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VICTORIA FORTINI

HEY IUS, WHAT'S GOING ON?

LEGAL APPROACHES
AND METHODOLOGY
IN A TRANSFORMING WORLD

With a chapter by

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To my son, who has a kind heart.

In memory of my dear friend Umbre —
someone with a rare depth in understanding life,
truly one of a kind.

He taught me, in the simplest way,
the beauty of loving oneself.
I'm sure that, from heaven, he is giving me
the gift of reading this book
from the very first word to the last.

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CHAPTER I

INTRODUCTION

I have always believed that the most important part of any book is its introduction (and the preface, when there is one). Many readers skip it, but I never do, because it often reveals something about the author. In fact, I rarely read books by authors I don't appreciate or don't find worthwhile. For this reason, whenever I sit down to write an introduction, I feel a strong sense of responsibility. I care about offering a true taste of what the book contains.

I would like to begin by saying that I genuinely enjoyed writing this book. That doesn't mean it was easy or straightforward. I devoted many hours to it, often late at night. People frequently ask me when I find the time to write. The truth is, I don't really "have" the time — I simply felt compelled to make it. A more interesting question, perhaps, would be what drives me to such consistent dedication to study and writing — not when I find the time, but what fuels me. In essence, the answer is simple: the secret lies in turning your passion into your profession — and perhaps even into your enjoyment.

Beyond the usual cliché of being lucky enough to have work and passion coincide, for me this is genuinely the case. There is nothing in the world I find more fascinating than the law. That said, my work as a practicing lawyer comes with its own challenges: it is highly demanding and

often requires focusing on necessarily limited areas of the law. At the same time, however, it offers a great advantage — it keeps me grounded and far from the figure of the purely theoretical, contemplative intellectual. Theory and practice are deeply intertwined, and both require us to lift our gaze from time to time, so as not to lose sight of the bigger picture and the true essence of the *ius*.

In this period, I have channelled that broader perspective particularly into my research and writing. Some things you simply feel instinctively, and if they are approached seriously and thoughtfully, I believe they represent time well spent. Using one's time well — building something meaningful that I enjoy and that may also be useful — has always mattered to me. At the very least, it has always attracted me more than more superficial pursuits.

As for choosing what to write about, I have never been drawn to simple or trivial topics. One must be ambitious. I find it far more worthwhile to explore areas that are complex, engaging, and capable of raising new and challenging questions.

Let me tell you more about how the idea for this book came to life.

For some time, I had an idea in mind, though it was not yet fully formed. In fact, it changed completely along the way, because when you research and write, it often happens that by developing one idea, others begin to emerge. Research itself is a process: you explore, study, formulate hypotheses, revisit them, discard some, and discover new ones. It takes dedication and time to allow ideas to settle, mature, and eventually flourish. There is a great deal of research, thought, and reasoning behind this work — I hope that comes through in the reading.

The subject of this book is law in a changing world. However, I have not approached it by simply describing new regulations in emerging fields. Instead, I have chosen a different angle, focusing on legal approaches and methodology in a transforming context. It struck me as a more interesting, more original, and more innovative perspective. I have always preferred to concentrate on structural issues rather than on overly contingent ones. Today, in light of the challenges *ius* faces in this evolving world, I believe there is an urgent need within the legal landscape to refocus on what is truly at stake — to recover the deeper meaning of law itself.

To better convey what this work is about, and the underlying idea that runs through it, I need to share something more.

This book was conceived, I must admit, at a time when I felt a certain degree of cynicism. Perhaps it stemmed from disappointment with a broader context marked by superficiality — a society filled with chatter, where much is said but little of substance is truly communicated. Little that is serious, true, or meaningful for life. There seems to be a lack of genuine care for people and for the circumstances of life, and a widespread belief that only what provides immediate, often self-serving benefit is worthwhile.

This same superficiality can be found in the legal world as well. Here too, one often encounters a “quick and dirty” approach — hasty, insufficiently rigorous — where *ius* is used, or rather misused, under the influence of economic or political interests, frequently without regard for its very essence. In this sense, I perceive a rejection of the reasons underlying the *ius*, and thus a deeper crisis of *ius* itself. One might expect more from the legal field, traditionally

regarded as a noble domain, something capable of upholding higher standards. The truth, however, is that it is made up of human beings — and perhaps we should not expect otherwise. Nor should we be misled by the polished surface that often gives the impression of greater sophistication.

They say that human beings can adapt to anything, for better or worse — they call it resilience. Personally, I have never felt comfortable settling into that kind of resilience when it comes to superficiality; in the end, it has never held. I believe that we, as human beings, can do better — and that we owe it to ourselves to try. It is not an easy position to hold. It is a desire that pushes you to keep searching for deeper meaning, a sensitivity you sometimes appreciate and sometimes resent. Yet it reminds you of what your heart is made of.

Every day, however, the environment around us offers what might be called “tranquillisers for the soul” — substitutes that numb the heart and quiet its questions, until the desire, the longing, the restlessness itself begins to fade. You know the saying, “be careful what you wish for”. As for me, I try to be attentive to what I desire — not in the sense of fearing it and silencing it, but rather in giving it weight, in taking it seriously. I have always resolved to live — at least to try to live — up to my truest desires.

The depth of desire must be protected, cultivated, and educated. I believe this will remain a challenge for me throughout my life. One should not suppress the effort and unease that come with questioning, because it is precisely through that effort that we reach the meaning of things and do justice to what we hold in our hands. It is a demanding path — difficult, full of questions, at times even harsh —

yet also fascinating, extraordinary, and, in its own way, sublime.

To me, this is an unavoidable challenge. At a certain point, life, as they say, tightens its grip. And it is not true that nothing can be done: in life, we must choose. Choose to hold our heads high, to resist the comfort of passive resignation, to keep desire and tension alive. Choose to try — truly try — to do things seriously, to do them better, even in a world that is often superficial and difficult.

There is no manual for this. And no one can do it in your place — one of the few things, perhaps, in which we remain irreplaceable.

For the jurist — arguably the luckiest person in the world, because he or she has the privilege of working with *ius*, which is, to me, the most beautiful thing that exists — the same challenge constantly arises when engaging with the legal world. It is a challenge that pushes him or her to go beyond the surface, to reach the deeper meaning of the realities that *ius* seeks to organise and regulate. It is a call to grasp *ius* in its essence.

Legal work, like any profession, is a vocation that must be carried out with seriousness and awareness — at least for those who truly love it. Moreover, this challenge becomes not only necessary but unavoidable in times like ours, marked by profound transformations and emerging scenarios that disrupt established frameworks. These changes introduce realities that were previously external to the legal world, expanding the material the jurist must work with, raising new questions, and making traditional models uncertain or even inadequate to govern an increasingly complex and rapidly evolving reality.

A new legal landscape is taking shape — still undefined and perhaps difficult to define at all. At first glance, this can be unsettling, even intimidating. But in my view, it is precisely the perfect training ground for the jurist: a kind of intellectual bootcamp in which to fully engage and test oneself. For this reason, the jurist cannot simply settle into an armchair and grow old in slippers, so to speak. *Mutatis mutandis*, a more fitting image might be that of growing old at a desk, dressed (more or less) elegantly.

That is why, as I mentioned earlier, recovering the true essence of *ius* is essential. I will explain more fully what I mean by this throughout the book. In this regard, I believe this is a book that, in order to be fully understood and truly appreciated, should be read from the first word to the last — or at least I recommend that it be.

Of course, pursuing such a challenge becomes particularly difficult when one is permeated by cynicism. One might say: “it is noble, even necessary, to keep the challenge alive — but in the end, it is just an illusion. Everyone knows it changes nothing. Everyone knows how the world works”. “It is not worth it”, the cynic would say.

So where is the game changer? It does not need to be invented. It is simply that, at a certain point, something happens — a spark, perhaps inexplicable, that suddenly shifts perspective and shakes things loose. One only needs to be able to recognise it. But to do so, one must stand before things, before life itself, with a sense of wonder.

I do not mean the empty astonishment of someone standing there wide-eyed and speechless. Rather, I refer to a healthy openness toward reality, one that resists the widespread presumption that reality is something constructed, entirely determined, and judged solely through one's own

thought. Difficult questions do not have simple answers. Yet the unease they generate finds its rest in the intuition that the question itself is meaningful — in the sense, if not of certainty, then at least of a possible answer, even if still unknown.

When I began working on this book, I was, as I said, in a significant moment of cynicism. A real turning point for me — something that helped shift my perspective and gave me the energy to continue this work — came through reading two books.

The first is “*Un maestro per Samir. Storie di rinascita dalla Siria devastata*” by journalist Andrea Avveduto. I do not mention this book on Syria merely because the current historical moment calls for attention to war. Rather, it is a book that reveals the inexhaustible strength of the human spirit, capable of embracing the challenge of good even within the abyss of evil.

The second is “*Personne morale*” by Justine Augier. This book tells the story of a group of young lawyers who decide to challenge a global economic giant — an emblem of French industry — by bringing a lawsuit accusing it of crimes against humanity for having financed jihadist groups, including ISIS, in order to keep a factory operating in Syria during the civil war. It is a case that attempts to hold a multinational corporation accountable, as a legal subject, for crimes committed abroad.

These readings came to me as a genuine surprise, and they gave me the impulse to carry this challenge forward. To sustain such a challenge, one cannot be alone. Not because someone else can do the work in your place — the effort remains entirely yours — but because you need

someone to walk alongside you, someone to engage with, someone who helps you keep the challenge alive and high.

Given everything above, it becomes clear that this is ultimately about putting oneself on the line — and that solitude alone is not enough. For this reason, in this book I have chosen not to adopt a lecturing, academic tone, but instead to give voice and space to two characters.

Let me introduce our protagonists. I call them “protagonists” both because they are the central figures — the actors in this story — and because they truly engage personally, fully accepting the challenge of their dialogue and their encounter.

The first is Pierre, a middle-aged lawyer, a man of solid substance. An excellent and highly respected professional, he nevertheless retains a mind that is fresh, curious, and even slightly rebellious — like that of a young boy. Someone who dares. His encounter with the second protagonist, Simon, a newly graduated legal intern, offers him the opportunity to gain a younger, fresher, more challenging perspective, to rediscover the wonder of questioning, and to raise his own standards once again. Pierre has no ambition to explain life or impose his point of view; he does not position himself as a “guru”. He simply makes himself available, in a natural way, as a mentor, a guide.

Simon, on the other hand, brings youthful curiosity and freshness, but he already appears somewhat disillusioned, marked by a strong sense of cynicism. In this sense, he seems to need guidance. A more traditional approach might have reversed their roles: the young man full of hope and the older figure hardened by experience, in need of rediscovering youthful wonder. Instead, I chose to invert this pattern, because I believe it is closer to reality. Young

people today may appear more carefree, more confident, even more audacious — but beneath the surface they often seem uncertain, disoriented, and already somewhat cynical. Not because they lack intelligence, but because they are rarely offered sufficient reasons for hope, and too often find themselves facing a bleak horizon — especially when the adults around them are themselves preoccupied with complaint and disillusionment.

What young people need from mentors is not resignation, but encouragement: to face challenges without retreating, to resist fear, to look at things from another angle, and to discover that another perspective is possible. Simon's merit lies in his willingness to engage, to ask questions, and to seek help. Pierre's merit lies in remaining close to Simon, caring not only about what he teaches but also about how he teaches it, and in taking him seriously enough to become, in an authentic sense, a friend. Whether and how this encounter proves meaningful for both characters is something the reader will discover throughout the book.

It is even possible that the two protagonists are nothing more than alter egos — one younger, one older — a question that remains deliberately open and unanswered.

I have intentionally not specified the type of organisation in which the protagonists work (law firm, in-house legal department, or otherwise), in order to avoid distracting from the substance of the discussion, to steer clear of workplace biases or preferences, and to prevent the narrative from becoming entangled in irrelevant details.

Now that the characters have been introduced and framed, the rationale behind my stylistic choice becomes clear: to present the text in the form of a dialogue between

them. After all, dialogue is simply a form of encounter. Yet today we often witness pseudo-dialogues that are, in reality, monologues. I often say that many people speak at you rather than with you — the presence of a listener makes little difference whether that listener is a person, another person, or a wall.

Structuring this book as a dialogue also brings further advantages. It helps avoid the dryness of a lecture-style text, which can bore both reader and writer alike. Dialogue allows something profound to be expressed in a personal and direct way, without becoming simplistic. It also serves another important purpose: making the law more engaging and hopefully more accessible even to those outside the legal field, even though much of the content remains necessarily technical and intended for specialists. There is also a final, not insignificant advantage: it prevents me from indulging in the long monologues that tend to characterise me and often exhaust those forced to listen. The structure of dialogue, at the very least, obliges me — now and then — to stop speaking.

Now, a few additional (and not merely editorial) remarks.

I have chosen not to include footnotes in the text, as a more traditional or academic work would likely require. This is partly because they interrupt the flow of reading — for those, like me, who tend to read them all with curiosity and care — and partly because I believe that excessive citation sometimes reveals not intellectual humility, but rather a lack of one's own voice. That said, this does not mean the work is not grounded in extensive study and deep engagement with a wide range of authors, to whom I am sincerely grateful. I have drawn on thinkers I have long