
*Guest Editor's Introductory Note Regulation, Awareness, Agency: Beyond the “Risk Paradigm”**

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ABSTRACT. The *Forum* explores legal and philosophical issues regarding minors' access to technologies and digital environments, focusing on the evolving use of these tools, as well as the risks and opportunities they present. It examines how datafication, mediation, and technological hyper-mediation are shaping these new environments, leading to a “digital risk society”. While acknowledging risks, the *Forum* seeks to move beyond the “risk paradigm” by exploring complex interactions between minors, platforms, and digital contexts. It emphasizes the importance of awareness, education, social practices, and relational dynamics, combined with appropriate regulations, prohibitions, and sanctions within the realm of digital citizenship.

KEYWORDS: risk, regulation, awareness, agency, digital citizenship.

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Forum

Los menores y el uso de la tecnología: protección legal y derechos personales

Nota introductoria del editor invitado

Regulación, conciencia, agencia: más allá del “paradigma del riesgo”

RESUMEN. Este *Forum* explora cuestiones legales y filosóficas sobre el acceso de los menores a las tecnologías y los entornos digitales, centrándose en el uso evolutivo de estas herramientas, así como en los riesgos y oportunidades que presentan. Se examina cómo la datificación, la mediación y la hipermediación tecnológica están moldeando estos nuevos entornos, llevando a una “sociedad de riesgo digital”. Aunque se reconocen los riesgos, el *Forum* busca ir más allá del “paradigma del riesgo” al explorar las complejas interacciones entre los menores, las plataformas y los contextos digitales. Se enfatiza la importancia de la concienciación, la educación, las prácticas sociales y las dinámicas relacionales, combinadas con regulaciones, prohibiciones y sanciones en el ámbito de la ciudadanía digital.

PALABRAS CLAVE: riesgo, regulación, concienciación, agencia, ciudadanía digital.

I. The ongoing digital transformation can be described through a particularly effective hermeneutic framework for the study of contemporary times, i.e., the “new world”¹ and the technological process that sustains it, as well as the subjects who find themselves inhabiting it: as has been suggested, paraphrasing the French anthropologist Marcel Mauss (1872-1950), we can consider it as a “total social fact”², since it is pervasive, omnipresent, asymmetric and powerful to the point of shaping

1 The reference is obviously to the well-known novel by Huxley, A., “Il Mondo nuovo” (1932), in Huxley, A., *Il Mondo nuovo. Ritorno al Mondo nuovo*, Milan, Oscar Mondadori, 2020. He draws inspiration from this work to make very interesting observations on the current configurations of law and some of the controversies surrounding it, D’Aloia A., “Il diritto verso ‘il mondo nuovo’. Le sfide dell’intelligenza artificiale”, in D’Aloia A. (ed.), *Intelligenza artificiale e diritto. Come regolare un mondo nuovo*, Milan, Franco Angeli, 2020, 7-66.

2 Bello, B.G., *(In)giustizie digitali. Un percorso su tecnologie e diritti*, Pisa, Pacini, 2023, 10. The reference is to Mauss, M., *Saggio sul dono. Forme e motivo dello scambio nelle società arcaiche* (1923-1924), Aime, M. (preface), Italian trans., Turin, Einaudi, 2002, 160.

The archaic gift, as a total social fact, indicates a relational totality, in short, a community constituted by the circulation of gifts and counter-gifts among all its members. Mauss writes: “The souls merge with things; things merge with souls. Lives intermingle, and thus people and things, confused together, exit their own spheres and blend: this is nothing but the contract and the exchange. [...] Exchanges do not concern individual persons but the entire collective”.

Michele Martoni has fruitfully revisited this point to explore certain processes in digital society, such as datification, with particular reference to minors (Martoni, M., “Un’autonomia ostacolata. Limiti cognitivi, incompetenze e design ingannevoli nella trasformazione digitale”, *Sociologia del diritto*, 1, 2024, 7-32, 9). Martoni aligns Bello’s reference with that found in the work of Garapon A., and Lassègue J., *La giustizia digitale. Determinismo tecnologico e libertà*, Bologna, Il Mulino, 2021, 79.

things, behaviors, and relationships between individuals. From the perspective that is chosen to be adopted in these pages, this is especially true for those who have been immersed in it since their earliest years of life and, more broadly, for minors, often referred to as “digital natives”³.

The aim of the present Forum is to explore, through the tools of law and philosophical reflection, certain issues resulting both from minors’ access to technology and online services, and more generally to “digital environments”⁴, as well as from the use of tools and the potential they offer in constantly iridescent and rapidly changing forms.

Datafication, technological mediation, and hyper-mediation characterize the new environments in which people live, where various forms of risk⁵ can be identified and predicted alongside opportunities and potentials⁶. In this sense, following some recurring interpretations and extending the paradigm of the German sociologist Ulrich Beck (1944-2015)⁷, the current era could be defined as the “digital risk society”.

For example, in addition to the many manifestations of “criminal informatics”⁸, risks can also be clearly expressed through hate speech⁹, fake news, and the manipu-

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- 3 The expression is actually quite controversial and immediately brings into question the dimension of education and awareness in the use of technological and digital devices. In this perspective: Di Bari, C., *I nativi digitali non esistono: educare a un uso consapevole, creativo e responsabile dei media digitali*, Rome, Uppa edizioni, 2023. Cf., in general, Prensky, M., *La mente aumentata: dai nativi digitali alla saggezza digitale*, Trento, Erickson, 2015; Riva, G., *Nativi digitali: crescere e apprendere nel mondo dei nuovi media*, Bologna, il Mulino, 2019.
 - 4 For a first overview of some challenges, which also concern the approach of parents and family members, see Rossetti, A., *La vita dei bambini negli ambienti digitali*, Turin, Edizioni Gruppo Abele, 2022.
 - 5 For an inquiry through the pivotal categories of private law, see Scaffardi, L. (ed.), *I profili del diritto: regole, rischi e opportunità nell’era digitale*, Alpa, G. (preface), Turin, Giappichelli, 2018; Ferrari, M., *Alea e rischio nella realtà digitale*, Naples, Edizioni scientifiche italiane, 2022. For a map of some of the main issues, see Vantin, S., *Il diritto antidiscriminatorio nell’era digitale: potenzialità e rischi per le persone, la pubblica amministrazione, le imprese*, Milan, Wolters Kluwer, 2021. With particular regard to data protection, see Lazzini, F., *Etica digitale e intelligenza artificiale: i rischi per la protezione dei dati*, Cerrina Feroni, G. (preface), Turin, Giappichelli, 2022.
 - 6 Cf. Ingram, G. P. D., *Adolescent Use of New Media and Internet Technologies: Debating Risk and Opportunities in the Digital Age*, New York, Routledge, 2023.
 - 7 Beck, U., *La società del rischio: verso una seconda modernità*, Rome, Carocci, 2000; Beck, U., *La società globale del rischio*, Trieste, Asterios, 2001; Beck, U., *Living in World Risk Society*, Menghi, C. B. (ed.), Turin, Giappichelli, 2008; Beck, U., *Conditio humana: il rischio nell’età globale*, Milano, Mondadori, 2023.
 - 8 Pietropaoli, S., *Informatica criminale. Diritto e sicurezza nell’era digitale*, Turin, Giappichelli, 2022. The volume addresses numerous phenomena that often concern new generations and minors, such as the various forms of digital pornography (sexting and sextortion), child pornography, grooming, virtual pornography, non-consensual pornography (revenge porn), cyberbullying, hate speech, and the creation and dissemination of fake news.
 - 9 For a broad examination: Bello, B. G., and Scudieri, L. (eds.), *L’odio online: forme, prevenzione e contrasto*, Turin, Giappichelli, 2022. Cf., also, Ziccardi, G., *L’odio online: violenza verbale e ossessioni in rete*, Milan, Raffaello Cortina, 2016. Useful analysis insights are in Ansuátegui Roig, F. J., “Libertà di espressione, discorsi d’odio, soggetti vulnerabili: paradigmi e nuova frontiera”, *Ars interpretandi*, 1, 2017, 29-48.

lation of information and behaviors¹⁰, inappropriate content, various forms of addiction¹¹, but also the increasingly prevalent “social media challenges”, which have become a significant phenomenon within the vast landscape of digital platforms. Viral practices across different regions and generations, such as the “Blackout challenge”, the “Blue Whale”, or the “Ice Bucket challenge”, among others, are capturing the attention of audiences, observers and scholars, positioning themselves on the edge between the playful and entertaining dimension and that of risk, between gregarious as well as conformist compliance and creative, provocative innovation¹².

Beyond these sectoral aspects, which certainly deserve dedicated attention (also with “field studies”, within the digital environments themselves), when it comes to protecting the rights of minors, the issue of risk has a much broader scope, to the point that it has shaped a paradigm connected to the almost obsessive search for *security*. This issue has deep roots, but it is enough here to highlight one aspect, which has been aptly described in the following terms: “If the quest for security interacts intensely with the law, continuously pushing to redefine both the spaces of individual freedom and those for the exercise of public and private powers, [...] the presence of technology imposes itself as a “reagent”, provoking consequences that can be highlighted from a dual perspective: on the one hand, the relationship between law and security in a context marked by the massive presence of technology; on the other hand, the relationship between law and technology, in a context characterized by the obsessive quest for security”¹³.

II. It is around the notion of risk that the major regulatory measure revolves (the AI Act), recently approved by the European Union after a long gestation, a detailed preparatory process, and extensive discussion¹⁴. The Act prominently features the

10 In a wide literature, see Giusti, S., and Piras E. (eds.), *Democracy and Fake News: Information Manipulation and Post-Truth Politics*, London - New York, Routledge, 2021.

11 For some profiles also of a psychological nature, see Lavenia, G., *Le dipendenze tecnologiche: valutazione, diagnosi e cura*, Florence, Giunti, 2018; Mauceri, S., and Di Censi, L. (eds.), *Adolescenti iperconnessi: un'indagine sui rischi di dipendenza da tecnologie e media digitali*, Rome, Armando, 2020.

12 For an accurate investigation of these new challenges, see Panarese, P. (ed.), *Social media challenge. Processi, attori e rappresentazioni delle sfide virali negli ambienti digitali*, Milan, Franco Angeli, 2023.

13 Greco, T., “Tecnologie giuridiche della sicurezza”, in Buzzacchi, C.; Costa, P., and Pizzolato, F. (eds.), *Technopolis. La città sicura tra mediazione giuridica e profezia tecnologica*, Milan, Giuffrè, 2019, 153 (translation of the Author). Of the same author, see also “Sicurezza/insicurezza. Figure e paradigmi di un dibattito”, in Greco, T. (ed.), *Dimensioni della sicurezza*, Turin, Giappichelli, 2009, 1-41. In a similar way Durante, M., “Sicurezza e fiducia nell’età della tecnologia”, *Filosofia politica*, 3, 2015, 439-458. Cf. Benedetti, D., “IA e (in)sicurezza informatica”, in Pizzetti, F. (ed.), *Intelligenza artificiale, protezione dei dati personali e regolazione*, Turin, Giappichelli, 2018, 239-264; Brighi, R., “Cybersecurity. Scenari tecnologici e regolamentazione di un’area in espansione”, in Casadei, Th., and Pietropaoli, S. (eds.), *Diritto e tecnologie informatiche. Questioni di informatica giuridica, prospettive istituzionali e sfide sociali*, 2nd ed., Milan, Kluwer, 2024, 75-87.

14 Over 3.000 amendments were discussed, and the previous development process involved institutional and economic stakeholders, trade unions, and consumer associations. I had the opportunity to discuss these aspects with Hon. Brando Benifei, the co-rapporteur of the measure at the European Parliament, during the “AI Act Summer School” coordinated by the University of Udine from

concepts of “high-risk” and “systemic risk”, aimed at defining a series of prohibitions concerning “cases” and “contexts of use” subject to regulation.

In this scenario, where the issue of *legal regulation* is strongly asserted¹⁵, challenging the idea of a spontaneous order of the internet¹⁶ (and, indeed, even the very paradigm of neoliberal law itself¹⁷), efforts will be made, on the one hand, to both highlight recent measures aimed at *contrasting* certain phenomena (such as the actions of the AGCM - Italian Competition Authority¹⁸) and *preventing* them (e.g., see the Digital Rights Charter developed in Spain with the aim to “protect minors in the

September 3 to 6, 2024, in particular during the afternoon session on Wednesday, September 4, coordinated by Prof. Elvio Ancona, which also saw the participation of colleagues Prof. Federico Costantini and Prof. Nicola Lettieri.

- 15 For an accurate discussion of this articulation, I refer to De Vanna, F., “Diritto e nuove tecnologie: il nodo (controverso) della regolazione giuridica”, *Lo Stato*, 11, 2018, 387-401. For a legal philosophical analysis please refer, lastly, to Llano Alonso, F.H., “Ética(s) de la inteligencia artificial y derecho. Consideraciones a propósito de los límites y la contención del desarrollo tecnológico”, *Derechos y Libertades*, 51, 2024, 177-199.

- 16 “The digital nature of things” – it has been stated – “forecasts a ‘spontaneous order’, in which “a set of social groups connect through evolutionary and competitive means, establishing private rules that cease to be purely contractual, becoming also social and institutional” (Venanzoni, A., “Intersezioni costituzionali. Internet e Intelligenze Artificiali tra ordine spontaneo, natura delle cose digitale e garanzia dei diritti fondamentali”, *Forum di Quaderni costituzionali*, April 27, 2018, 8). The author continues: “[i]n a recent essay on the regulation of artificial intelligence and the internet, Raffaele Bifulco has questioned, drawing on Hayekian theories of spontaneous order, the potential existence of a digital nature of things as a further step beyond the recognition of a spontaneous order. Spontaneous order, in conceptual terms, presupposes competitive elaboration among individuals embedded in social systems, which systems change through chain inferences, from networks, through evolutionary means” (ibid). The reference is Bifulco, R., “*Intelligenza artificiale, internet e ordine spontaneo*”, in Pizzetti, F. (ed.), *Intelligenza artificiale, protezione dei dati personali e regolazione*, Turin, Giappichelli, 2018, especially 394 et seq.

Not by chance, in Hayek’s theoretical partition (Hayek von, F. A., “Notes on the Evolution of Systems of Rules of Conduct”, in Hayek von, F. A., *Studies of Philosophy, Politics and Economics*, Chicago, University of Chicago Press, 1967, 72), one of the fundamental points is precisely the evolutionary afflatus of connective competition generated by the intersections between social systems, whose rules are adopted and then elaborated and refined on the basis of comparative observation, focusing on the actions of individual actors around which the systems are structured. The Internet offers strong analogies with this approach.

Thus – borrowing Bifulco’s words – it is defined as “a social environment in which the individual continues to set their own agenda; individuals aggregate around interests, actions, facts, elements, they become pluristructured and remain engaged despite the tendential evanescence of interests”.

- 17 For a thorough analysis, which focuses on the legal and institutional aspects of the “neo-liberal” framework, please refer to Giolo, O., *Il diritto neoliberale*, Naples, Jovene, 2020. A text that has sparked considerable debate within this interpretive framework is that of Dardot, P., and Laval, C., *La nuova ragione del mondo. Critica della razionalità neoliberista*, Rome, DeriveApprodi, 2013. In a wide literature, see Brieblicher, T., *The Political Theory of Neoliberalism*, Stanford, Stanford University Press, 2019; Callison, W., and Manfredi, Z., *Mutant Neoliberalism: Market Rule and Political Rupture*, New York, Fordham University Press, 2019.

- 18 On this aspect, see my contribution in this forum. For a detailed discussion of some significant cases and the related investigations in antitrust markets, see Mannoni, S., and Stazi, G., *Sovranità. com. Potere pubblico e potere privato ai tempi del cyberspazio*, Naples, Editoriale scientifica, 2021, particularly 199-212.

digital context”¹⁹); on the other hand, to outline an idea of *digital citizenship* and *digital agency*, the realization of which— through a promotional key that transcends the security paradigm – could be useful for effectively safeguarding the freedoms and rights of individuals (particularly minors) in the face of the increasing convergence between market and security policies²⁰.

The various contributions will also focus on binding EU legislation, particularly the GDPR (2016), the Digital Services Act (2020), and amendments to age-related regulations in European border control procedures²¹, in light of the 1989 United Nations Convention on the Rights of the Child (but also, in the European context, the Charter of Fundamental Rights and the European Convention on Human Rights), with the aim to suggest ways to balance the protection of rights through regulatory tools (and thus through norms) with the promotion of *children’s agency* in decision-making processes (and thus through participatory practices of *agency*²²), with particular regard on “digital environments”.

III. This is a new frontier in the debate on the rights of minors, continuously shifting between “old” and “new” rights²³, and which, upon closer examination, implies the same “social basis of rights”: *agency*²⁴.

19 On this important document refer to the contribution of M. d. C. Barranco Avilés, in this Forum.

20 On this point see the contribution of M. Martoni, in this Forum.

21 B. G. Bello contribution lingers on these profiles in this Forum.

22 The concept of “agency” is widely recognized in studies on children’s social participation (Bjerke, H., “It’s the Way To Do It. Expressions of Agency in Child-Adult Relations at Home and School”, *Children and Society*, 25, 2011, 93-103; Kirby, P., “Children’s Agency in the Modern Primary Classroom”, *Children and Society*, 34, 2020, 17-30; Leonard, M., *The Sociology of Children, Childhood and Generation*, London, Sage, 2016) not to be understood as an individual capability (Valentine, K., “Accounting for Agency”, *Children and Society*, 25, 2011, 347-358), but rather as a condition promoted at the communicative level.

On this crucial aspect, see Baraldi, C., *Facilitating Children’s Agency in the Interaction: Challenges for the Education System*, Cham, Palgrave Macmillan, 2022. See, also, Baraldi, C. (ed.), *Exploring the Narratives and Agency of Children with Migrant Backgrounds within Schools*, London, Routledge, 2023. Previously, Baraldi, C., “Children’s Participation in Communication Systems: A Theoretical Perspective to Shape Research”, *Soul of Society: A Focus on the Lives of Children and Youth*, 18, 2014, 63-92.

For a discussion of the notion from a doctrinal perspective, see James, A., “Agency”, in Qvortrup, J.; Corsaro, W. A., and Honig, M. S. (eds.), *The Palgrave Handbook of Childhood Studies*, Basingstoke, UK, Palgrave, 2009, 34-45. For some important implications, related to the concept of autonomy and participation, see Bello, B. G., *Dal margine al centro? I giovani tra diritto e pratiche sociali*, Modena, Mucchi, 2021, 212-234. On the participation of young people to the decisional processes, see *ibid.*, 159-208.

23 For a very useful theoretical framework, see Fanlo Cortés, I., “‘Viejos’ y ‘nuevos’ derechos del niño. Un enfoque teórico”, *Revista de Derecho Privado*, 20, 2011, 105-126.

24 On this point and for the following considerations, see Baraldi, C., “Le basi sociali dei diritti dei bambini”, *Jura Gentium*, 2015 (forum on *La Convenzione internazionale dei diritti dell’infanzia e dell’adolescenza [1989]: riflessioni e prospettive*, Casadei, T. and Re, L. [eds.]) [online], available at: <https://www.juragentium.org/forum/infanzia/it/baraldi.html>

As has been emphasized, “social participation can be intended as participation in communication, with adults and other children”²⁵, as well as, in a broader sense, as it occurs fluidly in social channels, with other adolescents and young people. From a Luhmannian perspective²⁶, communication can be seen as a combination of action, understanding and information.

Information is constructed through the joint basis of action and understanding: information cannot be produced or understood by action alone; both action, which produces information, and understanding, which communicates it, are necessary. Moreover, understanding relates not only to information but also to the reasons or intentions behind the action: the realization of communication requires clarification of the meaning of the action. Without understanding there is no communication; however, understanding is only made visible in communication through new action. Therefore, while action alone does not accomplish communication, it is equally essential as understanding for communication to occur.

In this context, social participation – clearly highlighted in the scenario of the rapid development of new technologies and their impact – “can mean both action and understanding: however, only participation as action is visible in communication and can be observed as ‘active’ participation”. Active participation takes place in various social systems involving children, adolescents, and young people; “however, it is evident that active participation does not necessarily imply having a significant influence on communication”²⁷.

The concept of “agency”, borrowed from general sociology²⁸, thus denotes a particular form of participation that manifests autonomy in action, meaning the ability to choose between possible actions, and therefore requires awareness. In the context of the digital society, this means *being aware of the use of devices and technological tools, as well as of the effects that these tools may generate in digital environments*, but it also involves navigating in an environment composed of data and information, now referred to as the “infosphere”²⁹, which raises new questions for law, starting with private law³⁰.

Within this framework, the right to participation alone is not sufficient to ensure the importance of the actions of children and adolescents: only the right to agency

25 Baraldi, C., “Promotion of Migrant Children’s Epistemic Status and Authority in Early School Life”, *International Journal of Early Childhood*, 1, 2015, 5-25.

26 Luhmann, N., *Sistemi sociali*, Bologna, Il Mulino, 1990.

27 Baraldi, C., “Le basi sociali dei diritti dei bambini”, cit.

28 Giddens, A., *The Constitution of Society*, Cambridge, Polity Press, 1984.

29 Floridi, L., *La quarta rivoluzione. Come l’infosfera sta trasformando il mondo*, M. Durante (trans.), Milan, Raffaello Cortina, 2017. Cf., of the same author, *Pensare l’infosfera. La filosofia come design concettuale*, M. Durante (trans.), Milan, Raffaello Cortina, 2020, and *Etica dell’intelligenza artificiale: sviluppi, opportunità, sfide*, Durante, M. (ed.), Milan, Raffaello Cortina, 2022.

30 For an overview of the main dilemmas, see Salanitro, U. (ed.), *Smart. La persona e l’infosfera*, Pisa, Pacini giuridica, 2022.

can be considered a fundamental social basis of the rights of minors, as it allows them to actively participate in the choice and transformation of the social conditions affecting their actions and experiences³¹, starting with those exercised and experienced online and in digital environments, in this “new world” which is often the given world for them³².

The approach outlined above and referenced to in various forms, whether explicitly or implicitly, in different contributions, seems an interesting path to follow, capable of going beyond the “risk paradigm” with its constraints, fears, and nearly inevitable obsessions.

In this different and alternative perspective, the right to agency combines *choice* and *knowledge*: “the right to choose requires the recognition of responsibility in the production of knowledge. Thus, the attribution of the right to choose is subordinated to the attribution of rights and responsibilities in the production of autonomous knowledge”³³. For this reason, agency manifests itself primarily as *epistemic authority*, namely both as a right and as a responsibility in accessing and producing knowledge³⁴: the right to *access* and *produce knowledge* (in its multiple facets) precedes and conditions the right to choose, and thus the power of choice itself. This is even more true in the digital dimension and spaces that are increasingly being defined as a “digital society” and a “digital age”³⁵, where these aspects intertwine with socialization and entertainment in new and surprising ways.

All in all, what emerges from the contributions is a different picture from the one presented by the media and disseminated in common sense, highlighting the complex network of interactions between minors, platforms and contexts within a digital landscape that, while characterized by risks (which undoubtedly exist), is also permeated by new spaces and modes of relationship and engagement.

Additionally, it is marked by a variety of social dynamics and techno-cultural dimensions that, beyond rules and risk prevention measures (and, in some cases, appropriate prohibitions and sanctions), primarily require awareness and, consequently, practices of relationship, education, and social engagement within the open and borderless spaces of digital citizenship.

31 Baraldi, C., and Iervese, V., “Observing Children’s Capabilities as Agency”, in Stoecklin, D., and Bonvin J.-M. (eds.), *Children’s Rights and the Capability Approach. Challenges and Prospects*, Dordrecht, Springer, 2014, 43-65.

32 On this aspect, see Accoto, C., *Il mondo dato: cinque brevi lezioni di filosofia digitale*, A. Pentland, A. (preface), Milan, Egea, 2017. For the same author, also refer to *Il mondo ex machina: cinque brevi lezioni di filosofia dell’automazione*, with a contribution by Pentland, A., Milan, Egea, 2019; and *Il mondo in sintesi: cinque brevi lezioni di filosofia della simulazione*, with a contribution by Pentland, A., Milan, Egea, 2022.

33 Baraldi, C., “Le basi sociali dei diritti dei bambini”, cit.

34 Heritage, J., and Raymond, G., “The Terms of Agreement: Indexing Epistemic Authority and Subordination in Talk-in-interaction”, *Social Psychology Quarterly*, 1, 2005, 15-38.

35 Lastly, see Pedrini, F. (ed.), *Law in the Age of Digitalization*, Las Rozas (Madrid), Aranzadi, 2024.

The path outlined – which seems to allow for the integration of knowledge, awareness and power³⁶ through the practices of socialization and interaction enabled by the network in the digital society – always has the potential to manage the tensions that the impact of technologies imposes on people's lives, starting with the youngest, and can, in some way, follow the trail that a distinguished legal scholar with profound philosophical sensitivity, such as Stefano Rodotà (1933-2017), has indicated in his largely pioneering works³⁷, seeking a difficult balance between legal norms and vital worlds³⁸, which today are inevitably crossed by flows of information and data, as well as by new forms of interaction mediated by technologies, as young people teach us every day.

References

- Accoto, Cosimo, *Il mondo dato: cinque brevi lezioni di filosofia digitale*, Milan, Egea, 2017.
- Accoto, Cosimo, *Il mondo ex machina: cinque brevi lezioni di filosofia dell'automazione*, Milan, Egea, 2019.
- Accoto, Cosimo, *Il mondo in sintesi: cinque brevi lezioni di filosofia della simulazione*, Milan, Egea, 2022.

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- 36 Nardelli, E., *La rivoluzione informatica: conoscenza, consapevolezza e potere nella società digitale*, Rome, Themis, 2022. I had the opportunity to engage in a dialogue with the author and to draw some insights that are included in this concluding section, during a panel on “La cultura del digitale per vincere le (cyber)sfide” held at the University of Bologna on June 20, 2024. The event was part of the study day “Cybersecurity: diritti, regolazione e strumenti per gli ecosistemi cyber-fisici,” organized to present the WP4 (“Rules for the future society”) of the EcoCyber Project – Risk management for future cyber-physical ecosystems.
- 37 It is enough here to mention *Elaboratori elettronici e controllo sociale*, Bologna, Il Mulino, 1973, a clear “demonstration of how the rise of new technologies can prompt the most astute observers to address new issues and develop new categories, without losing sight of the established heritage (if anything, to be questioned)” (as Greco, T., “*Tecnologie giuridiche della sicurezza*”, cit., 152). Another particularly forward-thinking text on the topics discussed here is *Tecnologie e diritti*, Alpa, G. (ed.), Bologna, Il Mulino, 2022 (1st ed., 1999). Professor Emeritus of Civil Law, Rodotà held numerous institutional positions: a member of the Italian Parliament for four legislatures (from 1979 to 1994), he was among the drafters of the Charter of Fundamental Rights of the European Union (proclaimed in Nice in December 2000); from 1997 to 2005, he was the first Italian Data Protection Commissioner; from 1998 to 2002, he was President of the Coordination Group of the European Union Data Protection Authorities, and also of the Scientific Committee of the European Agency for Fundamental Rights (2007). He is credited with drafting the “Declaration of Internet Rights” (2014), the result of the work of the special commission he chaired. He was also President of the Lelio and Lisli Basso Foundation.
- 38 On these tensions, please see the beautiful pages of Rodotà, S., *La vita e le regole. Tra diritto e non diritto*, Milan, Feltrinelli, 2006, in which – among other things – it is affirmed to the law “one must view it as a perpetually open system” (42).

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