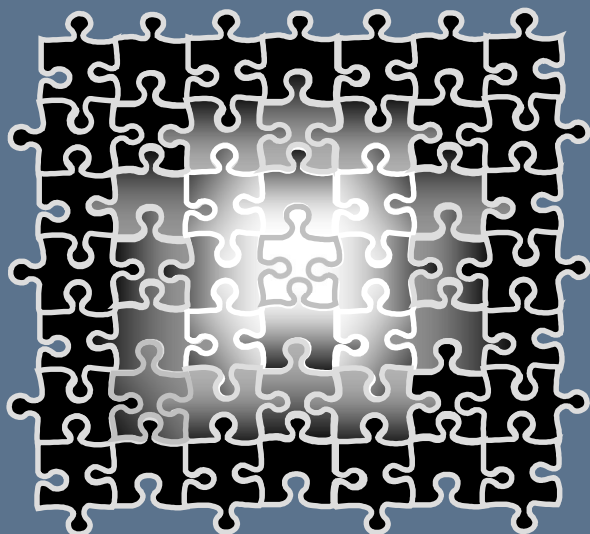


# Call For Freethinking Versus The Charms

A plea for the formulation of  
universal declaration the rights of influenced  
and of the duties of the influencer.



Jean-Claude Frezal

## **Acknowledgements.**

To all those who contributed to the reflection, development, formulation and proof-reading, especially Beatrice and Caroline.

More specifically, those we have crossed paths with over the course of our lives.

To all those we miss...

# **Preface**

Why " Aux charmes citoyens »? More than just a play on words, it's a link between the republican call that opens the French national anthem and a societal situation that is endangering our democracies.

Charm<sup>1</sup> is defined as a characteristic that produces a powerful attraction, a fascination, a magical power and a second state. These are all definitions that express the power of charmers over others.

The protagonist of Hamelin's "Pied Piper"<sup>2</sup> is still referred to as a "charmer", but would he be the same if the action takes place today?

What do we call the "flute players" who, through Instagram, TikTok and Facebook, are leading thousands of young people into questionable behaviours?

How do we recognise the tempters of 'soft power'<sup>3</sup> ?

In both cases it is the use of a "skill to seduce and attract"<sup>4</sup> that warns us of the manoeuvre.

Influence and Charm are therefore confused when they refer to "the action of a person, circumstance or thing that influences another"<sup>5</sup> without violence.

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<sup>1</sup> <https://www.cnrtl.fr/definition/charme>

<sup>2</sup> [https://fr.wikipedia.org/wiki/Le\\_Joueur\\_de\\_fl%C3%BBte\\_de\\_Hamelin#La\\_l%C3%A9gende\\_et\\_ses\\_r%C3%A9cits](https://fr.wikipedia.org/wiki/Le_Joueur_de_fl%C3%BBte_de_Hamelin#La_l%C3%A9gende_et_ses_r%C3%A9cits)

<sup>3</sup> <https://geoconfluences.ens-lyon.fr/glossaire/soft-power>

<sup>4</sup> <https://geoconfluences.ens-lyon.fr/informations-scientifiques/dossiers-regionaux/la-chine/articles-scientifiques/forces-et-faiblesses-du-soft-power-chinois>

<sup>5</sup> <https://www.cnrtl.fr/definition/academie8/influence>

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## **Who is this plea addressed to?**

To all those who generate, undergo, organise, train, forge... methods, people, actions, systems... destined to "Influence".

In our societies, influence has taken on commercial forms - "advertising", "advice", "coaching", etc. - social forms - "conviction", "adhesion", "argumentation", etc. - as well as aggressive forms - "sectarianism", "ideological or theological warfare", "radicalisation" - all of which are branches of a tree whose trunk is knowledge of the processes of influence. Two roots feed the tree: the ability to do, and the ability to understand and resist.

This is a process that must be understood and mastered both individually and collectively. While an examination of Google Books reveals a few works on the need for ethical reflection in coaching, consultancy and marketing, the overall approach to influence in the broadest sense is poorly integrated. There are only two English-language authors <sup>67</sup> who have tackled the subject. An intellectual desert for a subject that questions our social modalities and destabilises our communities.

Globalisation, technology, the speed of change... regularly put the moral rules of our education at odds with the underlying ethics. For example, 100 years ago marriage was a lifelong relationship between a man and a woman. Societal developments have changed the law and morality by making it easier to dissolve the legal bond, even going so far as to create a new bond: the PACS.

Decision-making and guidance situations in this context regularly call into question reference methods and principles.

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<sup>6</sup> The Ethics of Influence: Government in the Age of Behavioral Science - Cass R. Sunstein - 2016

<sup>7</sup> The Ethics of Influence: Political Donations and Lobbying- David Lascelles - 2005

## The context

At a time when some people are wondering about the influence of fake news on democratic behaviour, it is worth looking at the influence society, its origins, mechanisms and methods.

This is the purpose of this communication, which is based on an approach

Initiated twelve years ago and given concrete form in a book published in 2012 "Influence and systems" shamelessly subtitled "provisional introduction to the theory of influence».<sup>8</sup>

It was the search for a way of sharing concepts such as stakeholders, players, issues, etc. with Master two students that led me down the path of influence. It's an insidious influence, a web woven by a multitude of spiders, the purpose of which is to lead the person who is captured to the destination, use or exploitation reserved for him or her. Initially, this research led me down the path of so-called 'managerial' methodological approaches, but current events soon led me to question all the knowledge and environments illuminated by this quest. So what knowledge do the spiders of our societies use?

Psychology of course, sociology of course, ethnology certainly, geography surprisingly, mathematics newly and systemic globally ... without being exhaustive this armament review shows the transversality of the approach and the difficulty of the passing bee to protect itself from the web of the spider.

Since our societies have produced highly specialised bees, few of them have the capacity to protect themselves completely from this situation.

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<sup>8</sup> "Influence & système " JC Frezal et alii published by L'Interdisciplinaire in the collection Système(s) ISBN2-907447-36-X : [https://www.theory-influence.com/books/Document\\_FR\\_WEB.pdf](https://www.theory-influence.com/books/Document_FR_WEB.pdf)

Having had the opportunity to awaken bees targeted by hostile spiders in hives of excellence<sup>9</sup>, we offered them new glasses to avoid the web and the resulting exploitation.

Spider webs have always existed, but in a limited number of areas. Over the last twenty years, they have been deployed in virtually every area of our lives. Private, public, political, theological, media ... nothing escapes the widespread use of influence.

To be convinced, all you have to do is :

-Just open your phone and Google will try to point you in the right direction...

-Contribute to a movement, and we'll try to increase your commitment and your membership fee step by step...

-If you ask yourself theological questions, you'll make friends who will wish you well...

The list goes on and on, and lately even includes trying to steer our emotional lives.

When we look at these developments, we see that manipulation and influence have invaded our society in insidious and innovative ways.

All you have to do to be convinced is travel by public transport, 6 or 7 out of 10 passengers are hypnotised by their telephone, reminiscent of the many conditioning experiments carried out on dogs, cats and mice... stimulation every minute means the end of observation and reflection, and the apology of reaction, the basic tool of manipulation. This insidious emergence should have raised questions about our republican values:

**Freedom, but not freedom of thought.**

**Fraternity, but not disinterested.**

**Equality, but not of skills.**

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<sup>9</sup> "Un Laboratoire de recherche parmi d'autres" chapter p 175 of the book "influence & système" JC Frezal et alii published by L'Interdisciplinaire in the collection Système(s) ISBN2-907447-36-X



Of course, this is not a new phenomenon... propaganda, advertising and politics have all used these techniques to bring about change in our societies. The history of these manoeuvres is extensive, most recently the world wars and the Rwandan genocide. The use of radio and then television to manipulate the public has become even more widespread with the advent of the smartphone, the explosion of instant messaging and the reign of social networks.

TikTok<sup>10</sup> is used by 14 million French people, including 78% of 11-24 year-olds; "Instagram"<sup>11</sup> has 22 million users; and "Snapchat"<sup>12</sup> has 16.6 million daily active users, with 11-24 year-olds in first place for time spent.

You can't lose control of your prey, whether it's rabbit, pheasant, partridge, bee or human.

How are our methods and our companies different from those of the past?

As far as our discussion of the differences and changes in methods in our societies is concerned, we are deliberately putting influence and manipulation on the same level. This will probably shock some of you, so ask yourself a series of questions about the differences between manipulation and influence. Manipulation is a "manoeuvre by which an attempt is made to impose a false vision of reality by resorting to falsification or fraud"<sup>13</sup> whereas influence is commonly defined as "the action of a person, circumstance or thing that influences another"<sup>14</sup> definition that should replace influences with alters, modifies, changes... a long list of what's possible, but not always what's desirable.

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<sup>10</sup> <https://blog.digimind.com/fr/agences/tiktok-chiffres-et-statistiques-france-monde-2020>

<sup>11</sup> <https://blog.digimind.com/fr/agences/instagram-chiffres-incontournables-2020-france-et-monde>

<sup>12</sup> <https://blog.digimind.com/fr/agences/snapchat-chiffres-essentiels-france-monde>

<sup>13</sup> <https://www.cnrtl.fr/definition/academie9/manipulation>

<sup>14</sup> <https://www.cnrtl.fr/definition/academie8/influence>

In terms of methods and techniques, is there a specific way of dealing with each situation?

In both cases, we use the same tools to create situations and conditions, drawing on psychological, sociological and ethnological knowledge...

Are the targets of influence different from those of manipulation? Is the person being influenced different from the person being manipulated? If the target has the same ability to understand and defend itself, the only difference is the manipulator's lies, omissions and cheating. The manipulator is neither "fair" nor loyal; he wants to be effective. The difference is therefore a consequence of the influencer's morals and ethics. So it's not the target that makes the difference between equivalent methods and situations. The difference between the two situations stems from the knowledge of the target of the process carried out by the influencer. In the case of manipulation, the person being manipulated has neither knowledge of the false allegations nor understanding of the process underway. In the case of influence, the influencer should be "out in the open" and the influenced should be trained and informed. The conditional in "should" is a difference that reassures the influencer about the morality of his action, but which raises ethical questions when the influenced is rarely in a position to protect himself. The absence of transparency and ethics leads most of today's 'influencers' to fall into the camp of manipulators. This situation has led us to consider that the difference between the two terms is only one of the dimensions of moral or ethical questioning. This proximity will upset many preconceptions on the subject, but if we place ourselves in a perspective of understanding the questioning necessary for the reconstruction of a morality of influence, then the difference no longer has any reason to exist.

To this we can add the need for information to enable a free, informed choice without using the word "objective", which is rejected by many. So, as Jérôme Bondu does<sup>15</sup>, we need to question the way in which we set the context of the issue. To call "for a declaration of informational independence" is to raise our questioning to the level of the principles of our democracy, and that is also the purpose of this document.

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<sup>15</sup> Post by Jérôme Bondu on the cercle-K2 website "[For a declaration of informational independence](#)".

## **Changes affecting the issue of influence.**



## The instability of social relationships

The methods of influence have not fundamentally changed since Lao Tse and Machiavelli, but the environment in which they are applied is different. Over the last few decades, the territory in which each of us evolves has been turned upside down; our society has moved from a habitual living environment, in the sense of being known, used and defined, to a variable environment, in the sense of being unstable, changing and unusual.

This stability of the social bond, which Pierre-Yves Cusset defines as *"a vague notion" encompassing "all the personal relationships, norms, values and shared rules that bind individuals together"*, was a characteristic of all human societies.

But, as Pierre-Yves Cusset points out, the social bond is in crisis, with the family institution destabilised, loneliness on the increase, less involvement in community life, an increase in incivilities and concerns about our model of integration.

Many of our elders lived where they were born (80% of those born at the beginning of the 19th century<sup>ieme</sup>, 60% at the beginning of the 20th century<sup>ieme16</sup>). Throughout their lives, they often rubbed shoulders with the person with whom they had shared the school bench, the oratory, the football pitch, and often more because of their affinities.

In our society, where mobility is a behavioural model to be promoted, our "geographical framework", which used to be unique and perennial, has become multiple and changing. As we move through the different stages of our lives, we evolve within a variety of "geographical frameworks".

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<sup>16</sup> [https://www.persee.fr/doc/pop\\_0032-4663\\_1970\\_num\\_25\\_5\\_14724](https://www.persee.fr/doc/pop_0032-4663_1970_num_25_5_14724)

It's not just a question of numbers, but also of nature: the physical framework of geography is gradually being replaced by a digital framework.

According to Pierre-Yves Cusset, *"the deepening process of individualisation explains some of the changes ... It tends to give rise to a more elective social bond"*.

Here we are at the heart of change: my social ties are no longer the fruit of my place, my history, my work... but the fruit of my choices, and our society offers the possibility of totally escaping the historical network in which we have lived since birth.

The most tangible consequence is the emergence of cognitions that are no longer cultural, born of belonging to a community, but educated, born of frequenting exogenous communities.

While the cognition and culture of endogenous communities have historically coexisted, the emergence of exogenous communities is likely to create tensions.

The massification of digital social relations is adding to this situation, leading to the rapid growth of extremist groups (jihadist, Salafist, fascist, etc.).

This instability even extends to the sense of belonging to one's community of origin, with links that for previous generations defined the framework of a life as a nation, a people, a couple, friends... now being called into question.

This instability extends to what I know, my skills, my activity... the prevailing "doxa"<sup>17</sup> tells us that tomorrow's skills and professions will be different from those of today. Faced with this uncertainty, which is announced but far from proven, my job, my social role and my personal life are supposed to be at risk.

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<sup>17</sup> <https://fr.wikipedia.org/wiki/Doxa>

The consequence is a heightened perception of instability and subsequent questioning on four levels: economic, philosophical, ethical and cultural.

Economic, because all societal changes generate new economic opportunities.

The widespread use of the Internet has changed the way people access information, with the retailer at the end of the world at my fingertips, leading to an explosion in local logistics and the proliferation of virtual shops.

Philosophically, because it increases the degree of freedom available to us. Reducing the social constraints associated with compliance with the norm opens up new prospects for expression and democracy.

Ethical, because the volatility of the social bond raises questions about how we manage this bond, what behaviours result from it, what responsibilities it generates and what consequences it has for our relationships with others.

Cultural, because the free choice of living environment (Ashram, Kibbutz, Echo-Village, etc.) and lifestyle (vegetarian, vegan, etc.) puts our societies under pressure by multiplying the number of visible differences.

## **Economic instability**

In the world of commerce, practices known as "hard selling" have developed. The salesperson no longer asks the same question as the grocer in my village. "Will my customer be happy with my advice next week? Your grandmother's grocer wondered about lasting satisfaction, perhaps out of humanism, friendship or any other laudable motivation; but also because he was fully aware that a "trick" would generate acerbic remarks from your grandmother for the next 20 years.

This awareness of the duration of the relationship and the responsibility it entails is disappearing in our societies.

If you are a customer of Orange, Canal +, SFR or Free, cancelling your contract and re-subscribing will enable you to benefit from a promotional price that is lower than that of your current subscription. The primary objective of this type of manoeuvre is to attract new customers.

In other words, I accept that my customers will leave, with the result that my customer base will shrink, in the hope that those who leave my competitors will join me. These methods, adopted by many economic agents, fuel instability to the detriment of loyalty; our elders would have blacklisted companies using these practices. The day that shareholders remember what 'goodwill' means and how goodwill management is the central variable in the sustainability of a company's value, many CAC 40 executives will be able to enjoy a pleasant retirement in the shadow of their stock options. Managerial behaviour that consists of acting primarily to increase share value leads inexorably to the impoverishment of the company, but this is not the concern of those who have a professional sell-by date.



## **Philosophical instability**

The degree of freedom available to us has been increased beyond even what our philosophers had imagined. The eradication of the social norm in favour of freedom of choice of norm has opened up two perspectives simultaneously.

The first offers the possibility of democratic expression that is broadened and enriched by a multitude of frames of reference, creating an openness to diversity of thought.

The second generates a form of digital autism based on intellectual confinement, linked to frequent use of screens, combined with the belief that what I see and hear is the real truth. This confinement to a standard, the one I think I've chosen, is the result of ignorance of all the tricks and tips of the influencers. This autism wouldn't be dramatic if behind the norm weren't hidden actors, issues and interests that are disrespectful of diversity and tolerance. What we have here is a new form of propaganda which, of course, serves political, religious and economic indoctrination. This mixing of genres, as was the case in other times (crusades, religious wars, etc.), is nothing new. What is new and terribly dangerous for our societies is the lack of convergence and geographical homogeneity of beliefs. This situation tends to generate unstable environments, leading to opposition and sometimes confrontation. Faced with this situation, of which there is no shortage of recent examples (India 1947, Northern Ireland 1970, Lebanon 1975, Algeria 1990, Syria 2011), proximity, tolerance, respect and non-violence are vital if we are to live together.

In democratic societies, citizens are free to choose their own way of life, provided they respect the choices of others and the common rules. In the village hall of our villages, the citizen who listened to the

excessive speech of a manipulative speaker was confronted with a diversity of opinion as soon as the speech was over. If the rascal explained that the people were in danger, the nation under attack, the church, the temple, the mosque and the synagogue under threat... the boule players in the village square and the card players in the station bistro reminded the participants in the meeting of the audacity of ideas when they are not shared with others. The absence of sharing, a central issue, in the face of the instability of the social bond, leads to isolation, the consequence of which is a reduction in questioning. While the philosophical approach is based above all on questioning and doubt, digital confinement generates answers whose reliability, reality and veracity are no more than postulates. The purpose of the answer is to increase confinement and dependency. It's the logic of "ok Google", ask me the question and I'll tell you how to live, eat, buy, love...

## Ethical instability

Ethical, because the volatility of the social bond raises questions about how we manage this bond, what behaviours result from it, what responsibilities it generates and what consequences it has for our relationships with others.

This awareness of the duration of the relationship and the responsibility that this entails is disappearing in our societies. The result is the emergence of a host of privateers who, in every economic, political and ideological sphere, have only one motto: "get and go".

It's the bank teller who, under the influence of a bonus scheme, offers an elderly homeowner a home savings plan. The bank in question will explain to you through its communications director that the ethics charter signed by all employees guarantees that this is an exception. My grandmother's butcher didn't need to sign a charter or stick it on the walls, he had an ethical culture that he shared with his community. To be optimistic, there are leading economic players who need neither charters nor posters because they have a shared ethical culture.

Under the influence of globalisation, the economic world has seen the emergence of ethical confrontations creating instability in the social framework. When we compare the ethical culture of a North American company with that of a German or Danish one, we discover the variability of the frame of reference.

Here we are in a society where the influencer, not to mention the manipulator, escapes the lasting consequences of his action in his relationship with others.

Why deprive ourselves of trying to grab money, power and influence? Always more, that's a behavioural constant shared by everyone.

Digital tools can be used to condition, take control and exploit... temptations for all preachers, exploiters, budding or professional

tyrants. It's hardly surprising that digital indoctrination (political, theological, economic...) is emerging so explosively in our societies. The weapons are there, the desire is genetic, the morals are flawed and the rules don't exist ... happy hunting!

## Cultural instability

If history is defined as "the evolution of humanity through its past, present and future"<sup>18</sup> in order to get to know and understand each other and prepare for the future, then ignorance is a problem.

From time immemorial, official history has been used for political ends, even going so far as to construct manipulative "vulgates"<sup>19</sup>. Cultural variations were linked to mobility, to the evolution of techniques and environments, and were therefore slow and subtle. Over the last two centuries, with colonisation, globalisation, migration and conflict, cultural 'intrusions' and 'contributions' have multiplied - I leave it to you to choose the term to suit the circumstances. Coca-Cola, hamburger, pizza, Halloween, halal, couscous, vegetarian, rock and roll, PC... so many words that testify to a society of diversity subject to external influences. From a broader perspective, the increase in life expectancy - 25 years in the 18th century, 43 years in 1850 and 80 years today - has created a prism of instability<sup>20,21</sup>. Our ancestors lived within limited time frames, which reduced the number of cultural changes they had to deal with. Our ancestors were born, raised and educated within a virtually stable cultural frame of reference. Historical upheavals such as the end of royalty or the industrial revolution were a matter of lifetimes. The last century has seen the emergence of new forms of war, the digitalisation of social links, the globalisation of our activities, the global reduction in uncontrollable scourges (famine, disease, etc.), etc.

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<sup>18</sup> <https://www.cnrtl.fr/definition/histoire>

<sup>19</sup> Vulgate: Authentic text. <https://www.cnrtl.fr/definition/vulgate>

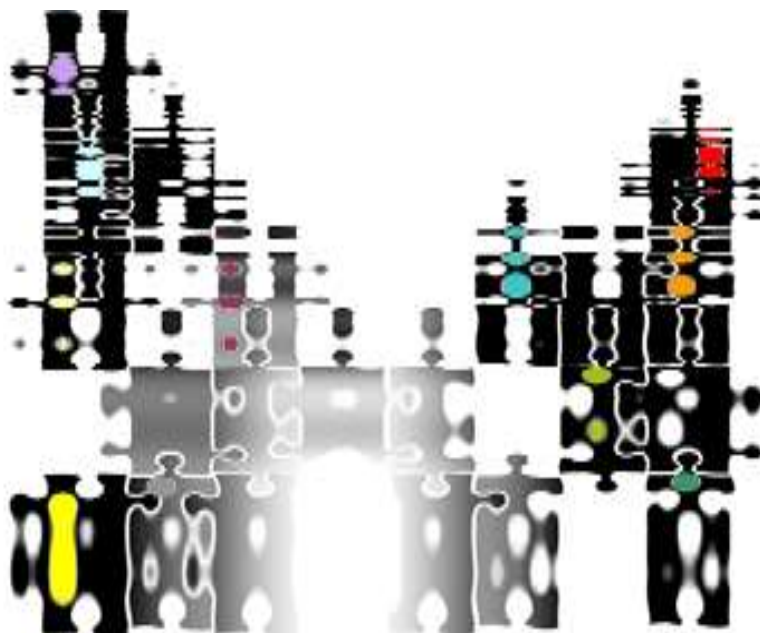
<sup>20</sup> <https://www.ined.fr/fr/tout-savoir-population/memos-demo/focus/la-duree-de-vie-en-france/>

<sup>21</sup> <https://www.franceculture.fr/histoire/cetait-mieux-avant-et-ca-fait-2-000-ans-que-ca-dure>

Our century opens with a global disease, a Ukrainian conflict from another century, the return of propaganda, the need to control CO2... we are caught between two readings of the future.

The next century is yet to be written, but in the face of the challenges and issues at stake, there will be a strong temptation to do away with the freedom of thought that hinders...

## The reasons for our inaction



## Digital confinement

Over the last few decades, digital confinement has emerged. The term "confinement" might lead one to believe that it is a constraint, but this is not the case: we are faced with a choice that is perceived as "free" by the person making it.

Is the choice free and enlightened, that is the question? We have examples of voluntary confinement in our society: the hermit, the Carmelite nun, the monk... but all of them are the result of a process carried out over a long period of time, leaving room for doubt and questioning.

Digital confinement works like an addiction: silence is unbearable. Since the emergence of 24-hour television in the 1980s, the internet and smartphones, many people have become screen-dependent.

If you're not convinced, shut down your internet access one morning... you'll experience a putsch by your family members within minutes.

This dependence has become problematic with the emergence of a host of manipulators who use the situation to their advantage.

Think of the jihadists who have turned it into a methodological tool for radicalisation or "extremism". Social ties are forged via the screen. It is built with other walled-in people, grouped around a theme. The manipulator can then set his net or his web in a pond or a place where the fish are ready to swallow all the fisherman's bait.

While we naturally think of sects or extreme groups, they are not the only ones to use confinement for problematic purposes.

Why choose to lack the essentials and yet acquire the superfluous?

Voluntary confinement is not new, nor is it linked to the emergence of the web. What has changed is the disappearance of sociological ramparts. The family, the village, the community... no longer protect against intrusion. This situation, combined with the emergence of a



consumer society and the instability of economic ties, has led to the widespread use of a weapon: temptation.

# Temptation

Temptation was originally defined as a divine action to test man's resistance to the suggestion of sin<sup>22</sup>. This definition has evolved considerably, becoming "a desire, a craving for something". This evolution makes us forget the key role of the tempter, who has lost his or her divine nature to become the person who "seduces, arouses the desire"<sup>23</sup> of our fellow man. It has therefore become socially acceptable to tempt our fellow citizens, whatever their economic situation. That's why "Pub Culture" has become the programme of a generation. Temptation has become a profession; it's as if the 'serpent' of the Bible had become the idol of a society... Why would you want to be a size 32 to the point of dying?

The massive use of temptation has of course been accompanied by a call for desire. How do you generate desire in the absence of contact? By using images, of course. So over the last two centuries we have created an image society. The arrival of photography, cinema, television and the Internet, combined with the widespread appropriation of digital technologies, has turned images into a power issue. Images retouched for advertising, twisted for humour, doctored to guide me, analysed to spy on me, modified to ... all with the effective contribution of visual recognition, statistics, artificial intelligence... Faced with the generalisation of reference body images. So it's hardly surprising that anorexia nervosa is appearing in all social categories at a time when adults are developing between the ages of 14 and 17. There is no shortage of questions. How is solitary radicalisation possible?

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<sup>22</sup> <https://www.cnrtl.fr/lexicographie/tentation>

<sup>23</sup> <https://www.cnrtl.fr/definition/tentateur>

## The nature of tempters.

A vast question whose answer disturbs us all. We are collectively, individually and simultaneously tempters or tempted, naïve or malicious, cunning hunter or innocent game.

Do we have an excuse for doing nothing? The lack of reflection, education and awareness on the subject is surely a bit of an excuse; but the multitude of issues and fields involved is at the heart of the difficulty. Schools have made efforts, but the methods and tools used by influence-makers are widespread and constantly changing.

Questioning this armament disturbs a multitude of universes that more or less exploit the knowledge of influence for their own benefit.

How can we do this without turning many worlds upside down?

The business world has been using and abusing it since the dawn of time: you have to convince not only the person who has the money, but also the person with whom you want to trade. Any exchange of goods involves a reciprocal game of influence between the two economic agents. In the same way, in other times and places, two natives, one a hunter and the other a fisherman, would argue about the quality of their catch in order to set the terms of the exchange.

In politics, you have to convince the people who are going to vote for you. Since Aristotle, the demagogue has been an object of reflection on the workings of democracy, so this is nothing new.

What has changed is that "Arx tarpeia Capitoli proxima"<sup>24</sup> has become "Arx tarpeia Capitoli absit"<sup>25</sup> since I can hide, take shelter and, above all, disappear after I've done something wrong. Tax havens are a wonderful illustration of this.

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<sup>24</sup> "it's not far from the Capitol to the Tarpeian Rock".

<sup>25</sup> "it's a long way from the Capitol to the Tarpeian Rock".

The media world has to attract the person who is going to listen to me. There isn't a day that doesn't give us the opportunity to see for ourselves the media's game. A quote from Wikipedia "On 18 December 1997, Fabrice Fernandez was shot in the head at point-blank range during an interrogation at the police station in Lyon's ninth arrondissement. Two nights of rioting followed his death, and for several months, buses regularly stopped their route before entering the La Duchère district, where he was originally from"<sup>26</sup> . France 2's 20 Hour news programme opened with a close-up of two burnt-out cars in front of two closed shops, announcing a riot in La Duchère. Having lived in the district as a student and taking my son to the Lycée de la Duchère, I went to see the report the next morning. There were two burnt-out cars, but the two shops had been closed for 10 years, and the pharmacy and tobacconist's next door were doing just fine. Two cars were burnt... the buses serve the lycée... A sad demonstration of so-called 'news' methods.

The aim of education is to transmit knowledge, skills and abilities... But the relationship between teacher and pupil has changed. The ways in which knowledge is acquired have changed as a result of the "... growing body of knowledge being dispensed by agencies outside the school, which requires a new way of teaching..."<sup>27</sup>

This situation highlights the questioning of the teacher as an agent for the transfer of knowledge. Simone Forster, author of "L'école et ses réformes" (The school and its reforms)<sup>28</sup> adds, "A break occurred with the fall of the Berlin Wall and the rise of globalisation. We entered the era of the culture of evaluation, of ranking education systems and schools. New management techniques were introduced in schools,

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<sup>26</sup> [https://fr.wikipedia.org/wiki/Émeutes\\_dans\\_les\\_banlieues\\_françaises\\_depuis\\_les\\_années\\_1970](https://fr.wikipedia.org/wiki/Émeutes_dans_les_banlieues_françaises_depuis_les_années_1970)

<sup>27</sup> *Revue française de pédagogie* U.N.E.S.C.O. Paris. - The Changing Role of the Teacher : International perspectives: (By) Norman M. Goble and James F. Porter

<sup>28</sup> "school and its reforms"

and the aim was to be accountable... The status of teachers changed as a result.<sup>29</sup> We have moved from a school of transmission to a school of seduction.

In higher education, the teacher must appeal not only to his or her peers, but also to future students, whom you want to attract, not to mention current students who will not fail to denigrate you on social networks if you displease them.

The intrusion of parents, inspectors, vice-chancellors and even ministers into the way the classroom is run adds to this list. In all cases, influence is at the heart of the educational process. This is nothing new, but the link is no longer unilateral between teacher and pupil, it has become multilateral at the centre of a game of players whose tool is influence. The list of communities affected is long, and the phenomenon is growing by the day.

The simplest answer to the question "Why don't we do anything?" would be to say that we derive some benefit, some advantage, some interest, whether economic, philosophical or social.

Reducing the question to this choice assumes that the actors involved are morally justified in exploiting their fellow man.

Do influential profiteers address these moral issues? Surprisingly, not always. At this stage, we discover that the ethical questioning of social influence is almost non-existent.

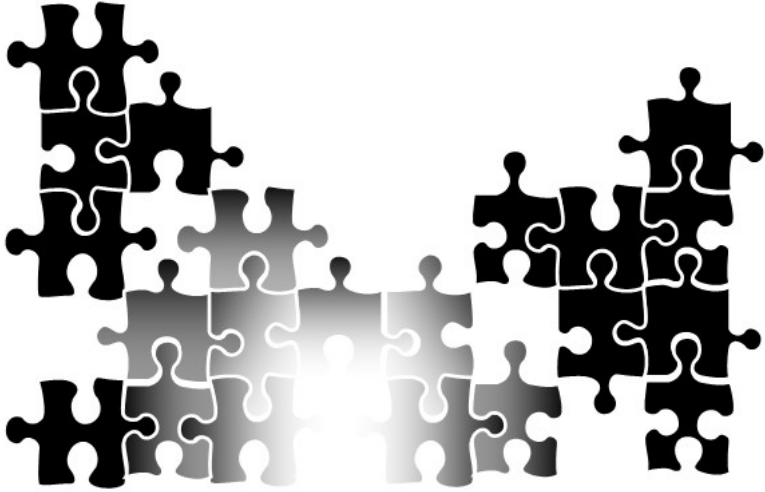
But the subject is becoming central, spurred on by circumstances, information technology and our new toys. The webs are tightening, creeping into every pore of our lives, with no other prohibitions than those that the aggressors set for themselves. The situation may seem acceptable to those whose skills and abilities protect them. But it also raises questions about how our societies protect the weakest members of society, those who need protection because they don't have enough

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<sup>29</sup> ["school was better before"](#)

baggage. Fake news" has become a fashionable subject, but it's just a speck in a sea of tools and situations that exploit the weakest and least experienced.

## Mastering influence



## **A democratic need.**

If we assume, as Charles de Gaulle put it, that "democracy is the government of the people exercising sovereignty without hindrance", then the answer to the question of hindrance lies at the heart of democracy and the regulation of the tools and methods used to influence freedom of thought is a necessity.

Yes, but how?

The acronym "General Data Protection Regulation" or RGPD is a first step towards regulating the processing of personal data within the European Union.

This regulation, a tool for citizens to control the use of data concerning them, forgets the uses and methods. The legitimacy and transparency of the Internet user's initial approval are the only safeguards, but who reads the detail of the texts? Who gives up access?

The next stage concerns the introduction of artificial intelligence or AI. In 2017, the initial prospects of AI going beyond probabilities and scenarios generated an initial ethical questioning, the principles of which are closer to my subject: "The application of Artificial Intelligence to personal data must not unduly restrict the real or perceived freedom of individuals".

In this no-man's-land, I think we need to build a corporate approach that forces people to be surprised. Statistics tend to duplicate the past, algorithms replicate it, they don't innovate, they don't surprise, they atrophy creativity and anaesthetise curiosity. It traps citizens in social autism, with the already proven risk of generating clans.



## The complexity of situations

In our societies, we are accustomed to regulating communal life using fixed rules (law, morality, liturgy, doctrine, usage, custom, etc.). This way of operating, which has governed us since the dawn of time, is adapted to environmental stability. Individual or collective players have the time they need to adopt, apply and adapt the rules.

At present, the speed of change is such that we are unable to keep pace. Worse still, the exploiters are well ahead of us, even though the exploited are unaware of it.

This reflection on the subject leads us to conclude that fixed rules almost always lag behind the need for a framework. We need to move towards establishing principles capable of constituting an ethical system.

In the legal sphere, this would mean reducing the weight of the law in favour of case law, while relying on republican principles of reference (such as liberty, equality and fraternity).

The comparison is a caricature, but it does provide an opportunity to list some of the issues that should give rise to ethical principles in the field of influence.

- Are all the targets to be influenced the same? Customers, voters, constituents, students, friends, bandits,
- Is influence acceptable in all areas: private, public, professional, etc.?
- Should the effect of influence be limited in time?
- Should the technique, the method, the knowledge of influence be shared or appropriated for the benefit of some?
- Who benefits from influence? The influenced or the influencer, or both?
- Is the target of influence still free after being influenced...?
- What intrusions are acceptable: habits, cognition, addiction?

-Is addiction like temptation?

-What changes are eligible as a result of the influence: social links, perception, etc.?

...

Without being restrictive, this questioning should give rise to societal reflection with the aim of training and protecting not the citizens of yesterday but those of tomorrow.

It is this questioning that will accompany us throughout our discussion.

## Duration of influence

In most studies of influence, whether individual or social, the question of the duration of the effect of influence is, to my knowledge, rarely addressed. Stanley Milgram<sup>30</sup> or Solomon Asch<sup>31</sup> analysed and experimented in order to understand, and duration was not a significant dimension of the object of their study. This dimension was addressed by Jerry Berger<sup>32</sup> (2007, 30 years later) when he replicated Milgram's famous experiment, because of the traumatic risks associated with the experiment.

Influence lasts, and we measure its importance in our lives from day to day.

Who hasn't said:

That's how I learned to do it ...

I'm used to ...

Influencers, whether they call themselves parents, teachers, masters, trainers, tempters, preachers... should integrate the duration of the effect they cause into their ethical questioning, if they have any?

The supermarket that tempts children by placing sweets within their reach is a "trickster"; by preying on a defenceless target, it offends a certain ethic; the limited duration of the consequence has led to the social acceptance of this deviance.

I'm not sure any of the old-timers would have accepted such a practice from their village grocer.

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<sup>30</sup> [https://fr.wikipedia.org/wiki/Stanley\\_Milgram](https://fr.wikipedia.org/wiki/Stanley_Milgram)

As a reminder, between 1960 and 1963 he sought to evaluate the degree of obedience of an individual to an authority deemed legitimate and to analyse the process of submission that leads to actions that pose problems of conscience for the subject. In this case, an actor in a white coat simulating a scientist put a subject in the situation of inflicting painful electric shocks on another actor.

<sup>31</sup> [https://fr.wikipedia.org/wiki/Solomon\\_Asch](https://fr.wikipedia.org/wiki/Solomon_Asch)

experiment on group conformity

<sup>32</sup> [https://fr.wikipedia.org/wiki/Exp%C3%A9rience\\_de\\_Milgram#Reproductions\\_de\\_l'\\_exp%C3%A9rience](https://fr.wikipedia.org/wiki/Exp%C3%A9rience_de_Milgram#Reproductions_de_l'_exp%C3%A9rience)

The narcissistic pervert who destroys the confidence of his spouse, the baker who trains his apprentices, the champion role model for young people... all have lasting effects on the lives of the targets of influence. The temporal dimension of the effect of influence raises questions about the notion of freedom. Many of the consequences of influence are long-lasting: my culture, my education, my life course... Duration is at the heart of the question of free will.

Should influence always be displayed with an expiry date? This question would have seemed preposterous at the beginning of the last century, but it has become very topical. The expiry of knowledge, ideologies and cultures, not to mention fashions, theories and models, is a permanent feature of our knowledge-based civilisation.

Anticipating expiry is a complex issue. Without fixing it in advance, the mere fact of expressing the possible existence of a period of validity constitutes a first level of protection, even if not everything is perishable.

Should the consequences of influence be borne by the influencer?

When the consequences are harmful and responsibility has been established, it is fairly simple to draw a rule.

Does this mean that the narcissistic pervert<sup>33</sup> has to pay for the psychological care of his or her ex-spouse until the effect has worn off? This is a societal question that was partially answered by the 2010 law<sup>34</sup>. Our law, through "vicarious liability"<sup>35</sup>, offers a potential answer to this question.

The influencer could be liable for damage caused by the influenced to himself or to third parties, since the influenced is answerable to the influencer.

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<sup>33</sup> [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000042193490/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000042193490/)

<sup>34</sup>

[https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006070719/LEGISCTA000006165282/#LEGISCTA000006165282](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165282/#LEGISCTA000006165282)

<sup>35</sup> Article 1242 of the Civil Code: "A person is liable not only for the damage he causes by his own act, but also for that caused by the act of persons for whom he is responsible, or by things in his custody."

Unfortunately, our practices, which include control, exclude influence from the scope of the law, so why not include it in the scope of influence? This is my radical option, but would it be effective in any economic, social or political field? While there may be doubts about the legal implementation of such an approach, the existence of this putative responsibility will have behavioural consequences for ill-intentioned spiders.

## Visibility and social acceptance.

To the question "Is the generation of addiction comparable to temptation?", a vast question which, when left to drift from the theoretical to the practical, is bound to open up controversy.

Is sugar addiction more acceptable than alcohol addiction? According to Sante Publique France, one is implicated in 6% of deaths and the other in 7%. So the question is not about the outcome of the game of influence, but about something else. If we add to this initial inventory of the situation the massive use of sound helmets, the foreseeable harmful consequences of which have been proven, or the social acceptance of the temptation of advertising, this quickly leads us to reflect not on influence but on the relationship between the object of influence and the social body.

From this observation, we can deduce that the above-mentioned remark about the relationship between old-timers and their grocer is from another time. I'm happy to concede the anachronism.

The fact remains that social acceptability does not bloom like roses. It is developed, built, rejected and accepted in successive waves of ebb and flow.

Advertising, which would become advertising after the war, fits perfectly with this logic; widespread from the end of the 19th century<sup>ème</sup>, it was used to influence, even if it meant "embellishing" reality a great deal.

<sup>ème</sup>For example, in the 19th century, a Parisian department stores' promised its customers at the time to return "the money from any purchase that has ceased to please"<sup>36</sup> It is not known whether this led to the owner's wealth or bankruptcy.

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<sup>36</sup> <http://passerelles.bnf.fr/albums/publicite/index.htm>

This situation of exploitation by a small number of seductive advertising techniques lasted until the end of the twentieth century<sup>37me</sup>, when the techniques, methods and tricks of advertising were widely disseminated in public opinion, putting the social body in a position to protect itself. The "Culture Pub" programme made a major contribution to making this knowledge commonplace.

The transitional period lasted over a century, during which time a few individuals took advantage of the situation to the detriment of many others.

Fortunately, not all transitions are so long. For those who have been trained in statistical analysis (factorial, typological, segmentation, etc.) and have been surfing since Compuserve<sup>37</sup> arrived in France, the emergence of Yahoo, Google and other networks could have been anticipated from the outset. CompuServe was already offering a search engine, community forums and messaging services .... But who foresaw this? Less than 20 years have passed since the arrival of Google (1998) and the widespread use of Facebook (2006). The emergence of the General Data Protection Regulation or GDPR (2021) is a step towards mastering the tools of influence.

But there is still a long way to go to avoid the exploitation of the ignorant by the knowledgeable. The duration of the transition, between the emergence of technology and the knowledge of those who are affected by it, is a dimension that needs to be taken into account. These grey periods between the two always open the door to 'questionable' actions. At this stage of the debate, we understand that the issue is not

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<sup>37</sup> "Compuserve launched its services in France in November 1993. But at the time the connection required a paid telephone call to a switchboard, at the user's expense.... L'Express, followed a little later by Le Monde, opened their first forums on the site, using it as an additional means of feeding their readers' letters, and sometimes exceptionally offering to publish an author's electronic text in their pages...

In April 1995 Compuserve launched its service... The user then had an e-mail address in SMTP/POP3 protocol and the SPRY Mosaic browser to explore the web. On 15 December 1995, Compuserve services were connected to the Internet.... An online HTML editor also enabled users to create their own web pages in just a few minutes.

the nature of the object of influence, but the sharing of knowledge and the duration of the dissemination of knowledge. This imbalance therefore needs to be addressed.



## **Asymmetry of knowledge, skills and freedom of choice**

In our modern societies, it is customary to consider that the person who knows, the one who has the knowledge, the skill can benefit from this situation.

That's what salespeople, marketers, lawyers, doctors, professors, etc. do.

Our common frame of reference is that those in the know have the legitimacy to influence our choices. This legitimacy is known and should be transparent.

The medical professions have taken this dimension on board: "consent must be 'free and informed'. This means that it must not be obtained under duress. The patient must give his consent after having received clear, complete, comprehensible and appropriate information from the doctor beforehand". We will not discuss here the doctor motivated by the laboratories, nor the salesman motivated by the premiums, as the ethical question arises in these cases: at this stage it does not exist.

We will look at the case where the knower has the power linked to competence or knowledge when the target, who does not have the same abilities, does not have the legitimacy to do so.

Every day we are confronted with situations of this type, it is your telephone that suggests a restaurant, your newspaper that provides information, your uncle who gives you advice...

We talk about equality, but what equality is there when I use what I know to guide my ignorant fellow citizen?

Those in the know have an ethical duty to counter-influence; they must present the counterpoint in order to clarify the field of free choice.

It should also be pointed out that some professionals, such as notaries, have already adopted this approach.

This subject raises the question of imbalance, an age-old issue in our societies.

In many areas we have answered this question with common rules:

As far as force is concerned, we have resorted to "self-defence".

As far as wealth is concerned, we have developed a policy of social redistribution.

As far as knowledge is concerned, we have created free, compulsory schooling.

We don't like imbalances when they threaten our shared life. So why not incorporate the imbalance in the face of influence into our common rules? Shouldn't we protect the most vulnerable, those who are ill-equipped or poorly equipped to protect themselves from sirens that are nothing more than spiders in make-up? If we must protect those who are unable to protect themselves, do all targets qualify for this protection? Are all circumstances covered?

## Modalities and acceptance of influence.

If we examine the question, we see that certain fields are exempt from the principle of protecting the target. For example, the Criminal Code provides that: "... officers of the criminal investigation police may, with the authorisation of the public prosecutor or investigating judge, ... without being criminally liable for such acts : Acquire narcotic substances... provide persons committing these offences with the means..."<sup>38</sup>

The associated articles of this law also cover other areas such as the use of a false digital identity or the introduction of means of monitoring a suspect. Does the scope of influence methods justify manipulation? In other words, who is legitimate to act in this way?

Legitimacy, seen as recognition by a group, is different from legality, which emanates from common law. Should we limit the use of manipulation on the basis of legality or extend it to legitimacy in specific circumstances?

The open question asks how we collectively choose the fields of action in which we accept the use of influence techniques.

Current societal practice has allowed habit to create a form of acceptability through use. This process assumes a form of learning process whose morality should be questioned.

Although the most agile, the best informed, identify, understand and protect themselves fairly quickly, this momentarily leaves the majority disarmed.

In a society undergoing slow change and lacking the tools of mass distribution, this cycle did not have a massive impact on our communities. The time available for broadcasting gave many of us

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<sup>38</sup> Code of Criminal Procedure Article 706-32

the opportunity to understand, to protect ourselves and ultimately to escape the attempt at submission. In our time, time has become short, the speed of deployment is lightning-fast, the impact is global, and the consequences can be disastrous for the future of our democratic societies.

Let's take a global example: in the space of 50 years (1950-2000), the transfer of consumer product sales from bulk to packaged goods has turned our planet upside down. The massive use of packaging as a vector of temptation and influence has resulted in one of the greatest environmental challenges of the 21st century. Packaging has conquered the planet, moving from limited use to widespread use. If you compare this to the emergence and spread of tinned food<sup>39</sup>, you will notice the difference in speed. We went from an innovation at the end of the eighteenth century<sup>ème</sup>, to appertisation, to industrialisation in the middle of the nineteenth century<sup>ème</sup> and widespread use in the twentieth century<sup>ème</sup>.

The speed of distribution is challenging our habits. The method of doing, observing and regulating no longer works properly. We need to anticipate. Waiting means it's too late. The roll-out of the internet and mobile technologies is multiplying the number of examples of "too late".

Although social networks were identified by Elizabeth Spillius (Bott) and Stanley Milgram in the mid-twentieth century, they were not taken into account until recently. So how can we regulate our societies? Probably by going back to the principles that have enabled us to live together sustainably for three centuries by sharing values.

"The Universal Declaration of Human Rights

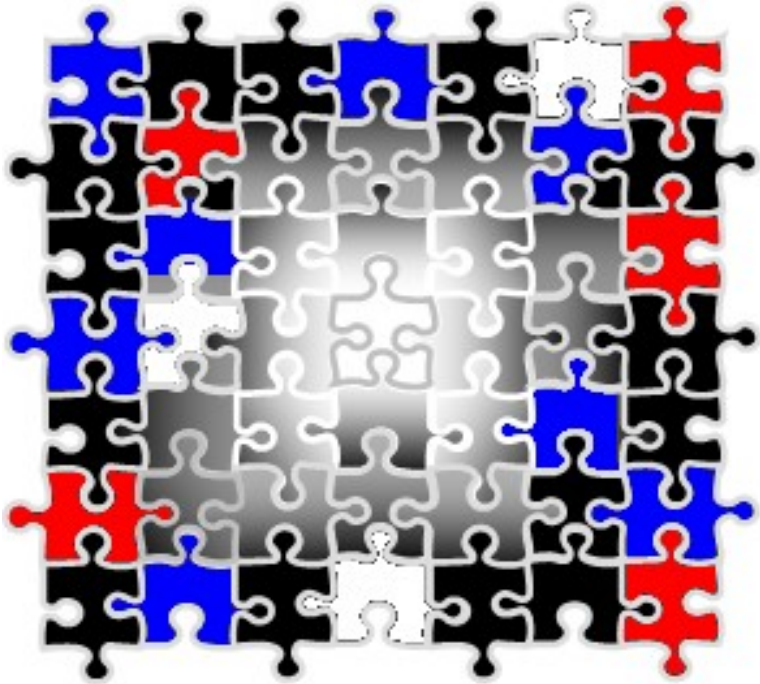
Strong but broad principles, robust to societal change and whose implementation anticipates the emergence of laws, decrees or rules.

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<sup>39</sup> <https://www.cancentral.com/can-stats/history-of-the-can>



## The principles of a universal declaration of human rights



## **"Art. 1: The influencer undertakes to respect the free conscience of the person under influence.**

So no influence should affect freedom of thought and choice.

Wonderful! But how do I do it?

By laying down the principle that all those influenced must remain free to escape the consequences of influence, I oblige the influencer to protect the free choice of the influenced, thus becoming the prosecutor of his own cause.

It's a troubling prospect to be the advocate of a cause but also its detractor. You might think it impossible, but it is already the case for the oncologist who explains to his patient the possible outcomes of treating or not treating a tumour. He presents all the facets of the decision. If he is personally convinced, he is obliged to respect the patient's free choice.

This situation is not unique, but is unfortunately limited to extreme situations.

By laying down the principle, we are establishing the obligation for the influencer to justify the way in which he has carried out his influencing action; we are reversing the burden of proof. It is no longer up to the manipulated to prove manipulation, fraud or breach of trust for lawyers, but up to the influencer to justify compliance with the counter-influence obligation.

It's not as complicated as it sounds, as we've already done in the mail order sector. The consumer has "a period of 14 days in which to change his or her mind in the event of an internet or telephone purchase"<sup>40</sup>. This is the right of withdrawal. If you exercise this right,

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<sup>40</sup> <https://www.service-public.fr/particuliers/vosdroits/F10485>

the seller must reimburse you for the goods or services ordered. However, certain contracts are not covered by this right"<sup>41</sup> but "the seller must inform you of the existence or absence of this right before you place your order".<sup>42</sup>

This is an isolated and belated example: a century passed between the first mail-order catalogues and the text in question. We are faced with this inability to react quickly in the absence of general principles; we remain bogged down in a logic that closely resembles the traps used by certain hunters.

1-Manipulation

2-Abus

3-Reaction

4-Legislation

And all the while the spiders are feasting... bon appétit!

By laying down a principle in our constitutional texts, we would allow :  
Immediate legal action.

The interplay of case law.

Interpretation before the emergence of the law or decree.

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<sup>41</sup> <https://www.service-public.fr/particuliers/vosdroits/F10485>

<sup>42</sup> <https://www.service-public.fr/particuliers/vosdroits/F10485>



## **"Art 2: Influence is only acceptable with adults who are responsible for their actions.**

At first sight, this principle seems obvious: taking advantage of the naivety and inexperience of children or teenagers is not acceptable. When we list the areas of influence that children and teenagers are confronted with, we find :

The family

The school

Community life

Sport, etc.

The list is long and suggests that the article in question is unfounded. Our societies have already implemented this principle through the right to vote, which since 1791 has been acquired from an age set by law.

We have therefore decided that children and teenagers are not in a position to make an independent choice when our representatives are elected. When asked why? The answer commonly given is that they are not autonomous, an argument that has been the subject of debate in Germany .<sup>43</sup>

But how can we apply this principle without upsetting our customs? The first way to resolve the question of the areas mentioned above would be to consider learning not as an influence but as a transfer. Learning is defined as the transfer of a skill, knowledge, usage or custom shared by the whole community to which the child or adolescent belongs.

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<sup>43</sup> [https://www.persee.fr/doc/phlou\\_0035-3841\\_2007\\_num\\_105\\_1\\_7711#phlou\\_0035-3841\\_2007\\_num\\_105\\_1\\_T1\\_0049\\_0000](https://www.persee.fr/doc/phlou_0035-3841_2007_num_105_1_7711#phlou_0035-3841_2007_num_105_1_T1_0049_0000)

This definition alone does not protect us from religious, political or ideological indoctrination within the same community.

Combined with the first article mentioned above, "The influencer undertakes to respect the free conscience of the influenced", an article which leads to the obligation to counter-influence, this wording offers an acceptable level of protection for the "innocent" or rather the "unconscious".

## **"Art 3: The duration of the consequences of influence is limited to the free choice of the person influenced."**

We have already addressed this question in "The duration of influence and the ethical issue". Looking at this question leads us to the process that generates change.

How do you add an expiry date? Is this possible?

Are there any precedents for our practices?

Our societies, our cultures and our customs have not very often integrated questioning as a founding element of any approach to influence.

Imagine an advert that concludes the tempting presentation of the latest marvel with an announcement that next year's model will be even better.

While in the marketing field this is astonishing, not to say explosive, there are circumstances in which it is a fact of life.

So the training of doctoral students, some of whom are future researchers, incorporates questioning as an epistemological foundation from the outset.

Can the influencer's attitude be generalised across all fields of application? Without having identified all the ways in which it can be implemented, we could draw inspiration from mathematics, which uses postulates and axioms as the basis for a theoretical construction approach.

Every influence should identify and formulate the postulates and axioms that undermine its content.

So we can imagine advertisements that include a detailed explanation of seduction, cheating and other tricks designed to seduce. As you read these lines, you may be thinking that this is a utopian dream. To convince yourself of the feasibility of this proposal,

all you have to do is walk into a tobacconist's shop and examine the cigarette packaging.

Who could have imagined? Those who knew the free distribution of "Gauloises" to soldiers called up from the contingent!

They note the current obligation, not just to counter-argue, but to appeal to disgust and not to temptation.

**"Art. 4: The capacities of the person being influenced must be equivalent to those of the influencer. If this is not the case, the influencer must argue his or her case but also defend the opposite point of view in order to preserve the free will of the person being influenced.**

This principle seems contrary to the behavioural logic of the influencer, since the aim of his action is to obtain a change in the perception of the influenced.

My teacher did not explain to me the negative consequences of learning to read or do arithmetic. Reading and counting have a definite effect on our perceptions. Reading makes us aware of what we didn't know and counting makes us aware of what we don't have. In such caricatured questioning, two questions emerge: "who benefits from the influence" and "is this the only one to benefit".

We will return to this subject later.

However, there are situations where this counter-influence is practised. For example, when faced with a disease that offers several treatment options, a doctor will almost systematically present the positive and negative aspects of each choice, leaving the patient to make a decision. The patient will make the decision not without asking "If you were in my shoes, what would you do?"

Notaries, lawyers and chartered accountants are all involved in this practice, although it is not widespread or included in the practices recommended by the institutions. The notarial profession, for example, devotes three lines to the subject in its "National Rules" issued by the "Higher Council".

"Art. 3.2.1 The notary owes his clients his professional conscience, respect, impartiality, probity and the most complete information. The client's interest always takes precedence over his own.

In its "National Rules of Procedure for the legal profession", the legal profession addresses the section on the "code of ethics for European lawyers" in terms of the client's interests.

"21.2.7 Subject to strict compliance with legal and ethical rules, a lawyer has a duty always to defend his client's interests to the best of his ability, even in relation to his own interests or those of his colleagues.

The question of the balance between knowledge and counter-influence is not addressed directly, although it underlies the question of priority defence of the client's interest. As has been explained, some professions have incorporated this article in a form that does not involve sharing competence, but rather defending the interests of the person being influenced. Our law has already addressed this issue: "fraud, breach of trust, abuse of weakness, deception, conflict of interest, etc." are contexts in which the imbalance of competence is used. We have not extracted the source of the misdemeanour or crime: the asymmetry of competences.

The purpose of this article is to fill this gap.

## **"Art 5: When the influencer derives a benefit, the influenced must be aware of it."**

The question of benefit is central to ethical questioning. If we postulate the wording of article one of our plea: "The influencer undertakes to respect the free conscience of the person influenced", the existence of a benefit raises questions about the influencer's respect for the freedom of choice of the person influenced. Is the distance between the influencer and the benefit sufficient to leave the influencer alone to manage this issue?

There isn't a day that doesn't bring us face to face with this lack of distance.

Who hasn't been encouraged by a sales assistant in a shop to choose a product on the basis of a recommendation? Who hasn't regretted listening when they get home and discover the product's freshness or partial suitability?

We've all experienced this misfortune; often, with the help of our good nature, we haven't held our butcher, grocer, baker, etc. to account. In this case, the influencer benefits while the influenced pays the price. However, this is not always the case, as both parties can sometimes benefit, in what is known in management jargon as a "win-win" scenario.

In the field of business, this situation, often preceded by negotiation between professionals, leaves the players free to evaluate, imagine and predict the profit to be made by the influencer.

The game of influence is balanced, with the players changing roles, the influencer becoming the influenced and vice versa.

In this situation, the question must also focus on the balance of capabilities, as we set out in article four of our paper, which

postulates that "the capabilities of the influenced must be equivalent to those of the influencer".

If capacities are unbalanced, the issues of knowledge and counter-influence resurface.

One area that has answered this question is sport.

In sport, as well as playing according to the rules, and despite the use of "fair play", opponents use influence to discourage, deceive, manipulate and so on.

The aim is to provoke your opponent into making a mistake.

Why is this accepted by all participants?

Without being exhaustive, the knowledge of the manoeuvres, tricks and their consequences by all the participants is probably at the origin of the acceptance of this "deviance".

It is reasonable to conclude that sharing skills and understanding the consequences is one of the building blocks of an ethical approach to this issue.

If the counterpart of influence is an economic, sociological or psychological exchange, the ability to understand its nature is a prerequisite. Without this component, the ethical system of the transaction is once again out of balance.

What attitudes can influencers adopt?

Giving up the exchange or the consideration that he derives from the exchange can be a response.

This need to understand before making a commitment can be found in many of the acts of our lives. During the civil marriage ceremony, the registrar will list the consequences of the marital commitment as described in the Civil Code.

"Article 212: Spouses owe each other mutual respect, fidelity, help and assistance...



Article 215: The spouses are mutually bound to a community of life. The residence of the family is at the place they choose by mutual agreement...".

Until 2019, this question of understanding has limited<sup>44</sup> the freedom of protected adults who wish to marry, enter into a civil partnership or divorce.

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<sup>44</sup> <http://www.justice.gouv.fr/bo/2019/20190329/JUSC1909309C.pdf>

## **"Art 6: When the influenced alone derives benefit from the influence, the action is deemed ethical."**

From the moment we are born, we enter a process of influence that we call "education". From the basic learning imparted by our parents to the skills built up by our teachers, we are the beneficiaries of influences that are favourable to us. They are not always transparent; our memories are paved with the pious lies told by our parents to convince us to eat, to protect ourselves from the cold, etc. In the case of a parent-child relationship, the question of the beneficiary is almost always clear. In other situations the issue is often more complex.

The teacher, like the parents, is deemed to benefit only from the pupil's progress. While this situation may seem obvious, it conceals cases where the teacher benefits directly from the pupil's work. This is the case of the thesis supervisor who will see his name associated with his pupil's scientific publication, or the teacher who will have 'prepared' the visit of the school inspector.

The question of the beneficiary is therefore not categorical; it is the result of the intersection of the relationship between the influencer and the influenced and the context of the situation.

## **"Art 7: When the influencer acts to uphold the common law, he must justify the legitimacy of the action."**

The twentieth century has amply demonstrated that influencers can act to uphold the common law without the law being legitimate. This was the case in Nazi Germany, Fascist Italy and Petainist France before 1945, with anti-Semitic laws and communication campaigns that did not comply with the principles of the Universal Declaration of Human Rights.

The propaganda of the dictatorial regimes of the 20th century is one of the historical precedents, but there is no shortage of examples in our own history.

Posing the question of the legitimacy of action in these terms presents us with a conflict of legitimacy that could be expressed as follows:

"I am acting to uphold the common law, but is the action I am taking legitimate?"

A police officer who legally arrests a thief who resists is not justified in using disproportionate violence. More than a certainty, it's a question that needs to be asked of those who take public action.

In our society, which is enshrined in the Declaration of the Rights of Man and of the Citizen, the bearer of public action has a text and a context that help him or her to evaluate. This is not always the case.

## **"Article 8: When influence is indirect, using third parties, it is deemed to be insidious and perverse.**

There are two aspects to this principle: on the one hand, the use of the child to force parents to buy<sup>45</sup> and, on the other, the police trap to capture the head of the network. Influence can therefore be insidious and perverse, but legitimate: national campaigns for vaccination, smoking cessation, speeding... are all examples of this situation. In more general terms, the systems put in place by the GAFAMs all tend to make our lives easier, the better to lock us in. It's an approach of the same nature that has been grouped together under the term "nudge"<sup>46</sup>. In both cases we are indeed faced with a form of slavery<sup>47</sup>: "the state or condition of an individual over which some or all of the attributes of the right of ownership are exercised"<sup>48</sup>. When I, as a citizen, end up defining myself as the unwitting slave of organisations whose only legitimacy is to exploit my negligence or weaknesses, it raises questions about respect for our fundamental principles. The institutional responses are weak and ill-adapted, still 20 years behind the times ... we need to deal with the issue differently, the influencer needs to be afraid of the judge's freedom to apply the principles. This is a call to change our legal framework.

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<sup>45</sup> The practice is being called into question in France and will be banned in the UK and California from 2022.

<sup>46</sup> [https://fr.wikipedia.org/wiki/Th%C3%A9orie\\_du\\_nudge](https://fr.wikipedia.org/wiki/Th%C3%A9orie_du_nudge)

<sup>47</sup> <https://www.agencefove.com/articles/36-le-nudge-marketing--comment-utiliser-les-biais-cognitifs-pour-faire-passer-vos-messages-plus-efficacement-.html>

<sup>48</sup> <https://www.ohchr.org/fr/professionalinterest/pages/slaveryconvention.aspx>

## **" Art 9: The influencer is primarily responsible for compliance with these ethics.**

In our society, it is customary, by virtue of the principle of freedom of choice, to exempt oneself from this responsibility. This is why the merchandiser will place the products he wants to promote at the right height in the aisle, positioning the competitor at the very top of the gondola, making it difficult for customers under 1.75m to reach. It's the same logic that leads online retailers to sort answers "by default", but with guidance. The choice is free but constrained, so it restricts the use of freedom by making it more difficult. When the influencer restricts or limits the scope of what is possible, he places himself outside the scope of our approach. This is what our electoral code<sup>49</sup> has sought to achieve from the outset by laying down in detail the principle of fairness between candidates.

By making the influencer assume responsibility for ethics, we are simply noting that he alone masters the methods, the context, the targets, the limits... As such, it is only natural that the responsibility for overall compliance with the influencer's code of ethics should fall to them. This status will have economic consequences, which we discuss in article 10.

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<sup>49</sup> <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006070239/>

## **"Art. 10: An influencer who fails to comply with the foregoing principles is liable for any consequences suffered by the person under influence.**

To date, our approach to the responsibility of the influencer has been limited to veracity, oblivion and acceptance of the methods by the influenced. On a daily basis, we are all seeing the effects of the RGPD on our use of the Internet. Each time we log on again, we have to set the parameters for the rights we grant. The questions vary in nature and quantity from one site to another. By making our practices more complex, it tends to encourage us to accept the violation of our privacy. Has the GDPR protected our societies from harmful information practices? Have we better protected our privacy? The future will perhaps answer this question, but given the explosion in the use of systems of influence, it is up to us to deconstruct our logic. The individual caught up in a system of influence is not free at the moment of decision. They may be constrained by their environment, indoctrination or propaganda, but they are not aware of it. This brings us back to the definition of "fraud when a person obtains goods, money or a service by deceiving the victim. The perpetrator exploits the victim by concealing the truth. The victim gives his or her property or money voluntarily, because he or she has been deceived about the perpetrator's intentions"<sup>50</sup>. If the reference seems excessive, it raises the question of the classification of deceptive systems of influence with an economic purpose. Shouldn't the influencer be financially liable? This is a question that deserves to be considered, at least to protect those who do not have the capacity to protect themselves from the manipulator's actions.

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<sup>50</sup> <https://www.service-public.fr/particuliers/vosdroits/F1520>



## **Conclusion**

The declarations of rights of 1789, like that of 1795 which incorporated the duties of man and citizen, were utopian in the era in which they were formulated. By laying down principles and values, they constituted a course, a goal to be shared, which even the monarchs of the Restoration retained. The purpose of this document is to encourage the emergence of a similar text. The intention is not to abandon a part of our freedom of thought, whatever our commitments, our sensitivities, our beliefs... that is the purpose of this appeal. In his post "Recovering digital sovereignty"<sup>51</sup>, Jerome Bondu opened the issue from the point of view of sovereignty.

Democratic operation.

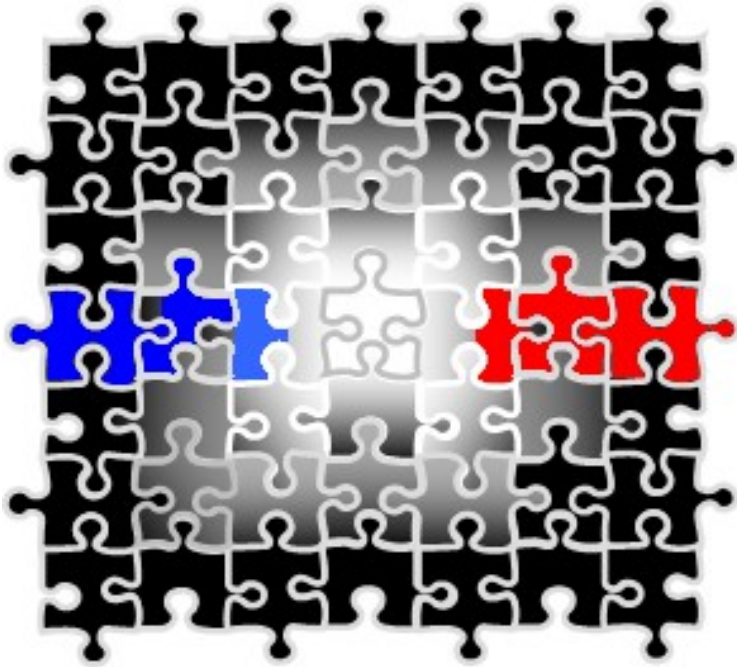
To arms, citizens!

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<sup>51</sup> <https://cercle-k2.fr/etudes/recouvrer-une-souverainete-numerique-498>



# **Declaration of the Influencer's Duties and the Influenced's Rights**



**Art 1: The Influencer undertakes to respect the free conscience of the Influenced;**

**Art 2: Influence is only acceptable with adults who are responsible for their actions.**

**Art 3: The duration of the consequences of influence is limited to the free choice of the person influenced.**

**Art 4: The capacities of the person being influenced must be equivalent to those of the influencer. If this is not the case, the influencer must counter-argue the person being influenced in order to preserve his or her free will.**

**Art 5: When the influencer derives a benefit, the person influenced must be aware of it.**

**Art 6: When only the person being influenced benefits from the influence, the action is deemed ethical.**

**Art 7: When the influencer acts to uphold the common law, he or she must justify the legitimacy of the action.**

**Art 8: When influence is indirect, using third parties, it is deemed to be insidious and perverse.**

**Art 9: The influencer is primarily responsible for compliance with these ethics.**

**Art 10: The influencer who has not respected the above principles is responsible for the consequences suffered by the person under influence.**

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