

AI: danger to democratic practicability?

AI and the related evolution of production processes will revolutionize most industries and services between now and 2030. Many of the jobs and tasks that will be required will require knowledge and understanding of digital technologies which essentially means having resources that are able to use digital tools and platforms to solve problems and create value also in relation to the expected growth in demand.

The macroeconomic scenario will also be characterized by the green turnaround which, we already see in these recent years, is substantially changing our way of life and our habits; it is clear that the need to avoid a climate catastrophe with the use of alternative energy systems and sources will represent - also in relation to EU policies - a substantial factor in changing the world of work and of corporate organizations.

One of the factors of change is certainly represented by the enormous amount of information available today, the use of which and, particularly, the methods of making it available will represent the main factor of success for the economies of countries and for business organizations .

It appears evident that a change and/or evolution of professional *skills* will be necessary , creating both at the level of the scholastic path and of *evolved jobs*, on formerly finalized paths to develop the professional skills of the resources and give action to the connected investments which allow to "manage" the growing quantity of information data which will be necessary to understand how to best use the information flows with identification of the best economic/productive strategies to match the better ways to carry out the related tasks with the creation of professional profiles adapted to the new tasks.

If we think that the recent COVID19 pandemic has created new ways of working in relation to the health emergency with the start of processes which were in the past but remained in substance until the application of smart working which has now become a work mode by far must be widely used and appreciated by workers and businesses.

The recent *WEF Future of Jobs* report highlights a substantial evolution of *skills* professional skills in the coming years, with a focus on cognitive and managerial skills, digital skills and soft skills as well as *complex problem solving*. The peculiar traits that the "new resources" will have to have can be individual in the request for greater creativity combined with innovative ways of thinking with a strong level of resilience, flexibility and skill, emotional intelligence with judgment and of decision.

In this context, it should also be highlighted that Italy, according to the ranking of the European Commission among all EU countries, is desolately at the last position for diffusion of digital skills.

Similar considerations will concern corporate organizations which, in many cases, have already started investments and personnel research, limiting ourselves to the national field, the first Italian bank has communicated that it is looking for 2,000 IT resources to carry out important projects and invest i.e. "a core competence and search engine for digital skills in the country".

Particular importance will also be given to the necessary *reskilling and upskilling* activities of the resources present on the market which will see, also in the light of the evident lack of "adequate" human capital, the need for the adoption of new skills by the workers who must adapt the own job position and also the relocation to new sectors and activities that require new skills

In relation to the above and given the exponential change of activities and new "jobs" it seems more than ever appropriate to investigate and analyze the serious risks deriving from the correct functioning of the democratic system from the application and diffusion of the instruments of AI.

These risks may concern two different levels of 'democratic viability', with particular reference to the models of democracy representative from the election of representatives of the citizens, who constitute the typical form of the so-called countries 'Westerners'.

The first, and most evident, on which the discussion has focused to date, is that of the enormous potential for manipulation and conditioning of the popular vote ensured by the instruments of artificial intelligence, so two profiles compete and correlate with each other.

In the first place, in particular the so-called AI generation, which is able to generate text, images, video, music or other media in response to requests from prompts (even only in textual form), already poses the very serious risk of producing information and fact (coming from images, video, audio and text artificially generated) of yours false and such as to change the behavior of the element.

This dynamic has actually already begun.

"In April 2023, following much speculation, President Biden officially launched his re-election campaign via video ad. The same day, the Republican National Committee (RNC) responded with its own thirty-second announcement, predicting another four years after President Biden with higher crime, open borders, war with China and economic collapse. At first sight it seems like a trivial poly-co account, but in reality it is the first national advertising campaign composed of images entirely generated by artificial intelligence (AI).

And while the NCR has been transparent about its use of AI, it has nonetheless dragged electorate into a new era of political advertising, with few guardrails and serious potential implications for privacy and disinformation" (Artificial Intelligence Enters the Political Arena, from Net Politics and Digital and Cyberspace Policy Program, see <https://www.cfr.org/blog/artificial-intelligence-enters-political-arena-0>).

Indeed, but to an inadequate extent and manner, "social media platforms have begun to implement new policies to deal with content generated by artificial intelligence and deepfakes, but have managed to integrate these rules with the policies that exist on the contents".

Meta has banned deepfakes on its platforms, but remains steadfast in its policy of not policing. TikTok has banned deepfakes of all private characters, but only bans them for public figures if they specifically endorse products or violate other terms of the app (like the

promotion of hate speech). However, deepfakes of public figures for the purpose of "ar=s=co or educa=ve content" are allowed==" (Ar=ficial Intelligence Enters the Poli=cal Arena, *ibidem*).

It is relevant to observe how the population groups belonging to minorities, subject to discrimination, such as homosexual, LGBT communities, or even to gender discrimination, such as the female gender or those with low schooling, are par=cularly at risk.

In this regard, it is u=le to recall, as an example, the results= of a recent report published in October 2022 by the Center for Democracy & Technology (CDT), in =title "An Unrepresenta=ve Democracy How Disinforma=on and Online Abuse Hinder Women of Color Poli=cal Candidates in the United States"; which evidently focuses on the effects of online disinformation on black female candidates.

In summary, the report concludes:

1. Female candidates of color were more likely to be the target of mis- and misinformation than any other group;
2. Black women were on average subject to less abuse than candid= white men;
3. Black women candidates are more likely to be the target of combined misinformation and abuse and abuse than any other group;
4. Tweets are more likely to target= women of color they focus on their iden=ty than other candid=;
5. Black women are less likely to address tweets with a positive attitude than white women.

Secondly, there is a further risk, albeit less present in the discussion on the subject.

The AI tools, on the basis of the information extractable from the available Big Data, allow, in astraAo, or at least will allow, the implementation of highly targeted electronic messages target= for population segments, up to the extreme limit of individual customization, capable of manipulating the attitude of the relative target on the basis of specific inclinations and characteristics (for psychology, gender and sexual orientation, consumption type, range and income type, etc.) adapting the consequent *message* also subliminally; and also adapting the related falsified information in order to make it more effective for the same target.

It should be noted that, in the face of the serious cri=cities, albeit summarily exposed, the possible legal protections and the instruments of control and inhibition, precisely legal, of the forgery=ve and manip=ve activities enabled by the new instruments are substantially inadequate. = of AI; at least currently in force=.

With regard to the dissemination of false information (such as deAo, audio, graphic or video files) the reference to the crime of defamation remains ((ar=colo 595 Italian penal code). However, it concerns only a general profile, with very weak protection because: (i) it is punishable only upon complaint by the offended person within three months from when the offenses are received; (ii) it does not provide for the possibility of an inhibition general of offenses; (iii) it implies that the perpetrator of the crime is recognisable, which could prove to be very difficult or substantially impossible.

More interesting is another reference, moreover not yet in force, but particularly relevant in perspective for the purposes expressed, as a more general instrument of legal protection.

Very recently (11 May 2023), in fact, the Justice and Internal Market commissions of the European Parliament approved the procedure for issuing the so-called AI Act (proposed by the Commission), the document which establishes the new EU rules for the first time for AI. The text aims to guarantee that these systems are controlled by people, safe, transparent, traceable, non-discriminatory and respectful of the environment.

As far as is concerned here, the proposal provides, in article 5, the following prohibitions:

PROHIBITED ARTIFICIAL INTELLIGENCE PRACTICES

Article 5

1. The following artificial intelligence practices are prohibited:

a) the placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person's consciousness in order to materially distort a person's behavior in a way that causes or could cause that person or another person or psychological harm;

b) the placing on the market, putting into service or use of an AI system which exploits one of the vulnerabilities of a specific group of people due to their age, physical or mental disability, in order to materially distort behaviour of a person to belong to that group in a way that causes or threatens to cause physical or psychological harm to that person or another person;

(c) the placing on the market, putting into service or use of AI systems by or on behalf of public authorities for the assessment or classification of the reliability of natural persons for a certain period of time based on their social behavior or known or expected personal or personality characteristics, with the social score leading to one or both of the following:

(i) harmful or unfavorable treatment of certain natural persons or entire groups of them in social contexts unrelated to the contexts in which the data were originally generated or collected;

(ii) prejudicial or unfavorable treatment of certain natural persons or entire groups of them, unjustified or disproportionate to their social behavior or its seriousness.

It is useful to point out that the intention and the logical normative at the basis of the proposal has as its 'natural' object the practices of a commercial nature. It is moreover correct to believe that the provisions are to be understood as extendable also to practices applied in the context of an electoral competition. It being understood that the law is still pending and not yet in force.

Finally, in the opinion of the writer, a further consideration of a more general, serious and still tendential nature is valid.

The extreme potential for manipulation and falsification enabled by AI tools, in view of its pervasive diffusion, poses the risk, which seems evident, of a substantial zeroing of the shared reality among the humans who constitute the social body.

Ultimately, it is possible to envisage a scenario where there is no longer, not even or only in minimal proportion, a common acceptance and sharing of the real 'fa4', of the fa4 that constitute the common patrimony (albeit subject to interpretations and contrastan=opinions) which cos=tuices the necessary foundation for democratic comparison and dialogue. If an agreement, even a tendential one, on what is a real fact is not guaranteed, it is obviously impossible to have any effective discussion and any effective transaction between the different social decision makers, down to the individual citizens.

Such a possible (but possible) context, albeit prospective, would indeed impede not only the orderly and effective democratic dynamics, but the very functioning of social transactions, resulting in an essential cri=city of an anthropological and sociological nature even before poly = approx.

In the light of the fine considerations made here it appears simply trivial, but no less necessary for this, the assumption of rules shared as much as possible on a global level that regulate the implementation and application of AI tools a priori, which, moreover, in the light of the accelerated international compe=tion deriving from the strategic advantages of this technology, the outcome appears difficult to predict.