Artificial Intelligence Into Democratic Decision Making

Takis Vidalis

Hellenic National Commission for Bioethics and Technoethics, Greece

INTRODUCTION

The expanded use of artificial intelligence in decision-making nowadays involves the most critical sectors of social activity, from economic life, communications, and crime prevention, to education, health, and scientific research. With the term "artificial intelligence" (AI), we mean, here, "machine-based systems that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments" (OECD, 2019).

In a complex world requiring rapid, accurate, transparent, and unbiased decisions, the benefits are obvious; the systems of artificial intelligence make it possible to avoid obstacles inherent to human decision-making, due to various reasons, like limited access to relevant data, bureaucratic restraints, waste of time, and even unethical motivation. On the other hand, the involvement of algorithms in decision-making presents a major risk which may be described as a fundamental lack of adaptability to specific conditions, unforeseen at the time of the algorithm development. That problem affects directly the responsibility of those entrusting decisions to AI systems and, in legal terms, their liability. So far, no alternatives to the traditional responsibility of humans exist to capture decisions escaping from the direct human control as those of AI systems; humans remain responsible for these decisions too, and this may discourage the use of AI systems.

The above remarks make inevitable a permanent work of risk/benefit balancing regarding the use of AI in specific sectors of social activity. However, the sector of political decision-making illustrates, here, a striking exemption. Indeed, the world of politicians, persons undertaking critical decisions with massive influence at the scale of populations, looks unattainable considering the presence of AI applications in policy- and- law-making at any level. This happens although the relevance of AI is extensively investigated, over the last thirty years (Duffy & Tucker, 1995; der Voort et al., 2019, p. 27; Hochtl et al., 2016, pp.154-156 et seq.; Rubinstein et al., 2016; Poel et al., 2018; Castelluccia & Le Métayer, 2019, p. 19 et seq.), to the extent that examples of "digital politicians" and "virtual embassies" (a Swedish initiative) (Efthymiou et al., 2020, pp. 49-50) are also discussed.

On the one hand, this seems reasonable if we take into account the specific nature of political decisions requiring direct relation to the will of political representatives for ensuring their accountability before the people, at least in modern democracies. On the other, it is evident that numerous (and often crucial) political decisions either fail to regulate or even, they provoke damage in terms of public interest they are supposed to serve due to problems of misjudging, delaying, corruption, or just personal incapacity, all related to the human nature of decision-makers.

In general, we can explain such problems as a) lack of information crucial for a certain decision, b) biased evaluation of the relevant data (even if sufficient), c) incapacity of distinguishing and calculating important data in complex cases. Assuming that prevention of problems belonging to any of the three categories could be feasible if we entrusted applications of AI, it looks reasonable to explore a possibility

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of removing a portion of political decision-making from the direct will of our political representatives or officers, following the example of other sectors of social life.

We must note, however, that numerous contributions argue that a positive stance concerning the involvement of AI in political decisions is not evident (Unver, 2018; der Voort et al., 2019; p. 28 et seq.; Savaget et al., 2019, p. 370 et seq., Starke & Lunich, 2020, p. e165, Cavaliere & Romeo, 2022, pp.18-19, Valladao, 2018, p. 16 et seq, Adamova et al., 2021, pp. 412-413). In a wider sense, the use of AI in politics has been heavily criticized, after the Cambridge Analytica case and the confirmed influence on voters' political attitudes in the U.S. presidential elections (Unver, 2018, pp. 2, 8), which is one among other similar examples (Savaget et al., 2019, p. 370), although positive opinions regarding that use are also expressed (Kane, 2019). Yet, this example highlights a different dimension, that of shaping political expressions, not decision-making as such. Regarding the latter, there are specific critiques stressing undesired potential effects, from the uncontrolled designing of algorithms that may drive to biased decisions (Olteanu et al., 2019), favoring for instance social discriminations (Corbett-Davies et al., 2017), including also the influence of diverging interests between data analysts and decision-makers (der Voort et al., 2019, pp. 28, 30, 36-37, Unver, 2018, pp. 4, 14), to the emergence of a dystopic new totalitarianism centrally organized on the basis of massive data control by the governmental power (Unver, 2018, p. 4 et seq., Adamova et al., 2021, p. 412, Valladao, 2018, p. 16 et seq.). Examples, like the UK's "Karma Police" surveillance system, highly controversial in terms of citizens' privacy respect, or the AI use from the Chinese administration for evaluating the citizens' activity in the social media to promote discriminatory decisions on the basis of restrictions on the freedom of expression (Unver, 2018, pp. 7, 9), or even various systems of citizens' scoring, based on the development of biased algorithms reflecting social prejudices (Dencik et al., 2019, p. 3 et seq.), are characteristic here.

Still, opposite examples seem to justify a positive attitude, suggesting that if the introduction of AI in political decision-making follows rationale terms, the benefits compared to conventional procedures are uncontestable. This has been confirmed in several occasions, like for example in the case of crime prevention; a local administration in the Netherlands developed a data-driven system of criminal investigation and accurate police intervention based on transparent procedures of controls in the algorithms designing and use (der Voort et al., 2019, pp. 31-33). Another example is the use of AI systems in the U.S. and Canada for monitoring immigration and making predictions as to the social incorporation of migrants, including risk evaluation for potential threats related to national security. In that example, particular attention is paid to the development of algorithms for avoiding implicit biases that may generate human rights violations, forms of direct or indirect discriminations, etc. (Cavaliere & Romeo, 2022, pp. 13-14. A similar case of AI use is that supporting the social distribution of refugees, as shown by a pilot study performed in the U.S. and Switzerland resulted in significantly improved rates of refugees' employment (Bansak et al., 2018). Also, the determination of priorities in the political agenda (Poel et al., 2018) seems to represent a topic where the use of AI does not meet any serious criticism.

In any case, this contradictory image makes it necessary to reflect on the issue of the AI legitimacy when it comes to political decision-making, or in other words to frame the discussion in a context of ethical and constitutional conditions. We can define as "ethical conditions" those referring to the general principles for the organization of any modern democratic society, no matter if these are explicitly stated in legal instruments (respect of human dignity, protection of human rights, equal treatment of citizens, political transparency, political accountability, etc.). With "constitutional conditions", we mean explicitly recognized rules existing in constitutional texts that detail the ethical conditions (due process of law, representational mandate of elected politicians, parliamentary responsibility, etc.).

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