



# Reflections on AI

Q&A with  
Mark Findlay

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The TUM IEAI had the pleasure of speaking with Mark Findlay, Professor of Law at Singapore Management University, and Director of its Centre for AI and Data Governance. He has held Chairs in Australia, Hong Kong, Singapore, England and Ireland. He established the Law School in Vanuatu and was the Foundation Professor of Law at the University of the South Pacific.

## **1. What is the biggest misconception about Artificial Intelligence?**

I think the biggest misconception is that the problem is with the technology. In fact, the problem isn't with the tech, but it is with the data and the way in which we use the data and we feed it into the tech to produce the outcomes which are questionable, problematic, difficult, risky, and dangerous, whatever that may be.

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

I think the most important question is simply that AI ethics as a single regulator isn't working. If you look at the recent disclosures about problems with the major social media platforms, which all have very detailed ethical principles and guidelines and that they say they work by, in fact there is evidence that shows that there are massive abuses in relation to the protection of personal data. If that is the case, we again have to decide interrogating what's not working with ethics and suggest ways in which we can add with ethics *plus* that makes it more useful, more effective, more actionable regulator.

## **3. Who should be in charge or involved in developing ethical frameworks and standards for AI?**

I think we are washed with ethical frameworks and standards. I have been talking to standardizers recently saying that we really are not without some very refined and sophisticated standards, for technical efficacy. What we don't have, is the insurance that these are working across the AI ecosystems that affects all the people involved in the production and deployment of AI. Are they in situations where they can effectively understand and then propagate ethics? Just on that point there are many externalities like pressures from the market and pressures from clients that often make it impossible, beyond professionals, to effectively abide by ethics above these other market frames.

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

I think the role of scholars is to put a critical light on any regulatory framework. Up until recently there has been too much *affection* given to ethics, without a serious *reflection* on whether ethics alone is the right direction for us to be getting to. And so, I think that interdisciplinary work from researchers and scholars can make ethics that normative backbone in the regulatory framework. But there is also a need to talk about ways in which we can get more out of regulation than simply talking about ethics on its own.

## 5. What role can an initiative like the Global AI Ethics Consortium play in promoting ethical AI?

Well, that is an interesting point because I don't think that consortiums, like the one you referred to, really should be in the business of promoting a particular regulatory framework. I think that what we should do, is to think about this more globally. So much of the discussion about ethics comes out of the north/-west of the developed world, where, in the rest of the south world, where I am working, there really isn't much discussion about the Asian voice and other voices coming from other parts of the world about what their ethical preferences might be. Now, I believe in universal standards, but I also believe in the fact that we have to be sensitive to the cultural realities in different parts of the world. So, a global grouping like this can bring out those additional voices and I think that is necessary.

## 6. You are one of the Principal Investigators of the "Rule of Law, Legitimacy and Effective COVID-19 Control Technologies" research project. To what extent has the pandemic exposed our democracies' vulnerabilities, considering, for instance, the widespread adoption of surveillance technologies?

Again, I think to some extent the pandemic is just the start of the surveillance society that we are going to have to be very carefully watching. As the pandemic moves into sort of a normal frame, the issues for those of us who are concerned about pervasive surveillance is how will these surveillance technologies keep going? Certainly, from an Asian point of view there is no sign whatsoever that many of these surveillance technologies, tracing and tracking and safe entry tech, are going to disappear. And in some places, like China in

fact, it is growing and growing in an exponential pace. So, I think what we need to do is moving away from the emergency thinking of the pandemic and start reflecting seriously on do we want to live in a surveillance society or not and where does regulatory frameworks come into play to control that eventuality?

## Meet the Expert

Mark Findlay is the author of 29 monographs and collections and over 150 refereed articles and book chapters. For over 20 years, he was at the University of Sydney as the Chair in Criminal Justice, the Director of the Institute of Criminology and acting as Head of School and Pro-Dean. Mark has consulted with the World Bank, the ILO, the UNDP and many national aid agencies. His main research fields for which he has a global reputation are regulation and governance, international and comparative criminal justice, law's relevance, legal theory, public international law, and cultural criminology.

