Reflective Activity

Illusory Consensus, Fragmented Norms and Institutional Weakness

Correa et al. (2023) highlight the fragmented nature of ethical frameworks in AI governance. Behind a shared vocabulary lie conflicting visions: democracies prioritise privacy and transparency, while authoritarian regimes emphasise technological sovereignty and security. A universally accepted ethical reference point does not exist.

Teyssier (2024) highlights the illusion of consensus between European, American, and authoritarian values, and stresses the ongoing tension between technological innovation and legal regulation.

With no binding mechanisms at the international level, states retain full normative autonomy. Ethical governance relies largely on declarative, non-binding principles.

D. de la Gouvernance (2023) warns of the risk that inclusive governance becomes meaningless when ethical principles are not backed by binding measures or enforcement powers.

Of the 200 documents analysed, most fall under soft law—charters, recommendations, voluntary commitments. These texts express intentions but lack enforcement or monitoring mechanisms. Ethics is treated as a statement of principle, not a normative tool.

This framework shifts ethical responsibility onto professionals, who are expected to act ethically despite the lack of clear regulatory structures. This creates an imbalance: technical actors bear expectations they are not institutionally equipped to meet, while norm-setting bodies remain largely disengaged from implementation.

According to Garcia, Heaton and Proulx (2014), major tech companies take advantage of this setup to impose their own ethical standards, reinforcing power imbalances at the expense of users.

Justifications often reference the need to preserve innovation, yet this flexibility benefits dominant actors and leads to asymmetry between system designers and users, ultimately undermining individual protection.

Independent oversight mechanisms are rare. Existing committees are mostly internal, advisory, and lack decision-making power. As a result, ethics remains disconnected from operational regulation.

Correa argues for embedding ethics within collective, deliberative, and legally supported mechanisms that reflect the practical realities of contemporary AI.

Ethics as a Disproportionate Expectation

Deckard starts from a valid observation: in the absence of robust regulation, AI professionals are expected to integrate ethical considerations into their work. He proposes a model based

on broad individual responsibility, combining technical, legal, and communication skills. However, this model relies on an idealised figure, which is difficult to implement within the distributed and specialised nature of real-world professional environments.

Canvat (2020) highlights the unrealistic expectation of placing ethical responsibility on isolated individuals within distributed systems, while criticising the abstract nature of values like justice or transparency.

In practice, AI systems are developed through collective processes with shared responsibilities. Expecting a single actor to manage systemic ethical challenges effectively transfers institutional responsibility to the individual—without providing the necessary support. This creates a mismatch between expectations and actual capacity.

According to Floridi (2019), in complex information systems, responsibility must be distributed, as no single moral authority can exercise effective control.

Furthermore, Deckard's approach assumes that ethics is grounded in universal principles, applicable regardless of context. Concepts such as justice or transparency are invoked without accounting for their varying meanings across political and legal systems. Yet these values are historically and culturally constructed.

Ménissier (2019) shows that facial recognition is seen as either intrusive or protective depending on the political system, highlighting the cultural relativity of ethical interpretations. The same technology may be seen as protective or invasive depending on the regulatory and political environment. An ethical framework that ignores such diversity risks legitimising certain uses by default, while marginalising others.

The lack of moral relativism is a critical limitation. Ethics is not a fixed framework but a space for negotiation between competing values. It requires collective mechanisms to balance shared responsibilities and context-sensitive decision-making. Ethical responsibility cannot rest on isolated individuals without structural support.

Situated and Structurally Anchored Ethics

Correa and Deckard highlight two contrasting limitations in current thinking on AI ethics. Correa identifies a fragmented governance landscape, shaped by state sovereignty and non-binding ethical frameworks. Deckard, in response to this institutional vacuum, shifts ethical responsibility to the individual, promoting a versatile professional figure capable of navigating multiple domains. One reveals the absence of effective regulation; the other assumes that a single actor can compensate for this lack.

Despite their differences, both perspectives rest on a shared assumption: that ethics can be universal and context-independent. Correa challenges this through empirical analysis, showing how shared terminology masks deep divergences in values such as justice, dignity, and privacy. Deckard maintains this universalism in individual form, overlooking how ethical priorities vary across cultural, political, and economic contexts.

This shared assumption points to a broader difficulty: framing ethics as a singular structure in a world marked by competing priorities. What is deemed legitimate in one context may be

seen as problematic in another. Ethics is never neutral; it is always situated, shaped by trade-offs between institutional constraints, social goals, and collective expectations.

No guideline can resolve tensions—between liberty and security, innovation and exclusion—without taking a political stance. Placing this responsibility on the individual alone obscures the need for collective frameworks to support such decisions.

A credible model for ethical governance must therefore move beyond abstract consensus and individual responsibility. It requires collective, contextual, and structured mechanisms capable of incorporating value conflicts into stable, deliberative processes.

This perspective supports an understanding of ethics not as a fixed agreement, but as a negotiated framework—one that does not erase difference, but institutionalises it. Only by recognising this pluralism can ethics regain its regulatory power.

Contextualised Governance

In response to the fragmentation of norms (Correa) and the excessive individualisation of ethical responsibility (Deckard), I propose a governance model based on three pillars:

- regional charters tailored to local priorities;
- a binding common framework grounded in fundamental rights;
- independent, mixed bodies responsible for evaluation and oversight. Monti et al. (2017) argue for differentiated yet interoperable ethical governance, combining regional sovereignty with a universal foundation of fundamental rights.

Each region would define its own ethical framework, aligned with its political and cultural context. A legally binding core would ensure minimum coherence. Given the transnational nature of AI, this model must be supported by **international cooperation** between regions, to reduce normative conflicts and ensure compatibility of protections.

Expected Impacts

Legal:
Obligations would be transposed into national law, with mutual recognition of minimum standards. Subsidiarity would preserve state sovereignty while ensuring shared baseline protections.

Social:
Locally co-developed norms would improve user inclusion and reduce the imposition of external standards.

Professional:
Technical actors would benefit from clear frameworks and institutional support, embedding ethics in collective practices rather than placing the burden solely on individuals.

Ethical:
This model acknowledges value pluralism and provides a coordinated framework for negotiation, without aiming for full standardisation.

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