



BULGARIAN ACADEMY OF SCIENCES
INSTITUTE OF PHILOSOPHY AND SOCIOLOGY

DIGITAL DIVIDE: INEQUALITY AND INCLUSION IN THE 21ST CENTURY

Rumiana Stoilova, Kamelia Petkova,
and Marieta Hristova

Editors





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Sofia, 2025

This book is funded under the project “Providing research infrastructure services to support Next Generation EU”, Project N 101131118, European Research Executive Agency (REA).

The editors express their gratitude to the European Commission.

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ISBN 978-619-01-1680-6

ISBN 978-619-01-1681-3 (e-book)

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Chapter 9

ALL RISE!

THE RISE OF AI AND THE NEW (IN)EQUALITIES BEFORE THE LAW

STOYAN STAVRU

Abstract: *The present article will examine several perspectives on the philosophical questions raised by the introduction of artificial intelligence (AI) into the field of justice: the transformation of the material (spatial) character and efficiency of judicial proceedings; the possibility of generating individually reasoned judicial decisions responsive to the expectations of each party; and the risks of new forms of inequality before the law. The central thesis concerns the hope that the AI judge will provide a perfect form of justice – one grounded in a guaranteed common (background) reason, ensuring objectivity and predictability in adjudication. Might AI indeed offer the key to Dworkin’s Empire of Law (Dworkin, 1986: 245, 248), in which the judge, like a sort of Hercules (Dworkin, 2003: 148–149), safeguards the integrity of the legal order through each decision rendered? Or does the pursuit of such perfection risk the exhaustion, or even the end of justice as potentiality, as the very modality of law? Finally, how does the participation of AI in judicial reasoning transform the intelligibility and accessibility of justice for the disputing parties?*

Keywords: *administration of justice, judge, artificial intelligence, reason, intelligibility*

Materiality and Efficiency

The introduction of artificial intelligence into the courtroom raises profound questions from the perspectives of both *spatial* and *material justice*. The virtualization of the judicial environment establishes a fundamentally different dynamic of interaction among participants, potentially giving rise to new forms of inequality or isolation. Operating beyond its server facilities, which may be distributed across the entire planet, or even beyond it, artificial intelligence

does not rely on spatial mechanisms to activate the process of “generating” justice. Even if a form of ostensible presence of the “deciding algorithm” were to be ensured through its visualization as a distinct object within the architectural framework of the courtroom, such an intervention would inevitably transform the traditional symbols of justice, and foremost among them, the human figure of the judge (Stavru, 2024: 72–87). The question of whether new technologies can substitute for the physical symbols that sustain the experiential sense of justice is central to any reflection on the idea of spatial justice. Thus, for instance, the “classical” figure of Themis could be replaced by a hologram or an avatar in which, instead of the traditional blindfold, the digital “goddess” would wear a *transparent visor*, a symbol of algorithmic openness (“open justice”). Likewise, in the animation of the “scales,” the weight of arguments could be dynamically calculated on the basis of real-time digital data (“interactive justice”).

Artificial intelligence is not merely an instrument but an autonomous entity that participates in the creation of legal decisions. Such is the case, for instance, of algorithms used to assess the risk of recidivism in parole procedures; these algorithms do not simply assist in decision-making but actively shape the outcome itself. Artificial intelligence thus emerges as a new kind of legal actor: one that does not play by established rules but transforms them. It alters the understanding of materiality in law by introducing immaterial entities (algorithms) that nevertheless exert tangible material effects on judicial decisions and outcomes. This results in a redistribution of authority from human agents toward technological systems, generating a sense of distance that may affect perceptions of legitimacy and fairness of judicial proceedings: The formal aesthetics of the courtroom such as the use of robes, regalia, and ritualized spatial arrangements, significantly enhance the perception of legitimacy and authority of the judicial process and its outcomes (Goodrich, 2013: 498–499). Consequently, the very phenomenology of justice is transformed, moving beyond the traditional conception of justice as a rational yet affectively engaged judgment made by a human judge. Justice is no longer experienced as a structured space oriented toward the establishment of rules, hierarchies, and roles. Nor is it perceived as an atmosphere enveloping participants within the materiality of the courtroom: unless such an atmosphere is specifically simulated, i.e., reproduced artificially for the sake of psychological comfort. Yet justice remains a process that unfolds within specific material conditions. For example, if artificial intelligence enables legal disputes to be resolved with the immediacy of facial recognition, this will transform the experience of justice as both a material and a cultural phenomenon, necessitating new conceptual and methodological tools for its comprehension.

It is thinkable that a new concept may emerge in support of so-called “effective justice”, associated primarily with speed and automation. Traditionally, justice

has been understood as a process that demands attention, deliberation, and the investment of human time and effort. With the intervention of artificial intelligence, however, the materialization of justice shifts toward outcomes generated automatically and in real time. Yet one must ask whether the very speed of this new form of adjudication might undermine the perception of its legitimacy and objectivity. Public trust in the judiciary has long rested on the premise of careful, temporally extended deliberation by the judge: a criterion that can scarcely be transposed onto a judicial process devoid of the human element. The incorporation of artificial intelligence into the network of objects constituting the materiality of the courtroom will require a fundamental rethinking of the locus of justice – a locus that already integrates both physical and digital components. It remains a matter of time, and perhaps of the specific domain of application to certain categories of disputes, to determine whether speed and automation can ever truly substitute for the traditional “slow” judicial process rooted in human discernment.

Different interpretations of legal texts are often regarded as the result of errors made in their reading. In fact, the interpretative complexity of law is an inherent part of the mechanism through which it activates interpersonal relations as processes of establishing, modifying, and excluding particular norms of conduct (substantive law). In this sense, the courtroom is constituted as a specifically delineated space for experimenting with multiple possible answers to the questions raised in connection with the resolution of a legal dispute. From the standpoint of the principle of *res judicata*, according to which, at the end of the proceedings, there can be only one judicial truth, most of the arguments presented in the courtroom are false or erroneous. Yet their invalidity occurs retroactively, which makes them indispensable to the very unfolding of the judicial process. Listening to such “nonsense” in the courtroom is therefore part of its function and an essential safeguard of the possibility for a legitimate discourse about justice. Attempts to “save” law from this “nonsense” and to eliminate once and for all the “noise” of legally irrelevant claims made by the litigating parties have been made throughout history. However, these efforts tend to produce the opposite effect: instead of ensuring ultimate impartiality and unshakable objectivity, they lead to the delegitimization of what takes place within the courtroom.

The marginalization of the judicial process through its extreme rationalization and formalization facilitates the substitution of the “small” writing judge by the “large language model”. The human inability to reach an ultimate resolution has, at least in classical tragedy and comedy, traditionally been overcome through various versions of the *Deus ex machina* – a device that interrupts interpretive effort once a certain threshold is reached, in order to secure a “happy end” in the name of Law, which (supposedly) always finds a solution. A contemporary analogue of this *Deus (l)ex machina* can be discerned in current attempts to employ

artificial intelligence as a mechanism for rule enforcement by eliminating the human element as a potential source of interpretive error. The underlying logic is clear: if one seeks to understand law without process; i.e., substantive legal prescriptions without the procedural framework, then the procedural component of adjudication must be extracted from the sovereign domain of human agency and transformed into a technical operation. Yet while the use of “deeply” trained artificial intelligence serves to demythologize the process of judicial decision-making: there is, after all, no inherent mystery in justice, and the judge is not the “soul” of the law, this demythologization comes at a price: the irrevocable abandonment of the myth of intelligibility of the legal decision itself.

An adjudicating artificial intelligence can always provide reasons for the decision it generates, yet these reasons are never what truly motivated it to reach that decision. Reason-giving is a distinctly human endeavour, fraught with contradictions that can be only partially and temporarily reconciled. While such reasoning may be imitated, its imitation erases the most vital procedural stake of any adjudication: the participation of human beings, endowed with the full spectrum of shared biological and embodied capacities through which contradictions are generated, endured, and negotiated. The “deep fake” justice offered by artificial intelligence is not merely a high-quality technological simulacrum; it is also a brazen affront to the very legitimacy of law, which depends upon the living solidarity of the judicial process. Artificial intelligence will not emerge as the rebellious hero rising against its Lawgiver from the outside, but as the bureaucrat who triumphs from within, by establishing a technical monopoly over interpretation. Users of the judicial system will, likely, be inclined to prefer the infallible saviour to the fallible and conflicted human occupying the judge’s seat. Thus, judicial populism stretches between two extremes: the comradely court – an unprofessional justice without rules, and the deep court – a technical justice driven by artificial intelligence. In this continuum, justice oscillates between one carried out entirely by “ordinary people” and one in which human beings are reduced to mere consumers of algorithms acting “in the name of the people.”

Personalized Court Decisions

The world of contemporary technologies offers a new version of the coherence among monads, emerging from advances in artificial intelligence, virtual reality, and posthumanist thought. The concept of the monad, inspired by Leibniz, can be used to explore how human beings are becoming increasingly self-sufficient and isolated from the external world in the digital age. In this context, the courtroom provides a particularly intriguing arena – a site where monads collide, em-

bodied in the disputing parties. Let us imagine a highly technological, futuristic court that relies on artificial intelligence and algorithmic analysis to resolve cases, thereby minimizing the human role in adjudication. Such a court challenges traditional notions of justice, for its decisions are grounded not in empathy or moral judgment, but in mathematical modelling. Artificial intelligence optimizes the process so that every human interaction occurs with minimal expenditure of energy, time, and emotion. Yet this very optimization leads to dehumanization, as decisions come to rest upon efficiency rather than moral or ethical reasoning. The emotional and moral “noise” that characterizes human interaction is eliminated by the algorithmic process. This is presented as an attempt to achieve a state of “pure” harmony; in reality, however, it results in the loss of authenticity and of a shared sense of reality within a common world.

The hypothetically constructed court thus becomes a place where the participants articulate deeply subjective, self-contained, and isolated perspectives. It is a space that reveals the human inability to truly understand or connect with others. Each participant acts as a monad incapable of integration into a collective context. Much like Leibnizian monads, each party in the judicial process operates as an independent entity, guided by its own aims and strategies. They present their arguments and evidence without directly altering the position of the opposing side. Each presents a personal version of the events, one that reflects its own understanding of the case and of the applicable legal norms. Leibniz introduced the concept of pre-established harmony, according to which monads are synchronized by God, giving rise to the existing universe as “the best of all possible worlds.” In a juridical context, the judicial system can be viewed as a mechanism that coordinates and synchronizes the various positions of the parties to reach a just resolution. The imagined court, however, operates differently. Its activity is grounded in advanced algorithms employing artificial intelligence to analyze case data, relevant legal rules, and existing precedents. The parties to the dispute submit their materials through technological interfaces, while the decision is produced through mathematical and logical computation, purporting to eliminate subjectivity and human bias. This mode of judicial operation underscores the fragmentation of society into isolated monads, incapable of genuine interaction. The proceedings become maximally alienated, for there is no human dialogue, only a formal exchange of data. Yet there is something more, something crucial, that this transformation reveals.

Let us imagine an artificial intelligence judge that, drawing upon existing databases, not only reads but also predicts the intentions, desires, and actions of individuals. Through complex algorithms, the system ensures that the behavior of distinct monads is synchronized in such a way that conflicts between them are minimized. The behaviour of one individual is automatically adjusted by the sys-

tem to match that of another. Artificial intelligence does not resolve real contradictions, but creates an illusion of harmony by manipulating the information and perceptions of the participants. For example, if two parties in a legal process have radically different interpretations of justice, the system can “adjust” their perspectives so that each of them believes that the decision is in its favour. The process ends with no losers, with each party living in the “best possible world for itself.”

A distinctive role in sustaining the illusion of harmony is played by personalized judicial decisions. The trial unfolds entirely in a virtual environment, where each party receives an individualized ruling designed to satisfy its subjective world attuned to its perspective, needs, and desires. Instead of seeking an objective truth or compromise, the adjudicating artificial intelligence generates multiple versions of the decision, each perceived by the respective party as favorable to its own position. Justice, in this model, fractures the litigants into separate, non-intersecting realities. Each party remains unaware of the other’s version of the judgment. Each party remains in its own reality, in which it believes it has won. The system adapts the information it provides to the participants so that they accept the decision as logical and fair, even if it has no connection to the facts or the legal order. The parties never meet face to face, and the conflict remains unresolved at a deeper level.

Individuals in such a society believe themselves to inhabit an ideal world, yet they are incapable of experiencing authentic human connection. They feel a vague sense of emptiness, unable to identify the source of their dissatisfaction. Traditionally, justice presupposes a balance between the interests of the parties and an objective assessment of the facts. In the case of personalized judgments, however, no genuine resolution of conflict occurs, as the parties then share no common understanding either of reality or of justice itself. Law has historically functioned as a means of regulating society through norms that are universal in their applicability. When decisions become personalized, law loses this integrative function, and the judge is transformed into an illusionist. The court ceases to operate as a mediator helping to resolve disputes and instead merely simulates a resolution that satisfies each party separately. Unlike traditional adjudication, in which the court renders a single decision meant to be binding and acceptable to all, the algorithmic system generates multiple subjective truths, each tailored to the perceptions and expectations of the individual litigants’ truths, the coexistence of which is paradoxically affirmed and legitimized by the very authority of *res judicata*.

Personalized judicial decisions intensify the isolation of individuals, who live as monads, attuned in ways that exclude the very idea of a shared harmony. In Leibniz, harmony among monads arises from the intervention of an omnipotent God, who unites all individual perspectives within a single reality. In the system of adjudication by personalized judgments, however, harmony is artificially im-

posed, arising not from genuine interaction but from skilful manipulation. If, for Leibniz, all clocks are set to the same time and thus display a single, synchronized hour, in the regime of personalized adjudication the hour itself varies according to expectation, and the shared time of justice becomes virtually impossible. Rather than connecting people, the court divides them even further. Instead of engaging in genuine interaction, individuals remain enclosed within their own subjective realities, leading to social isolation and the erosion of collective values. The conflict between the parties is entirely erased, since they do not realize that the judicial decision is not universal. The disputants exist within isolated informational bubbles, both before and after the trial, and justice becomes nothing more than a pleasant experience. This corrupted reduction of justice to a produced phenomenon of the judicial process eliminates the very concept of objective truth and denies the necessity of unity and coherence within the world. When God leaves the courtroom, the idea of pre-established harmony departs with Him. Technology may attempt to patch the absence by offering a multiplicity of post-established illusions of harmony, but within each of them, the place of justice remains empty.

The Law That Never Ends

The AI judge may indeed optimize legality by ensuring consistency, predictability, and equality in application, yet it cannot guarantee perfect justice. The full automation of legal enforcement risks exhausting justice as potentiality foreclosing the openness of legal texts to new meanings, to mercy both within and beyond judgment, and to extra-legal moral considerations in so-called “hard cases”. At best, what we may aspire to is an instrumental form of AI – one that serves the human judge within a framework of strict guarantees for public reasoning, contestability, and interpretive pluralism. Artificial intelligence, if left unchecked, risks transforming Dworkin’s integrity of law into a monomodal consistency, a self-referential closure of meaning under the guise of coherence. The key to mitigating this risk lies in designing mechanisms that ensure AI supports the chain of law without locking it into a single, definitive solution. Computability must not entail self-exhaustion; the law must remain an open and revisable enterprise, grounded in the living interpretive practice of justice rather than in the mere formal perfection of its algorithmic simulation.

Such mechanisms might include: employing artificial intelligence as a judicial assistant (an expert system) rather than as a judge (a decision-making authority); introducing prohibitions against the automatic generation of decisions in core legal domains (such as criminal law, family law, and human rights); preserving certain decisions, such as those concerning probation, parole, and

clemency, as exclusively human prerogatives; incorporating a right to human judgment as an integral component of the right to a fair trial; requiring the explicit identification of the AI model used by the human judge, along with a clear specification of its influence in “consulting” the judicial outcome; mandating the use of explainable-by-design models within the judicial domain; and establishing new procedural rights related to AI, including the right to an expert counter-model, thereby ensuring equality of arms between the parties. Safeguarding the plurality of AI models within the system of adjudication demands not merely a formal prohibition of algorithmic monoculture, but also the institutionalization of deliberative mechanisms among diverse models that support human judgment as the final ground for judicial decision-making. One could envision an institutional AI module specifically designed to identify and articulate grounds for deviation from models whose primary function is to preserve the status quo, namely, the stability and predictability of justice. Such grounds might arise from emerging forms of vulnerability, shifts in cultural contexts, or the ongoing evolution of human values. An AI model of this kind would thus serve as a guardian of potentiality within the law, preserving its openness to transformation, its responsiveness to the human condition, and its resistance to the closure of meaning inherent in purely algorithmic rationality.

Hart maintains that the application of legal norms, beyond the realm of clear or “core” cases, necessarily encompasses penumbral or borderline situations, stemming from the open texture of language, the so-called linguistic sting of the legal text. In these marginal cases, judges unavoidably engage in evaluative reasoning that transcends pure deduction (Hart, 1958: 607–608). The chiaroscuro cast by statutory language is not merely an obstacle to “perfect” algorithmic predictability; it constitutes, paradoxically, a guarantee of the legitimacy of justice itself. Luhmann, in turn, conceives of justice not as an abstract substantive ideal, but as a pragmatic formula through which law manages its own contingency (Luhmann, 2004: 211), that is, its capacity to be otherwise, to allow for alternative interpretations. Justice thus becomes self-legitimizing, insofar as it sustains the functional differentiation of the legal system. Attempts to “seal off” all exits through the imposition of a single, predictable AI model risk eroding precisely that visible alternative, the promise of justice, from which law derives its legitimacy. Preserving plurality among models and conducting periodic review of their operations are therefore essential safeguards against the petrification of law, ensuring its continued openness to interpretation, adaptation, and renewal.

Lon Fuller conceives of law as an enterprise whose fundamental purpose is to subject human conduct to governance through rules (Fuller, 1969: 96). He articulates eight core principles that constitute what he terms the “inner morality” of law: generality (the existence of general rules), promulgation (public

accessibility), prospectivity (non-retroactive application), clarity and intelligibility, consistency, constancy through time, possibility of compliance, and congruence between official action and declared rule. According to Fuller, systematic failure to uphold any one of these principles does not merely produce bad law – it results in the absence of law in the very sense of this enterprise (Fuller, 1969: 145). The fourth principal clarity and intelligibility is directly linked to the comprehensibility of judicial decisions through their explicit reasoning and public justification. Clarity and intelligibility is not a merely technical requirement but an ethical criterion of legitimacy (Fuller, 1969: 63, 157). If a legal system cannot ensure minimally understandable rules and judicial decisions, it does not simply malfunction; it ceases to be law and disintegrates as a normative order. An AI model that produces decisions without traceable and contestable grounds risks undermining the validity of law itself. Every AI model employed in adjudication must therefore yield explainable and verifiable results, guaranteeing both the participation and equality of all parties affected thus preserving the moral and procedural integrity of the legal enterprise.

Intelligibility is a moral condition for the very possibility of law. When a court renders a decision, whose reasoning cannot be explained to the person affected by it, this constitutes not only a failure of the fourth condition according to Fuller (clarity), but also of the eighth (congruence between rule and action). Before it becomes a system of commands, law is a language of mutual understanding between authority and citizens. The less intelligible a decision is, the less it belongs to the domain of law. Algorithmic opacity is thus fundamentally incompatible with legality. A secret law, such as one implicit in an AI model that classifies or sanctions without transparent and comprehensible reasoning, is not merely unjust; it ceases to be law altogether. AI-based adjudication is acceptable only insofar as it remains intelligible and public – that is, only insofar as it can articulate its grounds in a language accessible to human rationality and open to contestation.

The possibility of understanding a judicial decision through the human figure of the judge constitutes the deepest guarantee of equality before the law. It is precisely this possibility that underpins what Fuller calls the “morality of aspiration” – a morality of mutual understanding, without which adjudication degenerates into a procedure devoid of meaning. The judge, “a human being like me”, is the anthropological core of justice. The judge’s role extends far beyond the mechanical application of legal rules: he or she embodies the very possibility that each party to a dispute may be heard and understood. Beyond its existence as a normative system, justice constitutes a space of understanding among human beings who share a common language, meaning, and responsibility toward one another. Law is not merely a technique of subordination but also a community of mutual intelligibility (Fuller, 1969: 92, 181–183). Without this shared

dimension, justice may still claim accuracy, yet it will be inhuman: would we truly prefer a judge who never errs, but never listens?

Equality As Equal Access to Rationality

In the context of intelligibility, equality before the law does not signify uniformity, but rather the possibility for each litigant to be recognized within the universal. The judge embodies the transition between the universal (the legal norm) and the particular (the individual case), while the judicial decision represents a narrative – the story of the encounter between the general and the personal. It is precisely this act of narration, when performed by a human being, that preserves the possibility of equality. The legitimacy of the judge lies not only in superior knowledge of the law (expertise), nor merely in the enforceability of the decision (authority), but in the fact that the judge speaks in the name of a reason in which all can partake. It is within the chiaroscuro of law, where its incompleteness and openness are most apparent, that the human judge proves irreplaceable. The judge cannot illuminate everything yet reveals that the persisting darkness is a shared one. Lon Fuller describes this as fidelity not to results, but to the effort of speaking a common language even amidst uncertainty (fidelity to law). The judge who shares our imperfection embodies the possibility of error as a guarantee of justice, for here, error is human, not algorithmic.

Understanding is always dialogical. A judicial decision, regardless of its res judicata authority, is never the final truth of the law, but an act of understanding within a specific context. When this act is performed by a human being, it carries the capacity to relate meanings, to feel pain, irony, remorse – elements that are not errors, but distinctly human modes of comprehension. Artificial intelligence may calculate legality, but it cannot comprehend injustice. Only the human being can hear himself in the voice of the other, and this very capacity forms the core of equality. Equality before the law is not secured through perfect predictability, but through the recognition that the law speaks a human language. Thus, the judge is not merely a mediator of the law, but the living figure of possible understanding, the procedural “third” in whom, as in a mirror, the arguments and considerations of the disputing parties are reflected and transformed into a shared horizon of meaning.

AI models could and most likely inevitably will participate as generators of interpretation, without directly rendering decisions. The involvement of AI should neither be rejected nor underestimated; rather, it must be understood, so that it becomes part of the shared understanding that underlies justice and equality before the law. AI calculates but does not decide, for it does not inhabit rea-

son as a lived field of responsibility, doubt, and mutuality. Yet this does not mean that AI has no place within the hermeneutic dynamics of justice. It can produce variants, interpretative proposals that are not mere outputs but new contexts of understanding. This represents a different kind of participation: a sort of semantic “farm of law”, where AI sows seeds of meaning that human beings later evaluate, interpret, and sift. AI can function as a cultivator of the possible, gathering precedents, principles, and arguments, generating alternative constructions, and proposing logical, rhetorical, and even moral pathways of interpretation. In law which lives through language, the very appearance of an argument transforms the field of the possible, and with it, the boundaries of the permissible. Much like writing, databases, or analytic methods, AI becomes part of the historical expansion of legal reason and a participant in the infrastructure of its application. Moreover, AI may even create new modalities of equality, for instance, by detecting systemic biases that have remained invisible to the human eye.

When speaking of the future of AI in law, the question is neither one of rejection nor of reverence, but of integration of AI’s capacity for explication into the very process of shared understanding that constitutes the foundation of justice. Equality before the law may thus be reformulated not only as equality before the judge, but as equality in access to the horizon of meaning that the court (the judge) and society (the disputing parties) construct together, with the assistance of AI as part of this collective hermeneutic endeavor. It is precisely this joint movement, between calculation and understanding, that can ground a new form of justice, in which the expansion of meaning itself becomes an expression of equality before the law. A crucial element in realizing this interaction lies in ensuring the plurality of AI models through institutional investment in systems that preserve doubt: that is, models that maintain the openness of interpretation and thereby safeguard the very condition of equality before the law.

When a single AI model (algorithmic monoculture) dominates the system of justice, the internal logic of that model becomes a new form of privilege. It dictates what counts as a relevant fact, a persuasive argument, or a moral value. In doing so, it undermines equality before the law through a structural restriction of meaning: only those who “speak the language” of the model can be heard. By contrast, a plurality of models – each grounded in distinct legal theories, such as positivism, integrity, or justice – ensures a polyphony of law: a multiple horizon within which every party can find its own entry point into the discourse. Thus, equality ceases to be a mere formal declaration and becomes a procedural possibility of being understood. AI models that preserve doubt do not aim to resolve disputes “in the best possible way,” but to uncover the grounds for doubt themselves, to illuminate alternative readings, vulnerabilities, and the cultural or moral contexts that lie beyond standard juridical logic. In doing so, they safe-

guard the interpretive openness of law, maintaining justice not as closure, but as an ever-renewed dialogue of meanings.

Such an AI model may be conceived as an embedded advocate of contingency, as a continual reminder that every rule may be unjust in a particular case. This doubt serves a normative function, preventing the dogmatization of outcomes (the “petrification” of law), preserving the possibility of deviation (clemency), and expanding the space of participation, since every vulnerable or marginalized position can find entry through a model that deliberately seeks the non-obvious. To preserve doubt is to preserve equality as the possibility of contestation. Moreover, one might envision the organization of a “council of models”, a form of institutionalized justice in which multiple models, both human and algorithmic, are placed in deliberative relation. In such a configuration, the court does not receive a pre-formulated answer, but a spectrum of arguments. The decision thus ceases to be the mere selection of a model and becomes the articulation of the reasons for preferring and refining one model over others. When this articulation is transparent and subject to critique, its verifiability becomes the very form through which equality before the law is realized as equal access to justification.

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