Interview #4

**Jan:** So just to start, could you, could you broadly describe, your area of work?

**Interviewee:** I'm a lecturer on the law of emerging technologies, which encompasses of course AI, which is your main topic. But I generally work at the intersection of these two disciplines, like low and emerging technologies. I mostly look at things from a commercial law point of view, but I also have wider interests that, you know, also encompass issues that go beyond Commercial law, and most importantly, I also ponder about the relationship between law and emerging technologies.

**Jan:** Thank you. So in your area of work, are there what are the ethical considerations in the development and deployment of AI systems?

**Interviewee:** Yeah. I mean, we need to, we need to draw a line generally speaking because law is not dealing with ethics per se. Ethics might inform the legislative process. Ethics might be part of the wider debates that we have on how to regulate systems.

But at the very general level, I would say that it does come within our interest to have an overview of how we believe people preparing such systems should behave and what kinds of benchmarks they should take into account. For example, the two most prominent issues right now, which I believe are at the intersection of law and ethics, is definitely the fact it's definitely how developers are using personal information that is available online in order to train their algorithms.

And the same applies to copyright-protected material. That is also being scraped, but we can also, you know, see it from a wider point of view, for example, a very important question is. Why do we need the development of certain programs? Who drives this innovation and what are their motivations behind it?

Because that might, you know, expand in areas that are much more complicated than personal data and copyright, for example. It raises questions on why should we use AI and remove humans from certain processes. The same, of course, also applies to the potential uses of AI, which is why should AI, for example, be used for face recognition or surveillance or the development of weapons and disrupts.

So I would say that all in all, we do ask these questions next to the more, of course, strictly legal and technical aspects that we are we have to deal with. And definitely, that's one of the things that I set as a priority in my research agenda. Mostly the question is, why do we choose a project?

**Jan:** Okay. Thank you. So the next question might be a bit more maybe in line then because it's, are you aware of any existing frameworks or guidelines that sort of ensure or facilitate how this technology should be used, or deployed?

**Interviewee:** Yes. Now, as far as I know, the community of programmers has not come together to create a set of principles, so to speak, that should inform the way that they go about working in these systems.

Everything is a little bit on the air, at least I don't know of any forum where people, you know, sit together and reasonably discuss about these things. My feeling is that in this area, the development of systems is a little bit spontaneous and characterized by an excessive will for profits, something that, I find problematic, to be honest.

I do see a tendency of private companies wanting to monopolize the future and that is, indeed an issue that at least when it comes to the ethical part that we were discussing previously, there are of course, think tanks and independent organizations that from time to time, they will raise certain points, but you know, a systematic forum like there is for other emerging technologists, that is something that I haven't seen.

Might be quite early. It's something that I, that I cannot exclude, but yeah. Now, of course, although this was not the case within the community, we can definitely say that the European legislator has already interfered. There is a triad of legislative initiatives that inform the way in which such systems are ought to be produced in Europe.

The EU AI Act that everybody is talking about and the two directives on liability, the one on product liability which is updating the old regime and is including software products, including AI. Within its scope and the dedicated AI liability directive. So although we don't have, let's say industry or community guidelines, we do have regulations and directives from the EU, not play that role.

**Jan:** Okay. Thank you. So in, in sort of AI as an emerging technology, would you also say that there are any emerging trends or developments surrounding it, particularly when it comes to maybe, the ethical aspect?

**Interviewee:** Particularly when it comes to the ethical aspects because I understand the question a little bit more technically, to be honest.

**Jan:** If you want to answer it more technically, go ahead.

**Interviewee:** At least when it comes to the ethical part. But you know, I might be missing something in that in that regard. When it comes to trends in general, I would say that there is an important problem with this particular type of technology has fallen victim to its own height, because the things that they, I can currently do are very specific, the most important aspect of it seems to be the deployment of large language models, but even for that, we need to keep in mind that we're talking about.

A crude mathematical process by virtue of which mathematic algorithms are simply predicting the next available world that comes in the conversation with a human agent that sits on the other side. But let me, let me forget the technical part. I would say that I am aware, in all honesty, of the fact that there is a public debate of several kinds.

The EU has been a step ahead because as I said, we have the conclusion of this legislative process that produced the EU AI act and the two directions. But I know for example, that there is a public discussion in the UK and consideration about what is the best way to utilize the technology and put it within a certain framework.

So I would say, I would say that All in all, there are discussions. There are similar discussions in the United States as well, so I would say that yeah, if we want to focus more on the trends that surround the reasonable limits of the deployment of the technology, this too would be the tool that I would put on top.

The public debate in the UK. And the one in the United States, the one in the United States have been muffled a bit lately. There was a lot of discussion during the previous semester. But you know, I can only assume that in some form it will pick up again.

**Jan:** Okay. Thank you. So how would you say that the trade-off between different principles of privacy, transparency, and accountability, how would you say that the trade-off between them is assessed in your field?

In relation to AI, of course.

**Interviewee:** Yeah, well, this is the usual conundrum that we have to face. In our area, most particularly, we must always strive to strike a balance between the different, I would say, rights that are involved in that process. Cause, what we call privacy, transparency, and the SATs at the end of the day, they are principles that are enshrined within the charter of fundamental rights of the EU and it is our duty to find a way to make sure that they are going to be able to coexist.

By the way, innovation is one of them, right? People have a right. From the Charter of Fundamental Rights to be able to exercise their entrepreneurship and develop their business models. And this has, so they are all indeed playing in the mix.

I would say that all in all, at least in the EU, we subscribe to the principle of responsible innovation. We do not want to ban the technology or especially AI, right. But we want to make sure that certain uses will not compromise the basic fundamental rights of EU citizens. For example, this is why the European legislature prohibits certain types of surveillance or certain uses that might, you know, lead to discrimination in the sites or manipulation, of users.

This is where we draw the line. So to speak. But then if you see the general attitude of the European legislator, there seems to be another proportional approach. In essence, we see the use of systems and we try to determine whether their use per se, poses risks for fundamental rights. And depending on the degree of risk, we decide to interfere.

As I said, there are uses that have been considered to be unacceptable and these are prohibited. There are uses that are considered to be high risk and uses that are considered to be minimal risk. At least this is the basic idea of the European legislature. And that reflects exactly this, this struggle between the different rights that participate in this ecosystem.

**Jan:** Okay. Thank you. So how do you think policymakers and regulatory bodies could effectively address, these challenges?

**Interviewee:** Yes. I think personally that what the European legislator is doing with the EU AI act is probably going down the right path. Of course, we can debate the details of the EU AI Act.

Not everybody is going to be happy. But this basic idea, that first and foremost, the technology per se is not banned or the technology per se is not ostracized. The fact that the intensity of legislative interference depends on the level of risk that stems from the use of AI and the fact that the obligations of the people participating in the market of AI in the marketing of AI systems.

The production and marketing of AI systems is, so to speak, proportional to the degree of risk that they create. I believe that all in all, that has been a prudent approach. One might accuse the EU that it has been a bit too early to do something like that, but you know, with emerging technologies, you will always have somebody who tells you it is too early and somebody who tells you it is too late.

So apparently it's difficult to say when the right moment is, but only no, I think that the strategy deployed by the EU in that particular case, at least in my eyes makes sense.

**Jan:** Okay. Thank you. So in the EU, obviously there's the AI Act and they've taken a bit more of a proactive stance maybe, but it's, I don't think it's the case everywhere.

So what would you say that the potential consequences of failing to address these concerns and challenges regarding AI in your area of work would, lead to?

**Interviewee:** So yeah, generally speaking, certain areas are going to be disrupted, not always in a positive way. If let's say that if we allow the technology to develop in a driverless fashion where there is zero interference from external regulatory and supervisory authorities I am concerned and that is not exclusive to AI.

That is something that happens with all emerging technologies. I am concerned about the social and economic balance within a particular society.

I do see certain applications as having the potential to create citizens of different categories and the danger here is that such decisions that are largely arbitrary are going to be dressed in the clothing of a super powerful and smart quote-on-quote machine that cannot be debated by anybody cannot be questioned by anybody and that can transfer in different areas.

For example, it might refer to access to healthcare. It might refer to access to banking, financing, and financial services in general, or credit. It might transpire to access to all kinds of social services in general. It might transpire to the uncontrollable and unthoughtful loss of jobs and of course it can also, you know, lead to excessive surveillance.

And undermining of privacy and also the undermining of other rights such as copyright. I do see that as possible. These are dangers that definitely need to be addressed.

**Jan:** All right. So looking to the future now. How would you, how do you see, the relationship between these challenges? Some are ethical, some are more technical, but these sorts of challenges between AI evolving within your industry and in the coming years.

**Interviewee:** Within my industry, in particular, the legal one, you mean?

**Jan:** Yes, please.

**Interviewee:** What are the challenges that I expect to view?

**Jan:** How you think the relationship will evolve sort of between AI, including the challenges, maybe the benefits, any concerns?

**Interviewee:** Yeah, well, I can tell you for a fact that definitely my area, which is of course law is going to be in constant interaction with the technology and closely monitoring every development.

The EU AI Act is not the final word. The more experienced we become in the use of the technology and the more clear it is to us what are the potential risks or how they materialize, we will definitely have discussions of further interference. That is one thing.

Another thing, which is probably less prescriptive, but has to do with my area, my field, as another academic and professional area, is that definitely the deployment of AI technologies might change the way we do certain things. That has already been recorded, as a possibility. For example, many times has been discussed to create, to create tools that might help judges to prescreen a case or, you know, lawyers, to use certain AI tools to do tasks that are usually done by paralegals or trainee lawyers and the such.

That's another possible area. Although, even in that regard. I would advise caution, mostly because the capabilities of the systems are grossly overstated. And that creates a problem with the humans are still on the steering wheel. And, you know, people should be informed in any case in my area, but in others as well, that excessive trust and dependence on these tools is not recommended because there is nothing that they can do autonomously at this stage.

And I don't think that might ever be able to, to do, I mean, okay. You never say never in emerging technologies, but you know, I would say that if we take a more reasonable approach beyond the hype and the stats. I will advise caution on the way we decide to incorporate them within the processes of our field.

**Jan:** Alright. Thank you. So this next question was something that wasn't planned, but it was something that came up from the other interviews. So, I think it would be a good sort of question especially since you mentioned as well how you think that AI and its capabilities are overstated to some degree.

Would you say that Artificial intelligence then has a definition problem when people hear the word artificial intelligence, do they misclassify it? What exactly it encompasses or what it can do?

**Interviewee:** Generally, yes. I believe that this is a very charged term and that makes the technology fall victim to its own name and maybe promises sometime.

I mean, there is a reason why AI is over-heightened, and that has to do also with the people driving the developments. Let's say that many stakeholders have a tendency to overstate the capabilities anyway. But I agree. I mean, the definition is already an issue. I would agree. And I definitely agree with the problem of overstating the capabilities of the systems and creating.

And uncontrollable hype, especially what I dislike is this technological determinism, this narrative that it's going to happen no matter what, and you better adapt yourself to whatever this technology is allegedly capable of doing, I completely disagree with that narrative myself, I prefer when, when, while the stakeholders are in control of the way technology is developed at the end of the day, every technology is a tool.

It is up to us to decide which path it's going to take. And I can tell you that, and that comes not from me who you might say I'm biased because, I am from law, but there is a very famous programmer and computer scientist. His name is Jaron Lanier. And whenever he speaks about AI, he usually complains that his fellow artisans, programmers, developers, and computer scientists have a cultural problem. They think about artificial intelligence in terms of 1980s Hollywood movies, and, you know, they strive to do the next Terminator or whatever, not specifically, but that's the image that they have, which I agree with him. It is a childish fantasy. It is not supposed to be happening. Even if you look at it, it is definitely not the path that you want to go. And what scares me sometimes is that. Many people take it for granted that that's what it is. And there is nothing we can do about that.

**Jan:** Okay. So actually we're on the last question now, but I think I should give a bit of background before asking it.

So, the project that I'm doing, apart from this systematic review and these interviews and today, to sort of see and compare the results, from them. I am also going to be creating a website, a very basic one, just a simple page where the findings of the systematic review will, be displayed and sort of categorized so they can be used as sort of a guideline or a source of reference for people who are looking to either develop this technology, AI technologies in an ethical way or to sort of have a sort of starting point somewhere.

So are you aware of any existing resources which group together literature and legislations like this, you know, regarding ethics and AI, or would this be something you think is relatively new?

**Interviewee:** There are resources. I just cannot list them now at the top of my head. Right. I would, I would need to check my files and the stats for sure.

**Jan:** Okay. Thank you. So from my end, that's, that's all of the questions. Thank you very much.