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Toward an 'Ever Closer Union'

The Making of AI-Ethics in the EU

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The Making of AI-Ethics in the EU

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Abstract

More than any other region attempting to get ahead in the global AI race, the EU has emphasized a commitment to 'AI-ethics' and invested significant work in the development of principles and rules for the ethical governance of AI. This paper examines the production, performance, and politics of AI-ethics in the EU through a close, co-productionist reading of how the "European Group on Ethics in Science and New Technologies" has framed AI and its desirable relationship to humans. Our analysis shows that the making of AI-ethics in this context extends far beyond the settlement of principles and norms for AI. Instead, we argue that AI-ethics is, at the same time, performing authoritative acts of ontological classification that cut the human clean from AI to render it controllable and manageable. These ontological politics, we show, serve to embed AI within long-held imaginaries of European unification beyond market harmonization and re-configure how the EU imagines to achieve an 'ever closer union' among its members in the innovation era. Different to attempts at deeper integration through the mobilization of science, the turn to AI-ethics presents a novel rationale through which the EU legitimizes its authority to govern, suggesting a constitutive role for ethics in the EU's contemporary integration efforts.

Keywords

AI, Ethics, Governance, EU, European integration, boundary-work, co-production

Introduction

Within the global AI race, the EU has positioned itself through a distinctively ethical approach to AI governance envisioned to spur innovation while at the same time protecting society from its potentially harmful effects. While technologically, the US and China arguably stand at the forefront of innovation in AI, the EU's emphasis on AI-ethics, and the achievement of "Trustworthy AI" in particular, is advanced as a key competitive advantage in the global economy as well as a prerequisite for the uptake of AI across European societies. As one report, aptly titled "Artificial Intelligence: A European Perspective", argues, "for the EU, it's not so much a question of winning or losing a race but of finding the way of embracing the opportunities offered by AI in a way that is human-centred, ethical, secure, and true to our core values" (Craglia, 2018, p. 17). Such perspective reverberates in recent calls to strengthen the EU's "technological sovereignty", described by current President of the European Commission Ursula von der Leyen as "the capability that Europe must have to make its own choices, based on its own values, respecting its own rules" (von der Leyen, 2020). As part of this vision, the settlement of rules and principles for AI-ethics provides a key arena not only for delineating how the EU and its member-states ought to govern AI toward socially beneficial ends, but also as a means for constituting European unity vis-á-vis the transformative powers that AI is expected to unleash for the continent.

By drawing on first observations from our research project "The Making of European Ethics of AI", this paper suggests a co-productionist reading of recent attempts on part of EU policymakers and experts to develop a distinctive European approach to and rationale of AI-ethics. We argue that attention to the co-productionist dynamics underwriting the development of AI-ethics – i.e., to the ways that knowledge-production on AI and its ethical implications goes hand in hand with the production of Europe and particular visions of its desirable social order – yields fruitful insights into the evolving political economy of AI in the EU. More specifically, we inquire how ethics

guidelines presented by expert committees from the EU can be read as powerful instruments of socio-technical ordering around what AI and a corollary 'human-centric approach' to its governance constitutes; vice-versa, such acts of delineating the ethics of AI also allow us to better understand how the EU (re)constitutes itself through a dedicated commitment to AI-ethics.

The lens of co-production allows us to carve out how the making of AI-ethics extends well beyond the settlement of normative boundaries for AI, representing at one and the same time authoritative forms of classification – or "ontological surgery" (Jasanoff, 2011, p. 61) – and hence also particular forms of ontological politics enacted by the EU on part of its member-states. These ontological politics, we argue, draw on long-held imaginaries of European unification, including of a shared constitutional order and respective values and rights unique to the EU's identity. It is by clarification of what AI is and how the EU should govern it that such imaginaries gain renewed traction, making visible how the pronounced aim of achieving technological sovereignty through AI-ethics is at once a proposition for a particular European order and, in fact, the very coming into being of the EU as a political sovereign, both vis-á-vis other countries as well as its own member-states and their constituents.

To unfold such reading of AI-ethics in the EU, the paper proceeds as follows: first, we will provide a brief overview of the co-productionist "idiom" (Jasanoff, 2004), including its emphasis on "bioconstitutionalism" and the concept of "ontological surgery". The EU presents a particularly interesting yet challenging case for studying co-production in action, as its political unity is often negotiated and performed at sites that escape more traditional political theory and analysis, such as, in our case, in expert bodies and reports for the development of AI-ethics guidelines and principles. Second, we illustrate processes of co-production enacted by the "European Group on Ethics in Science and New Technologies" by analyzing how it has defined AI and what governance ideals are derived from delineating a particular understanding of AI vis-á-vis humans. Analysis of the knowledge put to work to settle the ethics of AI reveals the ontological politics mobilized by experts and their idiosyncratic forms of ontological surgery in particular – for instance, around the notion of 'autonomy' and its meaning with regard to AI. These politics are embedded in wider imaginaries of European unification, which have notoriously suffered from failures in achieving de-facto greater political harmonization throughout EU's integration history. We close the paper with a short reflection on the role of AI-ethics vis-á-vis the EU's imaginary of ever deeper integration, which we argue serves the constitutive function of legitimizing the concentration of governance power over AI within the EU.

Co-production, Bioconstitutionalism, and Ontological Surgery

Among the wide number of theorical angles and conceptual vocabularies employed by STS scholars today, the lens of coproduction stands out as particularly useful in studying the mutual relationship between knowledge, technology, and governance. Advanced by Sheila Jasanoff and others, co-productionist analysis directs research to moments where new scientific knowledge and novel technological entities cause disorder within modern political cultures and their sense of legitimate social order: "how (is) knowledge-making incorporated into practices of state-making, or of governance more broadly" in such moments, "and in reverse, how (do) practices of governance influence the making and use of knowledge?" (Jasanoff, 2004, p. 3). By following these questions across different sites, great divergences can be observed regarding how democratic collectives accommodate technoscientific innovation within long-held discourses and practices of public reasoning, i.e., to the ways "political communities know things in common" (Jasanoff, 2005, p. 249). These culturally situated forms of reasoning, in turn, help to explain why certain knowledge claims and technological artifacts are taken up quite differently around the world. Co-production, in this sense, allows "to acknowledge the fluidity and performativity of reasoning while still remaining attentive to cultural stability and

continuity" (Jasanoff, 2012, p. 6).

As Jasanoff's extensive comparison of biotechnology policies in the US, UK, and Germany shows, heterogeneous forms of co-production between epistemic and social order become visible through shifts in framing policy problems and solutions, forms of institutional reasoning and discourse, including boundary-work, and changes in actor's identities (Jasanoff, 2005, pp. 24-29). When new technologies for human reproduction emerged in the 1980s, for instance, countries grappled with similar uncertainties regarding novel forms of life and means for intervening in it, such as re-defining "when life begins and its ethical correlate, what the moral status of the fetus (is)" (p. 157) but also regulating reproductive technologies in a situation where "the meanings of 'human' and 'nature' were themselves under siege" (p. 171). As debates around these questions triggered different regulatory reactions, new forms of ethical deliberation emerged that performed the dual work of "biological classification and moral clarification in conformity with deeper scripts of acceptable deliberation" (Jasanoff, 2011, p. 61) characteristic of each country's political culture. Carving out these diverging forms of deliberation is important for the deconstruction of grand narratives of a "predetermined, linear march of technoscientific progress" (Jasanoff 2005, p.290), in which a certain future, and the path towards it, is established as inevitable and thus essentialized, while others are rendered obsolete (Schiølin, 2020). Following Jasanoff's co-productionist analysis, we are, instead, presented with "series of contingent, culturally specific accommodations, in which the intertwining of knowledge with politics produces outcomes that are as rich as they are strange" (Jasanoff, 2005, p. 290).

Such accommodations occur particularly at the nexus of science and law, as it is here that definitions of human life intersect with the constitutional responsibility of modern states to protect the lives under its care. In moments of radical re-definitions of human life, such as those instantiated by biotechnology in the 1980s, equally radical re-configurations of the state's duties vis-á-vis its citizens can be observed, inviting the concept of "bioconstitutionalism" (Jasanoff, 2011) to capture the powerful dynamics between knowledge and politics. Upon close analysis, it turns out that authority over defining what a thing is and how it ought to be governed does not rest solely in science or the law; rather, both are deeply embroiled in ontological and normative boundary-work, which counters any "deterministic analysis of relations between law, science, and technology" (p. 5). By troubling the common assumption that the law perpetually lags behind technoscientific progress, or in reverse, that power is solely lodged in social institutions and their authority to regulate emerging knowledge and technology, bioconstitutionalism hence allows a more fine-grained reading of what Foucault aptly termed "biopolitics" and its work in liberal democracies (Foucault, 2008).

The co-production of law and science often takes place in settings that are usually not regarded as the locus of neither political or legal, nor scientific decision-making, such as courts, parliaments or laboratories, but in the "hinterlands of power" (Jasanoff, 2005, p. 287) populated by expert committees, ethics councils, institutional review boards, etc. As Jasanoff shows in her analysis of biotechnology policy, deliberations across the board took place through a turn to Bioethics committees "for deciding how to describe and characterize the problematic entities whose natures must be fixed as a prelude to ethical analysis" (Jasanoff, 2011, p. 61). That Bioethics – or, in our case, AI-ethics – represents a form of "constitutionalism without courts" (Hurlbut, Jasanoff, Saha, 2020) becomes apparent in the specific ways through which ethics committees and their deliberations classify the entities that cause disorder in established ways of public reasoning. As performers of authoritative acts of classification – or "ontological surgery"– they establish powerful categories that "help define the ontologies, or facts of life, that underpin legal rights and condition social behavior" (Jasanoff, 2011, p. 77) and that render novel entities normatively and legally manageable (Hinterberger, 2020). The 'Warnock Committee' in the UK, for example, served as an important setting to delineate the 'pre-embryo' from the 'embryo' in debates about new reproductive technologies in which neither scientific consensus nor ethical certainty could close the

case. Drawing a sharp line at fourteen days into the development of the fetus, the committee separated embryonic life into two segments: one in which the embryo enjoys nearly no legal entitlements with regard to research and experimentation, and another, set at two weeks after its inception, in which it is regarded as "protohuman life, with corresponding moral entitlements" (Jasanoff, 2011, p. 63). Upon comparison with German or US American forms of deliberation and closure on this issue, the sharp line drawn in the UK around what human life is and how it ought to be protected by the state is telling of the performativity of ontological classification and hence, of the ontological politics (Mol, 1999) mobilized in this case: from a multiplicity of possible ways to define the beginning of human life, Bioethics' reasoning in the UK chose to carve out discrete phases, ruling out other possible avenues for deliberation and normative-ontological choice.

The Constitutive Role of Science, Technology – and Ethics – in EU Integration Politics

In the EU, co-productionist analysis is troubled by a long history of European integration processes that, until today, have not consolidated in a shared constitutional framework, joint political culture, or demos commensurable with that of a nation-state (Shore, 2000; 2006; Risse, 2010; Ceretta and Curli, 2017). Whereas imaginaries of a harmonization of national identities and political attachments have penetrated the EU's evolution during much of its history, and most recently in the aspirational project to settle a joint Constitutional Treaty in the early 2000s, they have largely been marked by failure, favoring an economic framing of the EU's achievements against hopes of ever deeper socio-political integration (Komárek, 2020; Walker, 2020). As of yet, and as Jasanoff puts to point, the EU remains "a multiply imagined community in the minds of the many actors who are struggling to institutionalize their particular visions of Europe, and how far national specificities should become submerged in a single European nationhood – economically, politically, or ethically – remains far from settled" (Jasanoff, 2005, p. 10; cf. Bigo et. al., 2021). The governance of science and technology, particularly through the development of joint, seemingly value-neutral scientific standards, represents a key arena for European harmonization efforts (Barry, 2001), giving way to observations of a "hidden integration" and "technological shaping of Europe" (Misa and Schot, 2005, pp. 8-9). The recent turn to AI-ethics, however, points us to the simultaneous 'normative shaping' of emerging technologies such as AI through EU institutions and expert bodies, and hence to processes of co-production that underwrite current attempts at European integration via science and technology policy.

The EU's mobilization of ethics in science and technology policy provides a rich site to discern efforts in constituting a shared European polity throughout the difficult process of mediating the reoccurring tensions "between common market and uncommon political union" (Jasanoff, 2005, p. 72). Ethical deliberation was taken up in the EU in the 1990s to settle rising tensions in the EU's approach to biotechnology policy, which prompted heterogeneous reactions by European member-states and their citizens, as well as great conflicts with the US, where innovations in biotechnology were primarily emerging[1]. Although the EU formally approaches ethics as a domain of national jurisdiction through the principle of subsidiarity (Tallacchini, 2015, p. 163), it initiated the "Group of Advisers on the Ethical Implications of Biotechnology" (GAEIB) in 1991 to feed the legislative process with "a rational discussion about values…deemed to 'represent' citizens' values" (p. 165). Re-branded as the "European Group on Ethics in Science and New Technologies" (EGE) in 1997, its tasks quickly expanded to settling emerging ethical issues in areas as diverse as nanotechnologies, security and surveillance technologies, or the "future of work"– including, as we will discuss below, AI, robotics and automation. Reflecting "expertise in the fields of law, natural and social sciences, philosophy and ethics", members of the EGE share high-profile academic and

1 The EU's 'precautionary' approach to GMO regulation eventually led to a case filed at the WTO on part of the US and other countries that claimed a breach of trade agreements by the EU (see Winickoff et al., 2005).

policy backgrounds to "ensure an independent, inter-disciplinary perspective" (EGE, n.d.).

As legal philosopher Mariachiara Tallachini has claimed with regard to the GAIEB and EGE, their institutionalization served both the purpose of "normalizing new technologies" and "adapting to European political developments", particularly with regard to the Maastricht Treaty's ambitious goal to establish European citizenship in conjunction with a common currency. In this context, "ethics…add(ed) a social and civic dimension" (2015, p. 163) to the economic rationale through which the EU was hoping to achieve an "ever closer union"[2] among the citizens of its member states around the turn of the century.

Ever since, the work of the EGE and other advisory bodies has been key in the performance of normative harmony within the EU with regards to emerging science and technology, and it is in this capacity that the EGE becomes a 'hinterland of power' where the co-productionist dynamics underwriting the EU's imaginary of deeper political integration can be analyzed. By complementing the EU's bureaucratic and often criticized power to govern through the regulation of objects and their markets (Laurent, 2022) – from high-tech inventions to bendy bananas[3] –, ethical guidelines and frameworks allow "European institutions to claim control over unforeseen technological outcomes, thus maintaining an aura of sovereignty of the law" (Tallacchini, 2015, p. 158) despite their lacking democratic legitimacy, legal enforceability and merely 'soft' regulatory authority (Frahm, forthcoming).

Different to the EU's intervention in national law-making on science and technology through the harmonization of markets (e.g. CE standards), in which the performance of objectivity through scientific expertise is paramount yet notoriously challenging (Laurent, 2016; Barry, 2006), the concentration of knowledge and governance power in the EU by ethical principles thus presents quite a different and perhaps surprising arena for European integration politics. Here, intervention occurs through a dedicated value-based approach to technoscientific innovation that aims to be reflective of a distinctive, situated view from the EU rather than an objective 'view from nowhere' (Nagel, 1986), and credibility and legitimacy for such intervention is achieved by different, albeit similarly challenging, epistemic strategies. In the following section, we aim to illustrate how such a view is crafted in the case of AI-ethics by paying particular attention to the forms of ontological surgery mobilized by the EGE in its "Statement on Artificial Intelligence, Robotics and 'Autonomous' Systems": how did the EGE engage in the ordering of knowledge and norms around AI, and how did such work contribute to re-envisioning a unified European techno-political order?

Drawing European Boundaries around AI

Concerned primarily with the settlement of questions around the boundaries between humans and machines that exhibit human-like intelligence, knowledge production on AI and its ethical boundaries in the EU occurs along slightly distinct lines of reasoning than the analytical lens of bioconstitutionalism suggests. Rather than provoking uncertainty with regard to our understanding of human life and its desirable governance, AI has sparked controversy – and much fantasy – around potential forms of life enabled by algorithms and their ability to outperform human beings and their cognitive competences, raising significant debate on how to govern the relationship between humans and 'intelligent' machines. But while the boundary between AI and humans is often taken for granted in popular ideas of AI's power to transform or even eradicate human lives, it falls to experts and bodies tasked with producing AI-ethics to do the nitty-gritty work of dissecting the seemingly increasingly blurry lines among human and artificial life. Following insights from co-productionist research, the sorting out of ontological boundaries for AI, in turn, is key for settling governance

2 The figure of an achieving an "ever closer union among the peoples of Europe" has accompanied European integration processes from the Treaty of Rome to the Lisbon Treaty.

3 An EU regulation on the shape of bananas was one of the major tropes for 'Brexit' advocates such as Britain's Prime Minister Boris Johnson, see https://www.theguardian.com/politics/2016/may/11/boris-johnson-launches-the-vote-leave-battlebus-in-cornwall.

commitments to AI (-ethics), since questions regarding "what a thing is and how we should treat it are repeatedly resolved together" by expert committees (Jasanoff, 2011, p.78).

In the EU, such ordering work has been initiated by the EGE as part of the European Commission's larger quest to develop "AI for Europe" (EC, 2018) and "A European Approach to AI" (EC, 2021) in tandem. Following several calls by the EC, the EP and other EU institutions to develop a European strategy for AI in accordance with "a high level of data protection, digital rights and ethical standards while capturing the benefits and avoiding the risks of developments in artificial intelligence and robotics" (EC, 2017, n.p.), the EGE took up the task to disentangle the landscape of AI-ethics from a European perspective in a "Statement on Artificial Intelligence, Robotics and Autonomous Systems"[4] in early 2018. According to the EGE, the production of a joint Statement on AI was justified on two grounds. On the one hand, the Statement identified a lack of coherent approaches to AI governance across EU member-states, alerting to "the risks inherent to uncoordinated, unbalanced approaches in the regulation of AI and 'autonomous' technologies" and in particular, to prospects of "allowing the debate to be dominated by certain regions, disciplines, demographics or industry actors" at the expense of including "a wider set of societal interests and perspectives" (European Commission and EGE, 2018, p. 14). On the other hand, the Statement observed that "advances in AI, robotics and so-called 'autonomous' technologies have ushered in a range of increasingly urgent and moral questions" that needed to be addressed by the EGE to initiate "a dialogue that focuses on the values around which we want to organize society and on the role that technologies should play in it" (p. 5). Both serving as claims to authority for the development of shared norms and governance frameworks for AI across the EU, the EGE "acted as an agent in co-production" (Jasanoff, 2005, p. 230) through the Statement, as becomes particularly visible in the group's boundary work on the notion of 'autonomous systems' and their relationship to human values and rights.

4 Hereafter 'the Statement'.

As the Statement made clear, moral uncertainty and risks of a fragmentation of governance approaches for AI revolved specifically around the "ever closer interaction between humans and machines" driven by "a push for ever higher degrees of automation and 'autonomy' in robotics, AI and mechatronics" (European Commission and EGE, 2018, p. 7). The fuzzy lines produced by such developments were not only raising concerns regarding whether AI "can help assist or replace humans with smart technology in difficult, dirty, dull or dangerous work, and even beyond" (p. 6). They also put into question long-held ideals of human agency, autonomy, and responsibility according to the EGE, and with them, governance regimes designed around human accountability and responsibility:

> Where is the morally relevant agency located in dynamic and complex socio-technical systems with advanced AI and robotic components? How should moral responsibility be attributed and appointed and who is responsible (and in what sense) for untoward outcomes? Does it make sense to speak about 'shared control' and 'shared responsibility' between humans and smart machines? Will humans be part of ecosystems of 'autonomous' devices as moral 'crumple zones', inserted just to absorb liability or will they be well placed to take responsibility for what they do? (p. 8)

The EGE tackled these moral quandaries through engaging a form of boundary-work around the notion of 'autonomy' inspired by a dedicated humanist stance that was framed as inherently European. Following the group, a "key consideration" that should inform the development of AI- ethics in the EU was the origin of the term autonomy in continental philosophy, describing "the capacity of human persons to legislate for themselves, to formulate, think and choose norms, rules and laws for themselves to follow" (p. 9). By drawing sharp lines that "in its original

sense (autonomy) is an important aspect of human dignity that ought not to be relativized", the Statement dissected AI from humans in a persuasive act of ontological surgery:

> Autonomy in the ethically relevant sense of the word can only be attributed to human beings…No smart artefact or system – however advanced and sophisticated – can in and by itself be called 'autonomous' in the original ethical sense, they cannot be accorded the moral standing of the human person and inherit human dignity. Human dignity as the foundation of human rights implies meaningful human intervention and participation must be possible in matters that concern human beings and their environment…an 'autonomous' management of human beings would be unethical, and it would undermine the deeply entrenched European core values (ibid.).

The group's corollary position that "humans – and not computers and their algorithms – should ultimately remain in control, and thus be morally responsible" (p. 10) not only served a particular kind of ontological politics around what distinguishes humans from AI, or the technical from the social – i.e., what AI, as compared to human beings, is. These politics also laid the groundwork for ordering how the governance of AI should ensure that humans remain in control, namely, through "a set of basic principles and democratic prerequisites, based on the fundamental values laid down in the EU Treaties and in the EU Charter of Fundamental Rights" (p. 15). They implied the crafting of a specific vision on where the power to govern AI technology is best located, placing the EU at the helm of a "collective, wide-ranging and inclusive process that would pave the way towards a common, internationally recognized ethical framework" (p. 11) that could also serve as "a basis for the establishment of global standards and legislative action" (p. 15). In this future order, the socio-economic benefits of AI were imagined to be harnessed through a dedicated commitment to joint ethical norms

in the present, suggesting a novel rationale for European integration in which attention to moral, social, and legal questions is presented as an effective "social fix" (Frahm et al, 2021) to problems that might arise with technoscientific innovation in AI in the future. Rather than presenting AI technologies and markets as a driving force of European integration, the EGE thus assigned responsibility in controlling AI to the EC and its regulatory and legal apparatus as driver of desirable socio-technical futures in the EU:

> Artificial intelligence, robotics and 'autonomous' systems can bring prosperity, contribute to well-being and help to achieve European moral ideals and socio-economic goals if designed and deployed wisely. Ethical considerations and shared moral values can be used to shape the world of tomorrow and should be construed as stimulus and opportunities for innovation, and not impediments and barriers. The EGE calls upon the European Commission to investigate which existing legal instruments are available to effectively deal with the problems discussed in this statement and whether new regulatory instruments are required (European Commission and EGE, 2018, p. 20).

Cutting AI from humans, and ordering their relationship as one in which humans 'remain in control', was thus closely tied to the shifting of governance power on AI to EU institutions and bodies as the central guardians of humanist values; ontological surgery, moreover, helped to assign a key mandate to the EU in further harmonizing commitments to such values within its borders and beyond. In other words, the EGE's ontological politics were, at one at the same time, reflecting a particular ideal of European integration in which ethical norms, fundamental values, and human rights figured as a powerful core from and toward which countries ought to orient their AI policies and strategies. Within this co-productionist dynamic, the authority of the EU to frame and define on behalf of its member-states which social orders are desirable

with regards to AI was significantly expanded, from econo-centric and techno-determinist visions to 'human-centric' ideals of the desirable relationship between science, technology, and European society.

Achieving an 'Ever Closer Union' Through AI-ethics

True to the motto that it is "the way we approach AI [which] will define the world we live in" (European Commission, 2018, p.1), the EU's efforts to produce AI-ethics are telling of the subtle processes of co-production that underwrite current attempts by European policymakers to become a global leader in the AI race as well as an innovative rule-setter for emerging AI technologies. On the one hand, such processes embed AI in long-held imaginaries of the EU as a political project, which have accompanied attempts at integration beyond market harmonization since the very founding days of the Union. On the other hand, they also suggest that we are witnessing a re-configuration of rationales on how to achieve an "ever closer Union" among the citizens of the EU's member states, which in the past have been driven by narratives of economic unification that would naturally lead to deeper political unity. Yet, as Laurent observes with regard to the EU, "the promises of peaceful integration thanks to science and the market always threaten to leave people's concerns aside, and harmonization has never fully realized its promise of social harmony" (Laurent, 2016, p. 185). It is in light of these challenges to European integration that the making of AI-ethics figures as a powerful instrument to (re)constitute an imaginary of European unity, while, at the same time, the EU's long-lasting struggles to produce such unity also shape how AI-ethics are conceived and framed within the European context.

The analytical toolkit of co-production helps us in understanding how the EU reimagines itself through advancing an approach to AI-ethics that is enabled by a specific form of ontological politics around AI and the corollary ordering of authority to govern it for the benefit of European citizens. These politics do not only rest on boundary-work around notions of 'autonomy' and their relevance in differentiating between humans and machines, they also serve to constitute a particular form of normative reasoning on technoscience and its relationship to society that is conceived as common to EU members and their constituents. As we have seen, the sharp line drawn around 'autonomy' as a uniquely human category that ought not to be confused with AI's technological capabilities conflates with the mobilization of a bounded set of European values from which a joint approach to AI is imagined to depart and which gain renewed purpose for the attainment of desirable (social and economic) AI futures across the continent. Justified by the identification of both, the risk of increased moral uncertainty vis-á-vis AI and of an increasingly fragmented policy landscape for AI in the EU, the ontological and normative ordering of AI through bodies such as the EGE hence has the integrative function of simultaneously performing Europe's ability to 'know things in common' and to 'govern in unity'.

This performance, as STS research on the role of standards in EU integration processes suggests, "makes possible the government of a large economic and social space without the extensive further development of a central state" and is a specific feature of the "art of European government" (Barry, 1994, p. 52). What changes in this case is through which rationales such governing power is legitimized, as instead of recourse to objective scientific standards that are meticulously "disentangled" from politics to gain legitimacy (Laurent, 2022), the production of joint ethical norms for technoscientific innovation becomes a central rationale to claim governance authority over national policies on part of the EU. A close reading of the ways the EGE has reasoned on AI and its ethical governance shows how the turn to this novel mode of legitimizing the EU's supranational power is, indeed, an act of deliberate creation of novel spaces for EU governance[5] that extend beyond the further deepening of the Single Market through the production and circulation of standardized, 'European' objects. Whereas harmonization via the market was achieved through turning

5 As Biebuyck pointedly observes with regard to European integration politics, "spaces of European governance are not simply there – they are created" (Biebuyck, 2010, p. 174).

locally contentious responses to science and technology into "regulatory discussions about technical objects" (Laurent, 2022, p. 197), harmonization through 'Ethics' attempts to foreclose heterogeneous local reactions to emerging technologies such as AI by reference to a shared set of values that are presented as natural – and therefore uncontroversial – to EU members and citizens. The fact that political agreement on the incorporation of fundamental values in the EU's acquis has only been achieved relatively recently through the EU's adoption of an "EU Charter of Fundamental Rights"[6] – itself a result of long-lasting struggles to establish a European Constitution – evidences the performativity of this new rationale in the 'art of European government'.

Re-imagining the European project through AI-ethics instead of AI markets, however, does not imply that the goal of economic harmonization is left behind in the EU's imaginary of integration, or discarded in its reasoning for policy and regulation, quite the contrary. As research on the EU's AI policy argues, the making of a digital single market still figures centrally in the EU's discourse on AI, and suggests that "rather than conflicting imaginaries", "markets and ethics are deeply entangled and conceptually inseparable problems" in the EU's approach to govern AI (Krarup and Horst, 2023, p. 2). While our analysis reverberates these findings, it also adds another level of understanding how it is that the EU confronts these complex problems when reasoning on AI: as we suggest in this paper, through authoritative acts of ontological classification and normative ordering that allow to frame commitments to European values in the governance of AI as an effective 'fix' to the risks of social and economic problems generated by AI in the future. Adherence to European values, including faithfulness to the ontological boundaries of what constitutes humans vis-à-vis AI, here is rationalized as a sine qua non of creating a single market for AI, reversing the logics through which the EU has hitherto

6 The Charter, which in itself was the result of long-lasting struggles to establish a European Constitution, proclaims that "The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values…the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity" (Preamble, Charter of Fundamental Rights of the European Union).

imagined its integrative force and legitimized its policy interventions. This rationale is not limited to the EGE's ordering work but sticks to the series of deliberations, reports, and proposals for an EU 'AI Act' that revolve around frames of a "human-centered" approach to AI[7]. Further shaping the EU's aspirations to become technologically sovereign with and through AI, the making of AI-ethics is thus a crucial element in the EU's performance of decisive unity in the global AI race, both towards its own constituents as well as its competitors, and should be taken more seriously when engaging in research on and critique of the EU's AI politics.

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7 See, for instance, the AI High Level Expert Group's guidelines for "Trustworthy AI".

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