



Leave them kids alone? Gradual autonomy and the right to privacy in children's online lives

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Abstract This paper investigates the ethical and legal tensions between protecting children online and respecting their autonomy and privacy rights. In the face of increasing digital risks, from algorithmic manipulation to surveillance and data exploitation, governments have enacted sweeping regulatory reforms, often prioritizing safety over agency. While aligned with Article 3 of the UN Convention on the Rights of the Child, such measures frequently neglect Articles 12 and 16, which affirm children's rights to be heard and to privacy. Drawing on philosophical theories of paternalism, the paper critiques both protectionist and anti-protectionist accounts, arguing they fail to reconcile children's vulnerability with their evolving capacities. Instead, it proposes a republican model of paternalism based on Philip Pettit's theory of non-domination. This approach enables justified, contestable, and developmentally sensitive forms of interference that respect children's gradual autonomy. By analysing privacy as a precondition for autonomy rather than mere protection, the paper advances a normative foundation for child-centered digital governance.

Keywords Children's rights · Paternalism · Social media · Digitization · Privacy

1 Introduction

In today's digitally saturated society, children's lives are profoundly intertwined with social media and algorithmically driven platforms. From the moment they first access the internet, children begin to leave behind data traces, often without their informed consent or comprehension of the long-term consequences. Social media

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platforms such as TikTok, Instagram, and YouTube have become central to young people's social and emotional development. As researchers such as Jean Twenge and Jonathan Haidt have extensively documented, this digital immersion coincides with a marked increase in anxiety, depression, and loneliness among children and adolescents (Twenge 2017; Haidt 2024). Shelly Turkle's *Alone Together* famously captures the paradox of connection and isolation wrought by digital technologies: constant connectivity does not equate to meaningful engagement or emotional safety (Turkle 2017). These works suggest that the digital environment, far from being a neutral space of play and expression, can be psychologically hazardous, particularly for young users whose cognitive and emotional capacities are still developing.

To avoid conceptual vagueness, it is worth clarifying what is meant by "digital environments" in this paper. While the digital encompasses a wide range of practices and infrastructures, including gaming platforms, video-sharing services, and educational technologies, the analysis here focuses primarily on social media platforms. These platforms are exemplary because they combine practices of self-presentation, peer interaction, and pervasive datafication, and are thus directly related to children's rights to privacy and autonomy. Other digital contexts operate according to different logics, but the structural issues raised in this paper (surveillance, algorithmic manipulation, and the shaping of developing autonomy) are especially visible in the case of social media, which therefore serves as the paradigmatic site for the following arguments.

In response to such concerns, a global shift toward stronger protective regulation has emerged. Governments and policy-makers increasingly view children's digital engagement as something requiring oversight and constraint rather than unmediated freedom. Australia has recently proposed some of the world's strictest age-verification rules for social media use: children under 16 would be banned from joining platforms without parental consent. Companies that violate the law could face fines of up to 10 million Australian dollars or 10% of their global turnover. The legislation reflects a rapidly growing sentiment: that the harms of digital media, ranging from cyberbullying and data exploitation to attention manipulation and identity distortion, require direct state intervention (Smith et al. 2024). This move is echoed by the Online Safety Acts in the UK (2023) and EU's Digital Services Act (2022), both of which impose new responsibilities on platforms to minimize harm to minors¹ (Kira and Schertel Mendes 2024; Turillazzi et al. 2023).

While these policies may seem to align with Article 3 of the United Nations Convention on the Rights of the Child (UNCRC), which mandates that the best interests of the child be a primary consideration, questions arise as to whether such protective measures adequately respect other, equally fundamental children's rights. Specifically, Articles 12 and 16 of the UNCRC affirm the child's right to be heard and their right to privacy, including in digital environments. As the Alan Turing Institute's *AI*,

¹ This paper acknowledges the diversity of national and regional regulatory legal frameworks (e.g., the UK, Germany, the U.S., and Australia). However, the argument developed here is not tied to any single jurisdiction. Its primary concern is a universal ethical perspective grounded in the United Nations Convention on the Rights of the Child, which seeks to clarify how children's rights to privacy and gradual autonomy should be respected across different legal contexts.

Children's Rights & Wellbeing report states, there is a growing dissonance between policies designed to protect children and such that empower them as autonomous individuals (Mahomed et al. 2023). The report points out that many data governance frameworks, while emphasizing protection from exploitation and harm, fail to distinguish clearly between children's rights and wellbeing, often subordinating the former to the latter. This tension is mirrored in several legal commentaries. Pearce and Buck, for example, highlight a central challenge in data protection law: the concept of "competency" is often left vague, placing too much interpretive burden on data controllers to determine whether a child may exercise rights over their own personal data. This legal ambiguity threatens to reduce children's privacy rights to mere permissions, granted conditionally based on shifting assumptions about capacity (Pearce and Buck 2024). Similarly, the German research initiative SIKID (Security for Children in the Digital World) warns that protective efforts must not render children passive recipients of care but should instead recognize them as active participants with legitimate claims to digital agency and expression (Stapf et al. 2024).

This essay takes as its central concern the unresolved normative tension at the heart of this issue: how can we protect children from the real risks of digital life without unjustly infringing on their emerging autonomy and right to privacy? I argue that the UNCRC, while a valuable foundation, lacks the conceptual tools to resolve this dilemma on its own. The Convention affirms multiple, sometimes competing rights but provides no clear method for adjudicating between them. To address this gap, I turn to philosophical debates on paternalism, particularly those that deal with the moral weight of children's developing autonomy. By analyzing competing perspectives, this essay explores how to balance children's welfare with their right to self-determination, especially in the context of social media regulation. I will argue that respecting children's right to privacy requires more than just acknowledging their vulnerability, it demands a nuanced, developmental view of autonomy, one that incorporates empirical data and philosophical rigor. Drawing on findings from recent transnational research initiatives, I will conclude with recommendations for digital policy and practice that better integrate the voice and agency of children, without sacrificing their safety.

To clarify what is meant by privacy in relation to children's evolving capacities, it is helpful to draw on Helen Nissenbaum's theory of contextual integrity (2009, 2011). Rather than conceiving of privacy as a uniform condition, Nissenbaum argues that it is defined by the informational norms of specific social settings and the appropriateness of flows of personal data within them. This account makes it possible to differentiate what privacy entails for children at different developmental stages: the concerns relevant to a toddler using a tablet are not the same as those of an adolescent dealing with social media profiles. For younger children, privacy primarily relates to shielding basic personal information and preventing unsolicited exposure, whereas for adolescents it increasingly involves managing self-presentation, peer relationships, and identity development. By situating privacy within these differentiated contexts, we can avoid abstract generalizations about children and instead recognize how age-related capacities shape both the risks they face and the protective measures that are justified. This perspective also helps to address the ques-

tion raised above: whether privacy should be conceptualized merely as protection, or, as I will argue, as a precondition for autonomy that takes distinct forms across childhood and adolescence. I will return to Nissenbaum's account at the end of this paper.

2 The UNCRC, conflicting rights, and its limitations

The UNCRC recognizes children as full holders of rights. It outlines both the obligations of states and private parties (including parents) and the entitlements of children in civil, political, economic, social, and cultural spheres. Among its most critical contributions is the assertion that children are not merely passive recipients of care but individuals with evolving capacities and voices that merit consideration. However, as vital as this rights-based approach is, the Convention is also marked by a persistent ethical tension, especially pronounced in the digital age, between two categories of rights: welfare rights and rights of action (or agency rights). These categories, while not explicitly defined in the Convention, have become increasingly central to academic and policy debates about children's digital lives (Bagattini 2021; Brighouse 2003). Welfare rights, as defined by Amartya Sen and elaborated by Harry Brighouse, pertain to basic needs essential for human flourishing: nutrition, shelter, education, emotional care, and safety (Sen 1983; Brighouse 2003). These rights apply universally and are justified through their direct connection to well-being. In contrast, rights of action involve autonomy, participation, and the capacity to make self-directed decisions, rights such as freedom of expression, privacy, and association. While adults are generally understood to possess both welfare and agency rights, the attribution of agency rights to children is far more contested. Brighouse argues that most children possess welfare rights but only limited or developmental agency rights, because they lack the maturity, self-knowledge, and informational access necessary to consistently make judgments in their own best interests (Brighouse 2003, p. 701).

This tension between protection and autonomy is embedded in the UNCRC itself. Article 3 mandates that "(...) in all actions concerning children, the best interests of the child shall be a primary consideration" (United Nations 1989). Articles 12, 13, and 16, however, recognize the child's right to be heard, to express views freely, and to enjoy privacy. While the Convention affirms both types of rights, it does not offer clear guidance on how to adjudicate conflicts between them. This gap is particularly problematic in the digital environment, where children's rights to participate in online communities or express themselves on social media often clash with efforts to shield them from data exploitation, algorithmic manipulation, or harmful content. As I try to explain in another paper, children's rights must be situated in a broader normative structure that considers their developmental status (Bagattini 2024). Children are *simultaneously* vulnerable *and* capable, and any assessment of their rights must reflect this duality (Mackenzie 2014). The digital sphere intensifies these challenges, offering children powerful tools for expression and learning, while simultaneously exposing them to heightened surveillance and commercial exploitation. Practices such as parental monitoring, data tracking, and "sharenting",

where parents share personal information about their children online, raise serious ethical questions (Mathiesen 2013). Article 16 of the UNCRC guarantees children protection from arbitrary or unlawful interference with their privacy, but in practice, this right is frequently subordinated to a protective logic that fails to respect the child's agency. Insights from the SIKID project further illustrate this point. Stapf et al. emphasize that children are not just vulnerable beings to be protected, but active subjects navigating digital environments with their own perspectives, goals, and identities (Stapf et al. 2024). Their study indicates that well-intentioned safety measures can result in the erosion of children's autonomy. Effective protection, they argue, must not affect the child's capacity to engage meaningfully with their digital environment. True child protection should include the promotion of agency, not merely the restriction of access. Other contributions in childhood studies reinforce this critique. It has for example been argued that there is a legal default toward parental authority in digital contexts, pointing out that it often ignores children's evolving capacities and voices, or that any interferences with children's rights (for example to privacy) must meet strict standards of proportionality and coherence (Detloff 2023; Kaesling 2023).

Despite the comprehensiveness of the UNCRC, these critiques expose a foundational limitation: the Convention articulates multiple overlapping rights without providing a normative hierarchy or procedural mechanism for resolving conflicts between them² (Bagattini 2021). This limitation is especially visible in cases involving new digital legislation, such as Australia's 2024 Online Safety Amendment (Social Media Minimum Age) Act, which prohibits children under 16 from joining social media platforms without parental consent. While such laws invoke Article 3's protective imperative, they often come at the expense of Articles 12 and 16, which recognize children's rights to express themselves and maintain privacy. These measures risk infantilizing children and especially adolescents and dismissing their capacity to navigate digital spaces responsibly.

In 2021, the UN Committee on the Rights of the Child attempted to address these kinds of issues through General Comment No. 25, which clarifies how the Convention should be applied in relation to the digital environment. It acknowledges both the opportunities and risks posed by digital technologies and emphasizes that children's rights to privacy, participation, and protection remain fully applicable online. Importantly, it recognizes the need to respect children's evolving capacities and calls for context-sensitive approaches that avoid one-size-fits-all solutions. In the European context, the Digital Services Act (DSA, 2022) is particularly relevant, as it establishes binding obligations for platforms regarding risk assessment, transparency, and the protection of minors (Turillazzi et al. 2023). Especially with respect to privacy, the Act requires very large platforms to address systemic risks such as profiling, data exploitation, and manipulative design.

² I don't want to claim here that these conflicts cannot be resolved in practice. For example, in a UNICEF project on the welfare of refugee children, Articles 9 and 12 were weighed up, and children's committees were established for this purpose, including psychologists and social workers who acted in the best interests of the children. (UNICEF 2019) However, it is important to emphasize that this is not a normative resolution of the conflict, but only a partial compromise in this specific case.

However, even this significant development does not resolve the core ethical conflict. General Comment No. 25 reinforces existing principles but does not provide the normative tools to adjudicate between competing rights. For example, it does not explain when and how the right to privacy may justifiably be overridden by protective concerns or how children's views should be weighed when they conflict with adult judgments about their welfare. It repeats the language of the Convention, "due weight in accordance with age and maturity" (UN 1989, Art. 12) but leaves interpretation entirely to local institutions. In effect, it shifts the burden of ethical decision-making to national actors, who may or may not have the expertise, resources, or philosophical grounding to make principled judgments.

As for example Harry Brighouse articulates, the moral authority of adults in children's lives must not be conflated with arbitrary control. "[...] the authoritative adult is obliged to discern the interests of the child, and protect or promote those interests. The paternalistic agent, then, is not to be guided by his or her own interests, but by his or her good faith understanding of what is in the child's interests" (Brighouse 2003, p. 693). Accordingly, adults have a duty of care to discern and promote the child's welfare, which includes, but is not defined by, the child's expressed preferences. Brighouse's distinction between consultative and authoritative voices (Brighouse 2003, p. 692) helps clarify the normative stakes: treating children's views as consultative does not mean disregarding them, but rather taking them seriously while ultimately making decisions based on informed, responsible judgments about their best interests.³ This model is ethically demanding, but it provides a more realistic account for balancing autonomy and protection than the UNCRC currently does.

Hence, while the UNCRC lays a vital foundation for children's rights, it lacks the normative and procedural apparatus to resolve conflicts between welfare rights and rights of action, particularly in digital contexts. General Comment No. 25, though progressive in intent, reinforces the ambiguity by restating principles without offering substantial normative decision-making guidelines. Philosophical insights, such as those provided by Brighouse, are essential for interpreting and applying these rights in ways that respect both children's vulnerability and their agency. Without this deeper ethical engagement, policies and practices risk privileging one set of rights over another, often to the detriment of the children they aim to serve.

The next section will explore philosophical theories of paternalism, examining how these can inform a more coherent and ethically robust approach to children's online privacy.⁴

3 Digital childhoods between protection and self-determination

In navigating the ethical conflict between children's welfare and autonomy, particularly regarding their right to privacy in digital contexts, philosophical theories of

³ More on Brighouses account in the next section.

⁴ With one exception, the theories presented below do not explicitly address digital contexts or privacy. The application of these theories to this new field is an important contribution of this article to the current paternalism debate.

paternalism offer essential insights. While the UNCRC articulates children's rights broadly, it lacks the normative architecture for resolving conflicts between welfare rights and rights of action. In the philosophical debate on paternalism regarding children, one can distinguish between *protectionist* and *anti-protectionist* positions. In the following, I will present both sides using exemplary approaches, criticize weaknesses in both, and finally make my own proposal, based on Philip Pettis' theory of non-domination, for how paternalism towards children can be justified.

3.1 Protectionist accounts of paternalism towards children

Protectionist approaches to paternalism begin from a familiar moral intuition: because children are vulnerable and dependent, adults have an obligation to act in their best interests, even if that means limiting their autonomy. Harry Brighouse presents one of the most sophisticated defences of this view. His account rests on a principled distinction between *welfare rights*, which children hold fully, and *agency rights*, which they possess only developmentally (Brighouse 2003, p. 696 ff.). According to Brighouse, children typically lack the rational, emotional, and informational capacities necessary to authoritatively define their own interests. Consequently, while their voices deserve recognition, they should be treated as consultative rather than authoritative. Brighouse is explicit about this distinction, writing "[...] my claim is that we should regard children's voices as consultative even in situations in which we would normally be obliged to regard an adult's view as authoritative" (Brighouse 2003, p. 694). This, he argues, does not amount to ignoring children, but rather reflects the fiduciary responsibility of adults to act on their informed understanding of what will best promote the child's welfare. "The authoritative adult is obliged to discern the interests of the child, and protect or promote those interests. The paternalistic agent, then, is not to be guided by his or her own interests, but by his or her good faith understanding of what is in the child's interests" (Brighouse 2003, p. 696).

Yet, despite its initial plausibility, Brighouse's protectionist model reveals the key weaknesses of this approach. By relegating children's expressed views to a consultative status, it risks reducing their moral agency to a heuristic tool for adult decision-making. Even when children articulate coherent and meaningful preferences, particularly in digital contexts where they actively construct identities and make choices, Brighouse's account implies these preferences may be overridden without moral cost. This moral asymmetry has been convincingly critiqued by Kalle Grill, who argues that the very reasons we have for respecting adult autonomy, namely, the moral value of acting on one's own will, apply to children as well (Grill 2020). While Grill concedes that adults may justifiably override children's preferences in some cases, he insists that doing so incurs a real normative cost: the loss of agency-respecting treatment. On Brighouse's account, this cost is systematically under-acknowledged.⁵

Another important criticism, raised by Dave Archard, highlights the *structural* danger of Brighouse's fiduciary paternalism: it allows for illegitimate forms of authority masked as care. When adult authority is justified solely by developmental

⁵ I will discuss Grill's approach in more detail in the next section. Although I reject it there, I share his assessment that protectionist approaches do not allow sufficient space for children's preferences.

asymmetries, there is a risk that children's voices will be symbolically acknowledged but not substantively integrated. As Archard notes, such models invite symbolic inclusion without genuine respect, especially when no procedural safeguards exist to ensure that children's perspectives can influence outcomes. "So, in sum, we consult children to find out what they want and to know their lived experiences, better to understand their situation and personal circumstances. Such knowledge has instrumental value in assisting adults to determine what is in any child's best interests. This is some considerable way from giving weight to the view that a child has formed and freely expressed" (Archard 2025, p. 16). Protection becomes ethically problematic when exercised without mechanisms of contestability, reciprocity, or accountability, precisely the conditions often missing in digital regulatory contexts where children's rights are at stake.

Hence, while Brighouse's protectionist model is more ethically refined than many paternalistic accounts, it remains captive to a logic that too often sacrifices autonomy in the name of welfare. It fails to adequately acknowledge the normative costs of overriding children's preferences and does not provide sufficient safeguards against the structural imbalances it tries to legitimize. As such, it exemplifies the limitations of protectionist thought: namely, its tendency to obscure children's evolving capacities and to normalize asymmetrical power relations in the name of care. A more defensible model must go beyond fiduciary oversight and toward developmentally sensitive empowerment, a point to which we now turn.

3.2 Anti-protectionist accounts of paternalism towards children

In contrast to protectionist accounts that prioritize children's welfare over their immediate autonomy, anti-protectionist approaches emphasize the moral significance of children's choices and strive to extend adult-like respect for autonomy to young individuals.⁶ Notably, Kay Mathiesen defends such a stance by arguing against parental monitoring of children's internet use, claiming that children have a *pro tanto* right to informational privacy from their parents. This right, according to Mathiesen, respects children's current and developing capacities for autonomy and relational trust, and should not be overridden by generalized protective rationales (Mathiesen 2013). Her position highlights the ethical costs of routine surveillance and suggests that even in the face of digital risk, privacy must be treated as a serious moral concern.

While Mathiesen presents a compelling ethical argument against default parental oversight, this section focuses primarily on a more thoroughly developed anti-protectionist account: Kalle Grill's same reasons view (SRV). Grill argues against treating children's preferences as categorically less worthy of respect than those of adults. According to the SRV, the reasons we have for respecting a person's preferences,

⁶ Anti-protectionist approaches, such as those by Grill or Mathiesen, should not be conflated with radical child liberationism as advocated by John Holt (1974). While Holt argues for the wholesale abolition of adult authority over children, anti-protectionists maintain that children's preferences deserve *equal moral respect*. These approaches seek proportionate, contestable forms of guidance, not the elimination of adult authority.

namely, their status as agents capable of forming and expressing their will, do not change across age groups. What may differ is the strength or weight of those reasons in context, not their kind. As Grill succinctly states, “If we should sometimes let an adult do what she wants, but not a child in similar circumstances, this must be because the reasons weigh differently, not because different sorts of reasons apply” (Grill 2020, p. 200). Consequently, Grill rejects what he calls the “different reasons view,” often embedded in protectionist thinking, which posits qualitatively distinct justifications for respecting adult versus child autonomy.

Grill's anti-protectionist stance gains normative traction through his broader critique of *respect monism*, the idea that only preferences or only choices deserve moral respect. Instead, Grill defends respect pluralism, arguing that both actual preferences and considered choices warrant recognition, especially when they are informed and coherent (Grill 2015, p. 693f.). From this perspective, a child's expressed preferences regarding digital participation, such as wanting access to a social media platform or control over online privacy settings, should not be dismissed outright. Rather, they deserve moral consideration analogous to how adult preferences are treated, even if they must sometimes be overridden.

While this approach elevates children's agency in ethically important ways, it is vulnerable to several substantial criticisms, particularly when evaluated against liberal theories of autonomy and empirical insights from developmental psychology (Haidt 2024). These critiques suggest that anti-protectionist views may insufficiently account for children's unique vulnerabilities in digital contexts and may flatten ethically significant distinctions that justify age-sensitive paternalism. *First*, from a liberal standpoint, Grill's SRV risks undermining key distinctions that justify interference in the lives of less autonomous agents. For example, Joel Feinberg's influential view of personal sovereignty holds that coercive interference with an individual is only justifiable to prevent nonvoluntary harm or harm to others, not simply to promote that individual's welfare (Feinberg 1986, p. 12). This view presumes a baseline of adult competence that does not readily extend to children. Following Feinberg, Richard Arneson explains, “The life that a person threatens by his own rashness is after all his life; it belongs to him and to no one else” (Arneson 2005, p. 262). Grill's insistence on symmetrical moral reasoning seems to overlook the developmental and epistemic differences that make paternalistic restrictions more justifiable for children than for adults.

Second, while Grill rightly critiques arbitrary age-based thresholds, he may go too far in denying the normative significance of developmental context altogether. Samantha Godwin, for example, cautions that rejecting age as a proxy for capacity should not lead to ignoring genuine differences in executive function and evaluative reasoning. As she argues: “What is not explained, however, is why paternalism would be justifiable for children, but not adults, when neither possess the relevant interest-promoting capacities, exactly the cases when paternalism towards adults might be considered” (Godwin 2020, p. 308). Yet Grill's approach does not sufficiently address how limited or unstable capacities, common in childhood and adolescence, can undermine the ability to make informed, autonomous digital decisions. This includes understanding consent, privacy risks, or the long-term consequences of sharing personal data.

The digital environment even intensifies the risks associated with anti-protectionist minimalism. Social media platforms are deliberately engineered to exploit impulsivity, maximize screen time, and nudge behavior through opaque algorithms (Sahebi and Formosa 2022; Susser et al. 2019). These features disproportionately affect children, who are more susceptible to emotional manipulation, peer pressure, and reward-based engagement loops. By insisting that children's digital preferences deserve the same respect as those of adults, Grill's SRV risks legitimizing exposure to harmful or developmentally inappropriate environments without adequate safeguards. In these cases, minimal interference is not neutral, it amounts to abdication of the adult's fiduciary duty to protect.

Hence Grill's account fails to articulate how to structure authority and responsibility in ways that respect children's emerging autonomy without exposing them to overbearing authority or exploitation. While the SRV rightly calls attention to the moral cost of overriding children's preferences, it lacks the normative nuance necessary for distinguishing legitimate protection from arbitrary control. In contrast, as will be shown in the following section, Philip Pettit's theory of non-domination offers a more relational and structurally responsive approach. It balances protection with autonomy not by rejecting interference altogether, but by demanding that such interference be transparent, contestable, and developmentally sensitive.

3.3 Paternalism towards children as a form of non-domination

Philip Pettit offers a third approach, rooted in the republican tradition of political philosophy. In contrast to both Brighouse's protectionist account and Grill's anti-protectionism, Pettit conceptualizes freedom not as non-interference but as non-domination (Pettit 1996, 2008). A person is free, on this account, not when they are left alone *per se*, but when no other agent holds arbitrary power over them. Pettit defines domination as a condition where one agent has the capacity to interfere with another's choices at will and with impunity (Pettit 1996, p. 578). Non-domination, then, requires that any potential interference be justifiable and contestable. The person subject to power must have institutional guarantees that shield them from arbitrary control. Importantly, Pettit distinguishes this from mere interference: someone might interfere with you, but if the interference is accountable and constrained by legitimate norms, it need not undermine your freedom (Pettit 1996, p. 595).

This account provides a more robust and relational understanding of children's freedom than either Brighouse or Grill. Brighouse rightly emphasizes the need for protection, but his theory underplays the asymmetries of authority inherent in adult-child relationships and lacks safeguards against misuse. Grill, for his part, gives children's voices the weight they deserve but offers insufficient tools for institutionalizing protections that prevent domination. Pettit's concept of freedom as non-domination integrates both perspectives: it can be extended to children's need for protection while demanding that such protection never become unchecked or immune to contestation. Applying this theory to children's privacy leads to a subtle but powerful rethinking of digital paternalism. A parent or state actor who monitors a child's online activity may not dominate the child if their actions are transparent,

challengeable, and guided by justifiable norms. However, domination occurs when surveillance is secretive, unilateral, or unjustified by clear and proportionate aims.

Pettit's model thus invites a structural perspective on paternalism. The central ethical question becomes now: do adults possess arbitrary power over children's digital choices, or is that power constrained by legitimate, publicly accountable principles? In other words, ensuring children's freedom involves embedding their rights within institutional arrangements that prevent abuse, promote transparency, and include avenues for voice and challenge. This aligns with another argument that I defend in another paper, namely that paternalistic structures must be disentangled from illegitimate power relations (Bagattini 2024).

While Pettit's theory of non-domination offers a powerful normative lens for assessing paternalistic authority, its application to the rights of children, particularly in the context of digital environments, requires conceptual refinement. Pettit defines domination as "the capacity to interfere in someone's life on an arbitrary basis" (Pettit 1997, p. 52), where arbitrariness is determined by whether the interference is uncontrolled, unaccountable, and unresponsive to the interests of the person subject to it (Pettit 1997, p. 50ff.). However, in the case of children, Pettit's account tends to assume a model of legitimate paternalism rooted in developmental asymmetries without sufficiently accounting for the evolving capacities of the child or the contestability of decisions that affect them. To address this limitation, it is helpful to activate further conceptual resources. In what follows I want to show that John Eekelaar and Samantha Godwin offer a fruitful extension of Pettit's republicanism toward a more developmentally sensitive and autonomy-enhancing model.

Eekelaar's influential tripartite distinction between basic, developmental, and autonomy interests provides an essential scaffold for evaluating the legitimacy of paternalistic intervention in children's lives. As Eekelaar explains, basic interests concern the child's immediate welfare, health, safety, and material security, while developmental interests relate to opportunities for the child to become "an autonomous moral agent capable of forming and acting on his or her own values" (Eekelaar 1986, p. 170). Autonomy interests, in turn, refer to the child's actual expression of preferences and decisions. According to Eekelaar, too often interventions are justified solely with reference to basic interests, without attending to the normative weight of developmental and autonomy interests, which can be eroded by excessive or unresponsive forms of paternalism. This omission is particularly salient in digital contexts, where decisions regarding data privacy, online participation, and digital expression are frequently made on children's behalf without their meaningful involvement or procedural recourse (Eekelaar 1986, p. 171f.).

Godwin deepens this critique by rejecting what she terms the "childhood relevance view", the assumption that paternalism is justified merely by the fact of being a child. She contends that this approach fails to respect the child as a moral subject and instead naturalizes age-based exclusion. In place of this, she proposes the "capacities relevance view," which holds that paternalism can only be justified on the basis of demonstrated deficits in relevant decision-making or executive capacities, rather than categorical age-based distinctions (Godwin 2020, p. 309f.). As she states: "[...] the intuition that less demanding justificatory standards apply to paternalism when directed at children than when directed towards adults presents

unresolved problems for egalitarians” (Godwin 2020, p. 307). This critique aligns with Pettit’s own insistence that non-domination requires that individuals not be subject to interference they cannot contest or influence. Applying this insight to children implies that their exclusion from participatory processes must be based on evidence of incapacity and not merely on age.⁷

With Eekelaar and Godwin we can illuminate a conceptual blind spot in Pettit’s account: the failure to adequately theorize *developmental contestability*. Pettit rightly emphasizes that non-domination entails a standing to contest as a condition for legitimacy (Pettit 2008, p. 360). Yet in the case of children, this standing is often presumed absent or deferred until adulthood. Eekelaar and Godwin’s contributions suggest that children’s partial capacities should not be grounds for exclusion but rather call for the design of *graduated mechanisms of contestation*, dialogic, participatory, and appropriate to the child’s level of development. This would require institutions to offer children meaningful channels for voicing preferences and for those preferences to be accorded weight in proportion to demonstrated understanding.

It could be objected that republican theory, originally designed to regulate relations between citizens and the state, may be ill-suited to family dynamics. Parent–child relationships are not only structured by power but also by care, dependency, and love. From this perspective, non-domination may seem too narrow, since parents also have positive duties to cultivate virtues and provide non-contestable guidance at certain stages of development. While this concern is valid, the republican account should not be understood as replacing these dimensions but as complementing them. Its value lies in setting limits: even acts of care can become dominating if they are exercised arbitrarily or without regard to the child’s developing agency. Non-domination therefore functions as a necessary constraint within relationships of care, ensuring that parental authority supports rather than undermines the cultivation of autonomy and virtues.

It is true, however, that children cannot exercise contestability in the same way as adult citizens, and attempts to replicate adult forms risk sliding into tokenism. A child filling out a feedback form, for example, does not amount to a genuine check on power. From a republican perspective, this limitation does not undermine the principle of contestability but rather highlights the need to reconceptualize it. Mechanisms must be developmentally sensitive, relational, and institutionally supported, parents should create dialogic spaces where children’s views are taken seriously in everyday decisions, states must provide independent avenues of redress through child ombudspersons or participatory councils, and platforms must embed children’s input structurally into design and governance processes instead of offering merely

⁷ Parents and educators, unlike states or platforms, bear a fiduciary duty to cultivate children’s future agency in everyday life. Their role shifts with age: early childhood calls for protective interventions aimed at basic interests, while adolescence requires greater recognition of autonomy interests such as privacy and self-expression (Eekelaar 1986). In a republican account of non-domination, parental authority must therefore remain responsive and contestable. The state’s role, by contrast, is structural: to provide legal safeguards that prevent domination by both parents and platforms. Platforms themselves, given their systemic power, have duties to design environments that support rather than undermine children’s gradual autonomy.

symbolic channels. In this sense, contestability remains the normative standard, but its institutional realization must be adapted to children's evolving capacities.

In digital contexts, where children increasingly construct identities, engage in civic expression, and make consequential choices about their privacy and relationships, such an approach is especially urgent. Blanket paternalistic restrictions, such as automatic age-gating of platforms or parental surveillance, risk constituting the kind of unchecked, unilateral interference. Instead, a non-dominating regime would entail differentiated safeguards that are accountable, contestable, and oriented toward cultivating the child's agency over time.

In the next section, I would like to discuss in more detail how specific digital settings, such as social media, affect children's developing autonomy and what this means for the justification of paternalistic interventions towards them.

4 The digital erosion of developing autonomy: a justification for non-arbitrary paternalism

As I already mentioned at several parts of this paper: the development of autonomy in children is increasingly jeopardized by the structural features of digital environments. In what follows I will build on arguments provided by Sahebi and Formosa in their paper "Social Media and its Negative Impacts on Autonomy", to make clear that it becomes evident that autonomy, far from being a binary status, is a competence-based condition that is continuously developed and sustained through certain socio-technological conditions. According to Sahebi and Formosa these conditions are frequently at risk in the context of social media, where persuasive design, datafication, and algorithmic curation manipulate users' preferences and behaviours, with particularly profound implications for children. "The development, cultivation, maintenance, and expression of these autonomy competencies are socially scaffolded. However, this development and utilisation can be undermined if interpersonal relationships, as well as social and political structures, are oppressive, exploitative, or unjust" (Sahebi and Formosa 2022, p. 3).

Sahebi and Formosa argue that digital platforms systematically "create and perpetuate epistemic, affective, and agential harms" (Sahebi and Formosa 2023, p. 5), which obstruct children's capacities to form authentic preferences and reason reflectively about their online engagements. Indeed, one can make the claim that the digital environment, rather than being a neutral or empowering space, has become a site of domination, where socio-technical infrastructures cultivate habits, desires, and emotions in ways that are neither transparent nor controllable by the user (Sahebi and Formosa 2023, p. 8). These dynamics are particularly harmful to children, whose autonomy-related capacities are still in formation and thus more susceptible to manipulation.

This diagnosis resonates with findings from recent transnational research. The Alan Turing Institute's *AI, Children's Rights, & Wellbeing* report finds that children are exposed to data-intensive technologies from birth, yet most governance frameworks remain "limited in their substantial engagement with children's rights as defined by the UNCRC" (Mahomed et al. 2023, p. 20). While these frameworks

often highlight the importance of protecting children from exploitation and profiling, they rarely engage with the relational and developmental nature of children's autonomy or address the cumulative harms posed by algorithmic environments on a child's sense of self and agency. Pearce and Buck point to a major regulatory gap in data protection law, noting that the UK General Data Protection Regulation's (GDPR's) competence-based model for children's data rights is "vague and under-developed," (Pearce and Buck 2024, p. 178) leaving data controllers to make ad hoc determinations of a child's capacity to consent. This vagueness results in a dangerous inconsistency: some children may be wrongly presumed competent and exposed to harms they cannot yet evaluate, while others may be unjustifiably excluded from decision-making, reinforcing paternalistic overreach. As the authors warn, "a vague standard of competence could lead to children being deprived of legal rights [...] or allowed to make decisions they do not understand" (Pearce and Buck 2024, p. 183).

Against this backdrop, the paternalistic account developed in Sect. 3.3 acquires renewed urgency. Rather than reverting to default protectionism or laissez-faire anti-protectionism, this account draws on Pettit's republican ideal of non-domination to articulate a form of interference that is both justifiable and non-arbitrary. On this view, paternalistic interventions are warranted when they are aimed at counteracting systemic domination, where children's interests are overridden by opaque, profit-driven architectures, and are subject to transparency, contestability, and temporal limitation.

This account enables a principled reinterpretation of the theses developed in Sects. 1 and 2 concerning children's privacy. Privacy, in this light, is not merely a shield from intrusion but a precondition for developing the capacities of autonomy and personhood. As the Turing Institute's research highlights, accessible information alone is "insufficient for children's agency" (Mahomed et al. 2023, p. 6) and must be complemented by participatory processes that embed children's voices in the design of digital services.⁸ Pettit's model of freedom as non-domination provides the normative infrastructure to support these participatory ideals: it requires that children not merely be protected for their good, but empowered to become agents capable of contesting what counts as their good.

While the UNCRC remains the foundational reference point for children's rights, it lacks the conceptual tools to adjudicate conflicts between autonomy and protection in complex sociotechnical systems. Following Sahebi and Formosa, we can describe (in a Pettitian way) digital domination as a condition that inhibits the very development of autonomy. "By targeting users at vulnerable moments, as determined by the analysis of big data that social media companies have access to, users can be pushed to make decisions that are not ones that they would autonomously make when in less vulnerable states. More broadly, radicalisation, the formation of false beliefs, and the amplification of certain ideals can impact users not only at the level of individual choices, but also at the programmatic level in terms of the person

⁸ It should be noted that the concept of "children's voices" is itself contested (Facca et al. 2020). Voices are never unmediated but shaped by relational contexts, adult expectations, and, especially in digital environments, by socio-technical conditions such as algorithms, platform affordances, and datafication. What counts as a child's "voice" is therefore always co-produced rather than fully transparent.

they want to be and the sort of life they value living” (Sahebi and Formosa 2023, p. 14). The important issue here is that this cannot be adequately addressed through static rights declarations alone. Pettit's non-domination account, by contrast, offers a dynamic model that foregrounds power, structure, and contestability. It enables a recalibration of children's privacy rights, not simply as legal entitlements, but as ethical claims grounded in the imperative to foster autonomy under non-dominating conditions.

Hence, the risks to children's autonomy in digital environments are not aberrations, but systemic features of contemporary data capitalism (Zuboff 2019). In light of this, a republican paternalism, responsive to children's developmental needs and anchored in the principles of non-domination, offers the most coherent and ethically robust foundation for children's digital privacy rights. It permits us to move beyond the protective versus permissive binary, and toward a model that cultivates children's capacities while shielding them from structural harm.

5 Conclusion and outlook

This paper has examined the unresolved ethical tension at the heart of children's digital lives: how to protect them from real risks without unjustly infringing on their rights to autonomy and privacy. Protectionist approaches, such as those advanced by Brighouse, highlight children's vulnerability but risk relegating their voices to mere consultative status. Anti-protectionist accounts, like Grill's, affirm children's agency but underestimate the developmental and structural vulnerabilities that make digital participation particularly fraught. Neither account adequately reconciles children's evolving capacities with the demands of digital governance.

As an alternative, I have argued for a republican account of paternalism grounded in Philip Pettit's theory of non-domination. On this view, interference with children's choices is permissible only when it is transparent, proportionate, and contestable. Such a model avoids the pitfalls of unchecked protection while also recognizing that autonomy does not emerge in a vacuum but must be cultivated through accountable structures of care. Paternalism in the digital age should therefore not be understood as unilateral restriction but as a relational practice that scaffolds children's capacities without exposing them to arbitrary control.

Helen Nissenbaum's theory of contextual integrity offers an important complement to this republican theory. Privacy, for Nissenbaum, is not a monolithic entitlement but depends on the appropriateness of information flows within specific social settings. This heuristic lens makes it possible to specify what privacy requires for children at different stages of development: shielding basic personal data and unwanted exposure for younger children, and supporting self-presentation, peer interaction, and identity construction for adolescents.⁹ Combined with Pettit's non-

⁹ This fits well with Andrew Franklin-Hall's *life authorship view*, that states that paternalism must be justified not only with reference to cognitive capacities but also with regard to the individual's position within “the narrative arc of [a] person's life” (Franklin-Hall 2013, p. 40). The fact that children and adolescents are only beginning to author their future trajectories provides an additional reason for carefully calibrated, non-dominating restrictions, proportionate to developmental stage and social context.

domination, contextual integrity provides a way to assess which forms of paternalistic interference are justified, and how they can be tailored to children's evolving capacities without collapsing into domination. Contextual integrity also highlights the need for consistency across regulatory domains. In many societies, children's freedoms are already legitimately restricted in contexts such as gambling, alcohol consumption, or entry into casinos, where the risks of exploitation and long-term harm are deemed to outweigh immediate preferences. These measures are widely accepted as proportionate because they target vulnerabilities that are both context-specific and developmentally sensitive. Applying this logic to social media, we may ask: if algorithmic manipulation, addictive design, or exploitative monetization pose risks analogous to those in gambling environments, then restrictions on access or design may be justified on grounds of consistency with established child protection norms. Conversely, where such analogies do not hold, sweeping prohibitions risk being disproportionate and undermining of children's developing agency. In this way, contextual integrity does more than define privacy norms: it also provides a critical lens for evaluating whether paternalistic measures in the digital realm cohere with broader practices of child protection.

The integration of non-domination and contextual integrity also clarifies the differentiated responsibilities of parents, states, and platforms. Parents must provide care and guidance without exercising unchecked authority, states must create legal and institutional safeguards that prevent domination by both caregivers and corporations, and platforms must embed children's perspectives into their design processes, avoiding a merely symbolic consultation and instead enabling meaningful forms of contestability. Taken together, these responsibilities point toward a layered and developmentally sensitive account of digital paternalism. At the same time, the use of Nissenbaum's account here should be understood not as a final resolution but as the opening of a broader theoretical perspective. If Pettit's republicanism provides the normative anchor for legitimate paternalism, contextual integrity offers a methodological lens for operationalizing it across age groups and socio-technical contexts. This suggests a research agenda that extends beyond digital policy toward a deeper philosophical inquiry: how children's rights to privacy and autonomy can be consistently specified across different environments, and how paternalistic measures can be justified without slipping into arbitrariness.

In conclusion, the governance of children's digital lives requires more than balancing safety against freedom. It calls for a perspective that treats privacy as a precondition for autonomy, recognizes children's vulnerabilities without silencing their voices, and designs institutions capable of contestable, proportionate, and context-sensitive interventions. By bringing together Pettit's republican theory of non-domination with Nissenbaum's account of contextual integrity, this paper has sought to sketch such an approach, one that not only clarifies present debates about digital paternalism, but also opens a path for future theoretical reflection on what it means to respect children's rights in a digital age.

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