



Reflections on AI

Q&A with
Christian Djeffal

“We need to find ways to ground democratic legitimacy.”

The TUM IEAI had the pleasure of speaking with Dr. Christian Djeffal, Prof. of Law, Science and Technology at the Technical University of Munich. He has been Professor at the Technical University of Munich since 2019. At the Munich Center for Technology in Society and at School of Social Science and Technology, he deals with the relationship between law and technology and works primarily on new technologies such as artificial intelligence and the Internet of Things.

1. What is the biggest misconception in AI ethics right now?

The biggest misconception is to have a fixed understanding of the opportunities and risks of AI. The general narrative here is that AI is good for effectiveness and efficiency of tasks, but on the other hand, threatens transparency, accountability and data protection. If you go deep into the openness of the technology and the way people can actually steer it, it becomes clear that AI can play out in very different ways as an emerging technology and as a general-purpose technology. This opens up a whole lot of possibilities, for example, AI can be a data protection nightmare if you think about applications like social scoring, but on the other hand it is also a source for many new ideas, like for privacy-enhancing technologies. Therefore, I think it is very good to appreciate this openness and not to be very driven by preconceived ways this technology is to be developed.

2. What is the most important question in AI ethics right now?

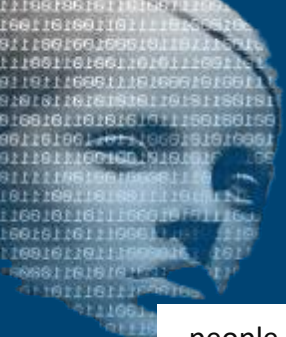
AI ethicists have not been shocked by AI, in the sense that they are very new questions, which have not been considered before, for example, automated driving and the trolley dilemma is one of the oldest ethical questions.

However, what I think is now really special is that ethicists have to think about implementation. They have to think about how to include those high-level norms and principles into specific applications, how to communicate their knowledge and their findings effectively into practice.

This is a wonderful area to think about how to turn principles into practice to consider: “Should we really allow this specific application? How do we design technologies in the face of ethical trade-offs? And: Who should decide all these questions?” I think this practice layer adds a whole new set of ethical questions and I am really intrigued in the work of my colleagues who think about these applications.

3. Who should be involved in developing ethical frameworks and standards for AI?

Ethical frameworks should be developed by ethicists in the first place. They have to have these discussions and figure out the alternatives on how to steer AI. But if we think about standards, if we think about normative guidance of actors in society, I think they are two more requirements: The first is to protect vulnerable groups and



people that actually do not have a voice. This has been done traditionally by human rights institutions, which could be conceived as an area of ethics, but also as a practical area of law.

I think it is very important to give a voice to the people and this leads to the second aspect, which is also the democratic legitimacy of these standards. I think we need to find ways to ground democratic legitimacy, to ground also the consent of all those potentially affected - which could be through traditional avenues, for example law-making, involving parliaments and the traditional ways of democracy. However, it is also very important to look for participation and expert advice. So participation means allowing the broader public to weigh in because they are experts of their domains and can tell us a lot about how they perceive risks, but also the governance of these technologies - obviously there needs to be a inroad for experts and ethicists to comment and work on these standards in political processes.

4. What is the role of academia, research institutions and other centers when it comes to the ethics and governance of AI?

I think we as scholars, as scientists, have an obligation to communicate our knowledge and to bring our knowledge into these discussions because it's now an important part for us not to only do research and to teach, but also care for the societal discourses. Especially when we talk about technologies. It is very important to do this in an inclusive manner, meaning, to be independent voices and also to represent the whole discourse. So not to say, "scholars say this, or science says this" but to be inclusive of the many different perspectives you can have and to be independent is a big privilege, because we

are not driven by a motivation of other societal experts; be it economic factors, or power factors, but we have our academic independence and I think it is really important to uphold it and to be driven by what we convince in our conscious as to be right and the good solution.

5. We often say that AI is transforming the world. To what extent is AI changing us as humans?

From my perspective, to the extent that we drive AI to change us, I think humans reactively shape the development of artificial intelligence and there is really a wide array of different futures at the table. We could think about brain-computer interfaces, AI integrating into human beings, or about extending robotics, which is basically another name for 'slave'. So, AI could serve humans in that sense and beyond that, there are many different imaginaries. I think the important thing is to understand that we actually drive this development and we make these choices, so in the end, AI will not change humanity but amplify in a way how humanity deals with technologies and amplify our choices in that regard and it will be a reflection of we develop society.

6. How can we strike a balance between the goals of regulation with liberties to innovate?

The way I conceive regulation: the liberty to innovate is an important goal of regulation itself. So, regulation of course restricts technological innovation in one regard, but it can also have the function to enhance it by creating interoperable standards, by giving security also to developers and to projects because the standards for behavior are actually defined through regulations and innovators know

the standards they have to meet in order to have an acceptable solution for society.

I think smart regulation incorporates innovation as part of the goals, but it tries to steer it in a societal beneficial way and here definitely there can be tradeoffs. I think this cannot be decided on a general basis, you would have to look at the specific areas of application and find a good way to balance freedom for innovation and also commercial freedom for the application with the societal values at stake. This is what happens in debates around ethical frameworks, but also on legislation on how to find good governance for all these situations that maximize both sets of values at the same time.

Meet the Expert



Prof. Christian Djeffal

[Christian Djeffal](#) studied law at the Ludwig Maximilians University in Munich and at the University College London. He completed his doctorate at the Humboldt University in Berlin in 2016 on the topic "Static and Evolutive Treaty Interpretation: A Functional Reconstruction". This period included research stays at the Amsterdam Center for International Law at the University of Amsterdam, the Lauterpacht Center for International Law at the University of Cambridge and the Max Planck Institute for Comparative Public Law and International Law in Heidelberg.

From 2016 Christian Djeffal was coordinator of the research area Global Constitutionalism and the Internet at the Alexander von Humboldt Institute for Internet and Society. Since 2018, Christian Djeffal has also been a guest researcher at the Center for Information Technology, Society, and Law (ITSL) at the University of Zurich.

Christian Djeffal has been Professor of Law, Science and Technology at the Technical University of Munich since 2019. At the TUM School of Social Science and Technology, he deals with the relationship between law and technology and works primarily on new technologies such as artificial intelligence and the Internet of Things. Also in 2019 he was elected to the board of the National E-Government Competence Center (NEGZ).