research to deepen the study of the visual ambiance, the consumer experience, and their projection across different urban contexts, as well as for the development of comparative models in other types of commercial spaces.

In practical terms, the findings of this chapter offer relevant inputs for the planning, design, and management of urban commercial spaces. Strategic consideration of aesthetic coherence, signage, and visual ambiance enables optimization of consumer experience, strengthening confidence in the environment and enhancing the space's presence on social media. Designers, managers, and those responsible for commercial spaces can benefit from these results by recognizing that the visual ambiance not only influences the immediate user experience but also shapes the establishment's public image and competitiveness.

Finally, this chapter highlights the need to approach the visual design of the commercial environment from a comprehensive perspective that recognizes the interdependence among various visual factors and consumers' perceptual dimensions. Contemporary commercial experience is built at the intersection between physical space and the digital environment, and visual design plays a central role in this articulation. Understanding and strategically managing these factors is a key challenge in developing urban commercial spaces that offer meaningful, reliable, and valued experiences for consumers in an increasingly visual, competitive, and connected context.

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Speed, Prestige, and Progress: Automobile Advertising Discourses in the Spanish Press during the 1920s Boom

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Introduction

The so-called *Roaring Twenties* in Spain were characterized by a period of relative economic prosperity, which facilitated the widespread arrival of the automobile. Although still a luxury product, the car gradually became more affordable for a Spanish economy that was somewhat less constrained than in previous decades. During this period, automobiles began to be widely advertised in the press, and different brands employed a variety of selling arguments to attract potential consumers.

This study analyzes press advertising from 1898 to 1936, identifying all existing automobile advertisements and examining the selling arguments they employed.

The result is an analysis of automobile advertising during the first third of the twentieth century, spanning from 1900 to 1936, although the true boom began in the 1920s. The study focuses on the advertising content of two leading newspapers of the period, *ABC* and *La Vanguardia*. The research examines the selling arguments used by each identified brand and collects the necessary data to present statistically significant conclusions on how automobile brands operating at the time addressed the Spanish public.

This project is guided by the following research question: *What were the main selling arguments used by the automotive sector in press advertising in Spain between 1910 and 1936?*

Justification of the Topic

Advertising has historically constituted a privileged avenue for understanding the worldview of societies at different moments in time. Unlike the discourses of commentators or historians, which may be conditioned by various interpretative biases, advertising responds to an explicit and pragmatic objective: the commercialization of a product. For this very reason, it offers a particularly revealing analytical framework, as the messages, images, and influences it conveys are not intended to disseminate an ideology, but rather to promote a brand or a consumer good. From this perspective, advertising discourse is more direct, accessible, and less pretentious.

The values represented in advertising are those that advertisers perceive as socially shared or aspirational; the images reflect the desires of the target audience and the social structures with which consumers are able to identify.

The present study forms part of a broader research project focused on examining the influence of different cultural and geographical contexts in Spanish press advertising throughout the twentieth century. Within this framework, the research focuses on automobile advertising between 1900 and 1936, a key period marked by the expansion of the automobile. Through the analysis of these advertisements, the study examines the process by which different brands were introduced into the Spanish market, as well as the perceptions constructed around each of them.

Theoretical Framework

Automobile advertising constitutes one of the most significant cultural phenomena of the twentieth century, acting as a catalyst in the profound transformation of social structures, economic systems, and the construction of individual identity. Far from being a mere sales instrument, advertising communication in the automotive sector functioned as a symbolic mediator that shaped perceptions of modernity, freedom, social status, and community belonging (Marchand, 1985; Nye, 2013). Automobile advertising thus became an agent of social configuration through three fundamental dimensions: the articulation of modernity as a cultural value, the construction of identity through conspicuous or ostentatious consumption, and the transformation of urban systems and collective ways of life. These dynamics are embedded in a society in which advertising discourses and consumption patterns are linked to broader changes in values and social organization (Rodrigo Martín, 2008). As Eguizábal (2011) notes, advertising must be understood as a phenomenon whose historical manifestations reveal “the origins of advertising, its expansion, and its apogee in the age of consumption, with a clear vision of events that allows us to understand its history.”

Advertising as a Mediator of Modernity

During the twentieth century, and especially in its early decades, an epistemological rupture occurred in the understanding of commercial communication. During the transition between 1910 and 1920, automobile advertising underwent a fundamental shift: it moved from emphasizing technical and functional characteristics to centering its discourse on emotional and aspirational promises (Marchand, 1985). This transformation was not accidental, but rather a strategic response to structural changes in emerging industrial society.

Roland Marchand, in his work *Advertising the American Dream: Making Way for Modernity, 1920–1940*, identified advertisers of this period as “apostles of modernity”: professionals who did not simply sell products, but conveyed narratives about how modern life should be experienced (Marchand, 1985, p. 5). Marchand argues that advertising functioned as a distorting mirror (*Zerrspiegel*) that not only distorted social realities but selected which realities deserved to be visible, thus determining what was seen and, implicitly, what should matter to society (Marchand, 1985). Antonio Checa Godoy, a Spanish historian of communication, deepens this notion by asserting that “advertising is a faithful reflection of marked political-social trends, such that it is possible to establish a fruitful parallel between the historical development of the Western world and its circumstantial imitation—always idealized and sometimes hedonistic—in advertising messages” (Checa Godoy, 2007, p. 89).

In automobile advertisements of the 1920s and 1930s, speed, freedom, and adventure were presented not as mechanical features but as existential states accessible through purchase (Marchand, 1985). The automobile became the material symbol of unlimited progress, in line

with the technocratic philosophy that characterizes Western modernity. David Nye, in his analysis of the American cultural context, argues that the adoption of new technologies depends on a prior cultural framework that either fosters or resists them (Nye, 1990). In the United States, Nye contends, preexisting values—speed, acceleration, innovation, large-scale efficiency—were already deeply embedded in the collective mindset before the mass adoption of the automobile, facilitating cultural acceptance and allowing the advertising industry to anchor its messages in these predispositions (Nye, 1990, 2013). In the European context of the early twentieth century, and in Spain in particular, similar processes can be identified, at least until their interruption by the Civil War.

Thus, automobile advertising did not create modernity but rather naturalized it, made it tangible, and transformed it into a set of objects, practices, and meanings within reach of the ordinary consumer. Modernity ceased to be an abstract concept and became a lived experience within the intimate space of the vehicle. As Eguizábal observes in his historical analysis, advertising became an instrument through which “assembly-line production was understood in its American cultural context not as an obstacle but as a demonstration of rational efficiency that validated modernity and progress” (Eguizábal, 2011, p. 323).

Identity Construction and Consumption

The theorization of the relationship between identity and consumption reveals how automobile advertising operated as a mechanism of symbolic inscription that allowed individuals to express who they were or who they aspired to be. Thorstein Veblen, in his seminal work *The Theory of the Leisure Class* (1899), coined the term “conspicuous consumption” to describe the practice of acquiring and displaying luxury goods as a means of public demonstration of economic power and social status (Veblen, 1899). Although Veblen wrote before the mass diffusion of the automobile, his theory proved deeply predictive: the car became the quintessential object of conspicuous consumption in the twentieth century (Dant, 2004). Thus emerged a new way of understanding consumption based on ostentation, on a level as important as—or even more important than—the satisfaction of rational needs.

Pierre Bourdieu, through his concept of *habitus* and cultural capital, provided a more sophisticated framework for understanding how consumption—particularly of objects such as automobiles—functions as an expression and reproduction of class position (Bourdieu, 1984). For Bourdieu, aesthetic preferences are neither universal nor immutable, but socially produced and internalized through sustained exposure to the practices of specific social groups (Bourdieu, 1984). Automobile advertising played a crucial role in this process: by differentiating models and brands through subtle variations in style, decoration, and advertising narrative, it created the illusion that different social classes could access experiences of distinction. Harley Earl, director of design at General Motors, expressed this unambiguously: the fundamental task of the industry was to accelerate obsolescence—that is, to create the psychological need to replace perfectly functional automobiles through stylistic innovations perceived as signals of updated status (Gartman, 1994).

Daniel Boorstin, in *The Image: A Guide to Pseudo-Events in America*, extended this analysis to the understanding of consumption communities, conceived as social spaces cohesive not through geographical proximity but through loyalty to shared brands and consumer objects (Boorstin, 1961). The automobile, as an ostentatious object of identification, enabled the

formation of imagined communities united by brand preference, purchasing power, and collective aspirations.

These theoretical frameworks suggest that automobile advertising was not a passive reflection of preexisting identities, but rather a productive system of identities that generated narratives and communicative discourses around consumption. These discourses captured, on the one hand, consumers' ways of life and, on the other, their aspirational desires to transform those ways of life into lifestyles perceived as modern, respectable, and socially valued. In this vein, Rodrigo Martín (2012) describes contemporary advertising as a "factory of dreams and needs" that shifts the axis of consumption from the satisfaction of objective shortages toward the creation of socially shared desires, aligning directly with the symbolic role attributed here to automobile advertising.

The Semiotics of Persuasion: From Reason to the Sign

From the 1920s onward, advertising underwent a methodological transformation: from rhetoric based on rational and demonstrable arguments—known as "reason-why advertising"—to a visual rhetoric based on symbols, emotions, and projective identification (Marchand, 1985). Edward Bernays, considered the father of the modern conception of public relations and propaganda, explicitly stated in his work *Propaganda* that the central economic problem of mass production was not technical, but psychological: mass production was only profitable if the pace of demand could be maintained through the systematic manipulation of desire (Bernays, 1928).

Bernays operated from a radical premise: individuals do not make decisions based on rational information, but in response to emotional and cultural manipulations that act upon their unconscious desires (Bernays, 1928). The task of the propagandist (a term he preferred to "advertiser") was to "create circumstances that modify customs" and to "change public behavior through appeals to fundamental instincts" (Bernays, 1928, p. 47). In the automotive context, this meant that advertisers should not limit themselves to demonstrating that a vehicle transported people efficiently, but rather connect ownership of a specific model to psychological needs for security, social recognition, power, and transcendence.

Decades later, Vance Packard, in his influential work *The Hidden Persuaders*, exposed how motivational research based on depth psychology allowed advertisers to access unconscious motivations, bypassing consumers' rational resistance (Packard, 1957). According to Packard, motivation specialists identified hidden needs—emotional security, assurance of worth, power, roots, immortality, ego gratification—that automobile advertisements could ostensibly satisfy through possession and display (Packard, 1957).

A luxury automobile did not sell transportation; it sold belonging to a circle of power, respectability, and success. Jean Baudrillard provided a critical theorization of this semiotic system of consumption: in advanced consumer society, objects are not sold *per se*, but rather the signs they carry (Baudrillard, 1998). Material objects become floating signifiers whose value lies not in their intrinsic qualities but in their capacity to communicate social position. Advertising, within this framework, is the system that manages the production and circulation of these signs, creating "hyperreality," a regime in which simulacra of meaning completely displace reference to functional realities (Baudrillard, 2003). An automobile in Baudrillardian advertising

is not a mere means of transport, but a semiotic phantom that promises the resolution of fundamental social contradictions through the act of purchase.

Economic Impact and the Configuration of Production–Consumption Systems

The correlation between advertising innovation and economic transformation was explicitly recognized by contemporary actors. The assembly line, perfected by Henry Ford from 1914 onward, revolutionized productive capacity but simultaneously created a logical problem: mass production was only economically viable if mass demand existed to justify invested capital (Ewen, 1976). Mass advertising solved this problem through the construction of collective desire. David Nye documents how assembly-line production was understood in its American cultural context not as an obstacle but as a demonstration of rational efficiency that validated modernity and progress (Nye, 2013).

The advertising–production–consumption system created a self-referential circuit: advertising generated demand, demand justified investment in production, mass production enabled cost reduction, reduced costs allowed expanded access to new consumer populations, which in turn required new advertising to be persuaded of the need for the next model (Marchand, 1985). Planned obsolescence, defined as the practice of designing products to become obsolete both in perception and function, became a fundamental economic strategy, entirely dependent on advertising’s capacity to generate new meanings and aspirations around essentially very similar objects (Gartman, 1994).

Marshall McLuhan, in *Understanding Media: The Extensions of Man*, offered a metacommunicational perspective on this phenomenon: advertising media were not neutral in their effects (McLuhan, 1964). Each medium amplified certain aspects of human experience while amputating others (McLuhan, 1964). The automobile, as an extension of the feet, amplified speed and individual freedom of movement, but amputated urban systems based on proximity, communal friendship, and walking as a social practice. Automobile advertising, synergistically, celebrated the amplification while systematically concealing the amputations through cost-free narratives of freedom that denied the realities of urban congestion, pollution, and social isolation (McLuhan, 1964).

Genesis and Modulation of Desire: The Automobile, Gender, and Consumption

A crucial but frequently underestimated aspect of automobile advertising was its role in shaping gender identities and family relationships. Marilyn Ramsey’s research on representations of women in automobile advertisements in *Ladies’ Home Journal* (1910–1920) reveals how, during the period of struggle for women’s suffrage and women’s mass entry into the labor market, advertising offered a pseudo-liberating resolution: the automobile was presented as an instrument of autonomy and mobility for women, but always framed through narratives of maternal care, family service, and the attainment of domestic social status rather than political or economic empowerment (Ramsey, 2005). Advertisers captured aspirations for female autonomy and redirected them toward consumption patterns that reproduced apparently naturalized gender hierarchies.

Reconfiguration of Urban Spaces and Ways of Life

Automobile advertising did not operate solely at a symbolic-psychological level; it had profound material consequences in the physical and social reorganization of Western urban space. The massive suburbanization of the twentieth century—which transformed the U.S. suburban population from 7% to more than 32% between 1910 and 1970—was technically enabled by the automobile but advertising-legitimized as the realization of the “American Dream” (Flanery, 2021; Thomas, 2018). Advertising sold not only automobiles but an entire way of life: single-family homes, private green spaces, nuclear families organized around shared consumption, and a clear separation between public and private spaces (Dant, 2004).

This territorial transformation had long-term consequences for social configuration. Dependence on the automobile meant that access to suburban housing required sustained purchasing power to acquire automobiles, creating entry barriers that separated suburban populations by class and income. Simultaneously, it enabled industrial dispersion, transforming patterns of employment and territorial knowledge production (Flanery, 2021). As the Spanish historian Eguizábal (2011) emphasizes in his study of how “wherever there is a city there will be commerce, and wherever there is commerce it becomes necessary to attract attention,” the automobile became a cornerstone of new urban geographies fundamentally structured around its circulation and advertising as an expression of desire for lifestyles suited to the new reality.

Advertising and the Production of the Social

The integrated analysis of these dimensions—symbolic modernity, identity construction, the semiotics of desire, economic transformation, and spatial reconfiguration—supports the argument that automobile advertising functioned as a *technê* of social configuration in twentieth-century Western society. It did not merely accompany changes already underway, but actively contributed to defining categories of experience, expectations about how everyday life should be lived, taxonomies of value and distinction, and systems of meaning that ordered the social practice of consumption.

From this perspective, advertising and consumption do not merely reproduce preexisting cultural frameworks, but participate in the articulation of new forms of citizenship and social belonging linked to market logic (Rodrigo Martín, 2008). What is at stake is not only the circulation of commercial messages, but the consolidation of a regime of visibility and recognition in which subjects are defined, to a large extent, by their consumption choices.

Stuart Hall, in his theory of cultural identity and the “circuit of culture,” argues that culture is not a static repository but a circulatory process in which meanings are continuously produced, consumed, regulated, and inscribed into individual and collective identities (Hall, 1997). Automobile advertising was a central mechanism in this circuit: it participated in the production of meanings about modernity, regulated which aspirations were legitimate or shameful, mediated consumption through the orchestration of desire, and inscribed in individuals’ bodies and subjectivities specific ways of being modern, respectable, and successful.

Ultimately, this perspective suggests that understanding the configuration of twentieth-century Western societies requires taking advertising seriously—not as an epiphenomenon or mere

cultural decoration, but as a productive system as relevant in generating social order as formal political institutions, economic structures of production, or conventional educational and cultural apparatuses. As Eguizábal (2011) summarizes, advertising operates as “a mirror that not only distorted reality, but selected which realities deserved to be seen,” thus becoming a central agent in the construction of consciousness and social practice within consumer capitalism.

Research Phases

The first phase of the study was primarily exploratory. An exhaustive analysis was conducted of how automobile advertising was presented in the press, using *ABC* and *La Vanguardia* as reference newspapers, covering the period from 1900 to 1936.

In the earliest years, some references to classified advertisements and private sales can be found; however, it was not until the 1920s that this type of advertising began to proliferate.

Following a preliminary analysis of a dozen newspaper titles, the feasibility of locating relevant references for the study was confirmed, leading to a second phase of systematic data collection. During this stage, advertising published between 1900 and 1936 in *ABC* and *La Vanguardia* was examined, as these newspapers are representative of the contexts of Madrid and Barcelona, respectively. To this end, contact was established with the newspaper archives of both publications, allowing access to the complete collection of issues corresponding to the period studied. In the case of *ABC*, analysis began in 1903, the year of its founding, while for *La Vanguardia* the analysis started in 1900.

The sample consisted of nine issues per year from each newspaper, corresponding to the first Tuesday, the second Saturday, and the fourth Sunday of the months of April, August, and December. From each issue, all published advertising was recorded, and the following indicators were collected:

- Number of brands appearing in advertising.

For each advertisement, the following variables were examined:

- Brand's place of origin.
- Selling arguments used.
- Advertised brand.

Once the second phase was completed, the third phase began, focusing on the processing of the collected data. This phase concluded with the organization and writing of the quantitative data, which yielded the following figures:

Table 1. *Research Sample*

	<i>ABC</i>	<i>La Vanguardia</i>	Total
Number of pages analyzed	11,514	8,362	19,876
Different advertisements analyzed			164
Different brands identified			68

Following the processing of the statistical data, the **fourth phase** of the study was undertaken, focusing on the **qualitative analysis** of the advertisements. This stage made it possible to identify the selling arguments highlighted in the ads. A total of nineteen different selling arguments were identified.

Table 2. *Selling Arguments in Automobile Advertising*

No.	Selling Argument
1	Price
2	Durability / Resistance / Performance / Robustness
3	Origin
4	Comfort / Grip / Smoothness
5	Novelty
6	Luxury / Glamour
7	Events / Competitions / Automotive Trials
8	Solidity
9	Speed / Acceleration / Power
10	Elegance / Design / Beauty
11	Safety
12	Avant-garde / Modernity
13	Quality, Recognition, and Exclusivity
14	Spaciousness
15	Lightness
16	Designed for Women
17	Quietness
18	Fuel Consumption
19	Lotteries / Promotions

Finally, in the **fifth phase**, the results obtained were systematized, and in the **sixth** and final **phase**, the general **conclusions** of the research were drafted.

Table 3. Research Phases

Phase

- 1ª Exploratory
- 2ª Data Collection
- 3ª Statistical Analysis: Data Processing
- 4ª Inference: Qualitative Data
- 5ª Results
- 6ª Conclusions

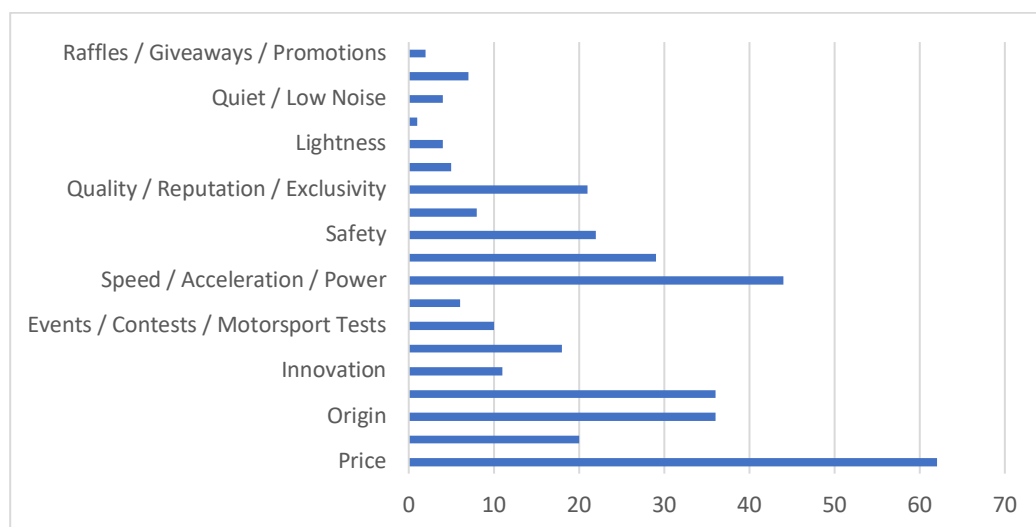
Key Findings

Between 1900 and 1920, automobile advertisements were scarce. Some references can be found in classified advertisements related to private sales; however, there were very few advertisers actively promoting their products. Nearly 20,000 pages were analyzed, within which 68 automobile brands and 164 different advertisements related to the automotive sector were identified. In addition to classified advertisements placed by private individuals, advertisements published by dealerships pursuing specific sales interests were also excluded. The analysis focused exclusively on advertisements issued directly by the manufacturers.

Key Selling Arguments

At the outset of the analysis of the 164 selected advertisements, nineteen different selling arguments were identified. These are presented below:

Figure 1. Number of Selling Arguments Identified in Automobile Press Advertising (1900–1936)



Source(s): Authors' own elaboration, 2026.

In third place, as commonly used selling arguments, we find origin, comfort, and elegance, each appearing in approximately 22% of the advertisements analyzed.

The country of origin is a significant factor in the perceived value of the product, and this is clearly reflected in the advertisements. The main countries of origin for the vehicles were, in order: the United States, France, England, and Germany. Each country emphasized its origin in a distinct manner. British manufacturers were the most likely to highlight the provenance of their vehicles, while French manufacturers did so the least.

Figure 3. Morris Automobiles

AUTOMOVILES INGLESSES
MORRIS
Cowley 11.9 HP. Oxford 14.28 HP.

Todos con frenos a las cuatro ruedas
Y SIN SUPLEMENTO, LLEVAN:

Contador kilométrico.	Bidón de gasolina.
Reloj ocho días cuerda.	Termómetros Calometer.
Nivel de gasolina.	Younáticos Balcon.
Lámparas brisas.	Cenitico.
Porta-licencias.	Botina.
Paralelo retrovisor.	Indicador de aceite.
Amortiguadores.	Rueda de recambio equipada.
Cablechallenas Wefco.	Batería 12 voltios.
Equipo Lucas, de alumbrado y arranque eléctricos con 5 luces.	Reguladores de faros Barker.

Pts = 7950
2 a 4 asientos
Torpedo
Coupe
Cabriolet
Salón
Landaulet
Conducción Interior

Pts = 15650

ENTREGA INMEDIATA
Todos los tipos.

Faltan agentes en algunas provincias.

C. de Salamanca
Paseo de Recoletos, 14, Madrid.
Gros, 4, San Sebastián.

ROLLS-ROYCE - PRICE'S

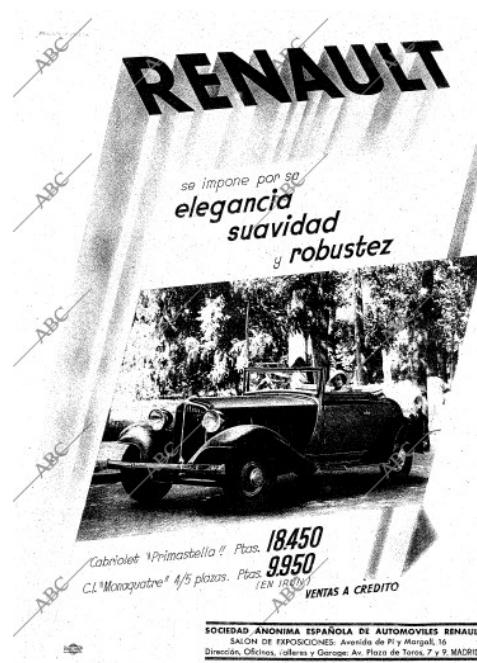
Anuncios "LOS TIROLESES".

Source(s): ABC, 1925.

Comfort was a widely used selling argument in the advertising of the period. Consumers sought vehicles that were comfortable to drive, offering smooth handling and optimal grip—attributes highly valued by the public. Given that roads were often poorly paved, vehicle stability was a particularly persuasive selling point.

Elegance, design, and aesthetic appeal were also important attributes. Many advertisements highlighted these qualities, reflecting the emergence of an aesthetic appreciation for the product. Consumers aspired to visually attractive vehicles, and references to these characteristics appeared in 18% of the advertisements analyzed.

Figure 4. Renault



Source(s): ABC, 1925.

Influence of Brands by Country

In the early years of the twentieth century, Spaniards who could afford to purchase a vehicle were limited to buying foreign cars. There were some references to Spain, such as the Hispano-Suiza brand, although all instances found in ABC and La Vanguardia appeared in classified advertisements. While we know that press advertisements for this brand did exist, they were not published in these newspapers during the period under study.

Some brands also referenced domestic production, but the majority of vehicles were imported. Four main countries exerted influence over automobile sales in Spain: the United States, France, England, and Germany.

United States

The United States was undoubtedly the leading economy in automobile advertising of the period. Nearly 50% of the car brands advertised were American. From the 1920s onward, many brands emphasized their American origin as a sign of quality—not only in the automotive sector but also in other industries, such as household appliances.

Regarding the selected sample, 34% of the advertisements highlighted price, reflecting the brands' awareness of their competitive potential compared to European cars, despite the higher costs associated with vehicles imported from another continent. This partly explains why American manufacturers began establishing factories in Spain, such as General Motors' plant on Calle Granada 33 in Madrid.

Speed was also a prominent selling point, appearing in 29% of advertisements, often emphasizing the new 6-cylinder engines of the era.

During the research, we identified 31 American car brands, including: Cadillac, Ford, Studebaker, Waltham, Mitchell, Overland, Peerless, Chalmers, Dodge, Willys Knight, Nash, De Soto (Chrysler), Stutz, Velie, Horch, Jordan, Graham-Paige, Elcar, Buick (GM), Brockway, Marquette (GM), Auburn, Hudson, Reo, Packard, Essex, Chevrolet (GM), General Motors, Oldsmobile (GM), Detroit, and Stewart.

Figure 5. Buick



Source(s): La Vanguardia, 1925.

France

Another option in the market was to purchase a car from neighboring France. French automobiles were the least likely to emphasize their country of origin. At the time, owning a French car was not considered particularly "chic," and this is reflected in the subtle way it was presented in advertisements.

The most frequently used selling argument, appearing in 53% of the ads, was price. French cars emphasized the economical nature of the product, and comfort was also highlighted in 33% of the advertisements. The word "confort" frequently appeared among the vehicle's attributes.

During the research, 12 different French brands were identified: Peugeot, Renault, Citroën, Darracq, Bignan, Delahaye, Bugatti, Mathis, Rosengart, Delage, Berliet, and Donnet.

Figure 6. Citroën



Source(s): ABC, 1929.

England

Advertisements for English cars emphasized their country of origin in 44% of cases, making England the country that highlighted provenance the most. Owning a British car was associated with added value, and these advertisements were the least likely to mention price, appearing in only 19% of the ads.

English cars were presented as elegant, fast, and durable, targeting consumers with high purchasing power. During the research, advertisements from nine different English brands were identified: *Rolls-Royce*, *Vulcain*, *Morris*, *Chrysler*, *Singer*, *Vauxhall* (GM), *Wolseley*, *Bentley* (Rolls-Royce), and *Standard*.

Figure 7. Singer



Source(s): *La Vanguardia*, 1928.

Germany

Several German car brands were advertised in the press, with price being the main selling argument, appearing in 33% of advertisements. Some well-known brands, such as Mercedes-Benz and Opel, were present, but their visibility did not match that of American, French, or even British cars.

During the research, seven German brands were identified: *Mercedes-Benz*, *Simson*, *Opel*, *Adler*, *DWW*, *Pontiac*, and *Dixi*.

Figure 8. Opel



Source(s): *La Vanguardia*, 1935.

Conclusions

After reviewing and analyzing nearly 20,000 pages from the newspapers *ABC* and *La Vanguardia* between 1900 and 1936, and having extracted 145 different automobile advertisements, the following conclusions can be drawn:

The automobile boom in Spain did not occur until the 1920s. A country with a delayed industrial revolution, like Spain, relied on foreign products to meet consumer demand. As the population began to seek vehicles, options started to appear on the market. Four main countries were producing cars: the United States, France, England, and Germany, with Italy emerging as a fifth, presenting a few brands on the market.

The United States was undoubtedly the market leader, with high production volumes and an efficient manufacturing system that allowed it to compete on price despite being located on another continent. American vehicles were perceived as high-quality, prestigious products destined to dominate the market, which explains why they were the most advertised. Half of the brands in the market were American, and half of the advertisements featured them.

France offered the most economical cars. While French vehicles lacked glamour, they met consumer needs, emphasizing comfort as a selling argument. Buyers of French cars focused on the price-quality ratio, paying less attention to emotional or aspirational aspects.

England produced cars with style, effectively translating the “English cut” from fashion into automobiles—a feat French manufacturers did not achieve with their clothing glamour. English advertisements emphasized provenance, signaling that consumers were purchasing a British product, with little concern for price. Owning an English car was a symbol of status and sophistication.

Germany had not yet achieved the prominence it would later enjoy in the automotive world. German cars retained prestige because the country had become a recognized denomination of origin associated with good technology, visible in the number of motor and machinery advertisements. However, in terms of vehicles, Germany was not yet a major international reference.

Cars from Italy, Czechoslovakia, Switzerland, the Netherlands, and Belgium were also present but had limited market impact.

In summary: the United States represented the market leader, France the economical option, and England the elite product for a more exclusive audience.

Acknowledgments

This article was developed from the archives of two of Spain’s most emblematic and prestigious newspapers, ABC and La Vanguardia. Without their collaboration, access to such valuable content would not have been possible. This research is part of the GID ASOE project at the University of Valladolid, which focuses on social action and educational opportunities.

This study represents a first phase, in which the influence of foreign territories on the history of Spanish advertising is identified. Subsequent phases will explore the potential educational uses of advertising materials, which, by their nature, are designed to capture attention, persuade, and modify consumer behavior.

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Between being and desire: subjectivity and self-perception in personal branding in neoliberal times

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The governance of desire and the production of professional expectations

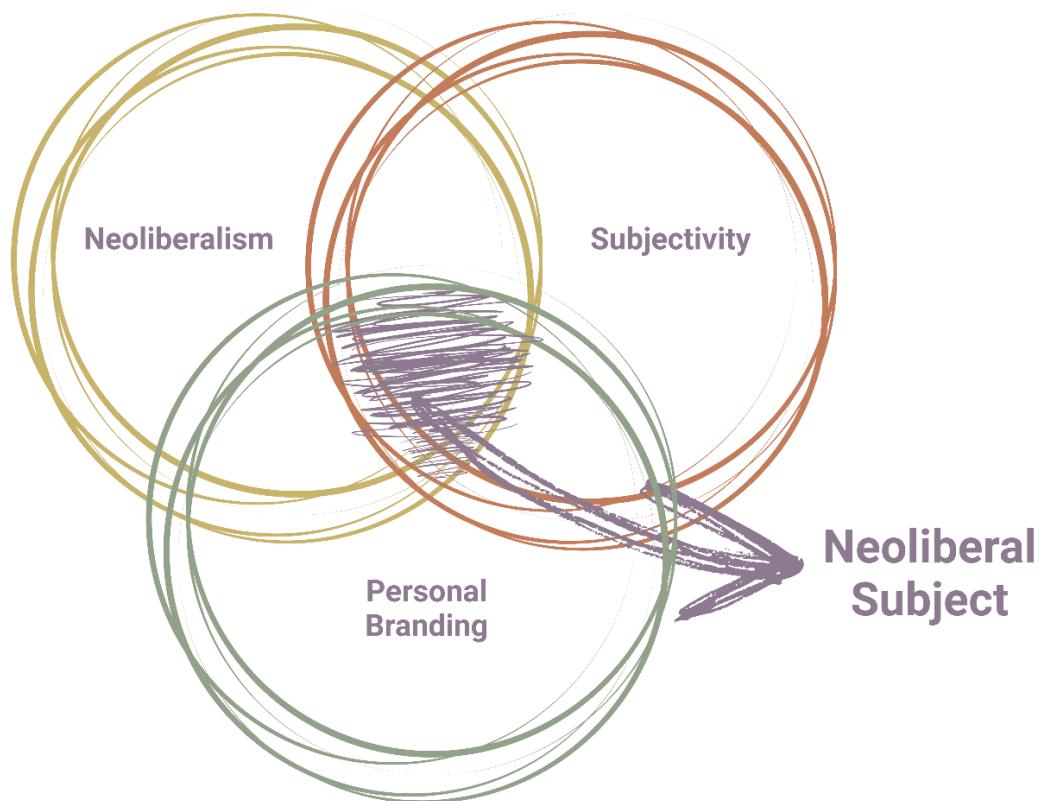
In contemporary societies permeated by neoliberal rationality, an intensification of imperatives of performance, visibility, and self-management can be observed, reconfiguring ways of living, working, and attributing social value (Brown, 2019; Dardot & Laval, 2016; Han, 2014). Neoliberalism shifts the axis of power from external coercion to the interiority of subjects, calling upon them to manage their own existence according to criteria of efficiency, competitiveness, and recognition, operating through freedom and permanent self-evaluation (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008). In this context, self-configuration, desire, and professional trajectory cease to be experienced as open and contingent processes and come to be organized as strategic projects that are continuously narrated, exposed, and evaluated in increasingly competitive symbolic and professional markets (Han, 2014; Illouz, 2007; Zuboff, 2019).

It is within this scenario that practices such as personal branding emerge and become consolidated, widely disseminated as legitimate responses to the demands of the contemporary labor market, in a context marked by the individualization of professional responsibility and the intensification of symbolic competition (Dardot & Laval, 2016; Kotler & Keller, 2012; Peters, 1997; Shepherd, 2005). Presented as an instrument of differentiation, authenticity, and professional fulfillment, personal branding promises to align subjective singularity with social recognition, articulating self-configuration, value, and reputation in coherent and strategically communicable narratives (Álvarez del Blanco, 2010; Bender, 2009; Illouz, 2007; Shepherd, 2005). This promise, however, raises a central question: how does neoliberal rationality reorganize desire and subjective self-perception through personal branding, converting symbolic narratives into performative professional expectations?

The objective of this chapter is to critically analyze this process, arguing that personal branding should not be understood merely as a neutral communicational strategy, but as a technology of subjectivation inscribed in neoliberal rationality, insofar as it organizes practices of self-management, visibility, and evaluation of the self according to market criteria (Dardot & Laval, 2016; Foucault, 2008; Han, 2014). The analysis starts from the hypothesis that the neoliberal subject is socially constituted at the intersection of three fundamental theoretical dimensions: neoliberalism as a form of government; processes of subjectivity and subjectivation; and the systematization of self-management of the self through personal branding (Brown, 2019; Butler, 1997; Dardot & Laval, 2016; Foucault, 2008). This articulation is synthesized in the analytical scheme presented in Figure 1, which makes explicit the relational logic among these axes and guides the reading of the chapter. By integrating these dimensions, the chapter proposes a

reading of the contemporary subject as a manager of the self, whose self-configuration is constituted simultaneously as subjective expression and as a symbolic asset within the reputation economy (Han, 2014; Illouz, 2007; Shepherd, 2005).

Figure 1. Theoretical model of the social constitution of the neoliberal subject based on the intersection between neoliberalism, subjectivity, and personal branding



Note. The diagram represents the relational articulation between neoliberal rationality, processes of subjectivity, and the systematization of self-configuration management through personal branding, whose intersection gives rise to the figure of the neoliberal subject as a manager of the self within the reputation economy. Source: Author's own.

Methodologically, the study develops a systematic bibliographic review of a theoretical-critical nature, guided by these three interdependent analytical axes. The selection of authors does not follow an exhaustive criterion, but an epistemological and conceptual one, privileging contributions that occupy a central position in the constitution of contemporary debates on governmentality, desire, recognition, and personal branding, either because of their recurrence in the critical literature or because of their capacity to structure analytical categories widely mobilized across different theoretical traditions.

The analysis is carried out through comparative and relational reading, examining convergences, displacements, and tensions among the approaches mobilized, which enables the construction of an interpretive synthesis in terms of a critical hermeneutics oriented toward conceptual articulation (Brown, 2019; Foucault, 2006). This approach makes it possible to

critically map the state of the art and to propose an original theoretical framework by articulating traditions and authors from distinct theoretical fields in the study of personal branding.

As a scientific contribution, this chapter proposes an integrated theoretical articulation between studies on neoliberalism, subjectivity, desire, and strategic communication, highlighting how contemporary personal branding practices participate in the production of performative professional expectations and market-oriented regimes of recognition (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014). By understanding personal branding as a symbolic space in which the tension between being and desiring is staged, the text argues that neoliberal rationality does not eliminate subjectivity, but reorganizes and instrumentalizes it, converting the desire for recognition into a vector of self-governance (Han, 2014; Illouz, 2007; Safatle, 2021).

In the field of strategic communication and personal branding studies, the contribution of this chapter lies in shifting the analysis of this practice from a strictly instrumental plane to a critical framework that understands it as a technology of subjectivation and as a device that organizes the reputation economy (Dardot & Laval, 2016; Foucault, 2008; Han, 2014). By showing that strategies of visibility, positioning, and narrative coherence operate not only as means of competitive differentiation, but as forms of symbolic regulation of value, subjective configuration, and professional legitimacy, the text broadens the understanding of personal branding as a communicational practice traversed by rationalities of power, affects, and norms of recognition (Brown, 2019; Illouz, 2007; Shepherd, 2005).

This shift opens space for understanding strategic communication as a practice of symbolic management and as a privileged terrain for the production of meanings, expectations, and socially desirable ways of being and appearing in the neoliberal context (Brown, 2019; Butler, 1997; Shepherd, 2005).

Neoliberalism as a rationality of governing subjectivity

Neoliberalism is understood here not only as an economic model or a set of public policies, but also as a rationality of government that reorganizes forms of power, modes of subjectivation, and experiences of desire (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014; Safatle, 2021). This reading, widely developed from Foucauldian genealogy, makes it possible to understand neoliberalism as a form of governmentality, that is, as a political technology that acts upon conduct by transforming the market into a principle of truth and the individual into a manager of the self (Dardot & Laval, 2016; Foucault, 2008). In this regime, governing does not mean imposing external limits, but creating conditions for subjects themselves to conduct their lives according to criteria of efficiency, performance, and competitiveness (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014).

By shifting the axis of power from coercion to incitement, neoliberalism institutes a form of government that operates through freedom (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014). The subject is called upon to act as an enterprise of the self, fully assuming responsibility for their success, failure, and social value (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008). This rationality transforms competition into a universal norm and permanent evaluation into an organizing principle of social life (Dardot & Laval, 2016; Foucault, 2008). The market ceases to be merely an economic space and becomes a normative matrix of human

action, teaching individuals to calculate, compare, invest in, and optimize their own existence (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014).

This form of government produces effects that go beyond the institutional plane and directly affect subjectivity (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014). Neoliberalism corrodes the foundations of the political by replacing the figure of the citizen with that of the entrepreneurial individual, displacing values such as solidarity, the common good, and rights toward a logic of merit, individual responsibility, and continuous self-valorization (Brown, 2019; Dardot & Laval, 2016). The result is the production of subjects who perceive themselves as unfinished projects, permanently obliged to prove their value in increasingly competitive symbolic and professional markets (Brown, 2019; Han, 2014; Illouz, 2007).

Although the term neoliberalism is relatively recent — becoming consolidated in academic and political debate from the second half of the twentieth century, especially in the postwar context and the economic reforms of the 1970s —, its ontological foundations can be traced back to Marx's critique of political economy (Brown, 2019; Dardot & Laval, 2016; Harvey, 2005). In the *Economic and Philosophical Manuscripts*, Karl Marx analyzes alienated labor as the process by which the subject is progressively separated from themselves, from their vital activity, and from their creative power, coming to relate to their own labor as something external, objectified, and alien (Marx, 2004).

This alienation is not limited to the immediate productive sphere, but inaugurates a broader logic of human valuation, in which life comes to be measured by the value it produces, accumulates, and represents within social relations (Harvey, 2005; Marx, 2004). The subject ceases to recognize themselves in the activity they perform and begins to recognize themselves in results, products, and socially legitimized forms of value, anticipating a rationality in which existence tends to be evaluated according to external criteria of productivity, utility, and recognition (Brown, 2019; Dardot & Laval, 2016; Harvey, 2005; Marx, 2004). Read in light of neoliberal rationality, this critique makes it possible to understand how alienation shifts from material labor to more diffuse dimensions of experience, reaching subjectivity, affects, and self-image itself as central fields of economic valorization (Brown, 2019; Dardot & Laval, 2016; Han, 2014).

In the *Grundrisse*, Marx deepens this analysis by introducing the concept of general intellect, understood as the set of social knowledges, cognitive capacities, scientific knowledge, and forms of collective cooperation that come to integrate the productive process directly (Marx, 2011). This constitutes a theoretical anticipation of the moment in which social intelligence, language, communication, and creativity cease to be merely external conditions of labor and come to be directly integrated into the productive process as central productive forces (Marx, 2011). Under neoliberal rationality, this dynamic is intensified and reinterpreted by authors in the field of cognitive capitalism and critiques of neoliberalism. Thus, what Marx identified as collective intelligence predominantly objectified in machines, technical systems, and the organization of labor comes to operate also at the level of subjectivity, converting psychic, affective, communicational, and desirous capacities into exploitable economic resources (Butler, 1997; Dardot & Laval, 2016; Han, 2014; Lazzarato, 2011; Moulier-Boutang, 2011). It is within this shift that subjectivity itself — its affects, desires, narratives, and relational competences —, comes to function as an economic resource, intensifying the forms of self-valorization,

performance, and self-exploitation characteristic of the neoliberal subject (Butler, 1997; Dardot & Laval, 2016; Han, 2014; Illouz, 2007).

In this sense, neoliberalism can be understood as the radicalization of these dynamics, extending the logic of economic valorization to the totality of social life (Brown, 2019; Dardot & Laval, 2016; Harvey, 2005). What was previously expressed as the exploitation of material labor now operates as the exploitation of interiority, affects, and desire (Han, 2014; Lazzarato, 2011; Safatle, 2021). This is a political project of class restoration that legitimizes itself discursively through the promise of individual freedom, while intensifying inequalities and precarizing conditions of existence (Brown, 2019; Harvey, 2005). Freedom here functions as an ideological device that conceals structural asymmetries and displaces systemic responsibility onto the individual plane (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008).

This mutation of power is further developed in the analyses of Byung-Chul Han, who describes neoliberalism as a psychopolitics, that is, as a form of government that acts directly on the psychic, affective, and motivational processes of subjects, orienting desires, expectations, and modes of self-evaluation (Han, 2014; Han, 2017). Unlike the disciplinary societies analyzed by Foucault, centered on surveillance, normativity, and punishment, neoliberal power does not operate primarily through negation or repression, but through seduction, transparency, and positivity, exploiting freedom as its main resource of government (Foucault, 2008; Han, 2012; Han, 2017).

In this regime, the subject believes they act autonomously, but is trapped in the imperative of performance, internalizing goals, metrics, and expectations as expressions of personal fulfillment (Han, 2014; Han, 2017). External coercion gives way to self-exploitation, and the individual becomes simultaneously the exploiter and the exploited of themselves, converting motivation, creativity, and affects into continuously mobilized productive forces (Dardot & Laval, 2016; Han, 2014). Fatigue, anxiety, and a persistent sense of insufficiency do not emerge as structural failures of the system, but as naturalized subjective effects of a culture oriented toward constant overcoming, self-optimization, and the permanent demand for performance (Han, 2014; Safatle, 2021).

Within the same critical horizon, Vladimir Safatle argues that neoliberalism governs through the management of psychic suffering, converting fear, insecurity, and instability into motors of subjective adherence (Safatle, 2021). Precarization ceases to be an undesirable effect and becomes an active principle of government, keeping subjects in a permanent state of alertness, comparison, and self-production (Araújo, 2020; Brown, 2019; Safatle, 2021). Suffering does not paralyze; on the contrary, it is mobilized as fuel to perform, adapt, and continually invest in the self (Han, 2014; Safatle, 2021).

This regime of government finds in digital technologies a privileged field of operation because they make it possible to continuously and at scale articulate visibility, evaluation, and the modulation of conduct, converting ordinary practices of expression and interaction into economically exploitable data (Brown, 2019; Dardot & Laval, 2016; Han, 2014). By transforming communication, sociability, and self-expression into technical infrastructures of registration and measurement, neoliberal rationality comes to organize itself around the extraction, processing, and anticipation of behavioral data, making human experience a central economic raw material (Zuboff, 2019).

Visibility, attention, and affects cease to be merely symbolic dimensions of social life and come to function as strategic resources subject to capture, calculation, and optimization (Ahmed, 2014; Brown, 2019; Han, 2014; Zuboff, 2019). Power no longer acts primarily through the repression of consciousness or direct normative imposition, but through the prediction, orientation, and induction of behaviors, operating on probabilities, patterns, and future expectations (Han, 2017; Zuboff, 2019). Thus, the desire for recognition — an element constitutive of subjective experience and which will be further developed later in the chapter — , is progressively captured and reconfigured as a mechanism of control, articulating subjectivity, technology, and market within the same circuit of valorization (Ahmed, 2014; Brown, 2019; Han, 2014; Zuboff, 2019).

Neoliberalism can therefore be understood as a total system of government that traverses institutions, communicational practices, and forms of self-experience (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014). It does not eliminate desire, but reorganizes it; it does not suppress subjectivity, but instrumentalizes it, orienting ways of feeling, narrating oneself, and acting according to market criteria (Dardot & Laval, 2016; Han, 2014; Safatle, 2021). The subject is thus called upon to desire according to competitive norms, to narrate themselves strategically, and to transform their own life into a symbolic asset (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Illouz, 2007). It is within this horizon that the neoliberal subject is consolidated, on the axis of neoliberalism, as an individual who governs themselves in the name of freedom, converts authenticity into a moral obligation, and measures their own value by indicators of performance, visibility, and recognition (Brown, 2019; Dardot & Laval, 2016; Han, 2014; Zuboff, 2019).

This theoretical framework is fundamental for understanding why contemporary personal branding practices should not be analyzed merely as neutral communicational strategies, insofar as they offer the subject a symbolic repertoire through which to manage the conflict between being and desiring (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014; Illouz, 2007).

From power to forms of the self: subjectivity, subjectivation, subjection, and the neoliberal subject

This subsection analyzes the shift of contemporary power from external coercion to the governance of interiority, articulating four interdependent dimensions as analytical keys for understanding the constitution of the self in neoliberal contexts: subjectivity, subjectivation, subjection, and the neoliberal subject (Brown, 2019; Butler, 1997; Dardot & Laval, 2016; Foucault, 2008; Han, 2014). It begins with subjectivity as a singular and desirous experience, moves to subjectivation as a historical-discursive process that orients conduct, reaches subjection as affective and voluntary adherence to norms of recognition, and culminates in the figure of the neoliberal subject, who governs themselves in the name of freedom while converting desire, authenticity, and affects into performance and symbolic capital (Butler, 1997; Foucault, 2006; Han, 2014; Illouz, 2007).

Although the neoliberal subject is presented in this subsection as the result of a processual chain of internalization of power — unfolding from subjectivity to subjectivation and culminating in subjection — , it is not constituted solely as an intrapsychic or exclusively internal phenomenon (Brown, 2019; Butler, 1997; Foucault, 1978; Lacan, 1966; Winnicott, 1971). Its social consolidation depends on the articulation between this psychic-discursive dynamic, neoliberal

rationality as a form of government, and contemporary technologies of self-management, such as personal branding. It is at this intersection that the neoliberal subject stabilizes as a recognizable social figure, as seen in the analytical model presented in Figure 1 (Dardot & Laval, 2016; Foucault, 2006). By operating simultaneously on and through the subject, power transforms psychic life into an instrument of regulation, preparing the ground for the analysis of personal branding as a technology of self-government within neoliberal rationality (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008).

In contemporary society, it is important to stress that the mutation of power implies that governance is no longer exercised primarily through external coercion, but through the internalization of norms that orient the way subjects think, feel, and desire (Butler, 1997; Foucault, 2008; Han, 2014). Power becomes effective when it is converted into self-government, operating through freedom and recognition, such that individuals come to regulate their own conduct according to socially legitimized criteria of visibility, productivity, and authenticity, as discussed earlier (Brown, 2019; Dardot & Laval, 2016; Foucault, 2006; Foucault, 2008). Subjection, then, ceases to be experienced as imposition and comes to be desired as an expression of personal fulfillment, meaning that freedom does not limit power, but functions as its main vector of subjective reproduction (Butler, 1997; Han, 2014).

In this context, subjectivity constitutes the starting point of the analysis, understood as a singular, desirous, and creative psychological-existential experience that precedes, but also intertwines with, historical forms of power and culture (Allport, 1937; Butler, 1997; Foucault, 2008; Han, 2014). Subjectivity expresses the way the individual feels, imagines, and signifies their own existence, configuring an internal field of affects, memories, and narratives that orient being-in-the-world (Castoriadis, 1975; Jung, 2014; Winnicott, 1971). This dimension implies the integration between consciousness and the unconscious and reveals the subject as the author of their own experience, even as they are traversed by symbolic and social forces that exceed them (Freud, 2011; Jung, 2014; Winnicott, 1971).

However, this desirous interiority is not a pure territory, because it is permanently traversed by language, discourses, and norms that define what can be recognized as a self in each historical context (Butler, 1997; Foucault, 2008; Wetherell, 1998). The unconscious provides the energy of desire, while discourse establishes the symbolic frames that make it nameable and socially intelligible (Freud, 2010; Lacan, 1966; Wetherell, 1998). Subjectivity is thus constituted as a field of tension between creation and conditioning, between psychic freedom and normative regulation, in which desire seeks expression and recognition (Butler, 1997; Foucault, 2008; Lacan, 1966).

Subjectivation designates the process by which this interiority is captured and organized by historical, discursive, affective, and technical dispositifs, converting singular experiences into socially recognizable forms of subject (Agamben, 2005; Butler, 1997; Foucault, 2008). This is a philosophical-political dimension that describes how power becomes experience, transforming social norms into internal orientations that regulate thinking, feeling, and acting (Ahmed, 2014; Foucault, 2006; Foucault, 2008; Han, 2014). By operating through incitement rather than repression, subjectivation makes freedom an instrument of government, conducting desire according to regimes of visibility, productivity, and recognition (Dardot & Laval, 2016; Foucault, 2008; Han, 2014).

This process takes on a paradoxical character, because the subject is constituted precisely by submitting to the norms that make them recognizable and socially existent (Butler, 1997). The care of the self becomes the management of the self, and the desire for freedom becomes a vector of subjection, insofar as the subject regulates their own conduct in search of symbolic validation (Foucault, 2006; Han, 2014; Illouz, 2007). Subjectivation operates simultaneously on discursive and affective planes, organizing languages, emotions, and bonds that stabilize belongings and forms of recognition (Ahmed, 2014; Illouz, 2007; Wetherell, 1998).

Subjection represents the psychic-affective moment of this capture, when power ceases to act upon the subject and begins to operate through them, instituting an emotional adherence to the norms that guarantee recognition and belonging (Butler, 1997; Freud, 2011; Lacan, 1966). This is a libidinal process in which power is invested with affect, because it is what confers visibility, meaning, and continuity to the self (Freud, 2010; Lacan, 1966). The subject accepts being governed in order to continue to exist symbolically, transforming obedience into choice and domination into personal fulfillment (Butler, 1997; Han, 2014).

This libidinal economy of domination intensifies in neoliberal contexts, in which precarization, performance, and permanent competition convert the effort of self-realization into self-coercion and psychic exhaustion (Brown, 2019; Dardot & Laval, 2016; Han, 2014; Lazzarato, 2011). Suffering, far from interrupting the system, is incorporated as a motor of adaptation, productivity, and continuous investment in the self (Han, 2014; Illouz, 2007).

It is at this point that the neoliberal subject emerges, understood in this subtopic as the synthesis of subjectivity, subjectivation, and subjection under the logic of the market (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008). This subject governs themselves in the name of freedom, but internalizes norms of performance, visibility, and efficiency as criteria of personal and social value (Han, 2014). Interiority becomes a field of management and surveillance, and desire is converted into a productive force to be exploited (Lazzarato, 2011; Moulier-Boutang, 2011).

In this process, the need to be seen, recognized, and validated by the other — an essential dimension of the psychic constitution of the self —, is progressively captured by regimes of visibility and evaluation, such that symbolic recognition becomes a criterion of social existence (Freud, 2011; Illouz, 2007; Lacan, 1966). Thus, the neoliberal subject lives the paradox of imprisoned freedom, in which they believe they act autonomously while reproducing, often with enthusiasm, the norms that govern them, because in them they find the promise of belonging, meaning, and continuity of the self (Brown, 2019; Butler, 1997; Foucault, 2008).

Recapitulating this trajectory, subjectivity corresponds to the movement of being, subjectivation to the process of becoming, and subjection to action regulated by affective adherence to norms, configuring the neoliberal subject as the result of a chain of internalization of power (Butler, 1997; Foucault, 2006; Foucault, 2006; Han, 2014). However, it is worth emphasizing once again that this processual dynamic does not end in the psychic sphere, since the social consolidation of the neoliberal subject also depends on its inscription in rationalities and dispositifs that organize recognition, value, and visibility (Brown, 2019; Dardot & Laval, 2016). It is at this point that contemporary personal branding practices come to operate as technologies of self-government, promising authenticity while converting the desire to be into an obligation to perform, an issue that will be further developed in the next section of the chapter (Han, 2014; Illouz, 2007).

Personal branding as a technology of subjectivation and the reputation economy

Personal branding can be understood as a contemporary technology of subjectivation, insofar as it systematizes, at the individual level, repertoires and instruments historically associated with corporate brands, converting self-configuration into an asset and reputation into symbolic capital within neoliberal rationality (Dardot & Laval, 2016; Foucault, 2008; Han, 2014; Shepherd, 2005). Within this framework, personal branding designates the continuous, intentional, and strategic process of positioning, communicating, and managing a person's reputation, while the personal brand corresponds to the relatively stable symbolic configuration of perceptions, expectations, and socially shared associations about an individual, which precedes, guides, and results from this process, consolidating itself and being continuously updated over time (Álvarez del Blanco, 2010; Bender, 2009; Keller, 2008; Shepherd, 2005).

From this perspective, the personal brand is not merely a subsequent effect of strategic management, but a prior symbolic capital, inscribed in the experiences, relationships, and recognitions accumulated by the subject, which the process of personal branding makes conscious, communicable, and strategically orientable (Álvarez del Blanco, 2010; Dardot & Laval, 2016; Honneth, 2003; Illouz, 2007; Keller, 2008; Shepherd, 2005). This distinction is decisive for understanding how the subject becomes, simultaneously, the manager and the meaning of themselves, internalizing procedures of planning, differentiation, and narrative coherence as forms of market-oriented self-government (Dardot & Laval, 2016; Foucault, 2008; Kotler & Keller, 2012; Ries & Trout, 2001).

The migration of branding from the organizational universe to the individual plane occurs through the transposition of classic marketing principles, such as segmentation, targeting, and positioning, to the conduct of the subject's professional life and public presence (Kotler & Keller, 2012; Ries & Trout, 2001; Shepherd, 2005). In this movement, the self comes to be treated as a value proposition and the trajectory as a strategic narrative, reinforcing a competitive rationality that calls on each individual to occupy a distinct and memorable mental space, in a manner analogous to corporate brands (Peters, 1997; Ries & Trout, 2001; Shepherd, 2005). Thus, personal branding ceases to be merely spontaneous expression of the self and is configured as a communicational project guided by criteria of relevance, differentiation, consistency, and proof of delivery, bringing the subject closer to the enterprise-form described by neoliberal governmentality (Dardot & Laval, 2016; Foucault, 2008; Han, 2014; Kotler & Keller, 2012).

The contemporary genealogy of personal branding is often associated with the popular formulation of you as a brand, which calls on the worker to think of themselves as a competitive microenterprise grounded in performance, visibility, and reputation (Peters, 1997; Shepherd, 2005). This discursive turn reconfigures the subject's value, which ceases to rest solely on material productivity and comes to depend on the capacity to communicate competences, narrate results, and project authenticity in public arenas increasingly mediated by metrics and continuous evaluations (Foucault, 2008; Han, 2014; Illouz, 2007). Within this logic, personal branding is consolidated as a market-oriented technology of the self, insofar as it induces the individual to govern themselves according to imperatives of performance, reputation, and symbolic efficiency, internalizing permanent self-evaluation as a norm of conduct (Dardot & Laval, 2016; Foucault, 2008; Shepherd, 2005).

At the conceptual level, the personal brand can be understood as a relational construction, an image-concept that is constituted and strengthened through communicational exchanges between the subject and alterity, rather than as a fixed or self-defined entity (Baldissera, 2010; Keller, 2008; Shepherd, 2005). Inspired by the brand knowledge theory formulated by Kevin Lane Keller, the personal brand also corresponds to a network of cognitive and affective associations stored in the public's mind, stabilized by the coherent repetition of experiences, interactions, and narratives over time (Keller, 2008; Shepherd, 2005). Reputation, within this framework, represents the relatively consolidated form of this network of associations, sustained by the verifiable correspondence between declared values, self-narratives, and practices of delivery, conferring on the personal brand an ethically legitimized character, yet conditioned by regimes of recognition and social validation (Álvarez del Blanco, 2010; Ramalho, 2008; Shepherd, 2005).

This symbolic architecture operates across two complementary dimensions: a subjective dimension, linked to meaning, self-experience, and the intersubjective co-construction of the self, and a technical dimension, linked to the communicational system that materializes this experience into recognizable, repeatable, and evaluable signs (Álvarez del Blanco, 2010; Bender, 2009; Keller, 2008). In the subjective dimension, authenticity is understood as a verifiable coherence between essence, expression, and experience, that is, as ethical congruence between promise and delivery capable of producing social trust (Álvarez del Blanco, 2010; Bender, 2009; Shepherd, 2005). In the technical dimension, the personal brand stabilizes as a symbolic system of value subject to management, in which essence, associations, content territories, touchpoints, and robustness operate as dispositifs of reputational consistency (Bender, 2009; Keller, 2008; Kotler & Keller, 2012; Marcoux, 2016; Montoya & Vandehey, 2009; Rachelson, 2019; Ries & Trout, 2001; Shepherd, 2005).

By transposing to the individual the concept of brand equity — understood as the value accumulated in the public's mental and affective perceptions —, the personal brand transforms into administrable symbolic capital what was historically lived as diffuse social recognition, that is, as dispersed, relational, and non-formalized forms of esteem, credibility, and social legitimacy (Álvarez del Blanco, 2010; Honneth, 2003; Keller, 2008; Shepherd, 2005). This recognition, previously dependent on fragmented and contingent interactions, becomes stabilized in relatively coherent associations, expectations, and narratives, becoming subject to strategic management, reputational accumulation, and conversion into socially measurable value (Álvarez del Blanco, 2010; Dardot & Laval, 2016; Honneth, 2003; Keller, 2008; Shepherd, 2005).

In digital environments, this dynamic is intensified, as visibility and consistency come to operate as central metrics of professional credibility, articulating recognition, value, and performance within communicational regimes strongly oriented by continuous evaluation (Han, 2014; Ward & Yates, 2013; Zuboff, 2019). Content curation, exposure management, and control of the boundaries between personal and professional life thus become permanent practices of self-management of the self, in which public presence is strategically organized according to expectations of legibility, coherence, and symbolic delivery (Foucault, 2008; Rachelson, 2019; Shepherd, 2005).

In this process, the subject comes to observe, regulate, and adjust themselves according to previously internalized criteria of social recognition, making visibility a central dimension of self-government (Brown, 2019; Foucault, 2008; Han, 2014). This is a form of surveillance that is not

imposed through external coercion, but operates, once again, through voluntary adherence to regimes of transparency, performance, and self-evaluation, in which control is exercised through the desire for recognition and the constant anticipation of the other's gaze (Han, 2014; Illouz, 2007; Zuboff, 2019). In this way, the governance of conduct shifts into the interior of subjective experience, making work on the self — narrating oneself, exposing oneself, and remaining recognizable —, a daily, continuous, and morally legitimized task within neoliberal rationality (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008).

Thus, the reputation economy does not merely describe a scenario of symbolic competition, but names a regime in which recognition, trust, and credibility become scarce resources managed by strategies, metrics, and continuous performances (Keller, 2008; Rachelson, 2019; Shepherd, 2005). Within this regime, the personal brand must be understood as the symbolic capital produced and regulated by personal branding as a *dispositif*, organizing subjectivity under the grammar of the market by converting authenticity into a management criterion, visibility into an obligation, and reputation into an accumulable value, reinforcing the neoliberal rationality of self-government (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014; Illouz, 2007).

Feedback circuit and the paradox of imprisoned freedom

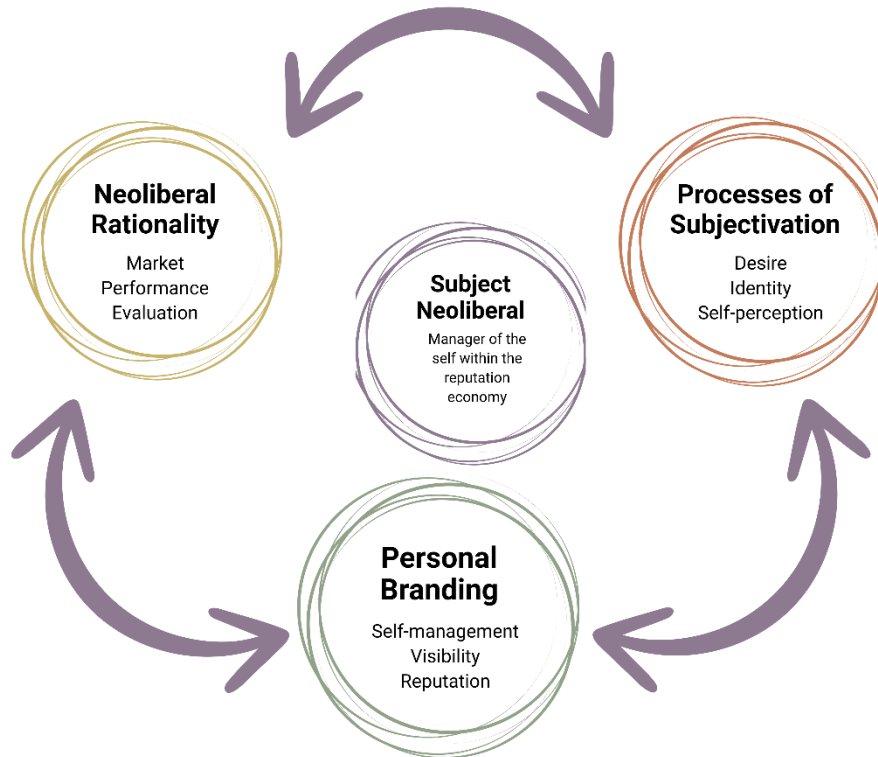
This chapter has demonstrated that personal branding is configured, in the contemporary context, as one of the privileged forms through which neoliberal rationality reorganizes desire and subjective self-perception, shifting the self from the register of lived experience to that of strategic self-management, in line with critical readings that analyze neoliberal governmentality through the imperatives of performance, self-government, and individual responsibility (Brown, 2019; Dardot & Laval, 2016; Foucault, 2008; Han, 2014).

In societies permeated by growing demands for visibility, performance, and self-management, the subject is progressively interpellated to narrate themselves as a project, to become public evidence, and to evaluate themselves according to indicators of recognition circulating in symbolic and professional markets, in dialogue with Illouz's (2007) analyses of the economization of recognition and Zuboff's (2019) analyses of the conversion of life into measurable evidence. Within this analytical framework, personal branding is not reduced to a set of functional communicational techniques, but operates as a technology of subjectivation that converts the promise of authenticity into a permanent task of coherence, differentiation, and delivery, aligning self-government with the criteria of value that structure neoliberal competition, in articulation with Foucault's (2008) analyses of governmentality, Dardot and Laval's (2016) analyses of competitive normativity, and Han's (2014) analyses of the internalization of the performance imperative.

The analysis developed throughout the chapter makes it possible to argue that the neoliberal subject occupies the center of a circular feedback system, in which neoliberal rationality, processes of subjectivation, and personal branding practices articulate in a mutually constitutive manner, a dynamic synthesized in Figure 2. Within this circuit, neoliberal rationality provides criteria of value, performance, and recognition; processes of subjectivation translate them into desire, self-perception, and sense of self; and personal branding operationalizes them in everyday practices of self-management, visibility, and reputation. The neoliberal subject thus

emerges not only as an effect of this system, but also as its active operator, simultaneously produced by and producing the norms that govern them.

Figure 2. Feedback circuit between neoliberal rationality, processes of subjectivation, and personal branding in the constitution of the neoliberal subject



Note. The diagram represents the circular functioning through which neoliberal rationality provides criteria of value and performance, processes of subjectivation internalize them within the experience of the self, and personal branding operationalizes them as practices of self-configuration management, producing and reinforcing the neoliberal subject within the reputation economy. Source: Author's own.

It is at this point that the paradox of imprisoned freedom becomes evident. The subject experiences their action as autonomous and free, while remaining inscribed within a rationality that intensifies their needs for recognition, orients their desires, and reinforces the very processes of subjectivation that constitute them. Such freedom is not illusory, but structurally conditioned, since it is exercised within a regime that converts self-management into a moral obligation and makes continuous performance a socially legitimized form of existence. Within this dynamic, personal branding both reflects neoliberal rationality and contributes decisively to its reproduction by converting the desire for recognition into a permanent motor of self-government, in line with the analyses of Han (2014), Illouz (2007), and Safatle (2021).

This reading also makes it possible to understand the constitutive circularity between personal branding and personal brand, in dialogue with classical contributions in personal branding studies (Álvarez del Blanco, 2010; Bender, 2009; Keller, 2008; Shepherd, 2005). The personal

brand should not be understood merely as a subsequent result of strategic management, but as a relatively stable configuration of perceptions, expectations, and associations that precedes, guides, and results from the very process of personal branding, being continuously updated through social interactions and the repetition of reputational signals. This circularity reinforces the condition of the subject as simultaneously the manager and the meaning of themselves, since they manage a symbolic capital that already exists socially as reputational memory, while at the same time reorienting it through strategic practices of visibility, narrative, and delivery.

By situating the reputation economy as a regime in which recognition, trust, and credibility become scarce resources managed through reiterated performances, this analysis dialogues with central contributions from brand and reputation studies, while simultaneously reinscribing them within a broader critical framework (Keller, 2008; Shepherd, 2005). Authenticity and singularity cease to operate merely as ethical or expressive values of the self and come to be mobilized as strategic components of differentiation, producing public legibility and social adherence in contexts marked by symbolic competition, in dialogue with critical readings on performance and the emotionalization of recognition (Han, 2014; Illouz, 2007).

The critical scope of this reading lies in showing that neoliberal rationality does not eliminate subjectivity, but reorganizes and instrumentalizes it, shifting desire from the field of experience to that of management, converting interiority into a permanent surface of work and evaluation, and reconfiguring autonomy as the continuous individual responsibility to remain relevant, coherent, and recognizable. This interpretation is situated in dialogue with contemporary critiques of neoliberal governmentality, as developed by Foucault (2008), Dardot and Laval (2016), and Brown (2019), while simultaneously rearticulating them through the examination of the concrete practices of self-management analyzed in this study.

From a scientific perspective, the chapter's main contribution lies in the construction of an integrated theoretical framework that highlights personal branding as an intelligible mechanism through which symbolic narratives about the self are progressively converted into performative expectations regarding what one must be, do, and demonstrate in order to exist socially as a recognized subject. In this way, the chapter dialogues with critical traditions that analyze the constitution of the subject through the relations between power, normativity, and forms of recognition, contributing to a critical reading of contemporary dynamics of subjectivation in the neoliberal context (Brown, 2019; Foucault, 2008).

Understanding personal branding as a technology of subjectivation therefore implies shifting its analysis from a strictly instrumental plane to the political-affective plane of the governance of conduct. This shift makes it possible to show that practices of self-management do not operate merely as individual strategies of communication or differentiation, but as dispositifs inscribed within a broader rationality that organizes desires, expectations, and legitimate forms of recognition, contributing to the social stabilization of the neoliberal subject at the intersection of neoliberalism, subjectivity, and personal branding.

By proposing this theoretical-critical framework, the chapter does not seek to exhaust the empirical complexity of the processes analyzed, but rather to offer an interpretive key for understanding contemporary dynamics of personal branding. In this sense, the concepts mobilized here provide analytical tools for future investigations that examine, in concrete contexts, how digital platforms, visibility metrics, and specific professional cultures intensify or

problematize the management of reputation and the normalization of performance, allowing for the exploration of their forms of reproduction, their limits, variations, and possible zones of resistance.

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Society, Culture, and Sustainable Development

Sustainable development between ethics and finance

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In search of sustainability in the sectional regulations of the financial market

Sustainability, as is well known, is a back-formed noun. Born after the adjective sustainable - *et pour cause* - it has entered regulatory language from that of environmental sciences and economics. Legislators and jurists seem to have transplanted it into their lexicon with no small amount of enthusiasm, as has happened in the context of corporate law with the terms 'adequacy' or the phrases 'social responsibility' and "financial stability," and as befits other *à la page* words, increasingly and recklessly adopted by legislators who use them without actually providing a legal definition (Così, 2014).

Now, while it is clear, for example, what is meant by fact, act, or enterprise in a legal sense, it is not equally clear what is meant—in a legal sense—by sustainability. And the jurist who is called upon to 'do things with words', as the philosopher John L. Austin would say, i.e. to use language as action, should not shy away from the preliminary search for the legal meaning of this 'word that is as decisive as it is vague and indeterminate'; This is a particularly arduous task, given the multiple meanings of sustainability: environmental, economic, social, and cultural (Foschini, 2008).

Precisely because of this sort of 'multifunctionality' of the concept, a shared notion of sustainability cannot ignore the values expressed and sensibilities of a given community at a certain moment in history. Moreover, the elusive nature of the notion is confirmed by the set of rules governing the financial market in its traditional tripartite division between the banking, insurance, and securities market segments. In this context, which has been particularly affected by the economic crisis of recent years, there has been a significant opening up to ethics "as a fundamental element of financial stability and economic development" (Costi, 2011). The idea of finance that, alongside the pursuit of profit, 'also takes other interests and values into consideration', acting as a 'criterion for the correct implementation of legal rules', has also gained ground, albeit not without criticism (Randazzo, 2011).

Of lesser importance in the same system, however, was the opening up to environmental sustainability. This is despite the role assigned to the financial sector as "part of the solution towards a greener and more sustainable economy" based on "the reorientation of private capital towards more sustainable investments." This idea, conceived at European level on the assumption of "a far-reaching transition in the operating methods of the financial system," makes the fundamental question more relevant than ever: whether today's regulatory framework constitutes an "environment conducive to the spread and development of sustainability" (Vella, 2016).

In this regard, the perceived influence of environmental and social factors on financial risks would have deserved much greater attention at the regulatory level. However, the measures that have followed, starting with Law No. 262 of December 28, 2005, aimed at strengthening the overall framework of the financial market weakened by the scandals of the last two decades, have given them little importance. In fact, there are few references to sustainability in the Consolidated Law on Finance, which refers to it in the context of market information (Cosi, 2020), or in the Private Insurance Code (Legislative Decree No. 209 of September 7, 2005), which refers to it in its definition to distinguish the constituent elements of an insurance group. However, it is certainly the regulatory vocabulary of the Consolidated Banking Law that complicates the search for a possible legal meaning of the term, which appears in Article 111-bis as a qualifying criterion for a unique category of 'Entities operating in the financial sector': 'Ethical and sustainable finance banking operators'.

The following pages will be devoted to this category of banks.

The combination of ethics and sustainability as an expression of a new concept of finance

Article 111-bis Tub was conceived by the Italian legislator as an isolated provision of the law on the state budget for the 2017 financial year (Article 1, paragraph 51, Law No. 232 of December 11, 2016). Its enactment, therefore, preceded by about two years the adoption of the "Action Plan for Sustainable Finance" prepared by the European Commission in March 2018 and by almost five years the measures that stemmed from that Plan, namely the "European Regulation on Financial Reporting," which entered into force on March 10, 2021, and the 'Taxonomy on Sustainable Finance' contained in EU Regulation 2020/852 of June 18, 2020, which, with its classification system for activities considered environmentally sustainable, represents in a certain sense the 'Bible' of eco-sustainable investments (Collins et al., 2017).

Such diligence on the part of a Member State that has repeatedly been sanctioned for delays in transposing European measures, and which in fact has always shown little sensitivity to certain issues (mostly addressed under European pressure), raises the suspicion that the regulation – also given the context in which it was created – was introduced in an attempt to improve the image of a banking system that at the time was seriously tarnished by a *mauvaise réputation* (Nadège, 2024). And, in fact, paying attention to certain operators already present in the market, namely ethical banks, it is believed that the legislator sought to fill a regulatory gap by incentivizing their operations and thus completing the "framework of entities authorized to carry out banking activities in Italy" (Carlizzi, 2020).

Ethical banks, which aim to conceive of the economy as "essentially serving humanity" according to the principles professed by ethical finance (Capriglione, 1997), would also be assigned the role of "driving force and accelerator of economic growth inspired by the achievement of environmental and social objectives" (Vella, 2024). In this way, the combination of ethics and sustainability, as a distinctive feature of a player operating in the financial market, would seem to imply a functionalization of financial activity towards an economic system that is not only capable of overcoming the problem of excessive exploitation of resources and violation of rights, but also of generating social value through the management of financial risks arising from climate change.

In this regard, the path chosen by the banking regulator deviated from the one that, in the previous decade, had led to the enactment of the 'Provisions on ethical finance' contained in Article 117-ter of the Consolidated Law on Finance, intended for entities 'that promote products and services classified as ethical or socially responsible'.

With this latter indication, the provision seems to directly evoke *Corporate Social Responsibility* (CSR) and to be oriented towards the protection of general interests that go beyond the proper functioning of the financial market and extend to 'risk capital providers' and 'other stakeholders' (Costi, op. cit., 168).

However, this formula has now been superseded by the more general concept of *sustainability* related to ESG factors, which was expressly introduced in Article 111-bis of the Tuf (Consolidated Banking Act) and which, in essence, should refer to the interests correspondingly considered in the Tuf (Consolidated Finance Act) (Rolli, 2022). However, beyond the formal data, the two regulations express two different models of business activity: in the banking sector, the reference point is the entity carrying out the activity, i.e., the 'operator', while in the financial sector, the reference point is the 'products and services' intended for the public. Consequently, in the first case, the behavioral models of the operator are taken into consideration, while in the second case, the regulation focuses on transparency and the information to be provided to the public in prospectuses and information documents to ensure informed choices.

Banking operators between ethics, sustainability, and stability

Balancing ethics and environmental sustainability with banking regulations also raises many concerns (Franco, 1993). Many of these depend on the "intrinsically subjective nature of ethics" (Macchiavello, op. cit., 191), which makes it impossible to formulate *ex ante* a definition with the "same meaning for all stakeholders" (Consob, 2007). Others, however, relate to the environment as a central element of sustainability but as a "braking limit" on economic development.

In the first sense, it is no coincidence that a legal concept of ethics has not yet been formulated (Belli, 2007) and that, as a result, even for ethical banking, it is not possible to identify a common criterion capable of overcoming the obvious differences that still exist between individual entities "in terms of size and turnover, capital structure, and the manner and level of customer participation in the bank's decisions" (Macchiavello, op. cit., 191).

In this uncertain context, Article 111-bis of the Consolidated Banking Act has provided a definition of '*ethical and sustainable finance banking operators*'.

First of all, it should not be forgotten that, as banking operators, they are still subject to sectoral regulations and therefore to prudential supervision rules aimed at ensuring their financial stability in the interests of a particular category of *stakeholders*: savers. The problem is therefore to balance the three pillars on which ethical finance is based – the pursuit of social goals, the democratic participation of shareholders and savers in corporate decisions, the reinvestment of profits, and the containment of wage differences – with the so-called prudential rules, which bind all banking operators indiscriminately and limit their activities to risk-averse initiatives. And on the other hand, with so-called sustainable finance, intended to 'redirect capital flows towards sustainable investments', i.e. including 'both what is already environmentally friendly and what is in transition'.

This means that financing requests, already subject to assessment for consistency with the ethical framework outlined in the regulations, must be further selected by the operator based on the degree of risk of the operation and also in terms of environmental sustainability. These filters, which in theory should allow for the pursuit of the 'optimum' in terms of financing, may in practice be difficult to reconcile with each other since, on the one hand, not everything that is ethical is also sustainable, and vice versa, not everything that is sustainable is also ethical; on the other hand, not everything that is not risky is also ethical or sustainable, nor is everything that appears to be ethical and sustainable always free from financial risk.

Given this reality, we must ask ourselves whether the provisions contained in Article 111-bis of the Consolidated Banking Act really benefit so-called finance in the service of environmental sustainability or, on the contrary, whether the combination of ethics and sustainability does not limit its application too much, resulting in a facade of sustainability whose only result is to guarantee certain operators a sort of label designed to enhance and make even less virtuous activities appear attractive. In fact, there are well-known cases of *greenwashing* based on the use of sustainability as a *marketing* tool by those interested in improving their image on the market. It is therefore necessary to understand whether it was a good choice to entrust its implementation to operators with a specific 'credit policy' at the expense of solutions - which are, moreover, advocated at European level - aimed at overcoming investor confusion 'about what constitutes a sustainable investment'. Solutions designed to give savers greater awareness of how their savings are used by the banking operator.

All these questions arise from reading Article 111-bis of the Consolidated Banking Act. Under the heading "Ethical and sustainable finance banking operators," the regulation identifies both organizational and operational requirements. Banks wishing to acquire this qualification must commit to: a) assessing loans "according to internationally recognized ethical rating standards, with particular attention to social and environmental impact"; b) publicizing the loans granted; c) devoting at least 20 percent of their loan portfolio to non-profit organizations or social enterprises with legal personality; d) not distributing profits and reinvesting them in the business; e) adopting a *governance* and organizational system with a strong democratic and participatory orientation, characterized by widespread share ownership; f) implementing remuneration policies that limit the difference between the highest and average remuneration (). These characteristics, which constitute the 'cornerstones' of ethical and sustainable finance operators (Carlizzi , 2020), can be seen as a combination of objective criteria – i.e., specific characteristics of the banking business objectively carried out: letters a), b) and c) – and subjective criteria, i.e., internal organizational requirements of the entity to which the banking business activity is attributed. In view of this, the legal system recognizes certain tax and fiscal benefits.

The decision to consider only those banks that meet the aforementioned organizational and operational requirements as sustainable finance raises questions about the value of the resulting classification. It is unclear whether this is essential solely for the purposes of accessing tax breaks or whether a bank that considers itself to be ethical and sustainable based on its fundamental philosophy, as stated in its articles of association, can also qualify as such. The problem could arise with regard to ethical banks which, despite not meeting one or other of the (subjective) requirements for tax benefits, intend to base their lending activities on sustainability.

In this regard, one cannot fail to note the sloppiness—including linguistic sloppiness, with the use of two foreign words (the easily translatable "*standard*" and "*rating*") in an official legal text

in the same sentence—of the legislator: the regulation mixes ethics and environmental sustainability and reduces the latter to a particular method of assessing creditworthiness, which should be carried out according to 'internationally recognized ethical *rating standards*' and 'with particular attention to social and environmental impact'. Now, the first criterion is of little use and impossible to apply, since there are currently no internationally recognized ethical *standards*. As for the second criterion, the interpreter wonders what prescriptive meaning the phrase 'with particular attention' could possibly have: attention is not a behavior, but a psychological fact, and 'psychological facts can only cross the threshold of law if they can be externalized' (Falzea, 1997). In what behaviors should the *particular attention* of the bank employee be externalized?

In the silence of Article 111-*bis* of the Tub, banking law scholars hoped to find an interpretative index in the Implementing Regulation, issued by Decree of the Minister of Economy and Finance No. 209 only on October 4, 2022, six years later. However, no clarification came from the regulator either, as Article 3 of this Ministerial Decree stipulates that loans must be granted subject to a positive assessment, based on specific internal procedures, of 'the socio-environmental impact of the loan and the entities financed', according to internationally recognized ethical *rating standards*, defined on the basis of sustainable development objectives drawn up by the European Union, the UN, the OECD, etc. The regulatory provision therefore, rather than providing details, practically mirrors the legislative provision.

The uncertain boundaries of sustainable bank financing

The social and environmental impact assessment entrusted to the ethical and sustainable finance banking operator follows a twofold approach, as it is characterized by "processes and types of customers rather than inspiration from certain values of the activity." In fact, on the one hand, the regulation takes into consideration the financing (or, rather, the purpose for which it is intended) and, on the other, the entity receiving it. In this regard, Article 3 of the Ministerial Decree follows a technical "-by-exclusion" approach, i.e., it lists the certain cases of entities that are not eligible for financing, identifying them as those: 1) that operate, even indirectly, in the production or exchange of goods or services whose use violates human rights; 2) that consume energy exclusively from non-renewable sources in the course of their business; 3) have been found responsible for serious human rights violations or serious environmental damage; 4) whose directors, auditors, or legal representatives have been found responsible for human rights violations or environmental damage.

Only one of these criteria directly concerns environmental issues, and with regard to the consumption of energy produced solely from non-renewable sources, it fails to guarantee the selection of financing, since anyone connected to the electricity grid inevitably consumes energy produced from a combination of sources, both renewable and non-renewable. Furthermore, strictly applying the rule in its reference to companies that consume energy exclusively from non-renewable sources in the course of their business could mean that those who are 99% powered by coal could easily shake off the label of being non-eligible for financing.

As regards the characteristics of the financing and, in particular, its intended purpose, it should be noted that ethical and sustainable finance operators are required to allocate at least 20% of their loan portfolio to non-profit organizations or social enterprises with legal personality. It is almost as if the fact that these entities belong to the third sector automatically guarantees that the financing will have a positive social and environmental impact. However, this is not the case,

as not all activities of general interest entrusted to ETS have or can have an impact on the environment. It should be noted that these include the promotion of a culture of legality, peace among peoples, non-violence, and armed defense; the organization and management of amateur sports activities; and the provision of money and support to disadvantaged people.

As regards the remaining 80% of loans that can be granted, the regulation would seem to allow ethical and sustainable finance banks to finance all credit applicants and all initiatives that are positively assessed in terms of their socio-environmental impact. In other words, the provision would suggest that anything that is subjectively and objectively sustainable is automatically eligible for financing.

In reality, this is not the case, or at least it cannot be: as already noted, it should not be overlooked that the operators entrusted with sustainability finance by the legal system are still banks, and as such are subject to the rules of 'sound and prudent management' that their activities must necessarily comply with. This principle, in its immediate manifestation of capital stability, requires the risk of each loan to be assessed by considering a series of indicators (capital and income) of the applicant for the loan, with which sustainability as a criterion for granting credit must necessarily be combined in a balance that is not always easy to achieve.

It follows that, if in a given period certain risk factors make it necessary not to allocate resources to a certain *target* group of sustainable entities or uses, the bank would not only lose market share but could find itself, despite itself, having to finance unsustainable activities or entities in order to survive, thus losing its status as a provider of ethical and sustainable finance. Conversely, many sustainability-oriented initiatives would have no chance of being financed by the banking system and coming to fruition. The same could happen if, on the contrary, the 'bankability' of the aforementioned subjective categories were to lead to a rapid absorption of requests for sustainable financing by only a few operators, leaving the others without a sufficient number of requests to evaluate.

The first problem with sustainable finance as conceived in our legal system is therefore the indispensability of banking rules, which risks rendering sustainability a hollow formula and pure legislative *window dressing*. This can also be inferred from the other elements that define the status of Ethical and Sustainable Banking Operator, in particular: a) the reinvestment of profits in the business: a circumstance that has nothing to do with sustainability and that precludes banks controlled by a certain type of shareholder from qualifying, reserving it for those owned, for example, by foundations, associations, or entities without a subjective profit motive; b) the provision for democratic and participatory *governance* characterized by widespread share ownership, a criterion that could conflict with the principle of professionalism and integrity of company representatives and shareholders with significant holdings, which are requirements that represent a *condicio sine qua non* for the bank from its inception and condition its entire subsequent life.

These elements, considered in light of the constraints imposed by law on banks and their activities, risk proving illusory in terms of the efficient allocation of the financial resources needed to facilitate the energy transition. On the one hand, they significantly reduce the number of banks that could aspire to the status of 'ethical and sustainable banking operator'; on the other hand, they could create an advantage for banks that do aspire to this status, linked to a more or less limited commitment to 'sustainability' (Rojas, 2022).

Problematic aspects of the ethics-sustainability nexus

As mentioned above, another problem with sustainable finance as conceived by our legal system lies in its association with ethics. In this regard, one wonders whether this choice is not counterproductive, given that ethics shuns any form of profit, while sustainability is neutral with respect to commercial speculation: a profile that is not questioned in the slightest, even at the European level.

In the field of finance, this observation leads us to believe that these two principles are not always compatible. An immediate example of this is the securitization of *subprime* mortgages, which led to the serious crisis of 2008. This operation had a positive impact on the environment, as the mortgages were granted for the purchase of energy-efficient homes, but, as experience has shown, the terms of the loans granted for their purchase were anything but ethical. In light of everything that ensued, one wonders whether this case could be considered sustainable finance.

Similarly, it is worth asking whether sustainable finance, which focuses on allocating funds to activities or entities that are positively assessed in terms of their social and environmental impact, also constrains banks in their other activities. One could imagine, for example, a bank that only finances environmentally sustainable projects as an ethical and sustainable finance operator but has investments in companies that use fossil fuels in its portfolio. It is therefore necessary to understand whether this entity can retain its status as an ethical and sustainable finance operator.

Another problem could concern the resources to be allocated to sustainable financing, which could raise a fundamental question about how they were generated. This fact must be borne in mind, as bank financing is provided with resources collected from the public, which is made up of both environmentally conscious and non-environmentally conscious individuals. We must therefore consider whether we can talk about sustainable finance in relation to *green* financing provided with savings collected from individuals engaged in polluting activities.

Furthermore, it is worth asking whether the environmental impact analysis of a loan could lead to the positive evaluation of projects that are highly sustainable in terms of energy but have devastating environmental or social effects. The production of clean energy itself can cause these problems. Just think of hydroelectric power and, more generally, renewable sources: for example, wind power is environmentally friendly but not landscape-friendly, and it also requires the use of rare earths, the extraction of which involves mining activities that use fossil fuels and produce pollutants. Similarly, photovoltaic energy requires the large-scale use of accumulators and therefore extensive exploitation of lithium mines.

Ethical finance in the Consolidated Law on Finance

At present, the banking regulator's idea of combining ethics and sustainability to promote an environmentally sustainable financial system does not seem likely to yield significant results. This observation is particularly realistic when compared to the choice made in the TUF (Consolidated Law on Finance), which, in regulating 'ethical finance' by separating it from sustainability, identified specific information and reporting obligations as the core of the discipline. These obligations are imposed on authorized entities that promote ethical or socially responsible products and services, without being subject to organizational and operational constraints (Visentini, 2002).

Now, despite the difficulty of assigning meaning to the phrase "ethical service," it should be noted that here, the legislator, aware of the relativity of the concept of ethics and the difficulty of defining the objective content of such investments, has limited itself to imposing *disclosure* obligations on those who offer investments of this type. One might therefore wonder why the legislator of the Tub did not simply move in the same direction.

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Historical memory of disability reflected in four images from the 20th century, the persistence of paradigms of disregard, medical and social

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Introduction

After centuries of a utilitarian perception of disability based on prejudices that have little to do with reality, today more than ever, and from a phenomenological perspective, *crip* people are showing themselves—*putting their bodies* out there—on social media and in the streets like never before. This window into the unknown is serving to lay the foundations for a culture of disability (Peters, 2008; Parra-Gomez, 2022; 2023) that not only ensures the achievement of equality, but also guarantees *recognition* (Butler, 2010) for the community. There have been and continue to be numerous examples of discrimination and direct, cultural, and structural violence. Therefore, through this culture, we advocate for the preservation of memory so that, as Jelin and Vinyes (2021) say, "what happened will never happen again" (p. 35), but also so that people with disabilities are seen for what they are: a natural part of humanity.

In this work, which seeks to identify prejudices in the way disability is viewed, four images from the 20th century are analyzed to highlight the paradigms that have surrounded it throughout history. The four photographs refer to four different and significant moments in that century, namely: a Nazi propaganda poster, a photograph of a special education class in Mexico in 1952, another of Judy Heumann giving a speech in 1973, and another of the famous "Capitol Crawl" in the United States in 1990. In order to carry out this work, some key aspects of it are outlined below to facilitate its understanding.

Historical memory of disability

According to one of the definitions of the Royal Spanish Academy: memory is the "account of certain particular events, which are written down to illustrate history" (RAE). More profoundly, as Jelin and Vinyes (2021) indicate, "memory is a condensation of past, present, and future" (p. 35), that is, thanks to memory, a horizon is now projected. In this sense, in order to make the collective visible and value it, a common narrative has been traced, within what Pierre Nora would call a "domestic memory" (Merchán, 2012). However, thinking about a history of disability was, until recently, unheard of. It is a complex and little-explored narrative, which, in addition to involving a highly heterogeneous group of people (), offers few primary sources (at the academic level due to lack of interest, and at the personal level due to the absence of first-person narratives from members of the community). Studies on the subject are recent, and according to Turner (2016), there are no primary sources in the past: "*studying disability [...] raises a number of conceptual and methodological problems. The absence of first-hand accounts written by disabled people in the past acts as a barrier to understanding their feelings and how they were expressed*" (p.3).

Although there are some works on the subject (Aguado-Díaz, 1995; Vergara-Ciordia, 2002; Muñiz, 2019), it has not been the subject of academic study until recently. However, it should be

noted that the review of this common past has been influenced by a more testimonial type of discourse, which is typical of the historical discipline (Todorov, 2023). In other words, although more and more voices have questioned the official histories and have been calling for the visibility of the collective, inquiries into it have been driven more by particular interests than by a collective desire to redeem and respond to society's debt to people with disabilities. In fact, it would be paradoxical to unravel the prejudices of a past that has not ended, something like the aporia mentioned by Levín (2020) about "the knowledge of what is not yet while it continues to be" (p. 327). To settle this justification for the need for a history of disability, the following quote from Merchán (2012) is rescued around the pedagogy of memory that

should be nurtured by evoking the recognition of traces of hope in history, through a process of reflection on human meaning, that is, by orienting its work towards rescuing and making explicit what has been forgotten in order to remember what has been submerged but is latent in history, and without neglecting rigorous research, to be able, from a critique of memory, hear the voice and give the floor to the silenced and make them words evoked in a time, the time of the witnesses, of those who tell, of those who testify, of those who narrate and also of those who remain silent, to make them visible and make them public, them, their experiences, their stories, their contexts, to recover them from imposed oblivion (Merchán, 2012, p.6).

In short, and turning now to the words written by Jean Vanier (2019), what attests to the need to value *crip* memory is that in all cultures there are people who are discriminated against, excluded for various reasons, but that always "below" them "is the disabled person, who is often thought to have no human value, who is allowed to be killed before birth or who is locked up" (p. 57).

The paradigms of disability

Thanks to the historical works mentioned in the previous subsection and others from other fields (Barton, 1998; Allué-Martínez, 2003; Románach-Cabrero, 2009; Menéndez & Armas, 2019; Arnau-Ripollés, 2019), there is more or less consensus on at least three paradigms of disability in the treatment of this issue, namely:

- *The paradigm of dispensing with*, also called the "demonological model" (Arnaiz-Sánchez, 2003) or "traditional" (Senent-Ramos, 2017), corresponds to eugenic and euthanasia practices to dispense with the person who is different, as well as institutionalization (confinement and admission to hospitals and other specialized centers). In many cases, the justification was based on superstition, considering that there is an evil caused by divine mandate. Some historical examples of this practice are: the throwing of babies on Mount Taygetus in Sparta, the abandonment of "different" children in the Lactarian Column of Ancient Rome (Muñiz, 2019); the confinement of "paupers" in hospitals, poorhouses, asylums, hospices, shelters, etc. (Palacios, 2003); the extermination of people with disabilities in Nazi Germany (Soutullo, 2010); and the rise of forced sterilization in the US, where some 70,000 people were forced to undergo sterilization between 1905 and 1972 (Pfeiffer, 2008).
- *The medical paradigm*, also known as the "rehabilitation model" (Toboso & Arnau, 2008; Palacios & Románach, 2008), or "clinical model" (Palacios, 2003; Arnaiz-Sánchez, 2003) or "intervention" (Palacios, 2003), emerged with scientific advances and, although it also carried out eugenic practices and confinement, it did so with the aim of offering therapy

and rehabilitation to the sick person so that they could approach the standard as much as possible. The problem lies within it, and therefore the solution must also lie within it. Darwin's well-known work *The Origin of Species* spread the belief that the weak, inferior beings destroyed the vigor of the human species, something that Darwin himself reinforced by stating that their existence was terribly harmful to humanity, a key point in his theory of natural selection (Arnaiz-Sánchez, 2003), which, under the medical model, led to two consequences similar to those of the previous paradigm (but under the umbrella of scientific and rehabilitative progress): the rise of confinement in specialized centers and the emergence of Special Education (Arnaiz-Sánchez, 2003). Finally, from a pedagogical perspective, and in light of the context that will be discussed later regarding Mexico, Trujillo (2020) states that the medical model was characterized by classifying difference not as a special educational need, but as a "biological condition that warranted medical treatment, for which the school was only responsible for providing the basic tools to achieve the student's reintegration into society" (p. 20).

- *Social paradigm.* It appeared at the end of the 20th century, as a result of demands made by the community, especially in the United Kingdom and the United States. Its approach shifts the problem from the supposedly sick person to society, which is "disabled" in terms of accessibility. Its origins can be traced back to protests such as those led by Ed Roberts and his creation of the Independent Living Movement (ILM), which continues today and has spread to various countries, and the 504 sit-in in 1977 (Muñiz, 2019), among others.

The objective and methodology of this work will be presented below. Next, the analysis of the four individually selected images will be shown. Later, these findings will be compared with those mentioned in this introduction. Finally, the conclusions drawn from the work carried out will be presented.

The portrayal of disability in the 20th century

In this section, the four images are analyzed individually, paying attention, as mentioned above, to both the denotative and connotative levels. Following chronological order, we begin with the Nazi propaganda poster, followed by the group photograph from a special education center in Mexico, then the photograph of Judy Heumann in 1977, and finally one of the photographs taken in 1990 at the "*Capitol Crawl*."

Nazi propaganda

The first image to be analyzed (Figure 1) is a Nazi propaganda poster in which, in black and ochre tones, a text in German is accompanied on the right-hand side by the figures of two men, one standing (in a white coat) and one seated (dressed in a suit). The message conveyed by this poster was informative, since, in large letters on the left, the figure of 60,000 Reichsmark (imperial mark) was visible, which was the cost of maintaining a person with a disability in an institution. It was nothing new for a totalitarian state to use this type of medium, as Sánchez-Biosca (2021) points out, it is something that has been repeated throughout history by governments of this type.

It is necessary to consider the context of the poster, as well as what happened after its dissemination. In 1920, a senior public health advisor, Ewald Meltzer, sensing what future policies would be like, conducted surveys among families of patients, convinced that most would blindly

defend the lives of their children. However, the results were devastating: only 10% did not want their children to die. Before the Nazi persecution began, the nuns at a care home warned the parents, and only 4% rescued their children. In other words, there was little or no resistance on the part of family members to their loved ones receiving different treatment, which was also an indication to the government that if they showed such detachment towards their own relatives, they would care even less about other groups that had been targeted for extermination. For authors such as Gotz Aly, Soutullo (2010) points out that the 1920 law we have mentioned sowed the seeds of self-mutilation in the Germans, which ended up making them aggressive, focusing on the outside world, and causing them to lose their scruples.

As early as 1933, the German government enacted the eugenics law that ordered the sterilization of 350,000 carriers of hereditary diseases. During Adolf Hitler's rule, specifically from 1939 to 1945, Nazi euthanasia took place, claiming the lives of 200,000 people with disabilities, whose average age was 45. It could be said that the first wave of deaths (which occurred rapidly) took place in the first three years (from 1939 to 1941), when 70,273 people were gassed. The second phase focused on care centers and the *modus operandi* was more varied: injections of phenobarbital—used mainly on children and the mentally ill, whose brains were removed for study—the use of other drugs, starvation, induced pneumonia, and forced labor, specifically intended to kill them. It should be noted that euthanasia, unlike eugenics, was not supported by law. It was Hitler who commissioned his personal physician, Theo Morell, to draft what was titled *Extermination of Life Unworthy of Life*, in which he prescribed death for the good of the "affected" person (Soutullo, 2010).

There are three reasons why it is refuted that this extermination was only ethnic cleansing: the first is that there is a report by Morell himself (in total parallelism with the propaganda analyzed here), of a utilitarian nature, in which he calculated the costs that these people—whom he called "idiots"—incurred for the country; secondly, during the war years, he urged that beds be freed up and care centers be converted into war hospitals; and the third argument is that in the clinical reports of the time, instead of data on the patients' illnesses, only data related to the length of their stay and their ability to work are found (Soutullo, 2010).

Once the context has been analyzed, it is important to point out some aspects of the poster's composition. The colors, for example, are very significant. Ochre tones, like red, symbolize aggression and power. There is no doubt that the phrases accompanying the poster, which appeal to the viewer, are brutal and aggressive. The value of a life is being quantified. For its part, the black color, which is limited to the person with a disability, and although in other patterns it can be seen as the color of elegance, in this illustration it seems to be closer to death, suffering, and the terror of the unknown.

The expressions of the two men are also something to consider. The healthcare professional, who actually remains in the background, is presented as a handsome, friendly (smiling), helpful (placing his hand on the other man's shoulder) man. It is not necessary to delve into the role of professionals in institutional centers, because this character—and here we move on to a fully connotative analysis—represents nothing more than an ideal. He is the healthy one, he is the one who can place his hand on the other man's shoulder as a sign of superiority and oppression. He smiles, as already mentioned, and it is sinister, because it is a utilitarian poster that quantifies the value of a life, the life of the man he touches with supposed kindness, legitimizing his death, in short, *dehumanizing him*.

And there is the man with a disability. Paradoxically, he is dressed in an elegant suit, appears seated, and the physical stigma that denotes his pathology, his difference, in his legs and the tilted gesture of his body is barely visible. However, his face is also contorted, his eyebrows furrowed. Is this a coincidence or an express desire to show this being as the villain? The feeling of submission is reinforced by his sitting beneath the burly, kind man; he, the sick man, is little more than a decorative accessory. According to this gesture, he does not move, he remains impassive, he does nothing, he is nobody.

In short, the *studium* of the illustration, (understood) from a totally contemporary point of view, is that of a poster whose information is utilitarian and turns a group into a burden. The *punctum* that strikes the researcher is the dehumanization it conveys, the legitimization of letting people die and even murdering them.

Class of EE Mexico

Secondly, a photograph from 1952 in Chihuahua, Mexico (Figure 2) showing a class of six girls and boys in special education with their teacher, Alicia Gómez A. It is a black-and-white portrait of the period, in which we see the group (three girls, three boys, and one woman) sitting on a wooden bench, all of them on the seat, and the three boys placed behind the girls, leaning on the backrest.

Both the background and the bench itself are white, that is, light in color. The shadows are cast by the figures and their clothing. As it is black and white, the image offers no clues as to the colors of their clothes, whether they are bright or muted. However, it is clear that it is cold weather from their coats and jackets.

The faces of the people in the picture are serene. The teacher has a shy smile, as do some of her students. Almost everyone is looking at the camera, aware that they are being photographed. Those who are not smiling also have a friendly, calm expression.

The origin of the first "special" schools limited their enrollment to deaf and blind people, something that happened in the 17th century thanks to teachers such as Ponce de León, Juan de Bonet, etc. During the 18th and 19th centuries, a series of doctors and educators shaped what is now known as Special Education. Thus, we note: Esquirol (1772-1840), Arnold (1742-1816), Howe (1801-1876), Decroly (1871-1922), Montessori (1870-1952), Binet (1857-1911), and Simon (1872-1961), although the list is longer. Even so, it is worth highlighting, on the one hand, Séguin (1812-1880), who demonstrated that "mentally retarded" individuals improved after receiving appropriate training; and, especially, Jean Itard (1774-1838), considered the "father of Special Education," whose contributions followed three paths: social inheritance over genetics, highlighting the power of education for human beings; motivation as a driving force; and the relevance of language as a vehicle (Arnaiz-Sánchez, 2003).

Specifically in Mexico, where the photograph was taken in 1952, the emergence and evolution of special schools has not followed the same milestones as, for example, in Spain. Thus, Mexico did not see its first school for the deaf until 1867, thanks to French teacher Eduardo Huet. In 1910, there was a revolutionary movement that demanded literacy and elementary education for the majority of the population, from which it can be deduced that if the general population had difficulty accessing education, it was even more difficult for people with disabilities. In fact,

at one point, legislation even exempted families with "different" children from the obligation to educate them. However, special education appeared in 1939, thanks to the Education Act of the same date, and by 1942, a reform not only continued to call for segregation, but also advocated for exclusive spaces for each type of need. In the same decade of the 1940s, progress was made, especially in teacher training, with the emergence of the career of Specialist Teacher for the Mentally Abnormal and Juvenile Offenders. The following decades saw the flourishing of more specialized centers, but it was not until the Federal Education Act of November 29, 1973, that derogatory terminology was abolished and only the words "disability" and "special educational needs" were embraced. In 1990, "integration" began to take hold in mainstream schools, with the right of every person to receive an education now an established fact. In parallel with Spain, in recent years "inclusion" has been promoted (Trujillo, 2020).

Moving on to a connotative examination, the photograph bears witness to two significant facts: the rehabilitation and/or beginning of education for people with disabilities, and their effective segregation from the mainstream education system (educational *apartheid*) (Romañach-Cabrero, 2009).

Unlike the first image analyzed above, this photograph is from a private setting, meaning it was not disseminated (it has now been disseminated for academic purposes), not only because it belongs to an everyday, private space, but also because disability has been hidden until very recently. Furthermore, even if the photograph had ended up in the media, it does not show people with disabilities doing anything; it places them where they have always been: segregated, among their peers, receiving rehabilitation (not education).

All in all, the everyday nature of the scene speaks to the necessary narrative that is being constructed towards peace and inclusion "based on the individual consideration of people" (Casassas, 2010). We do not know the children in the image, but their experiences are the history of special education, of how it has evolved and lost its rehabilitative tone, to focus on going where ordinary education cannot, to achieve inclusion through segregation and to develop people to their full potential in their personal projects, without ableist cuts.

To conclude the analysis of this image, it can be said that the *studium* is the triviality or everyday nature of a particular photograph, in this case that of a school group; while the *punctum*, what not everyone would see at first glance, is segregation. Like a beautiful image of an "everyday" student body, what it shows is a group of girls and boys who go to a school separate from the mainstream system, only interacting with those who are like themselves.

Judy Heumann's speech

The third photograph (Figure 3) in this work dates, as announced, from 1977 in the US. Specifically, it shows a dark-haired woman with white skin and glasses sitting in her wheelchair and speaking into a microphone. She is wearing a thick black jacket with a sticker that reads "SIGN 504."

To understand the message on the sticker worn by the woman, who is none other than Judy Heumann, it should be noted that two days after President Jimmy Carter took office in the US Califano resisted for some of the same reasons that Nixon originally vetoed the entire act, fearing that both the actual and administrative costs would be impossible to meet. Califano resisted for

some of the same reasons that Nixon originally vetoed the entire act, fearing that both the actual and administrative costs would be impossible to meet.

In response, ten cities across the country mobilized. The most successful action took place in San Francisco, where more than 150 people took over the federal building and remained there for twenty-eight days. Judy Heumann crossed the bay from Berkeley to become one of the leaders of the struggle. At the beginning of the action, Heumann, in a statement that probably reflects her own image to be analyzed, declared that "we will no longer allow the government to oppress disabled people... we will no longer accept discussions about segregation" (Brown, 1994).

There is a significant change between this image and the previous ones, in that here, finally, the person with a disability appears "doing something." Gone is the passive, submissive subject who is at the mercy of the will of others. Heumann appears speaking, giving a speech. This act is symbolic, not only because it heralds the beginning of *crip* activism, but also because it dramatizes the fact of having a voice, of no longer being silenced.

Another aspect to highlight, going beyond the image, is the machismo and the erasure of women that it carries. There is talk of the "double discrimination" of *crip* women, excluded for being women and for having a disability, as an aggravating factor. And it is undoubtedly a verifiable fact that in those few accounts of the history of disability, the fathers of the birth of activism were always Ed Roberts and Paul Hunt (Muñoz, 2019), no woman was mentioned until the documentary *Crip Camp* was released in 2020 to finally give Heumann the recognition she deserved.

Ultimately, and once again transcending the photograph, what it represents is a historic milestone in which, at last, the history of disability ceases to be passive, in which the narrative no longer deals with how standard people see it, but now it is people with disabilities who are the masters of their own actions, who put their bodies on the line, narrate, and vindicate themselves.

Judy Heumann, who passed away in 2024, dedicated her life to tirelessly defending the rights of people with disabilities. Even at the age of 76, she continued to be very active on social media and in meetings with other people in the movement, keeping an intersectional perspective very much in mind. She has become a reference point for the world of disability, that is, she has become a representative of it, which the movement needed.

In this case, to conclude, the *studium* is the *crip* rebellion, what is seen socially is a collective struggle for rights. However, the *punctum* is the aforementioned machismo and the erasure of women. It is worth praising the role of Heumann and many other women who went unnoticed, leaving the credit to men.

Capitol Crawl

The last of the images dates back to the beginning of the last decade of the 20th century, 1990. Once again, in the US (and although there are many photographs taken at the same scene, as 60 people climbed the stairs), one photograph has been selected (Figure 4) showing three people, two men from the protest (with disabilities) and a journalist with his camera photographing one of them in front of the Capitol in Washington, D.C. The two protesters are crawling up the stairs, one forwards and the other backwards. In the background, you can see the neoclassical Capitol building, with its imposing dome drawing attention behind the scene.

The photograph is in black and white, which is curious in this case, since color photography was already common in the 1990s. One might wonder whether the photographer (whom we cannot identify) or the media outlet that published the images wanted to use the black and white effect to add a touch of drama. It is also a scene that inspires dynamism; we can sense the movement of the two men as they struggle to climb, having left their wheelchairs at the bottom.

The Section 504 regulations mentioned in Heumann's image were followed by a series of initiatives in the United States that culminated in 1990 with the well-known *Americans with Disabilities Act*, better known by its abbreviation ADA. Its full title is "An Act to Establish Clear and Comprehensive Prohibition Against Discrimination on the Basis of Disability," and it was signed on July 26, 1990, by President George H. W. Bush. However, actions such as the Gallaudet student protest and the one in the image analyzed here were necessary to achieve this.

In March 1990, the ADA stalled in the House Committee on Public Works and Transportation, which alarmed the community and prompted some 475 people, many in wheelchairs, to gather in front of the White House to launch the "Wheels of Justice Campaign." From there, sixty protesters ended up climbing the stairs without their chairs, crutches, or prosthetics in protest. The action is believed to have encouraged the government to sign the bill into law. Thus, the *studium* is simple: it is a political protest in which people with disabilities, in an unprecedented act, decided to crawl up some stairs to demand their rights and equality.

As already noted with regard to the colors, the image exemplifies a dramatization that was carried out to highlight the barriers and difficulties that people with disabilities encounter everywhere. It is significant that the name given to the protest in the media is "crawl" and not some other term that resembles dragging oneself along, as there is a connotation of humiliation, of carrying something painfully and being on the ground (a symbol of lowliness). In this sense, crawling gives the image a more dignified meaning, becoming a symbol of moving forward, upward in this case, and above all of fighting.

On the other hand, given the silence and invisibility suffered by the community, the media interest shown by journalists covering the protest, as seen in this photograph, is somewhat surprising. Undoubtedly, their contribution was important in giving the protest the power to transcend and change perspectives, to become a historic milestone in *crip* activism. Once again, this event highlights the shift in disability, in which, finally, the protagonists have taken control of their lives and are moving to eliminate discrimination against them. We are no longer talking about those other protests, the first ones, which already attracted attention because they blocked streets and marched through them like never before, but in this one they dared to do without their orthopedic devices (indispensable for them) and climb 78 stairs, proving that yes, they exist, and that they can do things, albeit with social barriers, with much greater difficulty.

The Capitol Crawl marked the transition from a paternalistic system to seeing disability as a civil rights issue, that is, the shift from seeing disability in society, not in people. The ADA became an example for the whole world. In fact, Cordero-Gordillo (2011) went so far as to say that its influence had more impact outside the US than it did within. This demonstrates what Renkl (2020) said about "the power of photographs to affect the course of history."

In conclusion, the *studium* of this media image is protest, as with Heumann from the outside, from the social sphere, it is the image of a protest, a particularly "bold" one, but that's it. As for the *punctum*, this is the empathy aroused, the possibility of bringing her reality closer to the standard population, showing without hesitation what a barrier is, one of those that *crip* people constantly encounter.

The paradigms of disability in images

Once the images have been analyzed, we proceed to unravel their link with the different paradigms mentioned above. From the outset, the very definition of each one already provides clues as to how each image corresponds to it. However, other aspects of this same analysis are noteworthy.

Paradigm of dispensability

Firstly, the paradigm of dispensability was the one that prevailed in Nazi propaganda images. These presented people with disabilities as a fault, a burden, something unnatural that also represented a high cost for the state. This perspective and its dissemination led to the dehumanization of these individuals. Focusing solely on their utilitarian vision, boasting about how expensive it is to keep them alive, led to their exploitation. People lost their humanity and value and were seen as little more than objects on which any opinion could be imposed and any decision could be made, as they lacked their own plans and direction.

In turn, not finding the causes of pathologies and viewing them from a superstitious perspective causes a second effect: demonization, something that goes a little further than dehumanization, since in addition to implying the objectification of the "other," it can also lead to their physical destruction. "In these cases, the 'other' appears to us as a mere non-human, but as a danger. The fact that they exist is a threat [...] Here, the 'other' is not there for us to use but for us to destroy" (Santos, 1992, p.38). What is implicit in the Nazi poster is nothing more than a legitimization to make the cause of this loss of public money disappear. It is propaganda to kill "unnecessary" citizens.

This demonological view, in which eugenics and euthanasia are the norm, in addition to absolute exclusion, remains in force to a greater or lesser extent, as evidenced by certain medical practices (which would also fall under the following paradigm). Of the two legal reasons for abortion in our country, one is psychological damage to the mother (in which case abortion is allowed up to the 12th week of pregnancy) and the other is if the fetus has abnormalities – disabilities – (in which case it can be up to the 22nd week). The problem is not abortion itself, but this differentiation when it comes to "abnormality." The law thus assigns a different value to the life of that fetus, and this is what the ethics of truth find to be at odds with human rights (Palacios & Romañach, 2008; Romañach-Cabrero, 2012). Barnes (1998) already stated that both these abortions and prenatal medical examinations, among other things, oppress people with functional diversity. Among those "other things" it is worth mentioning again forced sterilizations, which, for example, remained legal in Spain until two years ago.

Likewise, the selection of this poster is justified by its great significance. Sánchez-Biosca (2021), speaking of the photographs of the perpetrators, highlights the historical value of these seemingly insignificant images. Indeed, all of them must be verified, but they also all somehow "condense something of the essence of the crime" (p.113). In fact, something similar happens

to what Tranche (2019) mentions about expressing more than what the image contains, because of everything that one can read from it.

In short, it is clear that the paradigm of disregard, as its name suggests, has spread an image of disability as dehumanized, useless, and worthy of elimination. The Nazi example may seem outdated, but there have been examples in the media and in , such as Ramon Sampredro, who brought the debate on euthanasia to the fore and who was undoubtedly considered worthy of it (Romañach-Cabrero, 2009). More recently, the film *Me Before You* (2016) once again spread this image of a life not worth living, when (although this is obviously something that the individual decides) there are many cases on social media of people living with the same conditions who cling to their lives with all their might.

Medical paradigm

Although its perception is sometimes confused with the previous one (as just pointed out when discussing some medical practices such as prenatal testing), the medical model is characterized, according to the example given, by seeking (now yes) the causes of the pathology, researching the "cure," and offering the "sick" person treatment, as well as specific education. The difference with the previous paradigm is clear, as now the person is no longer instrumentalized or destroyed, but rather attempts are made to "help" them to "improve" or, at least, to bring them as close as possible to the desired and supposed "normality." When talking about "cure," the media example of Sampedro in the paradigm of dispensability is accompanied in the clinical sphere by that of Christopher Reeve, who tirelessly defended stem cell research for a salvation that did not come (Romañach-Cabrero, 2009).

On the other hand, as we have seen, the inclusion of this group in the education system led to what has been called educational *apartheid* (Romañach-Cabrero, 2012), because, although the main intention was to offer these people an education, it was impossible to avoid normalizing their segregation, their separation from standard society. Little by little, as has been said, this evolved until we could talk about inclusion. However, it is still a hot topic, given that special education is tending to disappear, and the debate is between those who believe that there should only be one line within the system and those who defend special education centers as essential (Fortunati & Vallejos, 2017).

Social paradigm

Thirdly and finally, through the last two photographs analyzed, the social paradigm has been reached. As seen at the beginning, this model is characterized by shifting the focus of the "problem" from the person with the disability to the barriers in the environment and society.

Thanks to the example of Heumann and the *Capitol Crawl* protesters, empowerment is seen for the first time. The person, previously seen as useless and passive, takes control of their life and joins forces with others like them to begin a strong activism, which expands to unsuspected limits and continues to this day. Of course, there is still much to be done to rid ourselves of prejudice and dehumanization, but the achievement since then has been overwhelming.

There is no doubt that both images had an impact and a transformative power, but it is worth considering whether the drama mentioned today runs the risk of ending up as an example of the "emotional capitalism" that Tranche (2019) mentions, quoting Eva Illouz, . Without a doubt, the

action generates a sensation in the public, but it remains to be seen whether it also causes them to change and/or act.

In addition to the debt that society owes to the collective, there are other aspects such as intersectionality. The achievement of rights and openness to difference cannot remain mere stale rhetoric, but must be driven not only by a pedagogy of memory, but also by a pedagogy against dispossession (Carr et al, 2018) that does not stagnate in the face of women, indigenous peoples, the queer community, etc.

In this vein, and following Jelin and Vinyes (2021), something necessary within this paradigm, as pointed out in the figure of Judy Heumann, are role models. It is a question of making "other actors in history visible" and, although it has been late in coming, at least Heumann achieved recognition, even if it is the Nelson Mandela of the *crip* movement, which is no less visible for that.

Now that the paradigms have been contrasted with the images, it is important to make it clear that, as stated at the beginning, these three models are the ones that enjoy the greatest consensus, but they are accompanied by others; for example, some authors consider that, currently, a bio-psycho-social paradigm predominates (Aguado-Díaz, 1995; Barnes, 2011; Seoane, 2011; Canimas, 2015), which, in short, could be defined as a mixture of the medical and social models. However, there are other theories such as the one mentioned above with the "fun" characteristic of MVID, whose ideas are more radical, as we have seen when discussing abortion.

Obviously, this work has the limitations inherent in a concise study, since the more analysis we had carried out, the more nuances we would have found in these paradigms, as well as in other parallel models. All in all, it is vital to transfer this type of project to the discipline of history, as it is the duty of the historian to reconstruct the ethics of discourse, give meaning to silenced events and voices, and give a voice to precisely those people. Merchán (2012) states:

The horizon for the construction or consolidation of democracy clears when societies strengthen and rebuild themselves by knowing and recognizing their histories, and, as has already been pointed out, living, narrated, felt, and witnessed history is memory; understanding this promotes the consolidation of that memorial and therefore democratic citizenship, since societies capable of telling the truth, applying justice, repairing damage, and agreeing to "Never Again" will be prepared to accept forgetting, not imposed but consensual and necessary in order to continue living (p. 9).

Following Todorov (2023) and his three stages, this task of history undoubtedly still lies in the process of selecting events from the history of disability, which must be accompanied by an endowment of meaning (as it is a field that is still relatively unexplored, it is rich in interpretations). only then can it reach the third point, which involves putting it at the service of the pedagogy of *crip* memory, one of the branches of a democratic, supportive, and peaceful society.

Conclusions

To conclude, emphasis must be placed on the evolution of the historical perception of people with disabilities. We have seen how it has gone from passive to active, from threat to wonder, and from something to be eliminated to something to be valued and protected (as with all life).

This journey has not been the result of chance, but rather, as we have seen, especially since the 1970s, the community itself has fought hard to reverse concepts.

The pedagogy of memory, whether in schools, the mass media, or academia, must continue to weave this narrative, seeking the collective in the individual, with the aim (as has been said so often) of not repeating the same mistakes, but also, in this case, of continuing to contribute to the breaking down of stereotypes, to knowledge about disability itself, and to its valorization. In this sense, as Casassas (2010) points out, it is no longer a problem of memory, but of communication, and fortunately, social networks are allowing us to break with the hegemonic discourse on disability, showing its other side.

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Valorization of Peruvian cinema: identification of university students with cultural films

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Introduction

Cinema is a cultural manifestation that reflects the identity of a society through stories, images, and sounds. In Peru, cultural cinema has attempted to highlight the customs, traditions, and ways of life of different regions, creating a space for reflection on national identity. However, its impact and appreciation among young audiences, especially university students, still presents challenges in terms of dissemination and reception.

This chapter analyzes the relationship between university students in Lambayeque and Peruvian cultural films, exploring the extent to which these productions generate identification among viewers. To this end, the following research question has been posed: How do university students in Lambayeque value Peruvian cultural cinema?

The general objective of the study is to analyze the value that university students in Lambayeque place on Peruvian cinema with regard to culturally oriented films. Specifically, it seeks to characterize the students' sense of identification with Peruvian cultural cinema, describe the impact that this cinema has on their identity, and analyze the students' preferences and perceptions regarding these films.

From a methodological perspective, the research is based on a qualitative approach with a phenomenological design, using interviews and focus groups as data collection techniques. This allowed for an approach to the students' subjectivity, understanding their experiences and assessments of Peruvian cultural cinema.

The findings reveal that university students' identification with Peruvian cultural cinema depends largely on the representation of their immediate environment. Students feel reflected when films show the culture of the country's north coast, but this is not the case with productions set in other regions, suggesting a segmentation in the construction of cultural identity. In addition, a lack of promotion and distribution strategies was evident, limiting access to these productions and reducing their impact on the university audience.

This chapter will contribute to the study of communication and culture by exposing the current situation of Peruvian cultural cinema in the university environment. Topics such as cultural identity, self-perception in audiovisual consumption, the valuation of national cinema, and the factors that influence student preferences will be addressed. We will discuss how Peruvian cinema can consolidate itself as an effective means of preserving and disseminating cultural identity, highlighting the need for greater incentives and public policies that promote its development.

Finally, the importance of incorporating the study of Peruvian cinema into university education as a resource for strengthening cultural identity and fostering a more receptive audience for this type of production will be discussed.

Cinema as a tool for cultural identity

Cinema is a means of communication and artistic expression that, in addition to entertaining, plays a fundamental role in the representation and construction of cultural identities. Through images and narratives, societies project their history, traditions, and values, generating a sense of belonging in viewers. In the case of Peru, cultural cinema has positioned itself as a key tool for promoting national diversity, although it faces major challenges in terms of reception and dissemination.

Throughout the 20th century, cinema has been used, directly or indirectly, to represent audiovisually diverse and complex problems associated with the relationships between cultural identities and historical processes. Although since the early decades of the last century historians have recognized the link between cinema, as a social practice, and the processes of construction, reproduction, and conflict of racial images, the use of films as historical documents has been systematically ignored in research. (Goyeneche-Gómez, 2012, p. 389)

In addition, the current era of modernization and digital platforms has made cinema more influential around the world. Digitization has not only improved the penetration of films among the masses, but has also provided an alternative to the film industry in those nations that were in decline after the fall of film culture. [For example] In the case of Pakistan, the Pakistani film industry was producing 80 films a year, but this fell to 20 films a year due to certain reasons, such as a lack of innovative ideas and social and cultural differences between producers and audiences. Rizvi (2021, cited in Khan & Saeed, 2023, p. 99)

The representation of cultural identity in Peruvian cinema

From a theoretical perspective, Stuart Hall (cited by Heredia and Cubas, 2020) argues that cultural identity is a constantly evolving process, influenced by collective experiences and symbolic representations. In this context, cinema acts as a reflection of national and regional identity, as the images projected on the screen can reinforce or modify viewers' perceptions of their culture.

Cultural identity refers to the psychological connection between an individual's self and a culture. [...] The cultural knowledge component connects an individual to a culture through the individual's direct acceptance of what are widely known to be the central characteristics of the culture. (Wan & Chew, 2013)

Peruvian cultural cinema has attempted to capture this identity through productions that showcase the country's geographical and social diversity. Examples such as *Wiñaypacha* (2017) have succeeded in highlighting indigenous traditions through the use of native languages, in this case, Aymara (Carbonel, 2018). However, the impact of this type of production on university audiences varies depending on the degree of representation that viewers perceive in the film.

Regional cinema as a vehicle for local identity

Over the last two decades, Peruvian regional cinema has experienced significant growth. Bustamante (2018) points out that, at present, film productions are no longer centralized in Lima, but initiatives have emerged in various regions of the country. However, this diversification of Peruvian cinema has mainly favored the highlands and the jungle, leaving the north coast with less representation in cultural productions.

In Lambayeque, initiatives such as the Lambayeque Film Club and Cortos de Vista have promoted the dissemination of regional cinema, offering exhibition and training spaces for emerging filmmakers. However, the lack of a consolidated industry and supportive public policies has hindered the expansion of this type of cinema. In addition, the absence of distribution in commercial theaters has limited its access to university audiences.

The perception and consumption of cultural cinema among university students

Film preferences of university students

Film consumption habits among the university population are influenced by various factors, such as accessibility to content, advertising, and perception of quality. According to the National Institute of Statistics and Informatics (INEI, 2022), 72% of Peruvians prefer to watch Hollywood productions, while only 5% choose to watch national films.

[Regarding movies on television] On the one hand, at CUValles of the UdG (Mexico), 18.6% of university students say they never watch movies on television, while the closest percentage corresponds to students at the SUV of the UdG and the USAT (Peru), with 7.1%. Students at the UMA (Spain), with 3.1%, are the least likely to choose the 'never' option. (Ríos et al., p. 193)

This phenomenon is replicated in the Lambayeque region, where university students prioritize genres such as suspense, comedy, and horror over cultural productions (Fernández and Flores, 2019). One of the reasons is the lack of marketing and distribution strategies, which makes it difficult for Peruvian films with cultural content to reach a wide audience.

Factors influencing identification with cultural cinema

In order to understand how people integrate into general processes, but in this case into a cultural dynamic, constructivist theory emerges, which allows for a gradual approach.

Neo-functionalist constructivist theory allows us to understand that processes of dialogue and social participation are what construct culture, assuming a dynamic and civic vision of it, as opposed to organic and much more conservative visions. (Orosa-Roldán and López-López, 2018, p. 39)

On the other hand, Laird's theory of self-perception (2007, cited by Ramírez and Barragán, 2018) argues that individuals construct their identity based on the experiences they have in their environment. Applied to cinema, this means that viewers tend to identify with narratives that reflect their everyday reality.

The research findings indicate that university students in Lambayeque identify more strongly with films that depict cultural elements specific to the northern coast of the country. In contrast, identification with productions that portray Andean or Amazonian culture is lower, as students perceive these representations as alien to their experience.

Challenges and opportunities for Peruvian cultural cinema

The role of the state and barriers to the dissemination of cultural cinema

One of the main problems facing Peruvian cultural cinema is the absence of an efficient distribution system. Bustamante (2018) points out that many of these productions are only shown at festivals or alternative venues, which reduces their impact on the mass audience.

In the Lambayeque region, film clubs have attempted to promote cultural cinema among university students, but these efforts have been insufficient due to a lack of state support and limited investment in the promotion of these productions.

The Ministry of Culture, through the Directorate of Audiovisual, Phonography, and New Media (DAFO, 2022), has implemented economic incentive programs for film production. However, these initiatives have been insufficient to consolidate a sustainable film ecosystem. To strengthen the cultural film industry in Peru, it is necessary to implement strategies such as:

- Increased funding for the production and distribution of cultural films.
- Inclusion of Peruvian filmmaking in the university curriculum.
- Creation of alternative exhibition circuits that are accessible to the public.

Methodological process

This research was based on the naturalistic paradigm, a study that focuses on characterizing, describing, and identifying how university students feel about Peruvian cultural films, from the perspective of the researcher. The naturalistic paradigm raises the possibility of arriving at absolute truths to the extent that problems are addressed and a significant distance is established between the researcher and the object of study (Miranda and Ortiz, 2020). In addition, the research followed a qualitative methodology: it based its analysis on the reality of university students, collecting and identifying opinions, situations, and emotions, seeking to arrive at the nature of the phenomenon studied.

It is phenomenological in nature, as the research aimed to analyze the value that university students place on Peruvian films of a cultural nature. According to Montagud (2019), phenomenology seeks to understand the person and the world in which they live, as a form of knowledge and without prejudices that lead to interpretation.

Husserl's phenomenology, in an effort to transcend the dichotomy, so fertile in Kantian thought, between reality and the phenomenal data obtained from it, postulates a whole theoretical apparatus that focuses its attention on the world not as a category alien to human beings but as the set of objects in direct implication with our consciousness. (Fernández Gonzalo, 2016, p. 54)

Therefore, interviews with specialists and focus groups were used to share the questions presented regarding cultural films. These also helped to characterize the feeling of identification,

to describe and identify self-perception and the impact of identity in Peruvian cultural films among young university students.

As for the subjects selected for this research, two groups were taken into account, one of which was university students, whose responses were used to identify their assessment of Peruvian cultural films. Convenience sampling was used to select the students, as it was governed by their availability and accessibility to facilitate the research process (Escobar, 2023).

Convenience sampling is a non-probability sampling technique applicable to qualitative or quantitative studies, although it is used more frequently in quantitative studies. In convenience samples, subjects that are more accessible to the researcher are more likely to be included. (Suen, et al., 2014, p. 105)

The study was based solely on university students in Lambayeque who show an interest in cinema, consume Peruvian cinema, or have knowledge of some Peruvian films of a cultural nature. In this way, it was possible to analyze the different situations that arise in people with the most similar experience in the subject. This excluded non-university students, students from other regions, those who do not like to consume cinema, or those who are unfamiliar with the subject.

Three specialists also took part in the research, helping to characterize the university students' feelings of identification with Peruvian films of a cultural nature. Three university professors were considered for this purpose, as their proximity to the students gives them a clearer idea of what they think. It should be noted that the specialists considered have at least five years of experience in the field and are focused on the audiovisual area. Therefore, specialists from other professions who do not have knowledge in the audiovisual area or who do not have the necessary experience to understand student behavior were excluded.

Table 1. *University students*

Focus groups	No. of students	Universities	Degree programs
3	17	USAT: 12 students USMP: 5 students	Communication: 10
			Engineering: 3
			Law: 2
			Administration: 1
			Psychology: 1

Note: Subject selection was at the discretion of the researcher according to convenience sampling.

The research was conducted in the Lambayeque region, where more and more people are currently consuming and creating cinema, with the help of spaces and incentives provided by the state. The Audiovisual, Phonography, and New Media Directorate (2022) states that they are working under the slogan "Cinema represents us" and that this is what they are seeking: for the annual plan to ensure that the different competitive lines allow for the collection of diverse expressions and approaches to cinema in our country.

Likewise, film clubs and festivals in the region help more people, especially university students, to decide to make films. Often, the screenings organized by these film clubs motivate people who have the desire and who, seeing someone else doing the same thing they want to do, makes them want to try it. However, cultural cinema is something that few university students dare to do. Therefore, knowing how much sentimentality it generates in university students would be a great incentive for those who still do not dare to try.

On the other hand, the focus group technique was used, with its guiding set of questions, to identify the value that Lambayeque university students place on Peruvian cultural films. The instrument considers the categorization of the subjects and scenarios mentioned above. This technique and its instrument also correspond to the phenomenological design of qualitative research.

Furthermore, Dörnyei (2007, cited by Rodas and Pachecho, 2020) argues that focus groups are a great advantage for research because they make participants feel comfortable in a pleasant and pressure-free environment, which allows the moderator to obtain valuable information. This is very important for the research, since the aim was for the subjects to be able to express their feelings and opinions comfortably and sincerely.

The interview technique was also used, with its instrument, the interview guide, to characterize the feeling of identification that university students have with regard to cultural films. The interview helps to develop a conversation with a specific purpose; it is a process that involves planning and helps the researcher to gather information for their research (Fernández, 2021). The interview with the specialists helped to develop the objective set and facilitated the understanding of the responses by the university students.

For the data collection procedure carried out in this research, after applying the instruments validated by the experts, the information obtained from the focus groups and interviews was transcribed and analyzed. The content was then organized into matrices in order to identify the opinions and assessments of each subject in a more orderly manner and allow for comparison of the different ideas of the participants.

Then, with the information collected, the results were compiled with the most relevant aspects of the research, followed by a discussion in which this information was contrasted with the background and complemented with the theoretical framework. In addition, the conclusions by objective and the recommendations obtained from the research were drafted.

The research project "Valorization of Peruvian cinema with regard to cultural films among university students, Lambayeque" was conducted in accordance with the criteria of accuracy and validity set out in the Belmont report. These criteria were taken into account in the instruments used, so that there would be no manipulation of the results obtained by the subjects. Likewise, for the information provided by the university students of Lambayeque, the inalterability of the results was taken into account, as the authorship of the information provided by the subjects was maintained and everything was transcribed without any alteration.

Finally, this research took into account the copyright of the various citations used, following the APA 7th edition guidelines. In addition, as indicated at the beginning, the abuse of textual

citations was avoided, with a predominance of paraphrasing to avoid similarity, all with their respective references.

Characterization of the feeling of identification among university students with regard to Peruvian films of a cultural nature

Experts say that students in Lambayeque consider it important to see themselves reflected in a film, because of their idiosyncrasies and the way they can identify and recognize themselves in the film. However, they also believe that they lack the initiative or desire to watch or create, and this could be because, in some way, the public is not used to finding this type of cinema, so they do not consume it much and there are very few proposals for films related to this theme. If we compare the south with the north coast of Peru, there is a big difference in taste, enthusiasm, and desire to watch this type of cinema.

On the other hand, experts believe that films that show the same traditions of their region awaken feelings of identity, acceptance, recognition, and validation in students, making them feel proud of who they are and where they come from. This coincides with the research of Bustamante (2018), who says that, although Peruvian audiovisual production is increasing every day, there are still some problems such as distribution and exhibition, and that these could be remedied with state support for national cinema. These results are supported by Chávez (2017, cited by Cuadrado, 2021), who points out that, with regard to ethnographic cinema, questions are being raised about the proposals and means of dissemination, as they only occur in classrooms and academic events, thus limiting the audience that this type of audiovisual product reaches.

The most disconnected people in the country may suffer from a process of alienation, but these are minimal cases. Furthermore, it is certain that the north did not experience the wars as intensely as the south, and not having fought for independence has resulted in a consumer audience that prefers to tell stories or express issues more related to personal and psychological problems, fears, self-reflection, and existentialism, rather than telling stories about Peruvian culture. It is a people that somehow never connected with its culture, so it will have a cinema that is disconnected from it.

In addition, the interviewees affirm that films are an important medium for students to learn about Peru's heritage. They mention that cinema allows them to get to know places without having to be there in person, and thanks to images and sound, they can feel the spaces, especially when it comes to the country's cultural factors. They also mention that this is achieved in a film, depending on what the director wants to show and how they tell the story. Similarly, they emphasize how important it would be to include cinema as part of the university curriculum in order to foster this identification.

With regard to films that showcase Peru's cultural heritage, experts believe that they inspire students to want to visit the places shown. They consider cinema to be an ambassador and showcase for the country, as it acts as a propaganda tool; a country's culture can be conveyed through films, without the need to read about its history or famous figures. In addition, they see it as a promoter of tourism, and that students may prefer to get to know their own country first before visiting foreign countries, which is why they emphasize the importance of adding cinema

to the university curriculum. This could make students who thought a film was boring find it entertaining, showing them something they never imagined existed in their country.

In addition, they add that cinema is the only medium of communication that is art, where one must be more cultured and well-read, but there is still a struggle with university students' interest in it, and it is not their fault, but rather that of a state that does not have a law on screen quotas. On the other hand, they mention that, being from the coast, it is difficult to identify with a story that takes place in another region because it is not the same context in which they live, but that it can still create an interest in getting to know the place. This will depend on the way the director shows the place in the film; the space must have an important weight, almost like another character, so that it alone invites you to get to know it. Another way in which the director can intervene in the film is through music. The experts mentioned that it can help to highlight the sense of identification in university students, as it is connected to emotions. You may not even see an image, but when you hear the music, you feel the emotion, the energy, the sadness, the joy. Furthermore, for students or younger people who are used to watching commercial cinema, watching a film without music will seem strange.

They also mention that it is an easy way to generate emotions, since original music or a well-known song can make the scene overflow with emotions and correct or mitigate the film's weaknesses. Music is a commercial phenomenon that works very well with young people, so it must be taken advantage of. Likewise, music is not just a song, it is also melodies, a tune, something that supports the narrative of what is being told and that must have a purpose, otherwise it will be merely distracting. One of the experts adds that music should work in terms of identity, because currently it is presented more in a commercial way.

With regard to cultural expressions such as dance and crafts, interviewees mentioned that university students do not consider them important to our culture, as there is a great deal of detachment from these topics and they are not very present. However, others do consider them important, because they have to do with the question of activity and being able to take something from the place, but everything must have meaning. First, one must understand the value and reason behind things before observing them directly in the film. To this end, the experts mention that there must be an intelligent way to sow culture through a creative story; it should not be forced because it would be unnatural and provoke rejection instead of identification. Finally, the specialists mention that one of the ways to show cultural manifestations in a film is to link the current cultural phenomenon with the ancestral one, so that culture is sown while the plot of everyday life unfolds. They also mention that cultural manifestations should come from the story itself, that they should be more contemporary or more accessible to current generations. Likewise, they mention that gastronomy, street art, and sexual dissidence are themes that generate interest among young audiences. In addition, there are very good stories that could be based on myths, legends, or traditions that could be reflected in a production.

Figure 1. Summary of experts' opinions on the identification of university students



Note: The figure shows the most important points mentioned by the experts regarding their opinions on students.

Impact of Peruvian cultural films on university students' identity

University students consume Peruvian cinema, but not very often. They mention the lack of cultural films being released in theaters and how difficult it is to find them on digital platforms. In addition, some only want to watch blockbusters.

They identify with aspects such as the customs, traditions, and way of speaking shown in films based on the coast of Peru. However, they do not identify with films that show the culture of other regions, as this is not something they see in the region where they live. Furthermore, they argue that Peruvian cultural films tend to show departments in the highlands, which they appreciate and recognize as part of the country, but not as part of their own identity, as they are people from the coastal region. The students do not believe that most university students value seeing their cultural identity reflected in Peruvian cinema, but rather that they prefer to watch foreign films. However, they mention that there is an audience that does, although it is smaller. This audience would be among students of humanities, especially communication sciences. In addition, they add that competitions, awards, or festivals presented to the university audience are a great incentive not only to value seeing culture in films but also to continue creating this type of cinema.

This is related to the research by Fernández and Flores (2019), who mention that students identify with films produced according to their reality, where characters and natural environments from the region where they live are shown. Rodríguez Barriga (2021) also mentions that students are indifferent to the recognition of racial diversity as part of national identity, and consider it more valuable to learn about foreign art than national art. These results are supported by Heredia and Cubas (2020), who uphold the theory of cultural identity, which encourages the public to understand the cultural factors of other groups. Thus, it can be said that experiences and lived situations are necessary to build an identity.

Identification of university students' preferences and perceptions of Peruvian cultural films.

University students prefer to watch suspense and comedy films, and they also like drama, action, and horror. Furthermore, they do not consider the number of people who go to see a film as a reference point when deciding whether it is good or bad. They tend to be guided more by reviews or recommendations, as well as by the trailer or synopsis of the film.

University students consider the technical aspects of a film to be important in determining whether they want to see it. The cinematography, script, and colorization of a movie make it more appealing. They also consider the director and actors to be important factors in determining whether they will like the movie. Finally, they mention social media, especially TikTok, as a platform that makes them interested in a certain movie, either by reviewing it or posting certain clips that make you want to see the whole thing.

As for Peruvian films, the plot is important and must be to the subjects' liking in order for them to watch it, as is the genre. They also take into account the actors who are part of the film. Some consider the director or production team, as well as the cinematography, as they believe that Peruvian landscapes can be exploited in this area. In addition, an important factor is positive recommendations or reviews. They also mention the lack of marketing and promotion strategies to ensure that Peruvian cinema reaches all types of audiences.

This is related to what Fernández and Flores (2019) show in their research, where students highlight that the level of consumption of Peruvian films is influenced by the use of correct promotion strategies and certain production values. On the other hand, they add that what causes the low consumption of films is the reduced opportunities to release films on exhibition platforms. These results are supported by Litman (1983, cited by Cuadrado, 2021), who mentions that there are several determining factors when a person chooses to watch a film. Some of these are: production costs, film awards, recognition, and casting of actors, among others.

Finally, university students consider it important for Peruvian cinema to receive more support from the state, for a larger budget to be allocated to the creation of auteur films, and for laws to be implemented to promote Peruvian cinema. They also mention the creation of more distributors that allow Peruvian cinema to reach not only more people nationally, but also abroad. In addition, they mention innovation in actors, plot, and improvements in technical aspects such as camera movements and photography.

Conclusion

University students in Lambayeque feel that Peruvian films with a cultural focus generate identification, but this is conditioned by the geographical and sociocultural representation in film productions. Students from Lambayeque feel a greater connection with films that show traditions, customs, and landscapes typical of the northern coast of Peru. On the other hand, they identify less with films that represent other regions of the country, which reinforces the idea that cultural identity is closely linked to one's immediate environment.

In addition, it is believed that familiarity with the themes, language, and cultural expressions presented in audiovisual narratives influences viewers' perception of authenticity and closeness to the story. Students consider it important for cinema to reflect their reality, as this contributes to strengthening their sense of belonging. However, consumption of this type of cinema remains limited due to the low supply of films with these characteristics and the widespread preference for foreign commercial cinema.

A key factor identified in this study is the lack of exposure and dissemination of Peruvian cinema in conventional entertainment spaces, which limits its impact on young audiences. To improve the identification and appreciation of Peruvian cultural cinema, it is recommended that the state and academic institutions implement promotion and education strategies that allow young people to learn about and appreciate the cultural diversity reflected in these productions.

The impact (repercussion) of Peruvian cultural films on the identity of university students in Lambayeque is influenced by the way these films address the country's culture, customs, and heritage. The results show that young people tend to recognize and value those aspects of cultural identity that are directly related to their environment and personal experiences, while cultural elements that are foreign to their reality can generate a perception of distance or even indifference.

Although cultural films have the potential to strengthen national identity, their impact on university students is limited due to a lack of access to and exposure to this type of cinema. The lack of a consolidated film industry and the absence of effective public policies for the promotion of cultural cinema reduce students' opportunities to interact with this content.

In addition, the research revealed that university students consider cinema to be an educational tool and a means of promoting cultural tourism, provided that the stories are attractive and presented in an innovative way. It is concluded that in order to have a significant impact on the identity of university students, cultural cinema must be better integrated into academic spaces and have dissemination strategies that arouse the interest of young audiences, promoting a greater appreciation of the country's cultural wealth.

With regard to preferences and perception, university students in Lambayeque show a pattern of film consumption that favors foreign commercial cinema over national productions. Among the most preferred genres are suspense, comedy, and horror, while cultural films tend to be viewed less frequently due to a lack of effective marketing and distribution strategies.

Students consider the technical quality of a film to be a determining factor in their consumption. Aspects such as cinematography, visual narrative, and art direction are crucial in capturing their attention. Likewise, social media has proven to be an influential medium in promoting cinema, as young people often base their decision to watch a film on recommendations, reviews, and visual clips shared on platforms such as TikTok and Instagram.

The study reveals that, although university students recognize the importance of cinema as a reflection of cultural identity, the perception that national productions are of lower quality or lack compelling stories affects their willingness to consume this type of content. Therefore, it concludes that it is necessary to strengthen the Peruvian film industry by promoting public policies that encourage the production and exhibition of cultural films, as well as the inclusion of

studies on cinema and culture in university education. In this way, it will be possible to consolidate a critical audience that is receptive to audiovisual expressions that reflect national identity.

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Portuguese Animated Film in the 21st Century: Growth, Recognition, and Audience Challenges

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Introduction

Animated cinema has experienced extraordinary moments in recent decades, with new production companies emerging, new techniques being developed, and new animators entering the field. In the case of Portuguese animated cinema, the last two decades have also seen remarkable growth, both in production and in international recognition, achieving, for the first time in 2023, an Oscar nomination and winning dozens of international awards.

However, in the particular case of Portuguese animated film, despite international recognition (Bendazzi, 2016), it seems to face, among other things, the challenge of content globalization (Jenkins, 2006), where productions such as those by Disney or Studio Ghibli dominate the youth imagination (Wells, 2002), which subsequently has an impact on the adult imagination.

This gave rise to the idea of developing an initial exploratory study that aims to analyze this apparent contradiction by examining the perception that young Portuguese people have of national animation and their audiovisual consumption habits.

To structure this analysis, this text is organized into six main sections. Following this introduction, which contextualizes the object of study and its objectives, there is a brief historical contextualization of Portuguese animated cinema, highlighting its main milestones and transformations over the course of a century. The third section describes the methodology adopted, including the definition of the sample, the data collection instruments, and the variables analyzed. The fourth section presents the data collected and its respective analysis, focusing on the consumption habits and level of knowledge of students regarding national animation. The fifth section discusses the results in light of the theoretical framework and the current landscape of audiovisual production and reception. Finally, the sixth section offers a concluding summary, points out the limitations of the study, and proposes perspectives for future research.

Background and context

Animated cinema or animated image cinema (to be more precise) in Portugal celebrated its centenary in 2023, taking as its inaugural milestone the short film "O Pesadelo de António Maria" (1923) by Joaquim Guerreiro (Gaio, 2001). Over the course of a hundred years, Portuguese animation has gone through various stages: from its beginnings linked to the theater of revue (), through a phase marked by advertising production during the Estado Novo, to the emergence of a generation of authors who have won awards at leading festivals such as Annecy, Clermont-Ferrand, and Cartoon D'Or (Cambaia, 2022; Gonçalves, 2017).

Filmmakers such as Abi Feijó, Regina Pessoa, and José Miguel Ribeiro (Castro, 2020) have contributed to consolidating an auteur identity in national animation. However, studies focusing on the reception of this art by the public—especially young audiences—remain scarce (Silva, 2022). This work is therefore situated at the intersection of film studies, communication, and the sociology of culture, with the aim of understanding how Portuguese animation is perceived (or rendered invisible) by new generations.

Justification and originality

This study presents an original approach by focusing not only on the production or recognition circuits of Portuguese animated cinema, but also on the perspective of its internal audience. At a time when the centenary of animation in Portugal is being celebrated and national works are achieving unprecedented international recognition, it is pertinent to investigate how these are (or are not) appropriated by young Portuguese people.

As described in the section on methodology, the research is based on empirical data collected through a questionnaire administered to higher education students in the field of communication and multimedia, offering an up-to-date reading of their habits, preferences, and lack of knowledge. By crossing cultural memory with contemporary consumption challenges, this article aims to contribute to a broader debate on the democratization of access to national film culture.

Finally, the organization of this chapter is presented, consisting of seven complementary sections. Section 1 outlines the problem, the research question, and the objectives, placing them within their theoretical framework. Section 2 provides a historical context for Portuguese animated cinema throughout its first century, identifying the main phases of production and recognition. Section 3 describes the methodological process in detail: case study design, sample, instruments, and questionnaire validation. Section 4 presents and interprets the empirical data, distributed by consumption habits, knowledge of authors, works, and festivals. Section 5 discusses the results in light of the literature on audiovisual globalization and proposes strategies for promoting Portuguese animation. Section 6 then points out the limitations of the study, while section 7 outlines prospects for future research. Finally, the chapter concludes with a list of bibliographical references supporting the analysis.

Historical contextualization of Portuguese animated cinema

Despite some debate in the Portuguese film community, the idea that the short film "O Pesadelo de António Maria" (Guerreiro, 1923) is the first Portuguese animated work has become widely accepted (Gaio, 2001). This satirical piece, shown in the context of revue theater, remained forgotten for decades and was only recovered in the 21st century thanks to the discovery of drawings in the archives of the CINANIMA festival (Gaio, 2001).

This issue is of particular interest, as "A Lenda de Miragaia" (1930) was long considered to be the first Portuguese animation, as documented in Luís de Pina's "História do cinema português" (1986).

In recent decades, the historiography of Portuguese animation has been enriched by research such as that of Cambraia (2022) and Gonçalves (2017), which offer detailed perspectives on its evolution. However, researching the history of Portuguese animated cinema is particularly difficult. On the one hand, because it is necessary to better define the boundaries of animated

cinema. On the other hand, because there is a lack of empirical research on the subject that systematizes thinking and generates more in-depth debates. In this regard, there are few published works, among which António Gaio's "História do Cinema Português de Animação: Contributos" (2001) stands out as the first work of considerable scope dedicated exclusively to the subject. More recently, other complementary works and some sections in theses and dissertations have appeared, but even so, greater systematization of information on the subject is necessary, such is the amount of scattered fragments on Portuguese animated cinema.

In analyzing this first century of animated film in Portugal, we can organize its history into five phases, which are briefly described below:

From the origins to the 1940s

The early decades of animated cinema in Portugal were marked by auteur works such as *Tip Top* (1925), *A Camel's Tale* (1930), and *The Legend of Miragaia* (1930), the latter previously considered the first Portuguese animation. Also noteworthy in this period are *O Boneco Rebelde* (1941) and *Automania* (1943), which won the Gallo de Oro award, demonstrating the vitality of the sector despite the context of dictatorship and war.

Animation and advertising (1940s to 1980s)

Between the 1940s and 1980s, Portuguese animation was closely linked to advertising, with the emergence of studios such as Kapa, Cineca, and Prisma. Production was often carried out independently, under a model known as "ghost," which was later offered to brands by . Noteworthy in this context is the Annecy award given to *O Melhor da Rua* (1967) by Artur Correia.

During the dictatorial regime, censorship and the lack of specialized training limited artistic development. It was only in the 1980s, with the support of grants from the Gulbenkian Foundation and the creation of the Portuguese Film Institute (IPC)—established by Law 7/71, but de facto operational in 1973 (Bénard da Costa, 2007)—opportunities arose to study abroad, benefiting animators such as Abi Feijó, Pedro Serrazina, and Marina Estela Graça.

The arrival of television in 1957 also boosted animated production, notably the series *O Romance da Raposa* (1987-88). Vasco Granja also played a key role in the dissemination of animation, with programs broadcast on RTP between 1974 and 1990, which presented productions from various countries to a wide range of audiences. During this same period, the first national animated film festival, CINANIMA, was launched, aimed at giving a voice to a whole generation of new animators and filmmakers (Gil, 2019).

Crisis (1980s and 1990s)

Despite significant growth in production and visibility—driven, among other factors, by the creation of the CINANIMA festival in 1977 (Gil, 2019)—the sector began to face difficulties in the 1980s. National economic crises, changes in the advertising market, and the entry of multinationals into Portugal reduced the demand for local animation. Production became more limited, and animated commercials gave way to live-action pieces.

New vitality (late 20th and early 21st centuries)

The end of the 20th century brought greater stability in funding and the emergence of new festivals, such as MONSTRA (in 2001). Notable works include José Miguel Ribeiro's *A Suspeita* (1999), which won dozens of international awards, and Regina Pessoa's *História Trágica com Final Feliz* (2005), which won an award at Annecy. The period was also characterized by an increase in academic production and the creation of some training opportunities in higher education.

However, the economic crisis of 2008 brought the sector to a halt once again, with funding cuts and a general contraction of the economy.

International recognition and new authors (last decade)

The last decade has been marked by a new cycle of growth. New production companies have emerged—many of them founded by young people—which have expanded the international presence of Portuguese animation. Works such as *Carrotope* (2013), *Fuligem* (2014), *Entre Sombras* (2018), *O Homem do Lixo* (2022), and *Nayola* (2022) have won dozens of awards, with João Gonzalez's short film *Ice Merchants* (2022) standing out in particular for having achieved Portugal's first Oscar nomination.

Despite international success, challenges remain: training opportunities are still limited, a clear identity has yet to emerge, and the national audience—especially young people—remains unfamiliar with these works. The absence of a solid industry and limited television coverage continue to restrict access to and appreciation of Portuguese animated films.

Quantitative data were processed using Microsoft Excel. Absolute and relative frequencies were calculated, and graphical representations were created to facilitate interpretation. Open-ended responses were grouped into categories, which allowed us to observe the students' level of audiovisual literacy and the prevalence of certain cultural references.

Frequency of film and audiovisual consumption

The analysis reveals different patterns in the audiovisual consumption habits of the students surveyed, with significant variations between attending the cinema in person and watching films, series, and animated content.

Going to the cinema

Going to the cinema is not a common practice: 62.1% say they do so rarely, while 29.3% go once a month. Only 6.9% go weekly and 1.7% more than once a week. No participants go daily. These data reflect a shift away from traditional theaters, replaced by more accessible and flexible forms of viewing, such as streaming platforms.

Watching movies

In contrast, the consumption of feature films in general is considerably more frequent. Most students watch movies monthly (37.9%) or weekly (25.9%), and 19.0% do so more than once a

week. Only 10.3% say they rarely watch movies, which shows that cinema, even outside the theater, is still present in leisure habits.

Watching animated films

As for animation, consumption is less frequent: 39.7% say they rarely watch animated feature films, and 37.9% say they watch them once a month. Only 12.1% watch them weekly and 8.6% more than once a week. This pattern indicates that, despite the international recognition of Portuguese animation, this type of content does not occupy a central place in young people's preferences and is perceived as sporadic viewing.

Watching series

The series format is the most consumed. Approximately 37.9% say they watch series more than once a week and 15.5% do so daily. This confirms the strong presence of series in young people's audiovisual routine, especially in a context dominated by streaming, whose model of short, continuous episodes fits in with their consumption dynamics.

Watching animated series

Animated series show more varied consumption: 48.3% watch them rarely, but a significant percentage follow them regularly: 17.2% more than once a week, 12.1% weekly, and 15.5% monthly. These data indicate that animated series—often associated with childhood or anime—maintain a certain presence in youth visual culture, although without a dominant position.

It should be noted that the majority preference for watching films and series is for streaming platforms, with Netflix being the most mentioned by respondents. This shift towards streaming follows the trend observed by Lee, Lee, and Baek (2025), which demonstrates the influence of live streaming on the consumption habits of young people.

Knowledge of animated film directors

Portuguese filmmakers

Most students showed considerable ignorance: 62.1% responded "I don't know," "I'm not familiar with them," "none," or other variations. The most frequently cited Portuguese names were:

- José Miguel Ribeiro (4 mentions);
- João Gonzalez (3 mentions).

Despite the international prestige of their works, their notoriety is not yet significantly reflected among young audiences.

Foreign filmmakers

The level of recognition is much higher: only 27.6% said they did not know any foreign authors. The most frequently mentioned names were:

- Walt Disney (11 mentions);
- Hayao Miyazaki (4 mentions);
- Henry Selick and Genndy Tartakovsky, among others, with isolated mentions.

Knowledge of animated films

Portuguese films

39.7% were unable to mention any national titles, which highlights the disconnect between Portuguese production and its reception among young people. The few films mentioned were:

- Ice Merchants (3 mentions);
- Nayola (2 mentions).

Foreign films

The responses show great diversity, although with only one mention per title, reflecting a wide range of references:

- Coraline, Spirited Away, Tangled, Silent Voice;
- Toy Story, Frozen, Coco, Wall-E, Shrek;
- Your Name, Dragon Ball Z: Fusion Reborn, Spider-Man: Into the Spider-Verse;
- The Raven, The Cave, among others.

Knowledge of festivals and perception of the origin of Portuguese animation

- Portuguese film festivals

Knowledge is very limited and, at times, inaccurate. The most frequently mentioned names were:

- IndieLisboa, Cinanima, and “Cinamina” (2 mentions each);
- Avanca, “Cinenima,” Golden Globes, etc. (1 mention).

The phonetic variations (“Cinamina,” “Cinenima”) reveal partial familiarity, but also a lack of precision.

- Portuguese animated film festivals

The lack of knowledge is even greater: 39.7% did not mention any. The following stand out:

- Cinanima (4 mentions), the oldest and most renowned animation festival in the country;

- “Cinamina” (2 mentions), probably confusion with the previous one;
- Isolated mentions of Monstra, Avanca Film Festival, and vague names such as “Disney.”

Historical perception of the origin of Portuguese animation

The responses were scattered:

- 1930 was the most frequently mentioned decade (11 responses), followed by 1920 (10), 1960 (8), and 1910 (7);
- The rest were spread between 1950, 1940, 1900, 1970, and even 1890.

Conclusions

This research sought to understand how young Portuguese people relate to national animated films at a time when this art form is enjoying remarkable international recognition. Analysis of the data collected from university students revealed a clear asymmetry between the external prestige achieved by Portuguese works and authors and the visibility and appropriation of this production by young audiences.

It was found that cinema attendance is low and that audiovisual consumption occurs mainly through digital platforms, dominated by series and, to a lesser extent, by films. Animation—both in film and series format—occupies a secondary place in consumption habits and is perceived as occasional content. When analyzing knowledge of national authors, films, and festivals, the data is even more revealing: more than half of those surveyed were unable to name any Portuguese animation filmmakers, and an equally significant percentage were unaware of national films or events related to the sector.

The results fully confirm the scenario outlined in the initial question: young Portuguese people show a low level of contact with, knowledge of, and appreciation for animated films made in Portugal. This reality is part of a broader context of globalization of audiovisual consumption, in which American and Japanese products, widely promoted and disseminated in digital media and social networks, predominate. The dominance of brands such as Disney, Pixar, Studio Ghibli, and Netflix not only translates into popularity, but also into the consolidation of a visual imaginary that shapes the tastes, expectations, and cultural habits of new generations.

On the other hand, the Portuguese animated film ecosystem itself faces structural obstacles that hinder its dissemination among young audiences. The lack of communication strategies adapted to digital media, limited presence on the most popular streaming platforms, lack of regular cultural mediation initiatives in schools and universities, and insufficient specialized training contribute to this invisibility. Added to this is the absence of a recognizable identity that differentiates Portuguese animation on the international scene, unlike Japanese animation, which has built its own stylistic and narrative brand.

Given this diagnosis, there is a clear need to implement more effective strategies to promote national animation among young people. Possible solutions include integrating content on Portuguese animation into school and university curricula, creating nationally curated thematic catalogs on streaming platforms, investing in digital outreach campaigns with influencers and

content creators, and strengthening the role of public television and festivals as cultural mediators. Such measures can bring young audiences closer to the aesthetic, historical, and narrative richness of Portuguese animation, ensuring its appreciation not only abroad but also among those who can give it continuity locally. In summary, the results show that the preponderance of transnational streaming platforms (e.g., Netflix, Disney+), whose catalogs favor American and Japanese productions (Lotz, 2017), is a determining factor in young people's lack of knowledge about Portuguese animation. This global dynamic, coupled with the absence of curation of local content on these platforms (Hesmondhalgh, 2019), not only marginalizes national production but also reproduces cultural asymmetries already identified in other contexts (Miller & Yúdice, 2002). Reversing this situation requires active cultural policies that include: (1) the mandatory integration of national works into the platforms' recommendation algorithms; (2) partnerships with digital influencers for targeted dissemination; and (3) the creation of quality labels that highlight Portuguese animation as a distinctive and y product. These strategies, in line with successful experiences in countries such as Canada (Furniss, 2016) and South Korea (Jin, 2020), must be based on up-to-date data on the national audiovisual sector.

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Attachment, Care and Sustainability: The Social Value of the Huajsapata Hill in the Eyes of its Local

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Introduction

At the heart of cultural and natural heritage management lies a fundamental paradox that has intrigued academics, managers, and policymakers for decades: those places that are most loved and accessible to a community are often the most vulnerable to degradation due to the absence of mechanisms that translate that affection into tangible sustainability. Cerrito de Huajsapata, an iconic viewpoint that defines the landscape and identity of the city of Puno, Peru, epitomizes this dilemma in a paradigmatic way. It is simultaneously a space for gathering, recreation, and collective memory, whose free access, while democratic in intent, has left it in a precarious state due to the lack of a management model that ensures its long-term conservation. The visible deterioration of its infrastructure, the accumulation of waste during the high season, the lack of maintenance in green areas, and the absence of basic services are symptoms of a deeper problem: the disconnect between the high value that the community assigns to the place and the absence of mechanisms that translate that value into resources for its care.

This situation raises a research question that goes beyond the mere administration of a public space to delve into the social psychology of value and civic engagement: How do the emotional connection and sense of identity that local visitors have with a heritage site such as Cerrito de Huajsapata influence their willingness to contribute financially to its conservation and improvement? This question is, in essence, a question about the heart of sustainability: what motivates people to care for their common goods when there is no legal obligation or direct material reward?

The overall objective of this chapter is, therefore, to unravel and quantify the relationship between attachment to place and willingness to pay (WTP), arguing that the social value of heritage is not an ethereal abstraction, but rather concrete civic capital that can and should be mobilized for conservation purposes. To this end, we draw on the tools of environmental economics, specifically the Contingent Valuation Method (CVM), but reinterpret its results through a humanistic lens that recognizes the complexity of human motivation. Rather than viewing WTP as a simple market price, we conceive of it as a monetary expression of citizen commitment and co-responsibility. This approach contributes significantly to the science of sustainability by bridging two often-dissociated fields: the economic valuation of ecosystem services, which has dominated the environmental agenda since the 1990s, and studies of identity and place attachment, which come from environmental psychology and humanistic geography. By empirically demonstrating that the heart has reasons that economics can and should quantify, this chapter offers an innovative and ethical pathway for the sustainable management of our shared heritage, presenting a model where local identity is not merely a folkloric or nostalgic element, but the primary driver for effective conservation.

The Hidden Value of Heritage: From Ecosystem Services to Cultural Identity

The valuation of natural and cultural heritage has traditionally been a fundamental challenge for public policy and decision-making, mainly because its most profound benefits escape conventional market metrics. Spaces such as Cerrito de Huajsapata are providers of what the specialized literature refers to as ecosystem services (ES), formally defined as the benefits that people obtain from ecosystems, a concept that has gained prominence since the publication of the Millennium Ecosystem Assessment in 2005. While some of these services are tangible and easily quantifiable, such as the provision of water, food, or building materials, a large part of them are intangible in nature, grouped under the category of cultural services. These include opportunities for recreation, aesthetic inspiration, cultural identity development, spiritual well-being, and sense of place (Iwan et al., 2017; Lara-Pulido et al., 2018). Precisely because of their non-material nature and the inherent difficulty of quantifying them, these services are often economically "invisible" in conventional cost-benefit analyses, leading to systematic undervaluation in decision-making and, ultimately, to their degradation due to lack of investment and dedicated management, a phenomenon that Lara-Pulido et al. (2018) identify as a critical risk in their comprehensive meta-analysis on the valuation of ecosystem services in Mexico.

The fundamental premise of this chapter is that this economic invisibility does not imply an absence of real value; on the contrary, the social, cultural, and symbolic value of places such as Cerrito de Huajsapata is immense, profound, and multidimensional, but it requires a "translator" to make it understandable in the language of planning, public policy, and resource allocation. Environmental economics offers this translator through valuation methods that seek to assign a monetary value to goods and services that have no market price. However, a purely economic approach runs the risk of commodifying heritage, reducing its multifaceted meaning to a simple economic transaction and losing in the process the essence of what makes a place truly valuable to a community. It is therefore imperative to construct a theoretical framework that, without renouncing rigorous quantification, is deeply rooted in a more profound and humanized understanding of the relationship between people and place. The literature on heritage management and sustainable tourism, such as that presented by Sánchez-Rivero and Jurado-Rivas (2020) in their study on the willingness to pay for World Heritage cities, emphasizes that the willingness to pay for the sustainability of a destination is conditioned by factors such as the perception of authenticity, heritage conservation, and the sense that the place maintains its cultural essence. These factors are not abstract or merely objective attributes of the place, but are constructed and experienced through the personal and collective filter of local identity.

Consequently, this chapter posits that identity with place—the degree to which a space is part of a person's and a community's self-definition, the sense that "this place is part of who I am"—is the central mechanism that transforms "invisible" cultural ecosystem services into a "visible" and tangible commitment. The attachment, dependence, and affection that a person feels for a place are not mere emotions or unimportant sentiments, but the constituent components of a deep psychological bond that generates a sense of psychological ownership and, with it, an intrinsic responsibility for care. When a local visitor looks at Cerrito de Huajsapata, they see not just a pretty landscape or a useful panoramic view; they see a setting for their own personal history and family, a symbol of their community and cultural heritage, and an integral part of their

own identity. It is this intrinsic connection, this deep identification, which, according to our central hypothesis, motivates the willingness to contribute to its preservation, far beyond a simple rational cost-benefit calculation. Therefore, the theoretical framework of this research is built on a fundamental premise that challenges economic reductionism: to properly value our heritage, we must first understand and measure with scientific rigor the strength of the emotional and identity bond that unites us to it.

El Cerrito de Huajsapata: Historical, Cultural, and Tourist Context

To understand the depth of the bond between the community and Cerrito de Huajsapata, it is essential to contextualize this space not only as a tourist attraction, but as a palimpsest of history, legend, and social life. Puno, as a tourist destination in Peru, experienced a significant promotional boost during the 1970s and 1980s. However, it has now lost some of its relevance due to a gap between the growing demand for more experiential tourism and the lack of investment in infrastructure that meets the new market requirements. In this context, the revitalization of iconic attractions such as Cerrito de Huajsapata becomes crucial.

Located west of the city, the hill rises approximately 60 meters, offering an unbeatable natural vantage point. Its summit is crowned by the monument to Manco Cápac, the mythical founder of the Inca Empire, a figure who anchors the place in the deepest historical imagination of the Andean region. From this point, visitors can enjoy a panoramic view of the entire city of Puno, with the majestic Lake Titicaca as a backdrop. This view is not merely aesthetic; it is a geographical and cultural composition that defines the identity of Puno. As Canahuire (1998) points out, Cerrito de Huajsapata is a natural viewpoint with deep traditional and historical significance for the population, a place where geography meets history and identity.

The meaning of the hill is enriched with a layer of mystery and legend. On its northern slope, halfway up, there are caves and caverns which, according to oral tradition, are portals to underground passages connecting Puno with the Koricancha temple in the city of Cusco. These legends, regardless of their factual veracity, give the place a sacred aura and integrate it into a symbolic network that encompasses the entire Andean world. The hill is not just a place in Puno, but a place that connects Puno with its imperial past and its cosmogony.

In addition to its historical and legendary dimension, Huajsapata is a vibrant setting for contemporary social life. Its surroundings feature parks and viewpoints that are used by the community for festive events. During the carnival celebrations, for example, the western slope is transformed into the meeting point for a colorful popular festival, where dance groups gather to perform the traditional *Pandilla Puneña* before descending through the streets of the city. This festive and community use reinforces the role of the hill as a living space, a place of encounter and celebration that strengthens social ties.

The Ministry of Foreign Trade and Tourism (MINCETUR), in its 2017 report, recognizes the importance of Cerrito de Huajsapata as a tourist attraction. The report classifies visitors as national, foreign, regional, and local, noting a significant influx in all categories. However, the same report diagnoses the current state of the attraction as "fair," explicitly recommending the need for maintenance work and, crucially, permanent security. This official recommendation underscores the urgency of finding a sustainable management model. If the improvements that

MINCETUR itself considers necessary are to be implemented, it is imperative to know what resources are available, and one of those potential resources is the community itself. The question of how much visitors would be willing to pay to ensure the sustainability of the site then becomes a logical and necessary step in moving from diagnosis to action.

The Methodology of the Intangible: Contingent Valuation and the Challenge of Measuring Attachment

To answer the research question and operationalize the proposed theoretical framework, a robust quantitative methodological process was designed that combines the rigor of econometrics with the necessary sensitivity to psychosocial variables. The study design is cross-sectional, capturing a snapshot of the perceptions, attitudes, and behaviors of visitors to Cerrito de Huajsapata over a given period. The choice of Contingent Valuation Method (CVM) as the methodological axis responds to its widely documented suitability in the ScienceDirect literature and other impact databases for estimating the economic value of goods that lack a formal market (Jala & Nandagiri, 2015). CVA allows us to construct a hypothetical market in which individuals are presented with a scenario of change—in this case, the improvement of recreational and conservation services at Cerrito—and are asked directly about their willingness to pay (WTP) for that change to materialize. WTP, as defined by Mankiw (2012), is simply the maximum amount a buyer is willing to sacrifice for a good. Mora (2002) elaborates on this idea, describing it as the "effort," measured in units of expenditure, that a consumer is willing to make to obtain the opportunity to enjoy a good.

The main instrument was a structured questionnaire, carefully designed and administered in the field to a representative sample of 128 local visitors. The sample was selected randomly on different days of the week and at different times to capture the maximum diversity of users of the space. The questionnaire was meticulously designed to minimize response bias and was structured in four logical and coherent blocks. The first block collected fundamental sociodemographic data (age, gender, monthly income, years of formal education) and residence, control variables that classical economic theory identifies as determinants of payment capacity and that have been widely documented in previous studies (Jala & Nandagiri, 2015). The second block focused on visitor behavior, inquiring about visit frequency, the main reasons for visiting (recreation, rest, cultural activities), as well as their perception of the current state of infrastructure and services, a key variable for understanding the demand for improvements and the perceived urgency of intervention. The third block, of crucial importance for this study, addressed emotional attachment through a direct dichotomous question about whether visitors felt attached to the place, serving as a proxy variable to operationalize the complex multidimensional construct of identity with place. Although attachment is a concept that is typically measured in psychological literature using multiple-item scales, the nature of the study and the context of field application required a simplified but valid operationalization. The fourth and final block implemented the contingent valuation scenario. A referendum or discrete choice question format was used, considered in the literature to be the most robust and least biased for minimizing response bias and overestimation of WTP (Jala & Nandagiri, 2015). Each respondent was presented with a clear and understandable description of the proposed improvement plan, including concrete examples of what would be improved, and was asked if they would be willing to pay a specific entry fee (a randomly assigned "hypothetical price" within a range of S/ 1.00 to S/ 5.00) to ensure the implementation of these improvements. The binary response (Yes/No) became the dependent variable in our model. For the econometric analysis of the collected data,

a binary logistic regression (Logit) model was used, the standard and most appropriate statistical tool for this type of data with a dichotomous dependent variable, which allows us to estimate how each independent variable (socioeconomic, behavioral, and, fundamentally, attachment) affects the probability that a person is willing to pay. This method not only allows us to test the statistical significance of each factor through rigorous hypothesis testing, but also allows us to calculate the marginal effects (dy/dx), which quantify the magnitude of the impact of each variable in percentage terms, offering a clear, intuitive, and applicable interpretation of the results for public policy managers.

Empirical Findings: The Voice of the Community and the Link to Cerrito de Huajsapata

The econometric analysis of the collected data reveals a compelling and multifaceted narrative about the factors that determine the community's commitment to its heritage. The logistic regression model as a whole proved to be statistically robust and significant (Chi-square = 30.10, $p < 0.005$), indicating that the selected variables significantly explain the variation in willingness to pay. With a Pseudo R^2 of 0.27, the model explains a substantial proportion of the variance in the decision to pay, which is considered acceptable in human behavior studies. The results, presented in Table 1, not only validate the hypotheses proposed in the introduction, but also offer important nuances that significantly enrich the understanding of the phenomenon.

Table 1. Results of the Logistic Regression Model for Willingness to Pay for the Improvement of Cerrito de Huajsapata

No. of Observations	128,000		
R Square (R^2)	0.25		
Pseudo R^2	0.27		
Chi-Square	30.1000		
Overall Significance	0.005		
Log-Likelihood	-65.0400		
Variable	Coefficient (β)	Standard Error (std err)	$P > z $
Age	0.06	0.0200	0.015
Gender	0.10	0.12	0.3740
Years of education	0.05	0.0300	0.0750
Monthly Income	0.03	0.01	0.0020
Resident in the city of Puno	0.80	0.45	0.065
Frequency of visits	0.04	0.0300	0.1720
Attachment	0.7	0.20	0.0010
Reason Recreation	0.40	0.25	0.11
Reason for rest	-0.15	0.3000	0.6450
Cultural Reason	0.35	0.2800	0.2150
Current status	0.75	0.1800	0.0000
Hypothetical price	-0.50	0.1000	0.0000

Note: N=128, Pseudo R²=0.27, Chi-square=30.10, p<0.005. Significance at 10% (), Significance at 5% or lower (**). Source: Own elaboration based on field surveys.*

The most striking finding, which directly answers the central question of this research, is the leading role of attachment in determining willingness to pay. This variable has a positive and highly significant coefficient ($\beta = 0.70$, $p = 0.001$), robustly confirming the central hypothesis (H1) proposed in the introduction. As expected according to classical economic theory and the secondary hypothesis (H2), monthly income is also a positive and significant predictor of WTP ($\beta = 0.03$, $p = 0.002$). Another result of great interest and relevance is the strongly positive and significant coefficient of the perception of the current state of services ($\beta = 0.75$, $p = 0.000$). This reveals that WTP is not an act of abstract philanthropy, but a pragmatic response to a tangible need. Finally, the negative and significant coefficient of the hypothetical price ($\beta = -0.50$, $p = 0.000$) confirms the fundamental law of demand: the higher the price, the lower the willingness to pay. For a more intuitive interpretation of the impact of each factor, marginal effects were calculated and are presented in Table 2. These effects quantify the change in the probability of willingness to pay given a one-unit change in the independent variable.

Table 2. *Marginal Effects (dy/dx) of the Logit Model*

Variable	Marginal Effect (dy/dx)	Interpretation of Impact on Probability of Paying
Monthly Income	0.2294	A unit increase in income increases the probability by 22.94%.
Resident in Puno	0.0955	Being a resident increases the probability by 9.55%
Attachment	0.0947	Feeling attachment increases the probability by 9.47%
Reason Recreation	0.057	Visiting for recreation increases the probability by 5.71%
Cultural reason	0.0514	Visiting for cultural reasons increases the probability by 5.14%
Frequency of visits	0.0169	Each additional visit increases the probability by 1.69%
Current status	0.0134	Each point of improvement in the perception of the current status increases the probability by 1.34%
Age	0.0005	Each additional year of age increases the probability by 0.05%
Hypothetical price	-0.0022	Each sol increase in price reduces the probability by 0.22%
Reason Break	-0.0575	Visiting for relaxation reduces the probability by 5.75%

Source: Own elaboration based on field surveys.

The marginal effects confirm that monthly income is the factor with the greatest predictive power, closely followed by identity variables: being a resident of Puno and, fundamentally, attachment. Together, these last two variables have a probabilistic impact of almost 20%, demonstrating that the connection to the place is almost as powerful as economic capacity in motivating action. The simple fact of feeling an attachment to Cerrito increases the probability of being willing to pay by 9.47%, holding all other variables constant. This result provides solid

empirical evidence that emotional ties are a significant driver of economic action. Attachment ceases to be an abstract emotion and becomes a quantifiable and statistically robust predictor of pro-conservation behavior.

Particularly interesting is the significant negative effect of the motive of relaxation. Those who visit the site primarily for rest are 5.75% less likely to be willing to pay. This could suggest that this group of users values the current state of the site as sufficient for their purpose (a quiet, uncrowded place) and does not perceive the need for improvements that could lead to increased visitor numbers or greater formalization of the space.

Based on the coefficients of the logistic model, it was possible to estimate the economic value that the community assigns to the improvement of Cerrito. The average Willingness to Pay (WTP) was calculated at S/ 3.45 per visit. This monetary value, obtained through a statistical model that weighs the characteristics, perceptions, and connections of visitors, represents the quantification of average civic engagement. It is the amount that users consider reasonable to invest in improving recreational services, and it serves as a fundamental economic reference for evaluating the viability of any sustainability project.

Attachment as Civic Capital: Integrating Results and Projecting Sustainability

The final phase of the scientific argument consists of integrating the empirical findings into the theoretical framework to generate new knowledge that transcends the simple description of the data and comprehensively answers the research question. The results of this study allow us to state emphatically that attachment to place, far from being a sentimental, nostalgic, or secondary variable, functions as authentic civic capital: an intangible but real resource that brings the community together and mobilizes it toward collective action to care for its common goods. The demonstration that attachment is a statistically significant predictor of willingness to pay, with a probabilistic impact of close to 10%, is the empirical evidence that directly answers our research question and validates the conceptual shift proposed in the introduction to this chapter.

The discussion of these results must go beyond simple statistical verification to delve into a deeper interpretation of what these numbers represent in human and social terms. What the econometric model shows us is the detailed anatomy of a civic decision and the structure of human motivation for caring for heritage. The willingness to pay for Cerrito de Huajsapata is not an act of ordinary consumption, but an act of citizen investment in a shared future. This decision is nourished by three main sources, as has been empirically demonstrated: economic capacity (represented by income), the perception of a need (the current state of the place), and, crucially, intrinsic motivation (attachment). This tripartite model offers a much richer, more humanized, and comprehensive view than the purely economic approaches that have dominated the environmental valuation literature. It allows us to understand, for example, why a citizen with modest income but a strong sense of identity and attachment might be more willing to pay than a citizen with higher income but no emotional connection to the site. This has profound and revolutionary implications for public policy, as it suggests that strategies for financing heritage sustainability should not focus solely on payment capacity, but also, and perhaps more importantly, on strengthening identity and emotional ties.

When comparing these findings with the reference literature from ScienceDirect and other impact databases, clear synergies and novel contributions can be observed. The study empirically validates the concerns expressed by Iwan et al. (2017) and Lara-Pulido et al. (2018) about the critical need to make cultural ecosystem services visible in decision-making, and it does so by providing a concrete and operationalizable metric (the DAP of S/ 3.45) and, more importantly, by identifying the specific psychosocial mechanism that activates it: attachment. It also responds directly to the question posed by Sánchez-Rivero and Jurado-Rivas (2020) about what specific factors condition the willingness to pay for heritage sustainability: in the case of a local community, identity and attachment are undoubtedly among the most powerful and significant. WTP is therefore completely redefined. It ceases to be a mere "shadow price" or statistical artifact and becomes an "indicator of commitment," a measure of the degree to which a community is willing to internalize the costs of conserving an asset that it considers its own, that is part of its collective identity.

Ultimately, the answer to the research question is that attachment influences willingness to pay in a direct, positive, and statistically significant way, acting as a transformative bridge between symbolic value and economic action. The practical implication is revolutionary for the management of spaces such as Cerrito de Huajsapata and, by extension, for any cultural or natural heritage that depends on citizen co-responsibility. Instead of facing the "tragedy of the commons," where a resource belonging to everyone is not cared for by anyone because each individual acts rationally but without considering the collective good, the door is opened to the "opportunity of the commons": the possibility of leveraging the civic capital of attachment to co-create a model of sustainability that is both financially viable and emotionally meaningful. This implies that interventions should not only be physical infrastructure (improving roads, installing lighting, building restrooms), but also "emotional infrastructure": organizing cultural events that celebrate the history of the place, recovering and disseminating local stories, creating educational programs that reinforce the link between the community and its heritage, and facilitating spaces for participation where citizens feel they have a voice in decisions about their place. Doing so would not only legitimize and facilitate fundraising, but also strengthen the social fabric, reinforce the sense of belonging, and generate a virtuous circle of care, appreciation, and civic engagement.

Conclusion

This chapter has undertaken an intellectual and empirical journey from deep reflection on the intangible value of heritage to rigorous quantification of its economic manifestation, convincingly demonstrating that a community's attachment to its place is a powerful, measurable, and significant driver of its sustainability. The main conclusion of this research is that the willingness to pay for the conservation of Cerrito de Huajsapata cannot be fully understood through a purely economic or rational lens; it is, in essence, an expression of identity, an act of civic engagement, and a manifestation of the responsibility that citizens feel toward their common goods. The finding that attachment is a statistically significant predictor of WTP, even when controlling for payment capacity and other socioeconomic variables, constitutes the fundamental contribution of this study to the literature on environmental valuation and heritage management. This builds a conceptual, theoretical, and empirical bridge between the economics of ecosystem services, which has dominated the environmental agenda, and the social psychology of place, which comes from disciplines such as humanistic geography and environmental psychology, offering a

more humanized, comprehensive, and realistic model for understanding how and why people decide to care for their common goods.

The contributions of this research are therefore both theoretical and practical, both academic and applicable to real-world management. At the theoretical level, an innovative model is proposed and empirically validated in which identity and attachment act as mediating mechanisms that translate symbolic value into economic action, significantly enriching the conceptual framework of contingent valuation. At the practical level, the results offer a clear, evidence-based roadmap for managers and authorities in Puno: there is latent social capital, quantified at an average DAP of S/ 3.45 per visit, which can be mobilized to create a sustainable management model for Cerrito de Huajsapata. However, to activate this capital effectively, strategies should not be limited to the implementation of an entrance fee, but should be accompanied by a transparent and verifiable improvement plan and, crucially, initiatives that strengthen the community's emotional bond and sense of belonging. By investing in the "emotional infrastructure" of the site, in cultural, educational, and community participation programs, the most valuable and lasting resource for its long-term conservation will be cultivated: the care that comes from love, identity, and a sense of civic responsibility. This research demonstrates that sustainability is not just a matter of financial management or engineering, but fundamentally a matter of the human heart and the bond that connects us to the places we love.

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Portuguese cinema between 2019 and 2024: production, distribution, and exhibition

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Introduction

The ICA is a public institute integrated into the indirect administration of the Portuguese State, endowed with administrative and financial autonomy and its own assets, under the supervision of the Secretary of State for Culture (ICA, 2025c). Its mission is to support the development of film and audiovisual activities in Portugal (ICA, 2025c).

This institute was created by Decree-Law No. 95/2007 of March 29, resulting from the restructuring of the Institute of Cinema, Audiovisual and Multimedia (ICAM), in order to respond to the need to adapt and deepen its actions in the area of intervention (ICA, 2025c).

In the context of the reform of the Public Administration determined by the Plan for the Reduction and Improvement of the Central Administration, the organization of the ICA was modified in accordance with Decree-Law No. 79/2012, of March 27, maintaining its scope of action and responsibility for supporting the development of cinematographic and audiovisual activities (ICA, 2025c).

However, the ICA has its origins in the Portuguese Film Institute (IPC), which was created in 1971 by Law 7/71 of December 7, with the purpose of: encouraging and regulating film activities in their industrial and commercial forms of film production, distribution, and exhibition; represent Portuguese cinema in international organizations; promote the international relations of Portuguese cinema in the cultural, economic, and financial spheres; and foster film culture (ICA, 2025c).

Thus, the ICA's responsibilities include: granting annual financial support through public competition; establishing protocols with various entities in the areas of film and audiovisual media; ensuring national representation in international institutions and bodies in the fields of film and audiovisual media; registering film and audiovisual companies and works (ICA, 2025c).

The following section discusses the production of Portuguese cinematographic works that have received financial support from the ICA between 2019 and 2024, as well as their distribution and exhibition.

Production of Portuguese Cinematographic Works

In 2019, 66 Portuguese films were produced with financial support from the ICA, of which 37 were feature films (22 fiction and 15 documentaries) and 29 were short films (16 fiction, four documentaries, and nine animated films) (ICA, 2020a, 2020b, 2021a, 2021b, 2022a, 2022b, 2023, 2024a, 2024b, 2025a, 2025b).

The following year, 2020, the first year of the COVID-19 pandemic, the ICA provided financial support for the production of 49 national film projects, specifically 25 feature films (11 fiction, 13 documentaries, and one animated film) and 24 short films (15 fiction, five documentaries, and six animated films) (ICA, 2021a, 2021b, 2022a, 2022b, 2023, 2024a, 2024b, 2025a, 2025b).

In 2021, still in the midst of the pandemic, 52 Portuguese films were produced with financial support from the ICA, specifically 32 feature films (15 fiction and 17 documentaries) and 20 short films (11 fiction, three documentaries, and six animated films) (ICA, 2022a, 2022b, 2023, 2024a, 2024b, 2025a, 2025b).

In 2022, 101 national films were produced with financial support from the ICA, specifically 56 feature films (27 fiction, 26 documentaries, and three animated) and 45 short films (20 fiction, five documentaries, and 20 animated) (ICA, 2023, 2024a, 2024b, 2025a, 2025b).

The following year, in 2023, the ICA provided financial support to 98 Portuguese films, specifically 52 feature films (29 fiction, 21 documentaries, and two animated films) and 46 short films (28 fiction, seven documentaries, and 11 animated films) (ICA, 2024a, 2024b, 2025a, 2025b).

Finally, in 2024, the ICA provided financial support for the production of 96 national films, specifically 48 feature films (27 fiction and 21 documentaries) and 48 short films (27 fiction, two documentaries, and 19 animated films) (ICA, 2025a, 2025b).

Distribution and Exhibition of National Films in Movie Theaters in Portugal

Below are some considerations regarding domestic feature films released and screened in movie theaters in Portugal, as well as the number of viewers and gross box office receipts. In addition, the most-watched feature films in the period under analysis, i.e., between 2019 and 2024, are identified.

Portuguese feature films released and screened

In 2019, 47 Portuguese feature films were released, representing a quarter (25.7%) of European feature films and 12% of the total (ICA, 2020a, 2020b). Also, in 2019, 196 national feature films were screened, corresponding to 28.2% of European feature films (696 feature films) and 16.5% of the total (1,191 feature films) (ICA, 2020a, 2020b).

In 2020, the first year of the COVID-19 pandemic, only 23 Portuguese feature films were released, less than half the number in the previous year, accounting for 18.5% of European feature films (124 feature films) and 9.5% of the total (241) (ICA, 2021a, 2021b). As for national feature films screened, during 2020, there were 133, representing 25.2% of European feature films (528 feature films) and 15.3% of the total (868 feature films) (ICA, 2021a, 2021b). It should be noted that, due to the aforementioned pandemic, Portuguese cinemas, as happened in the rest of the world, were closed for much of 2020 and 2021.

In the following year, 2021, only 16 Portuguese feature films were released, accounting for 16.5% of European feature films (97 feature films) and 6.6% of the total (244 feature films) (ICA, 2022a,

2022b). It should be noted that, in the previous year, due to the COVID-19 pandemic, Portuguese film production was practically at a standstill. As for feature films screened, 183 were shown that year, representing 34.3% of European feature films (534 feature films) and 20.5% of the total (894 feature films) (ICA, 2022a, 2022b).

In 2022, 53 national feature films were released, accounting for 24.5% of European feature films (216 feature films) and 13.8% of the total (385 feature films) (ICA, 2023). In terms of the number of feature films screened, 197 were shown in 2022, accounting for 29.2% of European feature films (674 feature films) and 17.7% of the total (1,112 feature films) (ICA, 2023).

In 2023, 47 Portuguese feature films were released, representing 26.6% of European feature films (177 feature films) and 13.2% of the total (356 feature films) (ICA, 2024a, 2024b). Regarding feature films screened, during 2023, 201 were nationally produced, representing 29.9% of European feature films (672 feature films) and 17% of the total (1,185 feature films) (ICA, 2024a, 2024b).

In 2024, 62 national feature films were released, corresponding to 30.7% of European feature films (202 feature films) and 15.9% of the total (391 feature films) (ICA, 2025a, 2025b). Of the feature films screened in 2024, 267 were nationally produced, accounting for 35.5% of European feature films (753 feature films) and 20.8% of the total (1,286 feature films) (ICA, 2025a, 2025b).

Number of viewers and gross box office

In 2019, 700,761 viewers went to the cinema to watch Portuguese films, representing 37.1% of European cinema (1,889,168 viewers) and 4.5% of the total (15,540,742) (ICA, 2020a, 2020b). In terms of gross box office receipts for Portuguese films, this reached €3,480,418.04, accounting for 36.3% of gross box office receipts for European cinema (€9,596,575.09) and 4.2% of the total (€83,190,630.67) (ICA, 2020a, 2020b).

In 2020, the first year of the COVID-19 pandemic, Portuguese films were seen by 133,079 viewers, corresponding to 20.6% of European cinema (644,676 viewers) and 3.5% of the total (3,802,661 viewers) (ICA, 2021a, 2021b). With regard to the gross box office takings of Portuguese cinema, it achieved €630,105.93, representing 19.1% of the gross box office takings for European cinema (€3,298,921.81) and 3.1% of the total (€20,567,415.09) (ICA, 2021a, 2021b).

The following year, in 2021, attendance at national films reached 164,116 viewers, representing 23.9% of European cinema (687,972 viewers) and 3% of the total (5,480,408 viewers) (ICA, 2022a, 2022b). In terms of gross box office receipts, Portuguese films earned €785,307.39, equivalent to 22.8% of European cinema (€3,449,741.61) and 2.6% of the total (€30,622,161.44) (ICA, 2022).

In 2022, Portuguese films were seen by 532,586 viewers, representing 43.3% of European cinema (1,231,208 viewers) and 5.6% of the total (9,595,884 viewers) (ICA, 2023). In terms of gross box office receipts, Portuguese cinema earned €2,842,494.91, representing 43.6% of European cinema (€6,526,623.18) and 5.1% of the total (€55,359,867.18) (ICA, 2023).

In 2023, 328,762 viewers will watch national films, corresponding to 30.5% of European cinema (1,079,496 viewers) and 2.7% of the total (12,290,368 viewers) (ICA, 2024a, 2024b). Regarding the gross box office takings of Portuguese cinema, this reached €1,546,277.05, corresponding

to 27.9% of European cinema (€5,542,147.47) and 2.1% of the total (€72,859,758.06) (ICA, 2024a, 2024b).

In 2024, Portuguese films were seen by 533,895 viewers, representing 35.1% of European cinema (1,522,682 viewers) and 4.5% of the total (11,838,962 viewers) (ICA, 2025a, 2025b). In terms of gross box office receipts for Portuguese cinema, it earned €3,071,696.32, accounting for 35.7% of European cinema (€8,614,861.40) and 4.2% of the total (€73,240,708.95) (ICA, 2025a, 2025b).

The most watched Portuguese feature films

As mentioned above, the most watched national feature films in Portuguese cinemas during the period under review, i.e., between 2019 and 2024, will be identified.

For 2019 (ICA, 2020a, 2020b), tenth place went to the film *Gabriel* by director Nuno Bernardo, which premiered on March 21, 2019, with 10,642 viewers and gross box office receipts of €58,164.66. Ninth place went to the film *Diamantino* by directors Gabriel Abrantes and Daniel Schmidt, which premiered on April 4, 2019, attracting 12,040 viewers and grossing €59,676.81. The film *Quero-te Tanto* by director Vicente Alves do Ó came in eighth place, with 12,888 viewers and gross box office receipts of €63,661.22, premiering on April 18, 2019. The next position, seventh, went to the film *Solum* by director Diogo Morgado, which premiered on May 1, 2019, attracting 20,054 viewers and grossing €79,090.04. Sixth place went to the film *Ladrões de Tuta e Meia* by director Hugo Diogo, which premiered on March 14, 2019, with 26,015 viewers and gross receipts of €131,246.93. The documentary *Tony*, which premiered on July 25, 2019, took fifth place, directed by Jorge Pelicano, with 40,477 viewers and €217,204.15 in gross box office receipts. Fourth place went to the film *Tiro e Queda*, directed by Ramón de Los Santos, which reached 43,975 viewers and €233,775.45 in gross box office receipts, released on January 17, 2019. The film *A Herdade* by director Tiago Guedes, which premiered on September 19, 2019, took third place, with 74,284 viewers and €384,555.53 in gross box office receipts. Second place went to the film *SNU* by director Patrícia Sequeira, which premiered on March 7, 2019, with 83,019 viewers and €437,733.10 in gross box office receipts. The most-watched film in 2019 was *Variações* by director João Maia, which premiered on August 22, 2019, attracting 278,826 viewers and grossing €1,490,564.54.

In 2020 (ICA, 2021a, 2021b), tenth place went to the film *Patrick* by director Gonçalo Waddington, which premiered on July 23, 2020, with 1,486 viewers and gross box office receipts of €7,369.32. The ninth position was occupied by the film *Surdina* by director Rodrigo Areias, which premiered on July 9, 2020, with 1,679 viewers and gross receipts of €5,717.13. The film *Amor Fati* by director Cláudia Varejão came in eighth place, with 2,416 viewers and gross receipts of €12,408.11, premiering on November 12, 2020. Seventh place went to the film *Sol Posto* by director Ricardo Oliveira, which premiered on November 20, 2020, with 2,502 viewers and gross receipts of €16,631.68. Sixth place went to the documentary *Zé Pedro Rock'n'Roll* by director Diogo Varela Silva, which premiered on July 30, 2020, with 3,696 viewers and gross receipts of €20,103.71. The film *Mosquito*, which premiered on March 5, 2020, took fifth place, directed by João Nuno Pinto, with 3,746 viewers and €17,534.53 in gross box office receipts. Fourth place went to the film *Ordem Moral*, directed by Mário Barroso, with 11,186 viewers and €58,833.28 in gross box office receipts, released on September 10, 2020. The film *O Ano da Morte de Ricardo Reis* by director João Botelho, which premiered on October 1, 2020, reached

third place, with 12,051 viewers and €65,090.47 in gross revenue. Second place went to the feature film *O Filme do Bruno Aleixo* by directors Pedro Santo and João Moreira, which premiered on January 23, 2020, with 24,190 viewers and €129,989.47 in gross box office receipts. *Listen*, by director Ana Rita Rocha de Sousa, was the most-watched feature film in 2020. It premiered on October 22, 2020, attracting 42,133 viewers and grossing €232,351.73.

As for 2021 (ICA, 2022a, 2022b), tenth place went to the film *Diários de Otsoga* by directors Miguel Gomes and Maureen Fazendeiro, which premiered on August 19, 2021, with 1,507 viewers and gross earnings of €7,639.31. The ninth position went to the film *Listen* by director Ana Rita Rocha de Sousa, which premiered on October 22, 2020, and was the most-watched Portuguese feature film in 2020, reaching 1,722 viewers and grossing €4,473.96. The film *O Movimento das Coisas* by director Manuel Serra took eighth place, with 1,834 viewers and gross box office receipts of €8,220.35. It premiered on June 17, 2021. Seventh place went to the film *Terra Nova* by director Artur Ribeiro, which premiered on October 28, 2021, with 2,757 viewers and gross receipts of €15,035.93. Sixth place went to the film *Prazer, Camaradas!* by director José Filipe Costa, which premiered on May 20, 2021, reaching 3,266 viewers and grossing €9,733.16. The film *Paraíso*, which premiered on September 16, 2021, took fifth place, directed by Sérgio Tréfaut, with 3,382 viewers and €16,764.20 in gross box office receipts. Fourth place went to the film *Sombra*, directed by Bruno Gascon, which reached 11,600 viewers and grossed €59,199.40, premiering on October 14, 2021. The film *A Metamorfose dos Pássaros* by director Catarina Vasconcelos, which premiered on October 7, 2021, took third place, with 13,517 viewers and €69,156.81 in gross revenue. Second place went to the film *Irregular*, directed by Diogo Morgado, which premiered on November 18, 2021, with 15,016 viewers and gross receipts of €79,072.07. The most-watched film in 2021 was *Bem Bom* by director Patrícia Sequeira, which premiered on July 8, 2021, reaching 88,803 viewers and grossing €483,027.31.

In 2022 (ICA, 2023), tenth place went to the documentary film *Cesária Évora* by director Ana Sofia Fonseca, which premiered on October 27, 2022, attracting 7,329 viewers and grossing €40,880.91. Ninth place went to the film *The Man Who Killed Don Quixote* by director Terry Gilliam, a European co-production between Portugal, France, Spain, Belgium, and Great Britain, which premiered on February 17, 2022, with an attendance of 7,513 viewers and gross receipts of €40,049.01. The film *Alma Viva* by director Cristèle Alves Meira ranked eighth, a European co-production between Portugal, France, and Belgium, with an attendance of 7,685 viewers and a gross revenue of €32,562.07, which premiered on November 3, 2022. The next position, seventh, was occupied by the film *O Natal do Bruno Aleixo* by directors Pedro Santo and João Moreira, which premiered on December 22, 2022, achieving an attendance of 8,103 viewers and gross box office receipts of €44,895.58. Sixth place went to the film *O Pai Tirano* by director João Gomes, which premiered on July 21, 2022, reaching an attendance of 9,361 viewers and gross receipts of €49,893.44. The film *Restos do Vento*, which premiered on September 22, 2022, took fifth place, directed by Tiago Guedes, with an attendance of 11,759 viewers and gross receipts of €61,073.37. Fourth place went to the film *A Fada do Lar* by director João Maia, which reached an attendance of 14,843 viewers and grossed €75,805.37. It premiered on October 6, 2022. The film *Salgueiro Maia - O Implicado* by director Sérgio Graciano, which premiered on April 14, 2022, took third place, achieving an attendance of 16,874 viewers and gross receipts of €87,974.42. Second place went to the film *2 Duros de Roer* by director Victor Santos, which premiered on July 14, 2022, with 49,858 viewers and gross receipts of €277,064.33. Finally, the most-watched film in 2022 was *Curral de Moinas - Os Banqueiros do*

Povo by director Miguel Cadilhe, which premiered on August 11, 2022, reaching 315,968 viewers and grossing €1,783,334.59.

As for 2023 (ICA, 2024a, 2024b), tenth place went to the film *A Minha Casinha* by director António Sequeira, a co-production between Portugal and Great Britain, which premiered on December 14, 2023, attracting 4,848 viewers and grossing €28,361.79. Ninth place went to the film *A Sibila* by director Eduardo Brito, which premiered on October 12, 2023, attracting 6,680 viewers and grossing €26,833.70. The film *Great Yarmouth - Provisional Figures* by director Marco Martins, a co-production between Portugal, France, and Great Britain, ranked eighth, with an attendance of 6,857 viewers and a gross revenue of €36,362.45. It premiered on March 16, 2023. Seventh place went to the film *Não Sou Nada - The Nothingness Club* by director Edgar Pêra, which premiered on October 26, 2023, achieving an attendance of 7,254 viewers and gross receipts of €30,330.87. Sixth place went to the film *O Último Animal* by director Leonel Vieira, a co-production between Portugal and Brazil, which premiered on November 30, 2023, reaching an attendance of 7,859 viewers and gross receipts of €47,641.56. The film *Viver Mal*, a co-production between Portugal and France, which premiered on May 11, 2023, took fifth place, directed by João Canijo, with an attendance of 12,945 viewers and gross receipts of €59,786.50. Fourth place went to the film *Amadeo* by director Vicente Alves do Ó, which reached an attendance of 13,491 viewers and grossed €62,335.09. It premiered on January 26, 2023. The film *Mal Viver* by director João Canijo, a co-production between Portugal and France, which premiered on May 11, 2023, took third place, with an attendance of 17,441 viewers and gross receipts of €81,894.24. Second place went to the film *Um Filme do Caraças* by director Hugo Diogo, which premiered on August 17, 2023, with 24,572 viewers and €141,137.97 in gross revenue. The most-watched feature film in 2023 was *Pôr do Sol: O Mistério do Colar de São Cajó* by director Manuel Pureza, which premiered on August 3, 2023, reaching 118,671 viewers and grossing €693,291.63.

Around 2024 (ICA, 2025a, 2025b), tenth place went to the film *Cândido - O Espião que Veio do Futebol* by director Jorge Paixão da Costa, which premiered on May 9, 2024, attracting an audience of 4,475 viewers and grossing €15,771.57. Ninth place went to the film *Os Papéis do Inglês* by director Sérgio Graciano, which premiered on October 24, 2024, with an attendance of 4,643 viewers and gross receipts of €27,655.14. The film *A Flor do Buriti* by directors João Salaviza and Renée Nader Messora, a co-production between Portugal and Brazil, took eighth place, with an attendance of 6,368 viewers and a gross box office of €30,845.40. It premiered on March 21, 2024. The next position, seventh, went to the film *O Pior Homem de Londres* by director Rodrigo Areias, which premiered on February 8, 2024, reaching an attendance of 7,672 viewers and gross receipts of €37,928.85. Sixth place went to the film *Gran Tour* by director Miguel Gomes, which premiered on September 19, 2024, achieving an attendance of 11,877 viewers and a gross box office of €65,011.60. The film *A Semente do Mal*, which premiered on January 18, 2024, took fifth place, directed by Gabriel Abrantes, with an attendance of 16,998 viewers and gross receipts of €102,888.57. Fourth place went to the film *Revolução (Sem) Sangue* by director Rui Pedro Sousa, which attracted 20,991 viewers and grossed €113,599.67. It was released on April 11, 2024. The film *Vive e Deixa Viver* by director Miguel Cadilhe, which premiered on October 31, 2024, took third place, with an attendance of 30,705 viewers and gross receipts of €193,475.83. Second place went to the film *Podia Ter Esperado por Agosto (I Could Have Waited for August)* by director César Mourão, which premiered on July 18, 2024, with 102,968 viewers and €632,768.97 in gross revenue. The film *Balas & Bolinhos: Só Mais uma*

Coisa by director Luís Ismael, which premiered on August 15, 2024, was the most watched film in 2024, reaching 248,754 viewers and grossing €1,569,235.18.

Conclusion

Between 2019 and 2024, the ICA provided financial support for the production of 462 Portuguese films, distributed among 250 feature films (131 fiction, 113 documentaries, and six animated films) and 212 short films (117 fiction, 26 documentaries, and 71 animated films). It is important to note that 248 fiction films, 139 documentaries, and 77 animated films received support. Although 2020 and 2021 were very difficult years, particularly due to the COVID-19 pandemic, recent years have been very positive in terms of Portuguese film production.

In terms of feature films released, the highest number was in 2024, with 62 releases, and, on the other hand, the lowest number was in 2021, with only 16 releases. Consequently, the highest market share for feature films released was in 2024, with 15.9%, and, conversely, the lowest share was in 2021, with 6.6%.

As for the number of viewers who attended national films in Portuguese cinemas, it was found that the highest number was reached in 2019, with 700,761 viewers, and, in contrast, the lowest number was obtained in 2020, with 133,079 viewers. However, in relation to the market share of viewers, it was found that the highest share was in 2022, with 5.6%, and the lowest in 2023, with 2.7%. It should be noted that the most watched film was *Variações*, by director João Maia, reaching 278,826 viewers in 2019.

Regarding the gross box office takings of Portuguese cinema, it was found that the highest value was achieved in 2019, with a value of €3,480,418.04, and the lowest was obtained in 2020, with a value of €630,105.93. However, in relative terms, the highest market share was in 2022, with 5.1%, and, conversely, the lowest share was in 2023, with 2.1%.

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Multiparentality in Cuban family law: a possible option

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Neither crisis nor destruction: filiation binary can be compatible with other options

With two very eloquent terms, "multiply love," the judge of San Ramón de la Nueva Orán, in the province of Salta, Argentina, summarizes what the recognition of multi-parenting means for the child in the case she judged. In her ruling of August 10, 2021, Ana María Carriquiry resolves the claim contained in the lawsuit filed by P.'s biological father, challenging filiation, filed under No. 16725/20. In her ruling, one of the first on this issue in Argentine case law, the presiding judge makes it clear that *"the breakdown of filial binary thinking forces us to rethink filial bonds from the perspective of autonomy of will (in the case of ART) and socio-affectivity, rather than public order,"* so that the sources of filiation today cannot be traced exclusively to biology and the legal act of adoption. A pluralism of sources of filiation is used, where the will of individuals, externalized in order to construct paternity and maternity (typical of the application of assisted human reproduction techniques), is established together with affection and the possession of the status of child or father or mother (Gonçalves Coelho et al., 2018)(cases of socio-affectivity), in sources that also lead to the success of filiation placements, without it being necessary in some cases to proceed with the displacement of already established filial ties. Filiation breaks the myth of binary thinking with regard to a person's life project, the free development of personality, and the right to form a family, whatever form of organization it may take, provided that it involves emotional coexistence, love, responsibility, and the transmission of values that build and construct the personality of children and adolescents. "Multiplying love" is the reason that motivates the presiding judge to break down the wall represented by Article 558 of the Civil and Commercial Code of Argentina, which sets as a limit—apparently impossible to overcome—filial binaryism, declared inapplicable in the ruling, reinterpreting said precept in accordance with international human rights conventions and the values and principles of the Constitution, in accordance with the provisions of Articles 1 and 2 of the Civil and Commercial Code.

"Circumventing the binary principle in filial determination—whatever its source—is increasingly a debate that has a greater presence in today's society" (Herrera, 2021). Undoubtedly, filiation law—traditionally rooted in biological ties—must overcome the rigid molds in which society has encapsulated it, so that "the biological paradigm of filiation must be deconstructed in order to reconstruct it into a filiation system where the affective component has a place" (Aguirre Mesa, 2021). DNA has been the cornerstone for determining filiation. The development of medical and genetic sciences, together with technological advances, has led to greater reliability in determining biological paternity. The data obtained then became the best trump card for the success of filiation challenges, in some cases displacing filiations built on the basis of a solid socio-affective bond but incompatible with biological parenthood, triumphant by the force of DNA, which like a whirlwind displaces any bias of socio-affective parenthood (Vieira & Andriguetto, 2022).. Filiation law has thus erected a pedestal on which the number "2" is worshipped. Single-parent families have been considered incomplete families because they lack

one of the members "necessary" for the "normal" development of childhood and adolescence. Original single parenthood, or that based on a person's free decision to have a child, an expression of the right to form a family, however it may be constructed, provided that it respects human dignity and values, is still not viewed favorably by reason, prudence, common sense, and social morality. Not to mention the possibility of juxtaposing a new form of parenthood with existing ones. If single parenthood has been stigmatized, the emerging form of multiple parenthood, now recognized by the social sciences, and not only the legal sciences, as an expression of family plurality, is sacrilegious to many (Fuentes, 2017).

However, society evolves, and the family law that is emerging today must reflect socio-family dynamics. In the wake of new times, it is necessary to project the status of new family constellations into legal norms, as if a democratic state that respects the freedoms of individuals and always has as its compass respect for the principle of the best interests of children and adolescents (Chaves, 2015). In her study of multi-parent families, Professor Eleonora Lamm argues that this area of the legal system must evolve in step with society, following in its footsteps; hence, "it is therefore necessary to question the need to also legally recognize these families, which, like others, enjoy or should enjoy legal protection." Certainly, as Vítola also states in Argentine doctrine, "legal practitioners, stripped of all prejudice and abstract solutions taken from laboratory cases, must seek the solution that best satisfies the interests at stake and respects fundamental human rights; that is, the solution that is best for the people involved." Multiparentality, promoted by Brazilian doctrine and jurisprudence, has brought about a significant change in the mental structure of society by admitting the coexistence, without preference, of biological and affective paternity and maternity. It is not a question of giving precedence to blood over affection or vice versa. Multiparentality allows for locations that converge on the same person, whether biological or affective, or vice versa. It is a matter of bringing to the legal sphere what happens in the pulse of life in society. "Multiparentality gives effect to the principle of human dignity and affection, recognizing in the legal sphere the filiation—love, affection, and care—that already exists in the factual sphere" (Silveira, 2022). The existence of foster parents, of people who build parenthood through their conduct, emotional behavior, family commitment, responsibility, and social recognition, or in its original form of parenting agreements motivated by a convergent and multiple desire to procreate through the use of assisted human reproduction techniques and promoted by same-sex couples who enter into agreements with third parties of a different gender, of a different gender, the contribution of genetic material, without any of them assuming anonymity and, on the contrary, assuming the commitment of parenthood, has led to a crisis of filial binaryism in the legal order, so that multiparentality is emerging in a disruptive way, putting an end to the cult of necessarily biparental filiation. Thus, multiparentality, which has emerged from a socio-affective filiation, "will promote non-biological conceptions of parenthood and family, creating a more , broad, and diverse space by dismantling narrow genetic and biological conceptions" (Lamm, 2016). Bladilo mentions, "The questioning of the binary maxim regarding the *numerus clausus* of filial ties that a person can have is part of an amplifying and pluralistic context," which in the Cuban case is concomitant with Article 81 of the Constitution in recognizing the principle of family plurality, which obliges the infra-constitutional legislator to recognize in the implementing regulation the legal status of different family models, including that of the multi-parental family.

Multi-parenting in the Family Code: an exception to the rule

The Family Code is the first body of law in Latin America to explicitly recognize multiparentality, giving it the green light in its articles (Judgment of the National Civil Court, 2022). In accordance with Article 81 of the Constitution of the Republic and Articles 40, which recognizes dignity as the supreme value that underpins the exercise of constitutional, conventional, and legal rights, and 47, which protects the free development of personality, the possibility—albeit exceptional—of recognizing new filiation placements is admitted, even when such placements are made with respect to a person, whether or not a minor, who already has determined biparentality.

The proposed legislation, however, is prudent. Article 56 and the second paragraph of Article 55 make clear the exceptional nature of the rule contained in the first paragraph of the latter article. The rule will continue to be filial binary. Cases of multiple parenthood are exceptions, yes, but they are explicitly accepted by the newly approved regulation. This is logical; a sense of proportion must not be lost. The same applies to single parenthood. Statistics show that most people in Cuba have a dual filiation, maternal and paternal. It is not that the intention is to tip the balance so abruptly that duality ceases to be the rule, but rather that, alongside this rule, there is room for other family models that have displaced it, even if they are in the minority.

Nor is this a whim of the legislator; the exceptional nature of its recognition is due to the fact that this is how it is perceived from a social perspective. Most people do not have socio-affective parents in addition to their biological parents, but for those who do and who are interested in their recognition and have the means of proof to that end, the law provides coverage and extends its protective cloak to such families. However, the exceptional nature of the rule is also a signal from the legislator to judges, who are ultimately responsible for hearing the lawsuits filed, to be zealous guardians of the principle of legality and to ensure that the recognition of filial socio-affective relationships is not the ideal way to achieve ends that distort the true purpose of legal norms.

Unlike Brazil, where it is possible to provide legal coverage for the recognition of socio-affective filiation through registration when the person recognized is over 12 years of age (Vieira & Andriguetto, 2022), the Cuban legislative proposal only provides coverage regardless of the age of the person on whom the new filiation claim is to be successful. The opening up to multi-parenting from the judicial sphere has been considered appropriate and prudent for several reasons: among them, the collegial nature of the courts, their professional expertise, the need to assess evidence, the intervention of the public prosecutor in all cases, and the participation of multidisciplinary teams made up of psychologists, sociologists, social workers, who can contribute to a multidisciplinary view of the matter in each case and promote the application of the principle of the best interests of the child or adolescent, in cases where the recognized child is within that age range, in accordance with Article 86 of the Constitution and Articles 3.1, paragraph i), and 7 of the Family Code (Matzenbacher, 2018).

Determining the order of surnames in cases of multiple parenthood: the best interests of the child as a guiding principle

Although the recently approved rule breaks with the traditional androcentric principle of including the paternal surname first and then the maternal surname, the emergence of multiparentality may add to the problems. What will be the order of surnames in cases of triple

filiation? Considering that the new filiation arrangement will, in principle, involve adding a surname to those already existing or, in the case of a parenting agreement that exceeds the traditional limit of two, would also impose a plurality of surnames, the legislator offers a flexible rule in the third paragraph of Article 56 in the case of a minor, as in these cases the issue is much more sensitive.

Although the cases are not detailed, it is possible that the new placement is biological and socio-affective, and not vice versa, as will be explained below, in the case of supervening multiparentality. It is therefore up to the court to determine whether or not it is appropriate to add the new surname and to determine its order. In any case, the guiding principle will be the best interests of the child, that is, what, according to a clearly objective criterion, is most beneficial for that particular minor, in accordance with the circumstances of the case, and provided that the addition of the new surname does not affect the person's identity (L. F. F. vs. S. C. O., 2020). It should be clarified that we are talking about harm or impact, not change, because there will always be a change when a surname is added as a result of a new filiation, even in the case of a person from a single-parent family. However, the success of the filiation placement should not necessarily imply an addition to the surnames of the recognized person, especially in the case of a minor. Similarly, in order to determine the order of surnames, as well as their addition, it will be necessary, whenever conditions allow, to listen to the child or adolescent, as their opinion is very important when it comes to filiation with the legal and psychological consequences that this entails; listening to them is important for the development of their intellectual faculties, in accordance with their progressive autonomy. It is important to note that success in establishing filiation does not necessarily have to affect the *name* of the person recognized. The fact that the surname of the person recognizing filiation does not appear, because the court has so decided as being in the best interests of a particular case, does not deprive the filiation of its legal effects nor does it prevent the person from inheriting from that person. With regard to the order of surnames, it is essential in all cases to hear the minor, although this does not compel the court to make a decision that necessarily conforms to what the minor has said. The guiding principle in this regard continues to be and will continue to be the principle of the best interests of the child, even though the opinion of the alleged recognized child may carry some weight.

The option would be different in a case of primary multi-parenting. In this case, it is difficult to take into account the best interests of the minor when determining the order of surnames, with the agreement or parenting plan of the recognizers carrying great weight, without biological data being a reason for preference, much less gender. It should be noted that in this aspect of multiple parenthood there is no judicial presence, as the registration is carried out before the registrar of civil status as a r in the classic cases of biparentality. However, an agreement between the parents involved in this family arrangement is required, because the rule contained in the third paragraph of Article 51 of the Code would not apply here, given that the current registration legislation does not provide for multiparentality, so that the rule recognized in Article 45 of the Civil Registry Law is inapplicable because it exceeds the permitted limit of two parental links. If there is no agreement, I do not think it is appropriate to go to court, as the judges would be powerless to act, given that there is no scientific criterion to justify the order of surnames for a person who has just been born and has not yet forged a dynamic identity; nor would the principle of the best interests of the child be a magic wand to justify a truly fair solution. For this reason, I see no other option than to resort to chance to determine the order of surnames in the event that there is no agreement between the parents involved in the parenting plan. Neither the

alphabetical order of surnames nor the gender of those involved, nor their biological data, are sufficient grounds for giving priority to one over the others. Only chance would appease once and for all the egos that the struggle for surname precedence would entail.

This is undoubtedly a novelty, since in Cuban law, traditionally, all filiation has been an expression of the identity of the recognized person, specifically through their surnames. But multiparentality, as Vittola says, is a "concept that disruptively shakes the foundations of the traditional way of thinking and practicing law." Nothing prevents the courts, after the approval of the new Family Code, from determining in each case what is best for the child or adolescent, whether to also bear the surname of the father or the mother with whom they have a socio-affective relationship, or to limit themselves to filiation recognition, which consolidates an already existing filiation status that is not questioned by either the family or the community, without the addition of the surname being essential in this new advance in filiation law.

The forms of multiparentality accepted by the Code

The Family Code has been prolific in regulating multiparentality, thus embracing its two manifestations: the original or primal form (Art. 57), which arises from the procreative will expressed in a parenting agreement or plan in which the donor of genetic material or the surrogate mother is not anonymous. This does not involve an anonymous male donor who provides his genetic material so that a woman can be inseminated, whether she is single, in a heterosexual or same-sex relationship, nor does it involve a surrogate mother who, out of solidarity or altruism, provides her womb so that a male couple can have children (Art. 130 of the Code). Here, the third party wants to be part of the parenting plan, wants to assume and build—together with the couple—motherhood or fatherhood, even though there does not necessarily have to be any erotic bond between them. As GALPERÍN states, "to argue that the recognition of multi-parenting has the effect of encouraging polygamous relationships is baseless and completely ignorant of the nature of multi-parenting [...]. Such structures, which are diverse in nature, are generally not even composed of individuals involved in a romantic relationship" (Galperín, 2018). This is a case in which the child is recognized from birth by more than two people, with no limit established by law. It will be the parents who assume such paternity or maternity in the present and with a view to the future and, of course, permanently.

On the other hand, supervening causes are also provided for (Art. 58), which, unlike the original causes, may be motivated by new filiation relationships, both socio-affective and biological, provided that the person from whom the new filiation relationship derives already has determined biparentality, because if it is a person in relation to whom only maternal or paternal filiation has been determined, the advent of this new filiation would lead to the establishment of supervening biparentality, based on a case of single parenthood. Hence, the recognition of socio-affectivity in court can lead to cases of multiparentality.

In summary, it can be argued that family law clearly distinguishes between primary or original multiparentality (Art. 57) and supervening multiparentality (Art. 58). In the former, the source is the procreative will of the persons involved in the parenting project, through assisted human reproduction, whether medically assisted or not. In the latter, the source will generally be socio-affectivity, but it can also occur through natural procreation, when the biological placement is subsequent, as there is one based on a recognition of complacency that has become socio-affective filiation, as the filiation bonds are consolidated through treatment, affection, complicity,

and the full compliance with the duties and rights derived from parental responsibility. While primary multi-parenting is recognized in extrajudicial proceedings, based solely on the desire to procreate and the parenting plan, with the consequent registration that will constitute proof of civil status, subsequent multiparentality is a legal consequence of the judicial recognition of a new socio-affective filiation, whether maternal or paternal, or of a new biological filiation that is added to the two already determined, which remain in force without causing any displacement.

Primordial multiparentality

Let us now analyze the cases that lead to primary multiparentality, based on the desire to procreate.

In cases of assisted filiation

The Code regulates the impact that the application of assisted human reproduction techniques has on filiation, insofar as the will of the commissioning parents becomes a new source of filiation, since, on this basis, individuals who have not contributed genetic material but who have expressed the desire to have a child and assume paternity or maternity are recognized as parents (Art. 50.1, paragraph c). Even with the divorce between the genetic and the intentional, the latter prevails, that is, the intentional will of the persons, which causes the commissioning parents to establish a filiation bond with the child. When it comes to assisted human reproduction techniques, the law considers the will to be more important than DNA, provided that we are talking about cases in which the genetic material is provided by a third party (i.e., heterologous artificial insemination or *in vitro* fertilization, also heterologous).

When, then, would these parenting agreements that generate multiparental filiation come into effect?

Without excluding many others, it is worth mentioning the cases in which:

- a) Assisted parentage is practiced by two women who turn to a third party (a man), the donor of their gametes, who wants to assume paternity along with the dual maternity that they would assume. Anonymity is discarded.
- b) A heterosexual couple, faced with the man's inability to fertilize, turns to a third party (), who also provides gametes but wishes to be involved in the parentage, with all parties assuming the roles of father and mother, respectively, without anonymity for the third party.
- c) A heterosexual couple, faced with the woman's inability to procreate, turns to a third person (a woman) to provide only the egg that will allow the first woman to carry the pregnancy to term, without the donor remaining anonymous, but rather, by parental agreement, also assuming motherhood.
- d) A heterosexual couple, faced with the woman's inability to conceive, agrees with a third person to take on the pregnancy, but this third person also wants to be involved in parenting, assuming the role of mother, also rejecting anonymity. It may be the case that what was initially conceived as a possible surrogate pregnancy may become a multi-parenting plan.

- e) A same-sex couple (consisting of two men) approaches a woman to carry a child, whose genetic material would be provided by another woman, a classic case of surrogacy—as conceived by the Family Code (Art. 123, subsection f)—but the surrogate mother wants to be involved in the family project conceived by her friends, assuming motherhood and providing the egg, a scenario in which the intended surrogacy would be set aside in favor of a multi-parent family relationship. Likewise, there would be no anonymity.

In all cases involving a third party who has a registered domestic partnership or a formalized marriage, such a parenting agreement is in principle alien to the spouse or domestic partner who does not want to be involved in multi-parenting with respect to the child to be conceived, and therefore must give written consent, unless they wish to do so, and in such circumstances, nothing prevents the establishment of a parenting plan involving more than three people. The Family Code does not limit this possibility, either for the original reasons or in cases where socio-affectivity is recognized. However, as GALPERÍN points out, multiparentality has been criticized by those who are overwhelmed by difference, based on traditional models that are elevated to the status of invariable preconceptions that have been elaborated and designed. This criticism has focused on the burden or expense it places on the administration of justice, the damage its recognition causes to the family institution, and the harm it may cause to children and adolescents. In line with the first argument, it is argued that the recognition of a third parent leads to greater administrative stress, described—according to the author—as the greatest burden that the judicial system will face when resolving conflicts related to custody, communication, and financial support; the latter has not been scientifically proven and would not justify its non-recognition. Everything depends—as in cases of biparentality—on how the roles and division of responsibilities are organized. In the same way that a conflict between two people is resolved, it should be done when there are more than two people with parental responsibility, without this implying any harm to the child or adolescent. Life has shown that, in many cases, children who are sheltered by a father and mother suffer more from family crises and couple conflicts, expressed in their relationships with their child, than those who have two emotional references who are divorced and have reconstituted their family, so that they share harmoniously not only with their biological parents, but also with their step-parents in cases of shared custody and care.

The second reason given has no basis other than the fear that the classic family model will lose its hegemony. It is not a question of the nuclear family being exclusive and exclusionary, but rather of conceiving of families as pluralistic, allowing for the inclusion of different models, provided that there is a harmonious family relationship between the dissimilar members of the families. Multi-parenting will never be hegemonic, but only compatible with other ways of exercising the right to form a family, as provided for in Article 81 of the Constitution.

The third reason (Medina, 2020) is also unacceptable. The best interests of the child are a significant criterion in the interpretation and application of the law. It is also a procedural rule and a general principle of law that informs the entire legal system. It is not possible to generalize and offer prescriptions on which family model is better or worse. Multi-parenting is an alternative; as long as it works and the rights of all involved are guaranteed, and in turn affection, good emotions, values, and love are multiplied, it does not necessarily undermine the best interests of minors. This is without overlooking the fact that multi-parenting situations do not necessarily have to be recognized with regard to children and adolescents. There are no idyllic or perfect family models. Each person designs their own according to their personal and family life project.

Children need affection and attention; they need time for their development and space for their fulfillment. Multiparentality is not a family paradigm, nor is any other; they are life choices that must always take into account the rights of children and adolescents (Galperín, 2018).

In any other case that provides for a multiparentality agreement

Article 57, in its subsection b), provides—with some residual value—for any other case in which a multiparentality agreement is established. It would be contradictory to admit multiparentality—if assisted human reproduction or, *strictly speaking*, medically assisted reproduction is practiced—and not admit multiparentality when, in addition to the couple, a third person wants to contribute either genetic material or the womb, without conception taking place through assisted human reproduction, or if this is applied, it is practiced at home, without the formal requirements that medical intervention entails, especially in terms of the informed consent of the persons concerned. It would violate the principle of equality, since vetoing the possibility of a multiparentality agreement beyond the boundaries of medically assisted human reproduction, or in other words, making it conditional on its application, would be to encapsulate reality, giving legally different treatment to analogous situations. What, then, should be done when a multiparentality agreement already exists, with or without the use of medically assisted human reproduction in the broad sense? The possibility of legal protection through registration is ideal from a human rights perspective and in line with common sense. As this is a multi-parenting project, it is possible that the registration legislation may require some form of proof to avoid multiple recognitions of convenience, so that, as a preventive measure, it would be advisable for the multi-parenting agreement or plan to be in writing, and if it were a notarized public document, then the evidentiary guarantees would be multiplied. There is nothing to prevent the participation of one of the persons involved who has not contributed any genetic material—a case in which proof is more difficult—but who has expressed the desire to be the partner of the person who contributed the genetic material or even the womb. In such circumstances, the document ly established multiparentality agreement would be evidence for claiming filiation in court, if there is no consensus among all the parties to the agreement.

Supervening multiparentality

This second type of multiparentality, which is based on Article 58 of the new family law, is essentially based on the legal recognition of socio-affectivity, a category that cuts across the various institutions regulated by that law.

In cases of socio-affective filiation

Filiation is not only determined by procreation, the power of DNA, but also by the construction of a socio-affective bond between fathers, mothers, and children, that is, paternity or maternity built on affection, with not only a family but also a social connotation. The Family Code allows for the coexistence of biological and socio-affective paternity and maternity, without—as provided for in Article 58, paragraph a—the recognition of socio-affective paternity or maternity superseding biological or adoptive paternity or maternity. Both can converge if this is in the best interests of the child or adolescent.

The recognition of the socio-affective bond will only proceed judicially, as has been explained. Socio-affectivity is based on a possession of status, in which, rather than the *nomen*, which is what is of interest, among other aspects, when promoting socio-affective filiation recognition, it

is necessary to prove the *tractatus*, that is, treatment as a child and as a parent, respectively, which implies special dedication, training, transmission of values, culture, confirmation of a seal of identity, which builds the dynamic identity of the son or daughter on the basis of that filial bond that is built and consolidated over time. "*Socio-affective filiation is constituted on the basis of will, behavior, and affection based on a stable and sustained relationship over time*" (Judgment No. 640 of June 28, 2024, handed down by the Family Section of the Municipal Court of Marianao, Havana) and is "*based on feelings of affection and love, regardless of legal imposition or blood ties. In its natural essence, the parent-child relationship transcends legal impositions and is based on an emotional relationship that involves loving behavior and is carried out with the satisfaction and personal contentment of the person who enjoys it as an integral part of the family*" (Judgment No. 173 of December 29, 2023, handed down by the Family Section of the Municipal Court of Florida, Camagüey).

As VARSÍ ROSPIGLIOSI and CHAVES argue, "socio-affectivity reveals the social constancy of the relationship between parents and children, characterizing parenthood not by the simple biological fact or by the force of legal presumption, but as a consequence of the spiritual bonds generated in coexistence, on each and every one of those days of mutual coexistence. Psychological kinship prevails over biological truth and also over legal reality [...].

"It is the daily relationship between people that becomes stronger than even the blood and genes they may share. It is the real truth understood as the fact of enjoying the possession of status, this being the ultimate proof of a filial status" (Rospigliosi & Chaves, 2010).

The recognition of socio-affectivity provides legal coverage for situations that throughout history have accompanied the life stories of many people, and which have ended with the displacement of filiation built on socio-affectivity and the triumph of biological filiation, without much regard for the emotional bond between the biological father and the child he seeks to recognize (Pereda, 2022). An example of this can be seen in recognitions of complacency or in cases of contradictory filiations, in which the registered father, believing that he was the biological father, has maintained a bond of paternity with his child based on the highest and noblest values that should characterize parental relationships. and after a simple DNA test proves that he is not the biological father, that there is a divorce between the registered truth and the biological truth, he has ended up displaced after the successful summons of the biological father, regardless of the dynamic identity of that child, who sees a succession of fathers, as if it were a novation in terms of obligations. And all because of the insistence on sacred filial binaryism, according to which there is no possibility of a third filiation, preventing the coexistence of both parenthoods in the same person. As Aguirre Mesa argues, "accepting the denaturalization of binary biological filiation, based on the introjection of the socio-affective principle, would be the way to ensure that, in the concurrence of fundamental rights, with the right to know one's genetic origin or the so-called right to identity, it is perfectly feasible to investigate a person's biological paternity without destroying their socio-affective filiation bond with the filiation rights that this constitutes. It is necessary to advance in the differentiation between the right to know a person's biological origin and their filiation rights, whether genetic or not. A DNA test cannot continue to have the power to destroy, disregard, and violate the socio-affective bond consolidated in complicity with the legal system" (Aguirre Mesa, 2021).

However, the assumptions or requirements set forth in the Family Code for the successful judicial recognition of socio-affectivity, regulated in Article 59, are:

a) The necessary hearing of the child or adolescent on whom the filiation recognition falls, if they are a person in that age group.

When listening to children or adolescents, it is necessary to take into account their progressive autonomy, and it is therefore essential to assess their psychological maturity and the development of their intellectual faculties in order to avoid the difficult decision-making process that choosing between their socio-affective parent and their biological parent may entail (Pfister, 2021), just as an example, unless the decision has already been made, which will only be known during the listening process, with the judicial guarantees established in this regard. Whenever possible, judges must take into account the opinion of the child or adolescent, as well as their life history, in order to determine whether or not the status of the child is consolidated (L. F. F. vs. S. C. O., 2020).

b) The notorious and stable nature of the possession of status.

The family law refers here to what legal doctrine calls *fame*, that is, public, evident behavior in front of third parties, whether family members, friends, or members of the community in which life unfolds, which makes the parental relationships built on effort, dedication, time, love, and emotional complicity between one and the other unquestionable.

However, it should be noted that the Code does not establish a minimum period for the establishment and maturity of the parental-affective relationship for the filiation claim to be successful; on the contrary, it relies on the common sense and prudence of the judges, who must assess in each case whether or not to accept the *petitum* contained in the filiation claim. Perhaps this laxity on the part of the legislator will not work, but this remains to be seen with the entry into force of the Code. The accumulated experience regarding the time required for judicial recognition of an informal marital union has not been the best, which is why this Code establishes a minimum period of two years of cohabitation and affectiv ship (see Article 306.1) before it can be formalized by a notarized affidavit or recognized by the courts. The situation in this regard is even more delicate when it comes to children and adolescents. The legislator continues to rely on the sound judgment of legal practitioners based on the principle of the best interests of the child, the key rules for assessing which are set out in Article 7, including in paragraph 2(b) the "*identity*" of the child or adolescent and their "*specific condition as a developing person*," for which it is essential to determine not only biological parenthood, not only biological, but also socio-affective, as well as "*the preservation of family relationships*" referred to in the following paragraph, i.e., c), among which it highlights "*those who are emotionally close*," a prerequisite that is unavoidable in the event of a request for the removal of a child from the socio-affective father or mother, as opposed to the plaintiff, whether the biological father or mother. Another factor to be taken into account in order to protect the best interests of the child—according to subsection g)—is "*the effect that any change in their daily life may have*," including, for example, the removal of the socio-affective father with whom the child has established a deep and harmonious parental relationship, with the consequent destabilization of their dynamic identity and emotional balance. In order to assess all these parameters or rational rules, for the purposes of determining compliance with the best interests of the child, judges must necessarily weigh up the stability of the socio-affective bond, as required by the second paragraph of Article 59. It will be case law, when ruling on each specific case, that will carve out the legal status of socio-affective filiation in Cuba, taking into account the principle of family reality referred to in Article 3, paragraph 1, subparagraph l) of the Code. This stability will be fulfilled by the judges'

interpretation of the requirement of stability. Some cases ruled on in Argentina recognize socio-affective relationships with regard to a child of only two years of age, based on the judge's criterion that this is what is most beneficial for the child (Pfister, 2021).

What I have been explaining justifies why Article 78 of the Code makes it clear that the success of a claim for filiation recognition based on the existence of a genetic link with the child, with the ancillary claim of challenging the filiation already determined, will be conditional on the failure to prove a socio-affective bond with the son or daughter on the part of the father or mother whose parenthood is sought to be displaced, often based on a recognition of complacency, in which, although the person who acknowledged paternity or maternity knew from the outset that they were not the biological father or mother of the person they acknowledged, they subsequently consolidated a lasting and well-known socio-affective parenthood, opposing being displaced, based on their desire to continue building that paternity or maternity based on love and affection; In this case, the judge will take into account the criteria I have referred to, contained in Article 7 of the proposed Code, and may appreciate the socio-affectivity of the registered, non-biological father or mother and, consequently, the resulting multi-parenthood.

c) The *tractatus*, or behavior as the father or mother of that son or daughter, even when there is no blood relationship, and the corresponding behavior as the son or daughter of the recognized person, which implies an affectionate family relationship that leads the person assuming paternity or maternity to perform the roles that it represents, based on the content of Article 138 of the Code, which develops parental responsibility and is established in Article 59, paragraph 2, to the extent of expressly requiring that "*the duties incumbent upon them by reason of socially and family-constructed paternity or maternity have been meritoriously fulfilled.*" Special emphasis is placed on the manner in which parenthood is fulfilled in order to be successful in the socio-emotional filiation relationship, that is, that this be done in a prominent manner, which connects with the notoriety of the behavior with respect to third parties, even outside the domestic or family sphere, as also required in the section itself. The aim is to find irrefutable proof of evident parenthood that emphasizes the merit assumed in the duties fulfilled.

d) A willingness or intention to assume or construct such paternity or maternity, also provided for in the second paragraph *in fine* of Article 59 of the Code. It is not just a matter of behaving or committing oneself in the socio-affective order in the formation, education, and positive upbringing of a son or daughter, but of there being a marked intentionality or willingness to do so, hence the reference to parenthood that also has its source in will, as in assisted reproduction techniques with genetic contribution from a third party, but this is not sufficient, since it requires a will and intention that is prolonged over time and supported by meritorious socio-affective parental behavior. This distinguishes them from commissioning parents, who are parents by intention because they want to have a child and build a future parenthood that germinates from the moment of conception, even when the child is carried in another woman's womb with their genetic data or even with the genetic data of a third party. Socio-affective parents, on the other hand, build parenthood of their own free will, which they externalize through the possession of the status of father or mother; in this way, will, intention, behavior, and notoriety (*fame* and *tractatus*) precede socio-affective filiation (Oliveira & Aداuto, 2017). Judges will then be presented with a consolidated parenthood, for which recognition is sought in court for subsequent registration and with the legal effects that this has under the law. On the contrary, in assisted filiation, which is based on the will of the commissioning parents, the filiation claim comes first and then the assumption of parenthood itself, which does not necessarily develop

successfully, since nothing prevents the father or mother from behaving in a manner that is completely at odds with the will and intention that once led them to become commissioning parents and then registered parents.

By way of summary

The Cuban Family Code has posed a challenge in the construction of a new filial law, essentially breaking with the principles and values on which static rules governing legal family relationships have traditionally been based. This fulfills the important mission of contemporary legislators to capture the reality of family life and translate it into law, in order to achieve the imperative task of "deconstructing the biological paradigm of filiation and reconstructing it into a filial system where the affective component has a place" (Aguirre Mesa, 2021). This affective component is established as a principle of family law contained in the Code, with equal treatment and scope to that of a biological nature. Never before in Cuban law has DNA gone hand in hand with affection and love. *"The breakdown of filial binarism forces us to rethink filial ties from the perspective of autonomy of will (in the case of ART) and socio-affectivity, rather than public order"* (San Ramón de la Nueva Orán ruling).

The possibility of recognizing multiple filiations with respect to the same person, thus admitting the coexistence of biological and adoptive filiations, or biological and socio-affective filiations, becomes a reality in the provisions of the Code, based on human dignity as a fundamental value of constitutional and legal rights and the respect for family pluralism and each person's life project, recognized in the 2019 Constitution. The aim is to "construct, interpret, and apply family law while preserving the value of humanity," which "requires an open analysis of the facts that impact the internal composition of each family" (Krasnow, 2019).

Multi-parenting is regulated as an expression of the freedom and right of every person to form a family, the latter right being recognized in Article 81 of the Constitution. The Code provides for initial situations that give rise to multiparentality based on the parenting agreement or plan of a couple, whether homosexual or heterosexual, to which a third person is added, either as a gamete donor or surrogate mother, as a result of the successful application of assisted human reproduction techniques, or even in cases unrelated to such techniques. Likewise, it recognizes supervening multiparentality as a consequence of the success of a new socio-affective filiation, based on proof of the status of father or mother and that of son or daughter, in cases where paternity and maternity are constructed from consolidated emotional bonds, or as a result of adoption by integration, when, in accordance with the best interests of the child, it is convenient and advisable to maintain the established biological parenthood intact (Murillo et al, 2023).

As Professor María Berenice DÍAS vehemently states, "the status of child is constructed over time and cannot be answered by the existence of a birth certificate. The bond of filiation is constituted by cohabitation" (DÍAS, 2009), "after all, true parenthood results more from loving and serving than from providing genetic material." In short, in the words of Belmiro WELTER, "the status of affective child is built by the umbilical cord of love, affection, care, heart, and emotion. While the biological family navigates the bloodstream, the affective family transcends the seas of blood" (Welter, 2002).

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