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Restorative ethics for the digital world. In search for a 'human based' design*.

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Abstract: This essay seeks to explore the potentials of restorative ethics in contributing in designing digital technologies in a way that puts the human being at the centre of the attention, considering how instead the digital world and its related technologies can result de-humanizing at various levels. The digital world, in fact, can produce or enhance various forms of discrimination, whose outcome may ultimately result in forms of more or less explicit violence to people and relationships.
This writing will not take into account restorative ways to react to phenomena of discrimination, but rather will seeks to show that a restorative approach can offer important conceptual and ethical standpoints for legal designers and technology developers in order to design digital technology around users, their interests and their needs rather than imposing such tools "on", or "notwithstanding", them. The overall goal of these first reflection on the theme is to offer a pathway able to match a "critical openness" towards technological innovations with the issue of ethically safeguarding the protection of their human users.

Keywords: *restorative approaches; human-based design; ethics and technology; transformative approaches*

1. Restorative Justice beyond criminal justice: potentials of restorative ethics in facing a wider spectrum of contemporary challenges

Restorative Justice (henceforth also RJ) initially established itself with a focus on criminal justice, with respect to which it proposes a clear change of perspectives[1], centred on the dimensions of participation, reparation and consent[2]: however, as some scholars note, it is increasingly evolving into a true 'social movement', showing that it has the capacity to inspire perspectives and actions in areas other than criminal justice[3].

* This article contains and further elaborates under a different angle, some considerations written, in Italian, in a contribution published in the 2nd issue of Journal of Ethics and Legal Technologies 2023.

[1] See Zehr, 1990; Wright, 1991; Cragg, 1992.

[2] "*Restorative justice - is an approach to justice that considers crime primarily in terms of injury to persons, from which the offender has an obligation to remedy the harmful consequences of his or her conduct. To this end, the restorative perspective aims at actively involving the victim, the offender, their respective entourage and the civil community itself in the search for solutions - possibly agreed upon - to address the set of needs resulting from the offence*" (Reggio, 2020a: 22, my transl.).

[3] See, most recently Fonseca Rosenblatt & Adamson, 2023, 1-18.

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As early as 2007, Gerry Johnstone and Daniel Van Ness pointed out how Restorative Justice was becoming a collective enterprise that sought to transform various aspects of contemporary societies[4]. Again Johnstone, later returning on the topic, noted that the restorative approach has expanded outside the criminal justice sphere, according to a 'downward' movement that has led it to offer perspectives and methods for conflicts in schools, workplaces and potentially harmful conduct that belongs to everyday life and does not assume criminal relevance, and, in parallel, according to an 'ascending' motion, which has led to considering the potential offered by the restorative paradigm in broader areas, such as political violence, extensive human rights violations[5], and large-scale historical or social injustices[6].

It is no surprise, then, that among restorative justice scholars and proponents, there is an increased attention towards the potentials of a restorative approach to situations and issues which are not confined within the sector of criminal justice, opening to a reflection on restorative justice's contribution to conflict prevention and transformation of conflict in a broad sense (from conflicts in schools to environmental issues, not forgetting, of course, transitional justice)[7].

In light of these initial observations, we shall therefore turn our attention to Restorative Justice mostly in terms of its underlying ethical proposal, given its suitability to inspire wide-ranging ethical reflections and its proven ability, as we have already mentioned, to extend its perspective beyond the spheres for which it originally arose[8].

Despite an ongoing debate on RJ's conceptual vagueness (Johnstone – Van Ness 2007) and issues related to the cohabitation, under the same conceptual umbrella, of different approaches (e.g. McCold 2000 vs Walgrave 2000), or even of 'alternative visions' (Wright-Zernova 2006), which may even result in 'problems of definition'

[4] Johnstone & Van Ness, 2007, 5-23.

[5] Johnstone, 2011, 144.

[6] See, for instance Emling, 2020; Reggio, 2023a, 1-28.

[7] See Johnstone – Van Ness 2007; Clamp 2016, and, on the experiences of Zwelethemba model in South Africa, and on the FP7 Alternative Project, "which applied restorative approaches in intercultural contexts", Pali 2019: 156-160.

[8] See Pavlich, 2002, 1-18.

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(Woods-Suzuki 2016), it is still possible to outline some commonly accepted aspects characterizing a restorative approach.

These common characteristics help showing how a restorative approach – and, moreover, its underlying ethical character – may inspire perspectives and actions directed to rethinking a variety of sectors, thereby inspiring the conception, the design and the performance of socially-impacting actions.

(1) RJ teaches attention to the person and his relationships, also captured in the concreteness of experience (and therefore of how the person lives and manifests himself in the context of his relationships);

(2) To this end, it requires an attentive look at grasping people's needs, in their context and complexity;

(3) Beyond abstract schemes (such as the legal ones, but not only), RJ asks to take a systemic perspective, which considers the complex of interactions in which people are immersed (for example, in the field that is more specific to it, such as criminal justice, it helps to grasp the crime not so much in its abstract dogmatic setting, but also in its concrete and polymorphous lesiveness);

(4) The restorative approach therefore prefers bottom-up solutions to top-down ones, in the sense that it invites to avoid imposing schemes, especially on the recipients of something, preferring rather a participative model, in which the people involved in a certain process or activity can have a say, and be considered as active participants in its delineation, thus also giving space to their needs and points of view;

(5) A restorative perspective is attentive to the impact of actions (but also of communication and language) on individuals and relational networks. It teaches, also in the methodology that informs restorative practices, to consider the potential and current harmfulness of conduct, but also of patterns and models of communication, inviting one to cultivate the ability to overcome particular points of view, as well as to present oneself from the point of view of others, aware of their respective partiality;

(6) Restorative Justice therefore proposes a focus on intersubjective 'dialogicality', which also manifests itself in the way people communicate and structure their interactions, according to values of recognition, respect and responsibility[9];

[9] See Zehr, 2019, 1-15.

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(7) The very term 'restorative' evokes the dimension of reparation and regeneration, inviting us to consider that an action inspired by the perspective *de qua* is oriented towards encouraging active responsibility and the adoption of constructive responses, especially if aimed at remedying situations that determine a form, in the broadest sense, of disempowerment[10].

In light of these traits, a restorative lens helps developing a peculiar sensitivity to a variety of forms of harmful behaviour, including those which potentially involve discrimination, social exclusion, and, therefore, may easily embody more or less hidden forms of violence and attacks to human dignity and to a respectful interpersonal interaction.

These 'problematic situations' are considered as worth attention *per se*, but also because they represent interpersonal and social dividing factors, as well as potential antechamber of broader and more explicit forms of conflict and violence, thereby assuming relevance in terms of conflict prevention.

This involves also the digital world, in which all things that glitter can't be gold, as the following lines are going to briefly outline, without assuming a prejudicial 'techno-phobic' attitude.

2. The digital world and the risk of dehumanization. Some preliminary remarks

The development of information technology, which is fundamental to contemporary complex societies, has also opened up extraordinary scenarios to broaden connectivity, speed and sophistication of data processing, enhancing analysis and design capabilities, and deploying effects of great impact on a plurality of interconnected levels. Yet, even here, disturbing scenarios do not escape our notice, if we think of a world increasingly conceived as a collection of 'data', the circulation and use of which often escape the

[10] On the dynamics of disempowerment and restorative justice as an empowerment process see 1990. On the possibility of reframing the iconographic symbol of the scale, associated to justice, in light of a re-empowerment process, see also Reggio 2023b. For a Ted Talk on this theme, see also "Justice as Restoration. Taking the Blindfold of Justice's eyes":

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sphere of understanding and control of the owners (or sources) of such data[11]. Moreover, if we can see how the increasingly widespread and pervasive use of information technologies (think of Artificial Intelligence) or telematics (of the permanent connectivity in which our lives are immersed, through various technological *devices*) is harbinger of vast potentialities, at the same time we cannot fail to notice possible implications of 'compression' of the human, alienating outcomes. Such outcomes go so far as to provide tools capable of high pervasiveness on the lives of people 'immersed' in information technologies, to the detriment of fundamental elements, such as *privacy*, and, even more, of freedom itself, since these technologies are not infrequently capable of increasing the level of control over the lives of their users[12] . The issue, of course, does not escape the attention of jurists, because it has an extremely relevant impact both on subjective rights and on the instruments for their protection offered by the law in practice[13] .

These considerations become even more pressing today, in the intensity and frequency of reflections provoked by the development of the so-called *Metaverse*. Although there are no uniform and shared definitions of this concept today, it has, as a study carried out within the Council of the European Union suggests, "been described as a constant, *immersive* three-dimensional virtual world in which people interact

https://www.ted.com/talks/federico_reggio_justice_as_restoration_taking_the_blindfold_off_justice_s_eyes.

[11] With some 'reductionist' effects, as outlined with reference to the phenomenon of 'datification', by Sarra 2022. See also Durante & Pagallo 2022.

[12] As Mason Marks observes, "When firms acquire a dominant share of biopower, influencing enough traits in sufficiently large populations, they achieve biosupremacy, which this Article defines as monopolistic power over human behaviour. Biosupremacy is a Digital Age analog of monopoly power. While monopoly power gives firms the ability to raise prices and exclude competitors within specific markets, biosupremacy enables firms to exert control, by shifting social norms over large swaths of human behaviour, yielding influence that cuts across markets and entire industries" (Marks, 2021, 513-589).

[13] See, by way of example, the reflections proposed, with a focus on the ethical implications, in Moro 2023. See also, on the changes that have occurred in legal theory and practice, the emblematic considerations proposed in Contissa and Sartor, 2022, 27-41. On the evolution of dispute resolution systems as a result of the development of O.D.R. (*online dispute resolution*), especially second-generation O.D.R., highlighting both its potential and possible alienating outcomes, see, in particular, Mingardo, 2020.

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through an *avatar* to enjoy entertainment, make purchases and conduct cryptocurrency transactions, or conduct business remotely (literally 'without leaving their chair')"[14] .

Wanting to briefly enucleate some of the *Metaverse*'s fundamental characteristics, we could state, in a nutshell, the following it proposes (1) an *immersive connectivity* on a cognitive and sensorial level, (2) *pervasive* on the level of the possible activities that can be performed there (recreational, communicative-relational, economic-financial, legal...) as well as the frequency with which these activities can be accessed, (3) highly virtualising in terms of the possible activities that can be performed.) as well as of the frequency with which one can access it to perform such activities, (3) highly *virtualising in terms of* the possibility of projecting oneself onto an 'alternative' world, digital and accessible through *avatars,* and, at the same time, oriented to (4) *appearing highly realistic*, verisimilar, to those who access it and interact as users.

It should come as no surprise, in light of what has been observed, that an increasingly vast literature - scientific, popular and institutional - is analysing its characteristics, potential and, not least, its risks[15] . As a mere illustration, a study carried out within the Council of the European Union points out that "The metaverse brings both opportunities and risks, the full extent and declination of which is not yet clear. Some issues related to certain *policies,* and their possible implications, have been

[14] More extensively, it has also been described as follows, in a study by Christensen and Robinson for Analysisgroup: "*While there is no agreed upon definition of the metaverse, one way to think about it is as an expansive network of digital spaces, including immersive 3D experiences in augmented, virtual, and mixed reality, that are interconnected and interoperable so you can easily move between them, and in which you can create and explore with other people who are not in the same physical space as you. Some have referred to the metaverse as an 'embodied internet' in which individuals will feel as if they are actually 'present' in experiences and not simply looking at experiences through their screens. This means that interacting with the Internet (and the devices that provide access to the Internet) has the potential to be much more natural, incorporating modes of communication that include gesture and voice, such that individuals are not limited to typing or tapping. In addition, the metaverse is envisioned to be able to host almost all the activities we currently take part in (e.g., socialising, work, learning, entertainment, shopping, content creation,* etc.*) and make new types of activities possible as well*'. Christensen & Robinson, 2022.

[15] They were recently recalled, in the context of the cultural activities promoted in Brixen by the University of Padua at the so-called 'summer courses', during the *lectio magistralis* held on 20 July 2023 by Prof. Pasquale Stanzione, *Garante per la Protezione dei dati personali*, entitled *Habeas mentem: intelligenza artificiale, bioetica e tutela della persona*. On 30 January 2023, the *Garante* also promoted an extensive study conference on the subject, entitled 'The Metaverse between Utopias and Dystopias: Horizons and Challenges of Data Protection', at which the challenges raised by Metaverse-related scenarios were discussed in greater detail.

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identified in a number of areas, including competition, data protection, legal liability, financial transactions, *cybersecurity*, health, accessibility and inclusiveness"[16] .

Other studies, more focused on the ethical profiles linked to information technologies, highlight an even greater spectrum of risks, which are played out on a plurality of distinct but interconnected levels, such as institutional, commercial and interpersonal, posing challenges that affect not only fundamental rights, but also the psycho-physical health of users, as well as the quality of the relationships and interactions that, on a multiplicity of levels, can be 'played out' in the metaverse[17] .

The core of our reflections, here, is not focussed on the metaverse, though: our brief reference to this line of (r)evolution(?) of the digital world is mostly meant to point out some issues and problems which could become more and more problematic in the near future, due to the aforementioned expansion of a more pervasive and invasive role of digital technologies.

In this sense, focussing our attention on some elements which appear to contribute in de-humanizing dynamics serves both as a warning and as a chance for reflecting on possible strategies aimed at keeping high the attention on human dignity and on the quality of life of people in their interface with the digital world. In order to do so, the next step of our reflection regards the analysis of some aspects of our 'digitalized' societies, with the aim of understanding how and in which terms they can turn the digital world into a space for exclusion and even for discrimination.

3. The digital world as a space for exclusion and discrimination? An outline.

As already mentioned, the increasingly pervasive digitalisation - one of the faces that most characterise the dimension of technology in the contemporary world - also presents a strong ambivalence, with scenarios that oscillate between two poles: on the one hand, enhancing the possibilities offered to human beings (in terms of calculation, connectivity, operativeness, etc.) and, on the other hand, risking to compress what is properly human (in terms of creativity, experience, specificity). The latter profile also manifests itself in the fact that digital technology is also associated with the capacity to

[16] Council of the EU, 2022, 11.

[17] See, one among all, the very recent study by Benjamins, Rubio Viñuela & Alonso, 2023, 689-697.

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create and widen distances and gaps between human beings[18]. In the latter sense, technology can be seen as a source of potential and actual discrimination *of* and *between* human beings, and in this respect there is no lack of food for thought in the contemporary debate[19].

Schematically, we can first of all distinguish two areas on which various voices in contemporary literature seem to focus their attention, often under the common umbrella of '*digital divide*': (a) '*digital discrimination*', which is the perpetuation or manifestation of *biases* (including real-life *biases*) through the digital[20] ; (b) '*digital divide*' in the proper sense, i.e. understood as '*digital exclusion*' - which represents a form of social exclusion, or lack of/inadequate inclusivity, for those who have difficulties in accessing and using digital services (due to age, education, class), by virtue of which social vulnerabilities are perpetuated and widened[21] .

In the first case, which is widely present in the contemporary debate, especially with reference to issues such as gender or racial discrimination[22] , we are faced with a situation in which digital technology is merely a means for the realisation of forms of discrimination that may in reality arise even independently of the digital itself. In the second case, on the other hand, it is digital technology itself that constitutes a *divider*, i.e. a source of division/discrimination in access to goods, services, knowledge or information between subjects with objective or subjective difficulties in accessing the technology itself. One thinks, for example, of the elderly who, lacking adequate literacy and digital access tools, find themselves increasingly in difficulty, in many contemporary societies, to perform operations that were once easily accessible in person or by telephone, and that today instead require activities to be carried out via the Internet, sometimes with levels of complexity that are still high for the average citizen.

[18] Sherry Turkle's Ted Talk is emblematic on this point: https://www.ted.com/talks/sherry_turkle_connected_but_alone.

See also, for a more detailed discussion, Turkle, 2011.

[19] See, Royakkers *et al*., 2018, 127-142; Grybauskas, Stefanini & Ghobakhloo, 2022.

[20] See, on this point, Criado & Such, 2019.

[21] See, on this point, Owen, 2016; Jamil Marques, Coulart Massuchin & Mitozo, 2020, 1-7.

[22] See, one on all, Daniels, 2009, 1-124.

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There is, however, a third form of discrimination that can be conveyed through digital technology, and which, in our view, should be kept appropriately distinct from the first two mentioned above, even though it may intersect with them. This is what we call (c) '*digital de-responsibilisation*'.

It is a characteristic linked to the use of digital and computerised platforms which, voluntarily or involuntarily on the part of the *providers* and managers of these structures, instead of assisting access to services (including *customer care*), places a set of intermediate obstacles between the person who has a problem to solve (e.g. information to obtain, a service to use, etc.) and the actual possibility of using it. These range from the use of AI software to answer questions, to digitised *call-centres*, to information chats, to digital '*do-it-yourself*' tools, with respect to which it becomes increasingly difficult not only to find another human being on the other end of one's 'connection' but also to find an authentic listening and assistance with respect to a problem, which does not always fit into the categories and 'conceptual forks' pre-constituted by those who have created the digital system in question. The experiences of these types of (dis)services are manifold, and easily accessible to anyone who has experienced, for instance, cancelled flights, *customer care* needs related to purchases or transactions on the Internet, and digitised call-centres for the resolution of problems related to utilities, e.g. telephone calls.

It seems legitimate to wonder whether such situations are simply the result of a mere 'digital self-referentiality', unreflected, mirroring tools designed around the programmer or service provider, and not the user. Sometimes, however, the suspicion may arise that we are in the presence of a series of artfully arranged digital labyrinths, structured in order to facilitate the *non-responsibility* (interpersonal, social, but also juridical) of a given subject (to remain with our examples, a service provider).

What the three categories enumerated so far have in common is that they make digitalisation and computerisation a terrain not for removing but for perpetuating or broadening discrimination, with potential damage especially for categories with greater personal and social vulnerabilities[23] . What distinguishes them, however, is that if the sphere of (a) *digital discrimination* simply transposes onto the digital plane *dividers* that already exist on the 'real' plane, the category of (b) digital *exclusion* makes the digital

[23] See Pérez-Escolar & Canet, 2023, 1059-1072.

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itself a line within which possible discrimination unravels around the accessibility and usability of the digital world and the services that are increasingly (and 'excludingly') entrusted to this technology. With increasing ethical, social, and legal impact, (c) *digital* de-responsabilisation makes the digital itself a tool for *creating* barriers and de-responsible pathways[24] .

The objective of the following reflections is to reason on the conceivability of a *human-based design*, i.e. of a design of technological services designed around the persons who must access and use them, with primary attention to their needs and care towards what can first of all avoid exposing them to their possible vulnerabilities, if not, where possible, trying to remedy them. This is, first and foremost, a question of '*vision*', and to this end we shall look precisely at perspectives that, in recent cultural evolution, including legal evolution, invoke and propose a different outlook and targeted methodologies, aimed above all at protecting the human being in his *suitas* and in his relational dimension. They are particularly interesting in order to initiate a reflection on the attitudes that can help prevent the risk of a human being finding himself crushed, instrumentalised, or reduced to *res*, in the context of his social interactions, or to intervene in a constructive and restorative manner should such reification occur.

4. The digital world as an aspect of the problematic relationship between human and technique. A few notes.

Indeed, technology, especially on the crest of late modernity, has shown itself with a sort of Janus face: surprising and terrible, promising and threatening, capable of elevating human potential but also of annihilating humanity itself and its world. Moreover, there is no need to indulge on the wide-ranging and convergent science fiction production of the 20th century to note how many facets of contemporary technological development reveal both potentials and pitfalls, even in form of dangers[25]

[24] It is no coincidence that approaches and tools to enhance personal and social participation in public life, both in the civic space and in the digital space, are invoked in response, as an antidote to the division produced by digital technologies. See, on this point, Volterrani, Storice & Antonucci, 2022, 1-12.

[25] However, it is not insignificant that literature has provided depictions oriented towards describing aspects that later became real or plausible scenarios in subsequent historical developments. See, for an initial review, Davenport, 1983, 279-306; Di Filippo, 2010, 1110; Gunn, 1975; Hayles, 1999; Kirby, 2007, 83-110; Miščević, 1991, 191-206; Silver, 1997. See also, on a more ethical-philosophical level, Palmer, 1992.

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. Technological development has also shown a dark face, providing contemporary mankind with nightmares, such as, for instance the possible offensive-war use of large quantities of energy (with the scenario of a possible extinction of life on the planet, which until now had not been contemplated even in the worst war scenarios), or the environmental implications of the instruments used for energy production.

Similarly, the ever-deepening knowledge of the human *bios*, connected to the ever-increasing capacity to intervene 'technically' on biological life, shows a continuous succession of great achievements in the field of bio-medical technologies, opening up diagnostic and therapeutic scenarios that were unimaginable until recently; however, at the same time, it has opened to artificial manipulation spheres and spheres of life previously considered intangible, yet now potentially available. All this has also brought back the restlessness of a human being who can easily find himself reduced to an experimental 'object', available, placed in the 'hands' of those who have the technical capacity to act on life itself, intervening in a radical manner on its origin, its end, and its very quality. The phenomenon goes to the point of opening up scenarios which overcome the very boundaries of the concept of 'human nature' (visible, for example, in the debate on post-humanism and transhumanism).

So it is that an 'anthropological turn' has been determined, in the modern era, around the anthropological figure of the *homo faber*, in the past an 'auxiliary part of *homo sapiens*'. This turn is clearly visible today in its most explicit and accomplished results: once it was technology that was 'at the service' of human existence, guided by human wisdom. Now, instead, "instrumental reason takes predominance (...) and leads to a kind of atrophy of human identity"[26] .

Of this *heterogenesis of ends,* whereby technology, which was meant to '*serve*', ends up '*enslaving*' the *homo faber* himself, the Western World seems to have gradually begun to become aware in the ridge of post-modernity[27] . Especially today, in many respects, we

[26] Vendemiati, 2007, 31.

[27] Indeed, there was no lack of voices 'outside the chorus' such as that of Giambattista Vico, who - even at the most propulsive moment of the affirmation of the modern mentality - raised circumstantial criticisms of that alliance between rationalism, individualism and utilitarianism that was characterising philosophical, political and juridical thought with ever greater force even before the Enlightenment, taking on precise options of thought that could be criticised both in their assumptions and in their outcomes. On the relationship between Vico and modernity see Lilla, 1993; Voegelin, 1996; Caporali, 1996, 357-378; Cacciatore and Caianiello, 1996/1997, 205-218; Battistini, 2004; Reggio, 2021.

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find ourselves in a context in which contemporary mankind collects from modern humanity a troubled inheritance, full of cracks, fears and disillusions. Here, the *gap* between what human beings 'can do' and what they actually 'know' does not return 'magnificent fates and progressions' but also (if not mostly) fears, and the perception of an enduring state of crisis which reverberates on various aspects of his life, both at a personal and political level[28] .

Martin Buber wrote emblematically: 'Man allows himself to be distanced from his own works: this is how I would express the peculiarity of the modern crisis. Man is no longer able to lord over the world that he himself has made arise: this world becomes stronger than him, it gets rid of him, it stands before him in its elementary independence, and man no longer knows the word that has the power to subdue the Golem that he has created, and to render it inoffensive"[29] .

Picking up on warnings that had already emerged on the crest of the 20th century, such as the one mentioned above, contemporaneity has in fact also highlighted the potentially uncontrolled outcomes of this attitude, especially associated with the dimension of technique[30] : they become visible even through real nightmares that can cross the thought of contemporary man, when he reflects on how, from *faber, he* continually risks becoming *fabricatus* or *fabricabilis*[31] . This polyvalent face of technology, which from being an 'extension of human hands' can become a pervasive instrument of power that does not liberate, but rather reifies man, depriving him of his freedom,

[28] It is not possible to give an account of the vast literature on this point, but allow me to refer in particular to a work to which I am indebted for valuable insights: cf. Montanari, 2005. It should not be forgotten, then, how much the 1920s opened with a profound crisis, not least around the Covid-19 pandemic, which raised not a few bioethical, political, legal and social questions. See, for an initial examination, Reggio, 2020b, 118-142.

[29] Buber, 2004, 59.

[30] It is an aspect that, still in 1947, Martin Buber explicitly linked to the 'crisis' of modern man, and whose peculiarity, compared to other previous crises, lies in the fact that it radically questions "the relationship between man and things and new relationships born from his action or from its contribution" (Buber, 2004, 58). It is not surprising, therefore, what Belardinelli observes in more recent times: "Science and technology have ceased to be instruments in the hands of man and tend to become more and more ends in themselves (...). We wanted to be freer and we find ourselves embedded in an anonymous processuality (Belardinelli, 1996, 32)'.

[31] Cf. Israel, 1998; Possenti, 2009. On the idea of *homo fabricatus* in the reading of some particularly provocative contemporary proposals, I refer to Kiss, 2016, 55-64. See, also, Reggio, 2018.

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reveals how the problem is not posed on the 'giving' of technology itself, or on its 'belonging or not belonging' to the human world, but rather on the need to reflect on the limits and aims of technology itself, and with it, on the relationship between technology and the human world[32] .

The privilege of technical doing, therefore, is accompanied by the danger of neglecting the *end* and the *con-fine* within which it is placed, and brings with it - sometimes urgently - the question that forms the background to our elaborations: is technology *for* man or *about* man?[33] .

In the wake of this question, we can go even further with our doubts, asking whether reference to the human is still a relevant *locus of* argument, capable of evoking critical reflection on the ends and con-fines of human action itself[34] .

Certainly, as has been observed, "technologies and biotechnologies can have good and bad uses - usually the problem is that they have good *and* bad uses at the same time - to be evaluated on a case-by-case basis in an equitable manner, trying not to be paralysed by fear of the unknown and the future"[35] . This is a fundamentally important warning, especially when one critically considers certain 'frontiers' of contemporary technology, as in the case of the reflections within the framework of which the present paper is set, which looks at scenarios and issues related to the dizzying developments in information technology and digitalisation.

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[32] Herbert Marcuse is emblematic in this regard: 'A comfortable, polished, reasonable, democratic non-freedom prevails in advanced industrial civilisation, a sign of technical progress' (Marcuse, 1967, 21).

[33] In *The Question of Technique*, Martin Heidegger emphasised two connected dimensions of the latter: on the one hand, its being 'an activity of man' and, on the other, its being a mere 'means to ends' (Heidegger, 2007, 31). If, therefore, technology is a properly human activity, the question remains as to what the task of thinking and delineating ends (an activity that is indeed external and that precedes and directs technical activity) rests upon. A problematic profile arises here: in the thinking that calculates (privileged by *homo faber*) there is no salvation, indeed therein lurks the most serpentine and pervasive danger. Again Heidegger wrote in 1959: 'What is truly disturbing is not that the world should turn into a complete domain of technology. Far more disturbing is that man is not at all prepared for this radical change in the world. Far more disturbing is that we are not yet able to achieve, through thinking thought, an adequate confrontation with what is really emerging in our age' (Heidegger, 1983, 31). (I am grateful to Francesco Alfieri for valuable guidance and interpretative insights on this point).

[34] It is well known that this issue is far from being a foregone conclusion in the contemporary bioethical debate. One need only think of the emblematic positions taken, on the non-specificity of the human in this sense, by Peter Singer, for which see Singer, 1994.

[35] Pintore, 2017, 248.

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There remains, even today, the possibility of thinking of the human being in a different way from his 'having hands', rediscovering, for example, the topicality and urgency of rediscovering *homo dialogicus*, *who,* while recognising 'the importance of values exalted in the modern age', takes them on 'in a profoundly different way from how they were understood by *homo faber*', because of a different attitude, particularly in his relationship with his fellow human beings and the world around him: "the encounter with the other enriches him both for what it communicates to him and for the opportunity it gives him to become aware of his limits"[36] . This, however, presupposes rising above the scenario of a world composed of available and manipulable objects, data and elements, opening up the question of the meaning and dignity intrinsic to what is 'in the world'.

With regard, then, to the troubled relationship between the human being and technology, proposed to contextualise our discourse in a broader conceptual scenario, there emerges, in our opinion, a specific urgency, which we propose in a somewhat provocative manner: even before (re)enabling *homo dialogicus*, it is first of all necessary to rediscover *homo sapiens*, i.e. the man capable and eager to think about himself in the awareness that he cannot come out of this anthropological question with a (self)objectivising attitude, and thus safeguarding, along with his own mystery, his own intrinsic dignity as a subject[37] .

This ethical awareness must also be able to project itself onto the concrete, opening up questions that invest the way in which we approach technologies and - to return to the central theme of this publication - the digital world: this concerns both users and *designers, who*, in designing and promoting digital tools, can strongly condition the lives of the users of their products, with obvious ethical and social implications. The 'Janus face' of technology, therefore, should not be understood as an 'exemption' of responsibility - as if one were to accept as inescapable the risk that the products of technology will turn against their users, starting with certain particularly vulnerable categories: the active responsibility mentioned at the end of these pages with a more ethical-general slant invokes, rather, an enhanced reflection on the way in which a certain technology is designed, conveyed, made available, in the awareness that this

[36] Zanuso, 1993, 20.

[37] As highlighted, emblematically, in Fuselli, 2009, 100-104.

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impact may have implications with rather problematic, if not dehumanising, implications. The *designer,* therefore, *cannot claim ethical neutrality*, hiding behind the presumed neutrality of the technique itself: on the contrary, it is precisely the ambivalent face of the technique that most draws attention to those who can contribute to outlining and directing its products, outlining for them a reinforced responsibility: ethical and social, even more than juridical.

5. On a restorative ethical perspective. Signpost for further elaboration.

The gaze of the RJ, therefore, can offer a sort of *blueprint* to guide the gaze of those who design technological tools, especially when linked to access to services or performances, aspects that significantly affect both the sphere of subjective rights and social life, touching, for example, the quality of relationships, and directly affecting the perception of quality of life, as well as the possibility of experiencing access to technologies as a form of disempowerment.

Howard Zehr, in one of his most recent (and rare) public appearances - a conference hosted by the University of Padua in 2018[38] - proposed "*ten ways to live restoratively*", a sort of short decalogue that the American scholar identifies as "guidelines for life, capable of embracing *Restorative* Justice principles and values"[39] :

(1) Take relationships seriously, recognising that you are a part of a network of people, institutions, and the environment;

(2) Be aware of the impact of your actions on others and the world around you;

(3) Take responsibility for the damage (injuries) you have caused - acknowledge them and try to repair them;

[38] '*Restorative Approach and Social Innovation: From Theoretical Grounds to Sustainable Practices*', 7 and 8 November 2018.

[39] Zehr, 2019, 11-12.

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(4) Treat everyone with respect, including those who offend you;
(5) Whenever possible, involve people in decisions that affect them;
(6) Look at conflicts in your life as opportunities;
(7) Listen to others with depth and compassion - try to understand even when you disagree;
(8) Engage in dialogue with others even when it is difficult - remain open to learning from them;
(9) Be cautious about imposing your 'truths' and views on other people and situations;
(10) Sensitively confronted with possible injustices, such as those arising from racism, sexism, classism.

At first sight, it may appear difficult to connect these ethical indications with the world of digital technology and, more specifically, with the activity of those who design and disseminate technological products. Still, the issue of possible dehumanizing technological developments is – as we know – all but 'science fiction', as it embodies true risks: these are visible in different sectors of contemporary IT developments, such as those destined for the kaleidoscopic Metaverse, or, to mention some other highly debated current developments, those related to a more and more invasive use of AI at different levels.

Yet, on closer inspection, the above-mentioned ethical principles call first and foremost for *a way of looking that recognises and protects the value of the person*, seeing in the latter much more than a soul *user*, read in a standardised way and through the categories of a particular *designer*, or the mental schemes of one or more holders of IT *expertise*.

Not only: whoever 'lives' the restorative perspective, beyond theory, is incentivised to cultivate a peculiar sensitivity towards what compresses and threatens the human relationship, towards possible vulnerabilities, and also towards what can facilitate modes of participation and active responsibility of the stakeholders. RJ also teaches a way of relating and a language oriented towards respect and attention to the other, and this can really provide insights also on the level of an ethical and methodological training of digital designers and digital operators.

It is not infrequent, in fact, that the user of the digital world may experience the sensation of being 'squared' within the schemes of the *software* he/she is using, within the options envisaged by the programmer, within the language and terminologies

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predetermined by the latter: so that what exists, what is possible, is such only if it is envisaged and made possible by the technological platform one uses (and which, increasingly often, one is obliged to use, either for work, or to make use of a service, even an essential one). The sensation is often anything but subjective, but rather based on a digital world that imposes and imposes itself through grids of categories, data, connections, and possibilities, with respect to which the user-subject is increasingly conditioned and reductively considered: whether he is a *user* or a source of data, a precious currency for the *digital economy*.

The ongoing developments related to the *metaverse* can provide, in this sense, a further masking of this diminished freedom through the offer of an elevated yet unreal 'virtual freedom': in a world in which, to quote a famous song, "*you can be anything you want to be, just turn yourself into anything you think that you could ever be*"[40] , one can delude oneself into thinking one can find refuge from a real world that, even in accessing the digital, increasingly conditions time, space, language, and possibilities, impacting on the real freedom and intrinsic dignity of persons[41] .

Here, precisely here, lies the challenge of *human-based design*, as a perspective that invites one to see, even in access to the digital world, the person who interfaces with it, in his or her uniqueness, complexity, relationality and, of course, in his or her value (not in the economic sense, of course!). This implies attention to the recipient, which includes the possibility of facilitating him (or her) in his (or her) free and conscious access to the activities and services offered by digital technology. It also implies trying to be attentive to real persons, to their needs, to their possible difficulties, to their vulnerabilities - a word that is often used extensively nowadays but that also in this sphere designates an aspect of the human in its finitude[42] .

[40] The quote is taken from the song *Innuendo* by Queen (1991).

[41] Emblematic in this regard is Byung-chul Han. Cf. Han, 2022.

[42] "*Vulnerability is a universal aspect of the human condition, arising from our embodiment and our location within society and its institutions. On the individual level, vulnerability refers to the ever-present possibility of harm, injury or biological impairment or limitation. As human creations, institutions also are vulnerable to capture, co-optation and corruption. Vulnerability also is generative and presents opportunities for innovation and growth, creativity and fulfilment. As embodied and vulnerable beings, we experience feelings such as love, respect, curiosity, amusement and desire that make us reach out to others, form relationships and build institution*' (*Definitions for The Vulnerability and the Human Condition Initiative*, Emory University):

https://web.gs.emory.edu/ vulnerability/about/definitions.html.

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Even more than in their normative formulation, the *value* of ethical principles inspired by a restorative approach, such as those which have been mentioned above, is to be find in the kind of *gaze* they teach to cultivate towards various aspects of experience, and, most of all, towards the relationships one may be involved in, with different degrees of personal, interpersonal and even social responsibility in a broad sense.

In this first exploratory work, we hope to have sketched out a horizon of thought and a possible perspective, including an ethical one, in the hope that it may become the object of future and more detailed elaboration. This may have also intercepted the interest of ongoing debates, as well, offering the proposal of a vision - the restorative one - which is not so well known either to the legal-technological debate and to digital designers.

We will be satisfied, however, if our ethical and prospective proposal has highlighted the possibility and urgency of bringing 'the' human being, in its finiteness 'and' dignity, back to the centre of attention in the reflection on the digital world. Such carefulness is not adopted because the future, even the near future, should be frightening: it is more a sort of invitation to a reinforced attention, so that we do not find ourselves entering, enthusiastically and lightly, into an inhospitable and alienating world, on which we have not been able to express adequate critical awareness and appropriate vigilance.

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