

## ABSTRACT

**TITLE:** *Smart City*: share to innovate (with the risk of excluding?)

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This paper addresses the issue of *Smart City* from a public law point of view.

In recent times, the expression *Smart City* began to be used in political debates, in scientific studies and in administrative practice, but not so much in legal reflections.

However, the reality that is hidden behind that expression is of great interest to the law and it is able to create very significant impacts on people's lives, as well as their freedom and rights.

According to the methodological approach used by the authors, the *Smart City*'s legal framework should not be based on an analytical approach that explains the individual elements that compose the “*Smart City* system”, but rather the legal framework needs to be systemic, describing the importance of mutual relations and interactions between the various elements.

After outlining the fundamental Italian and European regulations on *Smart Cities*, the paper identifies the specific subject of the regulations (which is the “community”, and not only the “city”) and some of its purposes, such as: inclusion, access to information, technology development and protection of vulnerable groups. Other purposes include the general increase of life's quality, economic and urban development.

Concerning the tools to achieve the aims outlined above, the paper identifies the use of technology and innovation, the horizontal subsidiarity (in the sense that “*smart*” initiatives usually start from the society and not from the government) and sharing (in the sense that “*smart*” initiatives are only the initiatives which include a space, a benefit, a resource, a technology and, above all, a complex of information).

The authors also dwell on the role played by public authorities on this topic in light of European and national regulation. Specifically, they compare the concept of *Smart City* with some of the general legal institutes and principles of Italian administrative law.

In conclusion, the authors offer a critical legal perspective of the concept of *Smart City*. In particular, they focus on the risk that the inclusion only of those who share the goal of *Smart City* could generate simultaneously the exclusion of those who do not adhere to the “paradigm” pursued by *Smart City* itself. Those who are not smart (or, worse, who are not recognized *smart* by others), who do not use technology, who do not follow the idea of sharing are in danger of being outside the perimeter of *smart city*, which tends to establish itself as a generalized and ideological model.