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ARTICLE

CAN AI EMPOWER THE RULE OF LAW?

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In an age marked by the juxtaposition of democracy and authoritarianism, artificial intelligence ("AI") presents a new challenge for the democratic rule of law. In 2023, Chief Justice John Roberts predicted that AI would significantly impact the judiciary, especially at the trial level. Only two years later, AI has already risen as a significant player in some of the most important fields of human research and professional practice, including law. Scholars have debated its use in the criminal justice system, public administration, medicine, and its effects on the rule of law and intellectual property. More recently, scholars have begun to discuss the potential effect of AI on democracy and equality. That discussion has yet to include, however, the consequences of AI on the democratic rule of law.

The debate on the use of AI, so far, has focused primarily on one element of legality: due process. Yet, legality in a democracy surpasses the procedural baseline of due process and raises considerations of substantive justice. In a rapidly developing field, where the use of AI expands in some of the most important aspects of human life, including the area of democratic governance, it is essential to investigate its effect on other elements of democratic legality

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beyond due process and to examine the ways in which AI could be used to contribute to both democracy and equality. This Article discusses how AI can empower—as opposed to threaten—the democratic rule of law, focusing on its effect on equality and democratic governance.

Table of Contents

I. Introduction

Chief Justice John G. Roberts, Jr., in his 2023 year-end report on the federal judiciary, predicted that although humans tend to continue trusting other humans on some aspects of judicial decision-making,[1] "judicial work—particularly at the trial level—will be significantly affected by AI."[2] This statement comes at a time when the use of artificial intelligence ("AI") is rising in most fields of research and

1. Chief Justice John G. Roberts, Jr., 2023 Year-End Report on the Federal Judiciary 6 (2023).
2. *Id.*

professional practice, including medicine,[3] law,[4] behavioral science,[5] art,[6] insurance,[7] finance,[8] and employment,[9] among others. Scholars have explored uses for AI in the legal field over the last few years, focusing primarily on its use by the criminal justice system, such as for the prediction of criminal recidivism and sentencing.[10] Scholars have

3. For an example of the debate on the use of AI in radiology, see, for example, Feiyang Yu et al., *Heterogeneity and Predictors of the Effects of AI Assistance on Radiologists*, 30 NATURE MED. 837 (2024).
4. For a discussion on the use of AI in judicial review, see, for example, Sonia K. Katyal, *Democracy and Distrust in an Era of Artificial Intelligence*, 151 DAEDALUS 322, 329–31 (2022).
5. *See* Cass R. Sunstein, *Choice Engines and Paternalistic AI*, 11 HUM. & SOC. SCI. COMMC'N, no. 888, 2024, at 1.
6. For examples of the particular questions that arise from the use of AI in art and the relevant copyright issues, see, for example, James Vincent, *The Scary Truth About AI Copyright Is Nobody Knows What Will Happen Next*, THE VERGE (Nov. 15, 2022, at 09:00 CT), https://www.theverge.com/23444685/generative-ai-copyright-infringement-legal-fair-use-training-data [https://perma.cc/2TUJ-84FX].
7. McKinsey predicted that "the industry is on the verge of a seismic, tech-driven shift." *See* Ramnath Balasubramanian, Ari Libarikian & Doug McElhaney, *Insurance 2030—The Impact of AI on the Future of Insurance*, MCKINSEY & CO. (Mar. 12, 2021), https://www.mckinsey.com/industries/financial-services/our-insights/insurance-2030-the-impact-of-ai-on-the-future-of-insurance [https://perma.cc/JS7K-ZX2M].
8. For Deloitte's analysis on the impact of AI in finance focusing on Nigeria, see *How Artificial Intelligence Is Transforming the Financial Services Industry*, DELOITTE (2023),https://www.deloitte.com/content/dam/assets-zone1/ng/en/docs/services/risk-advisory/2023/ng-how-artificial-Intelligence-is-Transforming-the-Financial-Services-Industry.pdf [https://perma.cc/CH8Z-KBVH].
9. *See, e.g.*, Lindsey Wagner, *Artificial Intelligence in the Workplace, ABA Labor and Employment Law Newsletter*, A.B.A (June 10, 2022), https://www.americanbar.org/groups/labor_law/publications/labor_employment_law_news/spring-2022/ai-in-the-workplace/?login [https://perma.cc/ZA4Z-66BY].
10. On the use of AI in predicting criminal recidivism, see Michael Mayowa et al., F*airness of AI in Predicting the Risk of Recidivism: Review and Phase Mapping of AI Fairness Techniques*, Proceedings of the 18th International Conference on Availability, Reliability and Security, (Aug. 29, 2023), https://dl.acm.org/doi/fullHtml/10.1145/3600160.3605033#:~:text=AI%20is%20used%20in%20the,population%20assessed%20for%20recidivism%20risk [https://perma.cc/2ELD-PQVA]. On the use of AI in sentencing and its persisting racial bias, see Yi-Jen (Ian) Ho, Wael Jabr & Yifan Zhang, *AI Enforcement: Examining the Impact of AI on Judicial Fairness and Public Safety* (Nov. 25, 2024) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4533047[https://perma.cc/82V6-5TGQ].

also focused on the use of AI in medical malpractice and the protection of intellectual property.[11]

More recently, a discussion has begun on AI's potential effect on democratic governance and equality.[12] This discussion should be expanded to include the impact of AI on the democratic rule of law. So far, concerns relating to the use of AI have focused primarily on one element of legality: due process.[13] Legality in a democracy, however, often surpasses the procedural baseline of due process and raises questions of substantive justice.[14] These questions have been recently discussed in relation to racial and gender equality.[15] Indeed, in a fast-paced field—where algorithms have been shown to exacerbate existing

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11. On the work of the World Intellectual Property Organization ("WIPO") in the field, see generally World Intell. Prop. Org. on Intellectual Property ("IP") and Frontier Technologies on Its Sixth Session, U.N. Doc. WIPO/IP/COV/GR/2/22/3 (2022), https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ip_conv_ge_2_22/wipo_ip_conv_ge_2_22_3.pdf [https://perma.cc/8GVN-WTT3]; *see also* Kevin Tobia, Aileen Nielsen & Alexander Stremitzer, *When Does Physician Use of AI Increase Liability?*, 62 J. NUCLEAR MED. 17, 17–21 (2021).

12. *See infra* Part II.

13. *See, e.g.*, Frank Pasquale, *Inalienable Due Process in an Age of AI: Limiting the Contractual Creep toward Automated Adjudication*, *in* CONSTITUTIONAL CHALLENGES IN THE ALGORITHMIC SOCIETY 42–56 (Hans-W. Micklitz et al. eds., 2021); Christine Chambers Goodman, *AI, Can You Hear Me? Promoting Procedural Due Process in Government Use of Artificial Intelligence Technologies*, 28 RICH. J.L. & TECH. 700, 701 (2022); Aziz Z. Huq, *Constitutional Rights in the Machine Learning State*, 105 CORNELL L. REV. 1875, 1905–17 (2020).

14. *See infra* Part II. On the various definitions of the rule of law, see generally RONALD CASS, THE RULE OF LAW IN AMERICA 1–20 (2001); THE WORLD JUSTICE PROJECT, RULE OF LAW INDEX 7–13 (2019); TOM BINGHAM, THE RULE OF LAW (2010). On various approaches to law and justice and their underlying principles, compare RICHARD A. POSNER, THE PROBLEMS OF JURISPRUDENCE (1990), with LOUIS KAPLOW & STEVEN SHAVELL, FAIRNESS VERSUS WELFARE (2002), JOHN RAWLS, JUSTICE AS FAIRNESS (1971), JOHN RAWLS, POLITICAL LIBERALISM (1993), and JOHN RAWLS, A THEORY OF JUSTICE (rev. ed. 1999).

15. *See*, *e.g.*, Alice Baroni & Claudia Padovani, *AI, Democracy, and Gender Equality: EU Regulatory Frameworks and the Wager of Gender Mainstreaming*, 40 EUR. J. COMMC'N 411, 411–32 (2025); *see also* Chiraag Bains, *The Legal Doctrine That Will Be Key to Preventing AI Discrimination*, BROOKINGS (Sep. 13, 2024), https://www.brookings.edu/articles/the-legal-doctrine-that-will-be-key-to-preventing-ai-discrimination/ [https://perma.cc/8ZZW-4VWG].

inequalities in the economy, society, and legal system[16]—it is imperative to investigate an algorithm's effect on *other elements* of democratic legality beyond due process: substantive pluralism and equality.

Far too often, this discussion focuses on some of the negative effects AI is bound to have on the legal profession and society at large, as well as its ominous redefinition of the boundaries between the physical and the digital worlds. When evaluating the impact of AI on the rule of law, many focus on due process, the fallibility of algorithms, the imperfection of available data, and the potentially inequitable results produced.[17] Although these are legitimate and important concerns, it is also worth examining AI's effect on two of the most foundational elements of democratic legality: pluralism and equality. This Article argues that AI, and particularly large language models ("LLMs"), could assist in realizing both democratic pluralism and equal citizenship, thus empowering the democratic rule of law.

This Article suggests that LLMs could assist in the expansion of political participation, democratic deliberation, and democratization of citizens' access to AI development and governance.[18] AI, and particularly

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16. Bains, *supra* note 15; Baroni & Padavani, *supra* note 15, at 413.

17. *See* Goodman, *supra* note 13, at 702–07; Huq, *supra* note 13, at 31–33; Pasquale, *supra* note 13, at 42–45. On the impact of AI on the rule of law, see generally Aziz Z. Huq, *Artificial Intelligence and the Rule of Law*, 2 U. Chi. Pub. L. & Legal Theory Working Paper Series, No. 764, (2021) (arguing that AI may require a possible reconfiguration of the rule of law's conceptualization and implementation); PAUL BURGESS, AI AND THE RULE OF LAW: THE NECESSARY EVOLUTION OF A CONCEPT (2024) (reflecting on the changes in the rule of law that the use of AI may require); Antonios Kouroutakis, *Rule of Law in the AI Era: Addressing Accountability, and the Digital Divide* 4 DISCOVER A.I., art. no. 115, at 1 (2024) (focusing on the "black box" problem, the lack of accountability and transparency that may arise, and the possibility of further widening the digital divide).

18. *See infra* Parts III, IV. For the interaction of AI with democracy more broadly, see generally Michael Adam & Clotilde Hocquard, *Artificial Intelligence, Democracy and Elections*, European Parliamentary Research Service (Oct. 2023), https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/751478/EPRS_BRI(2023)751478_EN.pdf [https://perma.cc/W2BY-YNNP] (providing an overview of the benefits and perils associated with the use of AI in the democratic process and the EU legal framework); David Evan Harris & Aaron Shull, *Generative AI, Democracy and Human Rights*, Ctr. Int'l Gov't Innovation, Policy Brief No. 12

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LLMs, may strengthen the legitimacy of the modern democratic process and empower individual citizens and communities.[19] They have the ability to contribute to the redefinition of democracy to include a digital component that could expand political participation and democratic deliberation. This process may have the capacity to complement existing democratic institutions that have been developed over millennia and transcend some of their limitations connected with a growing population, expanded access to information, and shortcomings of legitimacy.[20]

In this framework, LLMs may give a voice to people and communities whose political participation was previously constrained to the exercise of their right to vote or—in the case of recent immigrants and children—was almost foreclosed altogether. LLMs could also assist in enhancing *access* to information about voting, proposed policies, and political candidates, which would otherwise have been beyond the reach of citizens with limited time and resources.[21] In addition, AI and LLMs may enable people to assemble virtually, organize, and pursue political agendas effectively while having access to unique, endless, and constantly renewable forms of civic education. As a result, AI and LLMs, despite their shortcomings, *could* be used to empower individual citizens and communities to attain two key democratic outcomes: (1) practice their rights of equal citizenship and (2) become important agents in the digital democratic process.

Accordingly, this Article discusses particular elements of the democratic rule of law that are relevant to the use of AI. Initially, it sheds light on some of the consequences of AI on different substantive components of democratic legality—pluralism and equality—and then explores AI's impact on the rule of law as a whole. Then, this Article

(Feb. 2025), https://www.cigionline.org/publications/generative-ai-democracy-and-human-rights/ [https://perma.cc/T4TZ-PYFX] (discussing some of the potential risks of generative AI for democracy and human rights); Sarah Kreps & Doug Kriner, *How AI Threatens Democracy*, 34 J. DEMOCRACY 122, 122–31 (2023) (explaining the perils associated with generative AI for democratic representation, accountability, and public trust).

19. *See infra* Parts III, IV.

20. *See infra* Parts III, IV.

21. *See infra* Part IV.

proposes methods that promote the progress and fair use of AI that *enhance*—not *antagonize*—democratic legality and equal citizenship.

Part II lays out the elements of the democratic rule of law, focusing on the element of democratic pluralism, and engages with some of the predominant schools of thought discussing AI's effect on democracy and equality. Part III subsequently examines the dominant ideologies justifying the use of AI in democratic governance, explaining their shortcomings and the resulting failure of a single ideology to explain AI's effect on democracy and equality comprehensively. Then, Part IV explores recent proposals that—by strengthening pluralism and giving citizens a voice—could put LLMs in the service of democracy and the democratic rule of law. Part IV also reflects on potential problems that may arise through the use of AI in that context, focusing on election research and civic education. Finally, this Article concludes with a cautionary proposal on how to harness the power of AI to serve democracy and the rule of law while avoiding some of the dangers that its use may entail.

II. AI AND THE DEMOCRATIC RULE OF LAW

A. Beyond Due Process

The rule of law has been subject to extensive debate in the past. Some theorists propose a definition of legality that focuses on procedural elements such as due process.[22] Under such a definition, in a legal system, law ought to be general, promulgated, proactive, clear, coherent, subject to obedience, stable, and harmoniously applied.[23] This position has often been described as offering a "thin" approach to the rule of law.[24] Conversely, other theorists offer a "thick" approach to the rule of law, supplementing these formal elements focused on

22. *See e.g.*, JOSEPH RAZ, THE AUTHORITY OF LAW 214–19 (2d ed. 2009).

23. *Id.*; *see* LON L. FULLER, THE MORALITY OF LAW 39 (1969); JOHN FINNIS, NATURAL LAW AND NATURAL RIGHTS 270-71 (1982); ROBERTO MANGABEIRA UNGER, KNOWLEDGE AND POLITICS 72–76 (1976).

24. For a description of the concepts of thin and thick rule of law, see Peter Rijpkema, *The Rule of Law Beyond Thick and Thin*, 32 LAW & PHIL. 793, 793–816 (2013).

process with substantive elements focused on *substance*.[25] These theorists propose that the rule of law should include the protection of human rights, democracy, utility, or equality.[26] Some even argue that a rule of law that violates principles of justice is not a rule of law at all.[27]

Scholars who have engaged in this debate demonstrate that regimes with a rule of law that disrespects democratic values can, and in fact do, exist.[28] The rule of law's formal principles are indeed *agnostic* when it comes to the nature of the regime.[29] That does *not* mean, however, that those regimes are democratic or respect foundational democratic values, such as the principle of equality.[30] It is *democratic* legality, a rule of law that combines formal *and* substantive elements, that promises and ensures the protection of democratic values such as pluralism and equal citizenship.[31] This Article adopts this definition of democratic legality.

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25. *Id.* Locke, for example adds to his formal definition of legality the respect of property rights, Montesquieu adds the separation of powers, Dicey includes legal equality, and Hayek liberty and predictability. *See* A.V. DICEY, INTRODUCTION TO THE STUDY OF THE LAW AND THE CONSTITUTION (8th ed. 1915); FRIEDRICH A. HAYEK, THE CONSTITUTION OF LIBERTY (Ronald Hamowy ed., 1960); JOHN LOCKE, TWO TREATISES OF GOVERNMENT (Peter Laslett ed., Kalpaz Publications. 2017) (1690); MONTESQUIEU, THE SPIRIT OF THE LAWS (Anne M. Cohler, Basia C. Miller & Harold S. Stone eds., Cambridge Univ. Press 1989) (1748).

26. On the various approaches to the rule of law or some of the basic principles of justice, see generally CASS, *supra* note 14, at 1–20; The World Justice Project, Rule of Law Index, *supra* note 14, at 7–13; BINGHAM, *supra* note 14; POSNER, *supra* note 14; KAPLOW & SHAVELL, *supra* note 14; RAWLS, A THEORY OF JUSTICE, *supra* note 14; *see also supra* notes 22–23.

27. According to the well-known axiom of Thomas Aquinas "an unjust law is not law at all." THOMAS AQUINAS, ST I-II Q. 96 A. 4 (Benziger Brothers 1911) (1846).

28. For a vision of democratic legality, see generally Eleftheria Papadaki, The Rule of Law in a Free and Democratic Society (May 1, 2024) (doctoral dissertation, Harvard Law School) (on file with author). On authoritarian legality, see generally JOTHIE RAJAH, AUTHORITARIAN RULE OF LAW (2012); WEITSENG CHEN & HUALING FU, AUTHORITARIAN LEGALITY IN ASIA: FORMATION, DEVELOPMENT AND TRANSITION (2020).

29. Papadaki, *supra* note 28, at 1–5.

30. For an example of a procedural approach to the rule of law and its impact on human rights, see RAZ, *supra* note 22, at 219–23.

31. Papadaki, *supra* note 28, at 135–37.

The current debate around AI's compatibility with the rule of law and its effect on legality has thus far mainly concentrated on the element of due process.[32] This approach mirrors the debate's focus on algorithmic training and data selection when it comes to AI's effect on equality and avoidance of discriminatory results.[33] Accordingly, some scholars suggest that if the *process* of machine learning is perfected, then its decisions may be freer of bias.[34] Similarly, the focus on *process* has expanded to the study of the use of AI and judicial review; Sonia Katyal, for instance, proposed the transfer of the procedural "representation-reinforcement theory," initially developed by John Hart Ely, to AI and its relationship with judicial review.[35] According to this position, AI can enhance democratic representation and participation in the democratic process and thus has the potential to protect democracy and the rule of law.[36] In Part IV, this Article will explore ways in which AI could enhance the *democratic* process by empowering two foundational elements of democratic legality, pluralism and equality, thus bridging the gap between process and substance.

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32. *See supra* note 13 and accompanying text. For a notable recent exception focusing on the EU and explaining how the use of AI in administrative decision-making may undermine democratic principles, see NATALIE A. SMUHA, ALGORITHMIC RULE BY LAW: HOW ALGORITHMIC REGULATION IN THE PUBLIC SECTOR ERODES THE RULE OF LAW (2024). Additionally, for an argument favoring the adjustment of the rule of law concept to the AI revolution and its potential use in administrative decision-making and primary and secondary legislation, see generally BURGESS, *supra* note 17.

33. *See, e.g.*, Simon Friis & James Riley, *Eliminating Algorithmic Bias Is Just the Beginning of Equitable AI*, HARV. BUS. REV. (Sep. 29, 2023), https://hbr.org/2023/09/eliminating-algorithmic-bias-is-just-the-beginning-of-equitable-ai [https://perma.cc/XX48-PFQN] (last visited Oct. 21, 2025); Maya C. Jackson, *Artificial Intelligence and Algorithmic Bias: The Issues with Technology Reflecting History & Humans*, 16 J. BUS. & TECH. L. 299, 309 (2021). For an overview of algorithmic bias, see, for example, Nicol Turner Lee, Paul Resnick, & Genie Barton, *Algorithmic Bias Detection and Mitigation: Best Practices and Policies to Reduce Consumer Harms*, BROOKINGS (May 22, 2019), https://www.brookings.edu/articles/algorithmic-bias-detection-and-mitigation [https://perma.cc/7ANL-86K2].

34. *See supra* note 33 and accompanying text.

35. Katyal, *supra* note 4, at 329–31.

36. *Id.* at 323–31.

Recently, there has been a rising interest in the *substantive* results of AI, particularly with regard to equality, fairness, and equal distribution. Some scholars focus on AI's distributive results on employment and criminal justice, while others focus on the consequences of data colonialism and marginalization.[37] Yet, AI's effect on equal citizenship and democratic participation as part of the democratic rule of law remains unexplored. This Part discusses the particular elements of the democratic rule of law relevant to the use of AI.

B. AI and the Democratic Process

The rule of law in a democracy is more demanding than the rule of law in authoritarian regimes; democratic legality needs to ensure the protection not only of due process and other procedural guarantees, but also of substantive principles such as effective democratic participation and equal citizenship.[38] Accordingly, when exploring AI's effect on democratic legality from a substantive point of view, it is necessary to also investigate AI's effects on effective democratic participation and equal citizenship. Fortunately, scholars have already discussed AI's threats to democracy and equality, both domestically and abroad;[39] it is therefore worth examining these positions and reflecting on how such problems can be addressed to ensure AI will have a positive impact on democracy, equality, and the rule of law.

Though many believe AI could one day detrimentally affect the democratic process, they admit the technology *itself* has not posed a real threat yet.[40] Rather, it is the *people* using AI (usually individuals possessing significant know-how and resources) who may wield, for

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37. For the issue of employment, see Jackson, *supra* note 33, at 310–11. For the issue of algorithmic bias and data colonialism, see generally Anmol Arora et al., *Risk and the Future of AI: Algorithmic Bias, Data Colonialism, and Marginalization*, 33 INFO. & ORG., no. 3, 2023.

38. *See supra* Part II.A.

39. *See infra* this Section.

40. Bruce Schneier & Nathan Sanders, *We Don't Need to Reinvent Our Democracy to Save It from AI*, BELFER CTR. SCI. & INT'L AFFS., HARV. KENNEDY SCH. (Feb. 9, 2023), https://www.belfercenter.org/publication/we-dont-need-reinvent-our-democracy-save-it-ai [https://perma.cc/2LRD-CEJ4].

example, generative AI's vast capabilities to scale their *own* antidemocratic efforts—attempts to manipulate or "hack" the democratic process and bend it to their advantage.[41] For example, AI can amplify lobbyists' efforts by producing "political messaging" targeted to policymakers and citizens, writing op-eds and regulatory comments, and using political coordination to affect the way legislators vote.[42]

Similarly, others worry about how control of AI development is concentrated in the hands of a few corporate actors, remaining skeptical about their ability to serve the interests of consumers and the broader public. Accordingly, these critics argue that society "need[s] a strong public AI" and robust democratic institutions to govern AI as a check and balance for the rising power of "corporate AI."[43]

This proposal, which is referred to as "Public AI," could accomplish two goals at once: First, it would democratize AI, opening its development to "the people" as a whole[44] as opposed to a class of elite engineers. Second, it would regulate AI's effect on democracy itself. This position is not unprecedented. Taiwan, for example, has recently invested significant public resources into developing a public counterpart to privately developed AI.[45] Instead of furthering corporate interests, Public AI would be designed to prioritize *public* interest, "guarantee universal access" to AI technology, and set a standard for

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41. *Id.* For a notable exception arguing for the undemocratic potential of the AI technology itself, see generally MARK COECKELBERGH, WHY AI UNDERMINES DEMOCRACY AND WHAT TO DO ABOUT IT 21, 22 (2024).

42. Schneier & Sanders, *supra* note 40.

43. Nathan Sanders, Bruce Schneider & Norman Eisen, *How Public AI Can Strengthen Democracy*, BROOKINGS (Mar. 4, 2024), https://www.brookings.edu/articles/how-public-ai-can-strengthen-democracy/ [https://perma.cc/3562-K7NJ].

44. Bruce Schneider & Nathan Sanders, *Build AI by the People, for the People*, FOREIGN POL'Y (June 12, 2023, at 10:34 ET), https://foreignpolicy.com/2023/06/12/ai-regulation-technology-us-china-eu-governance/ [https://perma.cc/D8LV-GPSW].

45. Jennifer Creery, *Taiwan Builds Own AI Language Model to Counter China's Influence*, BLOOMBERG (Jan. 25, 2024, at 17:00 ET), https://www.bloomberg.com/news/articles/2024-01-25/taiwan-builds-own-ai-language-model-to-counter-china-s-influence [https://perma.cc/P33H-RTVB].

the private AI sector.[46] This position suggests that giving citizens a direct form of participation in AI would enhance deliberative democracy; it could also give citizens a voice in the formulation of AI regulation and overcome partisanship.[47] This Article will explore *infra* ways in which AI, and particularly LLMs, could be used to enhance democratic participation and deliberation and democratize algorithmic development beyond Public AI.[48]

C. Equitable AI

Similarly, some scholars have examined AI's effect on bias reproduction, a lack of fairness, and "data colonialism."[49] According to some, the "question of equitable AI is one of fairness."[50] Still, people May disagree about how to pursue such fairness, or about what fairness in this context really means.[51] As a result, questions about who makes decisions on the meaning and purpose of equitable AI become important.[52] It is thus essential to incentivize participation in these debates from marginalized communities and stakeholders who have been previously unconsulted or subject to inequity and injustice.

Such scholars also argue that these discussions need to include questions about "data sourcing and data access."[53] They also need to be complemented by broad AI education that is inclusive regarding "socioeconomic status, genders, regions, and knowledge systems."[54] That process may clarify how "wins and losses" affect society, explain the way bias works in this framework, and develop necessary synergy

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46. Sanders, Schneider & Eisen, *supra* note 43.

47. Peter Coy, Opinion, *Can A.I. and Democracy Fix Each Other?,* N.Y. TIMES (Apr. 5, 2023),https://www.nytimes.com/2023/04/05/opinion/artificial-intelligence-democracy-chatgpt.html [https://perma.cc/29Y4-DLJM].

48. See *infra* Parts III and IV.

49. *See generally* Arora et al., *supra* note 37.

50. *A Blueprint for Equitable AI: Building and Distributing Artificial Intelligence for Equitable Outcomes*, ASPEN INST. SCI. & SOC'Y PROGRAM 9 (2023), https://www.aspeninstitute.org/wp-content/uploads/2023/01/Equitable-AI-Aspen-Institute.pdf [https://perma.cc/BSV9-FUM9].

51. *Id.* at 7, 13–14.

52. *Id.* at 7.

53. *Id.*

54. *Id.* at 8.

around these goals between the private and public sectors.[55] LLMs could be used to accomplish many of these goals and enhance the effectiveness of the democratic participation of individual citizens and marginalized communities. They could also be used to empower people who have been excluded from political participation altogether, such as noncitizens, recent immigrants, and adolescents.

It is thus clear that the effectiveness of the democratic process directly impacts equitable AI. In the case of AI, democracy and equality, which have often been portrayed as being in a potentially antagonistic relationship with each other,[56] have the opportunity to work together. If they succeed, they could enhance AI's ability to become both more democratic and more equitable.

D. Impact and Challenges

Some may argue that AI will inevitably antagonize democracy, and the technology will still reflect, to some extent, the systemic biases and inequality of the current legal and political system.[57] That may be true, but at the same time, it remains worthwhile to explore how the revolutionary technology AI has to offer could empower the accomplishment of democratic legality's aspiration to realize effective democratic participation and equal citizenship.[58] In a way that is similar to the invention of the printing press and the emergence of the internet, AI has the potential to give voice to members of society who have so far been removed from effective political participation. AI could help those voices be heard and taken into serious consideration.[59]

In addition, AI has the capacity to decentralize politics and, at the same time, offer input that accurately reflects the diverse points of view held by the most marginalized individuals and communities, in a way that is concrete enough to accurately discern preferences, making

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55. *Id.* at 9.

56. *See, e.g.*, Robert Post, *Democracy and Equality*, 603 ANNALS AM. ACAD. POL. & SOC. SCI. 24, 24–36 (2006).

57. *See supra* Part II.A, II.B, and II.C.

58. For a theory discussing law's aspiration in the context of liberal legality instead, see generally LEWIS D. SARGENTICH, LIBERAL LEGALITY: A UNIFIED THEORY OF OUR LAW (2018).

59. *See infra* Parts III and IV.

their needs heard and values respected.[60] Furthermore, AI has the capacity to gather and process a huge amount of data in a way that makes informed, centralized, and organized government action possible.[61] This is a unique combination of elements that earlier democratic politics had little access to, making representative democracy often removed from people's input and effective democratic participation. Taking this input into consideration can help provide global and regional legitimacy to democratic systems that have suffered from systemic injustice and barriers to equal citizenship and further the cause of equality and justice.[62]

Society may continue to suffer from inequality and imperfect access to the democratic process. AI, if properly used, however, could still have a democratizing effect on politics and society: It can help citizens and policymakers alike understand each other better and join forces in the realization of democratic legality, improving people's lives and enabling a more seamless transition to the future of human-AI interaction. Accordingly, this Article proceeds by exploring how AI might be able to pursue some of these goals, offering an examination of recent proposals put forth in that vein. It begins by exploring the various ideologies that have attempted to justify AI and its interaction with democratic politics.

III. The Death of Ideology

Glen Weyl and Audrey Tang are among those who, while being frank about AI's potential democratic pitfalls, maintain their faith in its potential to realize democratic pluralism. According to this Article's framework, democratic pluralism is a substantive foundation of the democratic rule of law and the most important element that separates it from authoritarian legality. Therefore, if Weyl and Tang's proposal is correct, the rule of law could not only survive AI, but the careful use of AI technology could enable the realization of the *democratic* rule of law. This Part, therefore, will examine their account in some detail.

60. *See infra* Parts III and IV.
61. *See infra* Part III.
62. *See infra* Parts III and IV.

According to Weyl and Tang:

> [T]oday democracy has become a synonym in much of the world for the increasingly desperate effort to preserve rigid, outmoded, polarized, paralyzed, and increasingly illegitimate governments. We should not be shocked, therefore, at the disdain that so many technologists have for democratic participation, viewing it as an impediment to progress, nor should we be surprised by the fear among so many advocates of democracy that technical advance will result in the dominance of authoritarian adversaries or internal collapse.[63]

Nevertheless, Weyl and Tang insist, "technology and democracy can be powerful and natural allies,"[64] and the experience of Taiwan offers a prime example of this constructive collaboration.[65]

Granted, Weyl and Tang argue, technology may indeed involve certain risks for democracy; it may enhance social isolation and exclusion, increase "workplace precarity," and diminish the middle class across the developing world; it may also increase political extremism through the creation of echo chambers.[66] Further, unchained financial innovation may impose additional challenges on an already vulnerable citizenry and render it susceptible to "speculation, gambling, fraud, regulatory and tax evasion, and other anti-social activities."[67] In addition to those issues, Weyl and Tang argue, AI may also centralize power, entrusting it in the hands of the government or select private groups, such as engineers who usually have similar backgrounds and experiences, thus diminishing those groups' power to represent the population at large.[68] Even worse, in certain cases, technology has been recently used by authoritarian

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63. E. Glen Weyl, Audrey Tang et al., Plurality 18 (2024).

64. *Id.*

65. *See infra* Parts III and IV.

66. Weyl, Tang et al., *supra* note 63 at 20; *see also id.* at 276 (citing the work of Cass Sunstein in the field).

67. *Id.* at 21.

68. *Id.* at 22, 23.

regimes as a tool to control citizens, restrict their liberties, and infringe upon their rights.[69]

This experience, Weyl and Tang argue, led to a so-called "techlash" on the part of democratic governments, which in recent decades have restricted their investment in the sector and sidelined public expenditure in the investment in information technology.[70] The European Union ("EU"), on the other hand, has opted for heightened regulation of the technology sector[71] through a series of legislation, such as the General Data Protection Regulation, the Data Governance Act, the Digital Markets Act, the Digital Services Act,[72] and most recently, the EU AI Act.[73] As a result, while authoritarian regimes continuously seem to reap the benefits of technology and experiment more freely in e-government,[74] such as planning for Central Bank

69. *Id.* at 23. China's social credit system is a good example of such a possibility. For AI's ability to enable authoritarian goals, see generally Albert Cevallos, *How Autocrats Weaponize AI–and How to Fight Back*, J. DEMOCRACY (Mar. 2025), https://www.journalofdemocracy.org/online-exclusive/how-autocrats-weaponize-ai-and-how-to-fight-back/ [https://perma.cc/6J4J-LKKJ]; *see also* Peter Dizikes, *How an "AI-tocracy" Emerges*, MIT NEWS (July 13, 2023), https://news.mit.edu/2023/how-ai-tocracy-emerges-0713 [https://perma.cc/2A4G-P4QS].

70. WEYL, TANG ET AL., *supra* note 63, at 25.

71. For an earlier comparison of the European Union and United States approaches on AI regulation focusing on risk management, see, for example, Alex Engler, *The EU and U.S. Diverge on AI Regulation: A Transatlantic Comparison and Steps to Alignment*, BROOKINGS (Apr. 25, 2023), https://www.brookings.edu/articles/the-eu-and-us-diverge-on-ai-regulation-a-transatlantic-comparison-and-steps-to-alignment/ [https://perma.cc/88TE-ZLNR].

72. WEYL, TANG ET AL., *supra* note 63, at 27.

73. On the EU AI Act, see generally European Parliament, *EU AI: First Regulation on Artificial Intelligence*, https://www.europarl.europa.eu/topics/en/article/20230601STO93804/ [https://perma.cc/WJ9V-ZB7A] (last updated Feb. 2, 2025, at 17:46 ET). For an earlier comparative overview of different approaches to AI regulation, see generally Scott J. Shackelford & Rachel Dockery, *Governing AI*, 30 CORNELL J.L. & PUB. POL'Y 279, 300–19 (2020).

74. WEYL, TANG ET AL., *supra* note 63, at 30. For some of the advantages of autocracies over democracies on this issue, see, for example, Andreas Jungherr, *Artificial Intelligence and Democracy: A Conceptual Framework*, SOC. MEDIA & SOC'Y, July–Sep. 2023, at 1, 8–9.

Digital Currencies, democracies fall behind.[75] Therefore, Weyl and Tang suggest that "democracy seems so often to stand in the way rather than facilitate such experimentation."[76]

A. Tech Ideologies

Weyl and Tang acknowledge that different societies have opted for diverse forms of political organization over time; some dominant ideologies and corresponding forms of governance of the twentieth century include democracy, communism, and fascism.[77] For the twenty-first century, Weyl and Tang imagine three options for the political organization of a society amid a technological revolution: (1) Synthetic Technocracy; (2) Corporate Libertarianism; and (3) Digital Democracy.[78]

Similar to Weyl and Tang,[79] this Section will use this categorization and discuss these ideologies, placing them in their broader context. It will make the strongest argument for each before addressing their weaknesses as a single way of justifying the underlying ideology of the AI revolution and its relationship with democracy. "Synthetic Technocracy" will be examined in the broader sense of technocracy, focusing on its ability to underlie the relationship between AI and democracy. "Corporate Libertarianism" will be examined in the broader context of the libertarian ideology, focusing on its capacity to justify the impact of AI on democracy. Finally, "Digital Democracy" will be explored as the most potent justification for the relationship between AI and democratic governance.[80] As this Part will show, in the age of AI, no one ideology can govern its

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75. WEYL, TANG ET AL, *supra* note 63, at 31. On the issue of Central Bank Digital Currencies, see generally Jim Harper & J. Christopher Giancarlo, *The Values of Money: Will Tyranny or Freedom Be in Your Digital Wallet?* AM. ENTER. INST. (Feb. 28, 2023), https://www.aei.org/research-products/report/the-values-of-money-will-tyranny-or-freedom-be-in-your-digital-wallet [https://perma.cc/F442-FCNG].

76. WEYL, TANG ET AL., *supra* note 63, at 31.

77. *Id.* at 39–40.

78. *Id.*

79. *See, e.g.*, *id.* at 40, 41.

80. Clearly, there are many interpretations for every one of these ideologies, as well as disagreement between proponents of the same ideology. For the purpose of analysis, this Article will adopt an independent framework.

relationship with democratic governance; instead, every one of the ideologies this Part examines plays its own role in the transition of democratic governance to the age of AI. Accordingly, these ideologies may be seen as *complementary* as opposed to mutually exclusive, and together they may be in a better position to enable the empowerment of the democratic rule of law.

Indeed, as this Article will show, although ideology is useful for the description of prior forms of political organization in societies of the past, it can no longer offer a compelling account of modern democracy, which is characterized by a *variety* of political ideologies—some of which are often conflicting with one another, such as equity and libertarianism, thereby illuminating each other's blind spots and limitations. A better way to imagine the future of democratic institutions, including democratic legality, amid the AI revolution, is as embodying a wide variety of ideologies, espoused by AI's users, developers, and other political, financial, and legal actors.

1. Technocracy

Weyl and Tang view technocracy as one of the paths that can guide society during an era of pairing AI with democracy. Many think that technocracy will be able to abolish the scarcity of resources, and the world will be able to unproblematically rely on the abilities of "Artificial General Intelligence" ("AGI").[81] AGI stands for "machines that exceed human capabilities in some generalized way, leaving little measurable utility in human individual or collective cognition."[82] Instead of replacing humans, however, a more realistic and equitable vision may be using AI to complement human capabilities.[83] For example, a realistic vision of harnessing the virtues of AI in the domain of governance is increasing governments' reliance on the technology

81. WEYL, TANG ET AL., *supra* note 63, at 40. For a critique of technocracy, see E. Glen Weyl, *Why I Am Not a Technocrat*, RADICALXCHANGE (Aug. 19, 2019), nge.org/media/blog/2019-08-19-bv6r6/ [https://perma.cc/JSX4-5BTY].

82. WEYL, TANG ET AL., *supra* note 63, at 40; *see also id.* at 41.

83. *See infra* notes 127–40 and accompanying text.

in the context of the administrative and judicial sectors, which has already been a trend in recent years.[84]

One cannot help but notice that AGI's description bears some similarities with several technological advances of the past, such as the invention of the printing press, the industrial revolution, space exploration, and, more recently, the internet, social media, and earlier forms of AI. Each came with a promise: to revolutionize the world beyond redemption, change human society forever, and make obsolete some of humanity's most pervasive problems. In a sense, each and every one of these technological advances has simultaneously succeeded and failed; they have succeeded in changing *parts* of the human experience and making many basic things—like reading, clothing, energy, modern manufacturing, and cross-continental human connection—possible. But they have also failed to make other basic problems of the human condition obsolete, many of which were not solely *material*, and thus were beyond the reach of technology in the first place. The problem of inequality, for example, may be assisted or impaired by the function of technology, but cannot be solved through technological means alone. Modern discussions portraying AI as uniquely revolutionary miss a greater truth: The world has *already* been revolutionized several times in the past, to the extent that technological evolution—and revolution—should be considered *part of* the human condition.

Therefore, when discussing the possibility of digital technocracy and its effect on democracy, it may be helpful to recall the effect of the earlier forms of technocracy on democratic governance and the ideal of citizenship. Several societies have previously entrusted elements of the technocratic approach to governance as a method for organizing an ever-changing and expanding domestic and international arena of free markets, law, and democratic governance. Those examples include the nineteenth-century Weberian ideal of a formal rule of law[85] and

84. *See infra* in this Section. This trend may be controversial and needs the imposition of appropriate safeguards, but it may still present an opportunity to combine AI with human capabilities, as opposed to displacing individuals and replacing them with AI.

85. 2 MAX WEBER, ECONOMY AND SOCIETY 654–58, 809–15 (Guenther Roth & Claus Wittich eds., 1978).

the twentieth-century EU's ideal of an open, integrated market governed by a high-level bureaucracy headed by the European Commission, the European Parliament, and institutions such as the European Court of Justice.[86]

International and domestic technocracy indisputably has many virtues and has indeed helped domestic democracies and international institutions effectively manage the great task of governance. They have, however, fallen short of accomplishing a deeper kind of governance, which would imply the existence of a political factor that could not be found in an otherwise robust technocratic regime: the existence of a *demos*,[87] or a people. A people, constituting a robust and active citizenry, is a vital element of democratic governance. In the modern era, it is easy to think that "a people" is not necessary in order to have a government, a bureaucracy, or an effective technocratic state. In fact, the absence of democratic institutions, as Weyl and Tang point out, may function as a catalyst in the development and use of technology, as proven by the practice of mass surveillance, the public investment in the private development of AI, and the success of the social credit system in China.[88]

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86. On a discussion of modern challenges faced by Europe, see *Europe Must Beware the Temptations of Technocracy*, ECONOMIST (Sep. 5, 2024), https://www.economist.com/europe/2024/09/05/europe-must-beware-the-temptations-of-technocracy [https://perma.cc/VL9P-RDBD]; *see generally,* Yiwen Zhang, *The EU's Democratic Dilemma: Assessing the Rise and Ramifications of Technocratic Government*, SAGE OPEN, Oct.–Dec. 2024, at 1, 1–17 (discussing the creation of technocratic governments within the EU); Duncan McDonnell & Marco Valbruzzi, *Defining and Classifying Technocrat-led and Technocratic Governments*, 53 EUR. J. POL. RSCH. 654, 654–71 (2014) (discussing the distinction between technocrat led and technocratic governments).

87. For an alternative conception, see Joseph H.H. Weiler, *Does Europe Need a Constitution? Demos, Telos, and the Maastricht Decision*, 1 EUR. L.J. 219, 219–58 (1995).

88. See supra note 69 and accompanying text. For a critique of the Chinese policies' similarities with the Western approach, see Divya Siddarth et al., *How AI Fails Us* 6 (Just., Health & Democracy Impact Initiative & Carr Ctr. for Hum. Rts. Pol'y Discussion Paper Series, Paper No. 2022-04, 2021), https://www.hks.harvard.edu/centers/carr/publications/how-ai-fails-us [https://perma.cc/WHM3-QMF6].

A political system that has long accepted the benefits of the democratic way of governance, however, must be more careful when reflecting on the virtues of technocracy in the digital era. Technocracy, as it currently stands, may effectively antagonize democratic citizenship in a way that could become hard to redeem. Technocracy has often been perceived as the most efficient way to address controversial political issues by removing them from the democratic arena—something that, according to this position, should be reserved for elections and not for day-to-day policymaking.[89] That, for many citizens, may be seen as a way to diminish their legitimate function in a democracy and bypass their decision-making through non-elected bodies of governance. Whatever the value of this idea may be, it has given rise to strong political movements that contributed to outcomes such as Brexit in Britain and the rise of populist regimes across the world.[90]

In the framework of AI, some have argued that AI *itself* should be viewed as an ideology, and not simply as a technology. According to this view, "a small technical elite" should develop this technology, which will eventually "become autonomous" and "replace" individual people.[91] Additionally, the crisis of liberal democracies and the adoption of this ideology by centralized regimes, such as China, may further undermine liberal democratic societies based on pluralism, which fail to adapt to AI.[92]

Nevertheless, the technocratic sensibility has many virtues that have led to its thriving over decades of technological and political

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89. On the juxtaposition of populism, technocracy, and the elements they have in common, see Christopher Bickerton & Carlo Invernizzi Accetti, *Populism and Technocracy*, *in* THE OXFORD HANDBOOK OF POPULISM 326, 326–41 (Cristóbal Rovira Kaltwasser et al., eds. 2017).

90. For the populist and technocratic narratives adopted during the campaign before the 2016 British Referendum on whether to remain in the EU, see generally Monika Brusenbauch Meislova, *The EU as a Choice: Populist and Technocratic Narratives of the EU in the Brexit Referendum Campaign*, 17 J. CONTEMP. EUR. RSCH. 166, 166–85 (2021).

91. For a critical evaluation of this position, see Jason Lanier & E. Glen Weyl, *AI Is an Ideology, Not a Technology*, WIRED (Mar. 15, 2020, at 09:00 ET), https://www.wired.com/story/opinion-ai-is-an-ideology-not-a-technology/ [https://perma.cc/VWH5-BJAP].

92. *Id.*

advancements. In the time of Max Weber, it served as a way to imagine a rule of law that would be shielded from the passions of theocratic and democratic political regimes and would protect itself from more arbitrary exercises of power.[93] Similarly, later on, the technocratic sensibility in the European Communities, and eventually in the EU, contributed to a unified, integrated market and secured peace for decades. Likewise, in the United States, the technocratic initiative, prioritizing expertise and innovation over politics and regulation, contributed to the creation of many of today's groundbreaking technologies, including AI and LLMs.

Though technocracy is not sufficient to be the sole justification for AI's relationship with democratic governance, this should not distract us from its benefits; technocracy may not function as *the only* source of justification for the use of AI in a democracy, but it is definitely one of the dominant ideologies that should continue to inform our analysis.

If technocracy alone, however, cannot serve as the single ideology that could govern AI's relationship with democracy, then what *can* it do? The answer can be found in some of the *existing* ways in which AI has been used by liberal democracies, including in the administrative state and judicial decision-making. Nathalie Smuha, for example, has recently explored the way AI has been used by European institutions with emphasis on its impact on the rule of law.[94] EU member states, Smuha describes, have started using algorithmic systems to engage in several regulatory tasks; public authorities have used algorithms to initiate tax fraud investigations, allocate social welfare benefits, profile criminals, and even assess the risk to children's well-being.[95] Similarly, in the United States, law enforcement agencies use algorithm-enabled predictive policing programs in several states, including Arizona, California, Illinois, New York, South Carolina,

93. WEBER, *supra* note 85.

94. SMUHA, *supra* note 32.

95. *Id.* at 3–4. In her account Smuha was critical of these technologies' impact on the rule of law and cautioned against the overreliance on them by the public sector.

Tennessee, and Washington.[96] Governments around the world have raced to use AI in their public sector to improve their services and adapt to the digital age.[97] AI is promising to enable government efficiency, reduce cost, and improve services and government processing; for example, AI agents could be used to help government workers streamline their tasks and also interact with citizen applicants.[98]

2. Libertarianism

One usually associates libertarianism with more conservative thinkers, but for Weyl and Tang, there is a robust caucus supporting this ideology within new technology pioneering groups, such as "Bitcoin, Web3, 4Chan, and other 'peripheral' but influential online communities."[99] This form of technological libertarianism may have recently found unexpected allies within more conservative communities as well.

Libertarianism in this framework could also refer to the underlying ethical principle or moral and political justification of AI.[100] AI systems, according to libertarians, should protect individual

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96. Rachel Wright, *Artificial Intelligence in the States: Harnessing the Power of AI in the Public Sector*, COUNCIL ST. GOV'T (Dec. 5, 2023), https://www.csg.org/2023/12/05/artificial-intelligence-in-the-public-sector-how-are-states-harnessing-the-power-of-ai [https://perma.cc/2XG5-XYKZ].

97. Pauline McCallion, *How to "Rewire" Governments to use AI in the Intelligent Age*, WORLD ECON. F. (Jan. 24, 2025), https://www.weforum.org/stories/2025/01/rewire-governments-ai-in-the-intelligent-age-meta/ [https://perma.cc/84T8-3E4X].

98. Heidi Kim et al., *How AI Can Cut Through Bureaucracy, Boost Efficiency, and Build Trust in Government,* BOS. CONSULTING GRP. 2–3 (May 8, 2025) https://web-assets.bcg.com/aa/9d/3514306145d481bcd72959045f13/how-ai-can-cut-through-bureaucracy-may-2025.pdf [https://perma.cc/F4M6-7B4M].

99. WEYL, TANG ET AL., supra note 63, at 41. For a defense of libertarianism in AI ethics, see generally Ryan Khurana, *The Ethics of Artificial Intelligence is Best Left to Researchers*, LIBERTARIANISM (Apr. 15, 2019), https://www.libertarianism.org/building-tomorrow/ethics-artificial-intelligence-best-left- [https://perma.cc/25A4-88MD]. On "libertarian paternalism," see Sergio Beraldo, *From Libertarian Paternalism to AI-Powered Nudging: New Challenges for Freedom*, IREF Working Paper No. 202505 (May 12, 2025), https://enirefeurope.bcdn.net/wp-content/uploads/sites/3/2025/05/New_Challenges_for_Freedom.pdf [https://perma.cc/7CNH-Y4X5].

100. Martino Agostini, *AI Utilitarianism vs. Libertarianism: An Ethical Dilemma*, MEDIUM (June 19, 2024), https://medium.com/@tarifabeach/ai-utilitarianism-vs-libertarianism-an-ethical-dilemma-54c4ac3df482 [https://perma.cc/5FAV-JSUJ].

rights, but also enable people to "make their own choices without undue interference" and without "coercive influences."[101] In that framework, AI is positive insofar as it enables individual freedom and control over one's decisions in education, financial planning, and healthcare.[102]

This interpretation of liberty in a democracy as freedom from coercion is similar to the one adopted by Mark Coeckelbergh.[103] Coeckelbergh reflects on the ways AI undermines democracy by examining its effect on some of the most basic democratic principles, such as liberty and equality, and relies on his own understanding of these principles; he adopts a "neo-republican" theory of liberty that includes not only non-interference and freedom of choice, but also non-domination.[104] Similarly, he focuses on the economic and political aspects of inequality and the understanding of fraternity in conjunction with freedom as non-domination.[105]

As this Article argues, AI could be used indeed to empower individual citizens and amplify their freedoms, but it has also proven to have an uneasy relationship with individual rights, such as property.[106] The protection of property has long been considered a foundational element of law and government in a liberal society.[107] AI could therefore be empowering for some citizens while simultaneously infringing upon the rights of others.[108] In that sense, AI may occasionally serve the goal of libertarianism by prioritizing liberty while clashing with other foundational rights, such as property, and particularly

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101. *Id.*

102. *Id.*

103. COECKELBERGH, *supra* note 41, at 40–42.

104. *Id.* at 40-41. On freedom as non-domination, see also Philip Pettit, *Freedom as Non-Domination*, *in* ON THE PEOPLE'S TERMS: A REPUBLICAN THEORY AND MODEL OF DEMOCRACY 26–74 (2012).

105. COECKELBERGH, *supra* note 41, at 41.

106. *See Artificial Intelligence and the Creative Double Bind*, 138 HARV. L. REV. 1585, 1585 (2025).

107. *See, e.g.*, LOCKE, *supra* note 25, at 285–302.

108. *See, e.g.*, Gil Appel et al., *Generative AI Has an Intellectual Property Problem*, HARV. BUS. REV. (Apr. 7, 2023), https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem [https://perma.cc/4NFB-SSAF].

intellectual property.[109] This is one of the reasons that make it unlikely for libertarianism to successfully serve as the *single* source of ethical justification for the development of AI and its relationship with democracy.[110]

3. Digital Democracy

For Weyl and Tang, the rising inequality and disenchantment of modern liberal democracies with the technological sector can be partly attributed to these two ideologies: technocracy and libertarianism.[111] For many citizens, these two ideologies may seem to be *the only* available options for the justification of AI's role in democracy, and they may both be considered inadequate; citizens may fear that these ideologies could contribute to more economic stagnation for individuals while also contributing to increasing inequality, financial struggle, and uncertainty across society as a whole.[112] Consequently, many citizens may not support the domination of either one of these ideologies but simply hope that, if the economy improves as a whole, they may benefit too in some smaller way.

Weyl and Tang attribute this rising inequality to *fewer*, not more, technological advances. According to this model proposed by Robert J. Gordon,[113] the "Golden Age" of American productivity took place in the 1950s and was basically followed by a long era of stagnation, including digital stagnation after the 1970s.[114] Many theories have been proposed to explain this phenomenon and the relationship of technology with the rise of inequality, but Weyl and Tang found *two*

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109. *See, e.g.,* Audrey Pope, *NYT v. OpenAI: The Times's About-Face*, HARV. L. REV. BLOG (Apr. 10, 2024), https://harvardlawreview.org/blog/2024/04/nyt-v-openai-the-timess-about-face/ [https://perma.cc/F49U-83BZ].

110. Some would still insist that researchers are better positioned to handle individual issues relating to the development of AI, including complex ethical debates, see, for example, Khurana, *supra* note 99.

111. WEYL, TANG ET AL., *supra* note 63, at 43, 44.

112. *See, e.g.*, Greg M. Epstein, *Why a Technocracy Fails Young People*, TIME (Nov. 14, 2024, at 12:03 ET), https://time.com/7176515/technocracy-fails-young-people-essay [https://perma.cc/V37E-4HP6].

113. *See generally* ROBERT J. GORDON, THE RISE AND FALL OF AMERICAN GROWTH (2016) (expanding on his idea of the "golden age" of American productivity).

114. On the changes in economic growth, see, for example, *id.* at 2; s*ee also* WEYL, TANG ET AL., *supra* note 63, at 43–45.

particularly compelling: (1) "[T]he shift in the direction of technological progress towards automation and away from labor augmentation," and (2) "the shift in the direction of policy away from proactively shaping industrial development and towards an assumption that 'free markets know best.'"[115] That transformation reflects the influence of the two ideologies—technocracy and libertarianism—on the regulation of technology.[116] Technocracy was of more critical importance in the area of technological development, while libertarianism was dominant in the area of policy-making.[117]

Daren Acemoglu, Pascual Restrepo, and others insist that in the process of technological progress, there was indeed a shift from the Golden Age that was concentrated around the 1950s and ended around the mid-1970s or 1980s, according to different accounts, to the era of "Digital Stagnation."[118] During the time described as Digital Stagnation, according to Saez and Zucman, there was also rising inequality.[119] Weyl and Tang attribute that element to the shift of the market towards automation and "away from labor augmentation," which is a result of technocracy and the policy position that "markets know best."[120] Acemoglu and Restrepo call the trend toward automation "displacement," while they describe the practice of labor augmentation as "reinstatement."[121] They argue that during the "Golden Age," equality remained low because reinstatement managed to balance out the process of labor displacement.[122] During the era of "Digital Stagnation," on the other hand, the displacement of workers progressively outpaced their reinstatement.[123] That trend, Weyl and Tang add to this proposition, was enabled by the "embrace of capital market economics" and the

115. WEYL, TANG ET AL., *supra* note 63, at 45.
116. *Id.* at 43–47.
117. *Id.* at 46.
118. *Id.* at 43–45; *see also id.* at 45 n. 49.
119. *Id.* at 44–45.
120. *Id.* at 45.
121. *Id.* at 45–46; *see* Daron Acemoglu & Pascual Restrepo, *Automation and New Tasks: How Technology Displaces and Reinstates Labor,* 33 J. ECON. PERSP. 3, 3–30 (2019).
122. WEYL, TANG ET AL., *supra* note 63, at 45–46.
123. *Id.*

global nature of the technology,[124] which could be juxtaposed to the national limitations of the politics surrounding their governance.

The importance of the ideology underpinning the development of AI is evident if we also consider the following factors. First, the production of new technologies has not necessarily stagnated, especially considering that the popularization and expansion of the internet only occurred in the last few decades. To that phenomenon, one ought to add the radical development of AI, which from relatively primitive forms, may soon reach the level of AGI and is advancing even further as this Article is being written. Second, the diminishing nature of human labor is not a modern phenomenon if we expand our historical review to the time before the Industrial Revolution. Indeed, *every* technological revolution that reshapes the form of labor is followed by a "shock" period of rising inequality while the labor force seeks to find its new space in the altered labor market and general working conditions. Third and relatedly, the rise of AI should have the largest such effect, as it does not merely threaten manual labor, as did the Industrial Revolution and more recent forms of automation in the twentieth century; it also threatens the areas of "higher" labor that were, so far, reserved for humans, including intellectual labor and highly paid professional vocations, such as accounting, consulting, finance, engineering, law, and even medicine.[125] As a result, if this hypothesis is correct, the rise of AI and the end of the "Digital Stagnation" could be followed by unprecedented inequality that could harm even the parts of society that so far have remained immune, or even profited, from economic reconfigurations following the prior technological revolutions. In fact, some proponents of the radical expansion of AI seem to foresee this potential development and thus have proposed that one way to combat such an outcome would be through the adoption of a global basic income.[126]

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124. *Id.* at 46.

125. *See supra* Part I.

126. *See, e.g.*, Adam Jezard, *Elon Musk on Why the World Needs a Universal Basic Income*, WORLD GOV'T SUMMIT (Mar. 12, 2017), https://www.worldgovernmentssummit.org/observer/articles/detail/elon-musk-on-why-the-world-needs-a-universal-basic-income [https://perma.cc/A4R3-DULG].

Finally, part of the issue, some scholars have argued, has to do with the ideology underlying the technology itself; therefore, to combat these problems, they have proposed a different model described as "human-complementing and pluralist AI."[127] Such scholars envision a different kind of AI development that would move away from human competition and toward human complementarity.[128] Part of the current model, they argue, focuses on developing "human-level intelligence" which could replace humans, dominate over them, and lead to automation and more inequality.[129] It may displace workers and not be able to produce new opportunities to reinstate them.[130] Instead, one should focus on developing AI models that complement human abilities and create more opportunities for human growth.[131] Part of the current vision of AI also views intelligence as "autonomous" instead of social, cultural, and relational,[132] which enables a technocratic vision of its development and jeopardizes its "alignment with human values."[133] Finally, parts of the current forms of AI development favor a "centralized" approach that would grant control over the technology to a "small and homogenous group of technologists, engineers, and researchers, often from elite institutions," reminiscent of Plato's "philosopher rulers."[134]

Accordingly, these scholars have proposed a different vision of AI focusing on "digital plurality."[135] This alternative form of AI could instead be grounded on the principles of complementarity, participation and decentralization, or mutualism.[136] Specifically, according to the principle of complementarity, AI should complement, instead of

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127. Siddarth et al., *supra* note 88, at 6.

128. *Id.* at 6–7.

129. *Id.* at 7.

130. *Id.* On the issue of technological replacement of workers and their reinstatement, see generally Acemoglu & Restrepo, *supra* note 121.

131. Siddarth et al., *supra* note 88, 7. Such scholars offer, as an example, technologies developed by AlphaFold of DeepMind that focus on "protein structure prediction," which they argue, is an area that complements human abilities instead of replacing them. *Id.*

132. *Id.* at 8.

133. *Id.* at 9.

134. *Id.* at 10.

135. *Id.* at 10–11.

136. *Id.* at 11.

replace existing forms of intelligence.[137] AI development should also acknowledge that intelligence can be perceived collectively as opposed to autonomously and focus on ways it could augment and cooperate with existing forms of intelligence and decision-making.[138] Finally, this approach would favor decentralization, which could, for example, "allow for peer-to-peer information transfer and decentralized network interactions," thereby enabling "the formalization of digital commons and knowledge commons."[139] It would also favor "multi-stakeholder governance structures across local, regional, and global levels."[140]

B. The Limits of Ideology

Every one of the schools of thought this Article has so far explored has offered a unique theory of justification for the underlying ideology that should govern AI and its development. Every one of them has shed light on unique aspects of this debate, has explored one another's blind spots, and tried to address their shortcomings. In a free and democratic society, where various ideologies coexist while still challenging one another, this is an ideal development. No one ideology may end the debate of AI's ideological justification. Instead, they each offer a unique vision of this justification that often leads to different results. Together, they reinforce one another and address each other's shortcomings. For example, technocracy offers a vision of technological development, where experts are empowered to do what they do best—practice their expertise. Libertarianism offers a vision of liberty and free entrepreneurship that has enabled private companies to develop the technologies that constitute the subject of this Article, unobstructed by excessive regulation. Finally, digital democracy could address the democratic deficit potentially created in the modern era and combat the lack of democratic legitimacy that undermines many political regimes across the world today.

Weyl and Tang, for example, argue that inequality has led to a deteriorating social contract and citizens' distrust of democracy.[141] For

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137. *Id.*
138. *Id.*
139. *Id.* at 13.
140. *Id.*
141. WEYL, TANG ET AL., *supra* note 63, at 43–49.

them, this is even more damaging than the financial repercussions of technological advancement.[142] They argue that "faith in democratic institutions has been failing, especially in the last decade and a half in all democracies, but especially in the United States and developing democracies."[143] Similarly, the technology industry has "fallen from being considered the most trusted sector in the economy in the early and mid-2010s to amongst the least trusted."[144] That trend, they argue, is also apparent in Europe, where "institutional confidence" is also suffering.[145]

This trend may also be the result of multiple, yet overlapping factors, such as (1) the advancement of technology from a nascent, innovative, and relatively fringe industry to one of the largest and fastest growing industries of the United States, if one includes in it the biotech industry; (2) the rising inequality due to uneven distribution of wealth across communities and individuals; and (3) the distrust and decline of democratic institutions that may be attributed to economic and political factors far beyond the reach of technology.

Specifically, technology was once subservient to the larger industries it was meant to serve, such as the military, government, and manufacturing industries, as well as the fields of scientific and medical research. It was only recently that the tech industry grew enough to be an independent and powerful player in the economy[146]—a player a considerable part of which was in the hands of private actors and largely developed by private stakeholders.

Arguably, it was when tech became "Big Tech" and started expanding into fields beyond the original mission of several of these companies that it started attracting bigger criticism and distrust. For example, when tech companies started to expand their reach beyond their initial goals, Big Tech's role in the future of the economy and the development of democracy and citizenship started to be subject to

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142. *Id.* at 47.

143. *Id.*

144. *Id.*

145. *Id.* at 48–49. For the quotation, *see id.* at 49.

146. *See, e.g.*, Tom Wheeler, *Big Tech Won. Now What?*, BROOKINGS (Oct. 16, 2023), https://www.brookings.edu/articles/big-tech-won-now-what/ [https://perma.cc/Z9EJ-AXDR].

greater scrutiny.[147] As tech became Big Tech, it started receiving its share of criticism about its impact on the economy as a whole and on other societal and political problems more broadly, including its consequences on representative democracy and the lives of citizens and issues such as the mental health of children and adolescents.[148] Along with the acknowledgment of that impact came calls for a larger degree of regulation of Big Tech and restrictions regarding free speech on the internet and the dissemination of misinformation and disinformation.[149] The power of Big Tech in shaping people's lives, behavior, and even health decisions and voting practices became more apparent than ever in recent history during the COVID-19 pandemic.

The transformation of the technology sector to Big Tech, however, was not *the only* relevant thing that happened in the last few decades. The last few decades have also experienced a significant transfer of wealth, accompanied by the declining relative purchasing power of the middle class.[150] As Aristotle observed long ago, however, the robust

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147. *See, e.g.*, Shaleen Khanal, Hongzhou Zhang & Araz Taeihagh, *Why and How Is the Power of Big Tech Increasing in the Policy Process? The Case of Generative AI,* 44 POL'Y & SOC. 52, 52–69 (2025). On the role of Congress in the era of Big Tech, see generally Technology and Public Purpose Project, *Big Tech and Democracy: The Critical Role of Congress* (Apr. 2019), https://shorensteincenter.org/wp-content/uploads/2019/04/BigTechDemocracy.pdf [https://perma.cc/MN2A-V8AT].

148. *See, e.g.*, Brooke Siegal, *Are Tech Giants To Blame For The Worsening Mental Health Crisis Among U.S. Teenagers and Can They Be Held Accountable*, N.C. J.L. & TECH. BLOG, https://journals.law.unc.edu/ncjolt/blogs/are-tech-giants-to-blame-for-the-worsening-mental-health-crisis-among-u-s-teenagers-and-can-they-be-held-accountable/ [https://perma.cc/5HYG-85DT]; Andrew Solomon, *Has Social Media Fueled a Teen-Suicide Crisis?*, NEW YORKER (Sep. 30, 2024), https://www.newyorker.com/magazine/2024/10/07/social-media-mental-health-suicide-crisis-teens [https://perma.cc/BEK7-4R9Z].

149. *See, e.g.*, Anne Zimmerman, *Not a Blank Slate: The Role of Big Tech in Misinformation and Radicalization*, 3 DIGIT. SOC'Y, art. no. 6, at 1 (2024).

150. *See* Rakesh Kochhar & Stella Sechopoulos, *How the American Middle Class Has Changed in the Past Five Decades*, PEW RSCH. CTR. (Apr. 20, 2022), https://www.pewresearch.org/short-reads/2022/04/20/how-the-american-middle-class-has-changed-in-the-past-five-decades/ [https://perma.cc/YQJ3-URDE] (explaining the contraction of the middle class). For some historical context, see, for example, GORDON S. WOOD, THE RADICALISM OF THE AMERICAN REVOLUTION 347 (1992) (explaining the importance of the middle

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nature of the middle class, or in Aristotle's terms "the middling element," was one of the most powerful predictors of the health of a democratic regime.[151] When the middle class subsides, democracy is destabilized from within, and eventually, according to Aristotle's prediction, collapses.[152] For Plato, the destruction of functioning political regimes and the origins of war can be traced directly to inequality, including economic inequality among people.[153]

The last few decades have witnessed large amounts of financial and political authority being passed on from the middle class to the top. Similarly, the middle class saw its political power decline and its ability to influence political decisions, through voting and other established ways of political participation, erode.[154] This gave rise to growing sentiments of class resentment against the ruling political and economic class, part of which was now Big Tech.[155]

Finally, rising financial inequality in a democratic society was progressively translated into *political* inequality as well. Specifically, citizens, in most cases, were not *formally* un equal; neither did they have unequal political and civil rights in principle.[156] They did, however, have unequal *access* to effective civic and political participation that would serve their socioeconomic and political goals.[157] That unequal

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class in the early 19th century America and its distinction from the same term in England).

151. On Aristotle's ideas about inequality and its role in the creation of factional conflict, see ARISTOTLE'S POLITICS 130–31 (Carnes Lord ed. & trans., 2d. ed., 2013).

152. On Aristotle's position on what could destroy regimes, see, for example, *id.* at 130–32.

153. *See, e.g.*, LAWS OF PLATO 61-62 (Thomas L. Pangle ed. & trans., 1981).

154. On the decline of the middle class, see, for example, John Letzing, *What Is 'Middle-Out' Economics, and Does It Stand a Chance?*, WORLD ECON. F. (Mar. 6, 2025), https://www.weforum.org/stories/2025/03/what-is-middle-out-economics-and-does-it-stand-a-chance/[https://perma.cc/8RKJ-3ZNN].

155. *See generally* Shira Ovide, *Why Is Big Tech Under Assault? Power*, N.Y. TIMES (June 14, 2021), https://www.nytimes.com/2021/04/21/technology/big-tech-power.html# [https://perma.cc/2T4S-FRNH] (explaining the background to the skepticism about the power of Big Tech).

156. That is in recent decades.

157. On the impact of socio-economic status on democratic participation, see, for example, Rod Dacombe & Phil Parvin, *Participatory Democracy in an Age of Inequality*, 57 REPRESENTATION, 145, 145-46 (2021).

access to *effective* civic and political participation, which effectively reinforced their unequal financial outcomes, was partly due to racism and classism and partly due to the growing gap between the haves and the have-nots.[158] This political situation has already given rise to populist regimes across the developed and developing world, as well as to political movements that can be classified as populist.[159] Political decisions, such as Brexit, may embody this fading trust in established political and economic authorities.

Weyl and Tang argue that technological and democratic distrust are the result of the competition between technology and democracy, which is currently hurting both.[160] Although democracy and the technology sector are currently competing, Weyl and Tang argue, they should ideally work together to realize one another's development.[161] Indeed, democracy and technology are so deeply interdependent that the future of democracy depends on technological progress.[162] Accordingly, Weyl and Tang think, the future of democracy lies in a *digital* form, which could be empowered by unprecedented technological advancements that would enable its realization.[163] Indeed, according to them, a solution to today's democratic and technological impasse could lie in the development of a "large-scale 'Digital Democracy.'"[164] They then proceed to offer the example of Taiwan and its effort to realize an early form of such a digital democracy, under the guidance of Tang, who served as its first Minister of Digital Affairs.[165] In recent years, Taiwan has experimented with the use of AI

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158. *See generally* Marc Galanter, *Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change*, 9 LAW & SOC'Y REV. 95 (1974) (providing an earlier account of the concept of the "haves," focusing on limitations of the legal system as a route for redistributive change).

159. *See supra* Part III.A.1

160. WEYL, TANG ET AL., *supra* note 63, at 47–49.

161. *Id.* at 49.

162. *Id.*

163. *Id.*

164. *Id.*

165. *Id.*; *see also* Will Henshall, *Taiwan's Digital Minister Has an Ambitious Plan to Align Tech with Democracy*, TIME (May 20, 2024, at 09:00 ET), https://time.com/6979012/audrey-tang-interview-plurality-democracy/ [https://perma.cc/34W8-CN9H].

and LLMs to encourage democratic participation in a digital form.[166] For example, citizens were asked to address questions posed to them on important issues of public policy and state their preferences.[167] The data would then be aggregated and analyzed comprehensively to identify people's preferences.[168]

IV. AUGMENTED DEMOCRATIC LEGALITY

Before examining examples of digital democracy in more detail, it is worth reflecting on some of the issues that future models may confront. Digital forms of democratic governance may encourage the participation of technologically savvy people, while they may discourage or even diminish the participation of older generations or people who view technology in a more skeptical way and would like to contain its use in a manner that protects privacy in some areas of life. That may create a danger of under-representation that needs to be consciously avoided through the design of each model.

For instance, when an informal poll is conducted on a social media platform, it seems to be open to all, and the results may come with a certain degree of legitimacy due to the supposed lack of exclusion of individual people or groups. Therefore, it is easy to forget that the poll is, in fact, *unavailable* to the majority of people, and its results are probably both under-representative and unreliable, and thus they should lack large-scale moral and political impact. Instead, these polls

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166. *See, e.g.*, Audrey Tang, *What the World Can Learn From Taiwan's Digital Democracy*, WIRED (Jan. 24, 2022), https://www.wired.com/story/global-neighbourhoods-digital-democracy/ [https://perma.cc/8KQP-CKQR]. For similar examples, *see infra* Part IV.

167. *See, e.g.*, Steven Melendez, *Taiwan's Digital Revolution: Healing Polarization and Strengthening Democracy*, INST. BUS. GLOB. SOC'Y, HARV. BUS. SCH. (Dec. 19, 2024), https://www.hbs.edu/bigs/taiwans-digital-revolution-audrey-tang [https://perma.cc/TH92-CLJX].

168. *See, e.g.*, *Taiwan Deliberation on Utilizing AI to Enhance Information Integrity*, STAN. DELIBERATIVE DEMOCRACY LAB, https://deliberation.stanford.edu/taiwan-deliberation-utilizing-ai-enhance-information-integrity [https://perma.cc/KJ7W-9GBP] (providing examples of the topics that were discussed) (last visited Oct. 21, 2025); *see also Deliberative Polling on Utilizing AI to Enhance Information Integrity*, PARTICIPEDIA, https://participedia.net/case/deliberative-polling-on-utilizing-ai-to-enhance-information-integrity [https://perma.cc/THW4-6H6X] (last visited Oct. 21, 2025).

are usually available to like-minded people, who may follow the individual who initiated the poll and chose its prompt, or find themselves on a particular platform.[169] Similarly, direct appeals to citizens may be effectively available only to people who follow the activities of an individual politician, are technologically competent enough to provide digital feedback to the questions posed, and have time available and enough information to do so. It is hard to imagine that these people do not share more than one socioeconomic and political characteristic. Therefore, the outcome of a survey of that form may provide unreliable results and is likely to be under-representative of the population at large.[170]

As a result, using certain methods of direct democratic participation, such as answering prompts online, may discriminate against the old, the technologically illiterate, as well as people who simply choose to live part of their lives *offline*. Conversely, it may primarily favor the participation of younger generations and technologically savvy individuals, possibly of a particular socioeconomic background, who may also share similar policy preferences. Methods of online direct democratic participation make it easier for such groups to effectively advocate for a cause they favor, thus easily outnumbering their political competitors.[171] In fact, more

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169. That tendency is aggravated by the existence of social media eco-chambers, see Peter Suciu, *Social Media Remains a Political Echo Chamber for the Likeminded*, FORBES (Jan. 31, 2025), https://www.forbes.com/sites/petersuciu/2025/01/31/social-media-remains-a-political-echo-chamber-for-the-likeminded/ [https://perma.cc/92MD-6GRN].

170. As opposed to such online polls, in the case of digital democracy, there are ways to overcome this problem of underrepresentation, as we will see later in this Part. For a critique of other forms of online polls, such as "opt-in polls," see Andrew Mercer, Courtney Kennedy & Scott Keeter, *Online Opt-In Polls Can Produce Misleading Results, Especially for Young People and Hispanic Adults*, PEW RSCH. CTR. (Mar. 5, 2024), https://www.pewresearch.org/short-reads/2024/03/05/online-opt-in-polls-can-produce-misleading-results-especially-for-young-people-and-hispanic-adults/ [https://perma.cc/52TU-J5CR].

171. One of course may distinguish between different forms of online democratic participation, such as informal online polling, "opt-in polling," or more formal methods of online democratic participation, where some of the issues of under-representation may be addressed. In the context of digital democracy, as this Article will explain, more formal methods of democratic

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technological advancement already bears the possibility of amplifying such voices well beyond their physical number, using bots and other similar methods of "winning" in a particular poll, or constructing a supposed majority opinion on a particular issue.[172]

To avoid such an outcome in the case of digital democratic participation, one may have to impose advanced methods of individual identification that would challenge the anonymity of the procedure, which is, in principle, one of the most essential aspects of voting. Such methods of identification could go well beyond older methods, such as providing a government-issued ID; however, even such more traditional methods of identification have already been challenged for fear of restricting access to voting in certain states.[173] Establishing such advanced forms of individual identification could raise *more* questions of privacy, mass surveillance, and equity since it could be interpreted as a more advanced method of providing a government-issued ID, which has already produced discriminatory results among parts of the population.[174]

As the following Sections of this Article will show, it may be possible to overcome several of these issues through the evolving methods of AI. It is nevertheless worth keeping in mind some of these general issues that digital democracy may confront. Yet, even in its evolved forms, digital democracy should not be seen as a replacement for existing democratic institutions, developed over thousands of

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participation are usually proposed, thus attempting to address some of the issues of under-representation.

172. *See, e.g.*, Edward Roberts, *How to Manipulate an Online Poll with a Bot*, IMPERVA (Sep. 6, 2018), https://www.imperva.com/blog/how-to-manipulate-an-online-poll-with-a-bot/ [https://perma.cc/5VZW-B28J]; Dalit Ken-Dror Feldman & Yifat Nahmias, *From Bots to Ballots: Democratic Integrity in the Era of Digital Manipulation*, 26 MINN. J.L. SCI. & TECH. 228, 228–35 (2025). To that problem one may add the danger of foreign political influence.

173. *Voter ID*, BRENNAN CTR. JUST., https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/voter-id [https://perma.cc/8FYF-JG2W] (last visited Oct. 21, 2025).

174. *See, e.g.*, Devon Hesano, *How ID Requirements Harm Marginalized Communities and Their Right to Vote*, DEMOCRACY DOCKET (Nov. 16, 2023), https://www.democracydocket.com/analysis/how-id-requirements-harm-marginalized-communities-and-their-right-to-vote/ [https://perma.cc/KYN8-XAKSB].

years by multiple human civilizations; it should be seen as a method of addressing democracy's shortcomings and fading legitimacy.

Overstating the strengths of technology in the service of democratic institutions while understating their potential for undue interference with existing political regimes would be misguided. Technology has already done a great deal to undermine human interaction and real-life community-building, contributing to an epidemic of loneliness.[175] The example of social media is illustrative when it comes to moving online activities that historically took place in person. For instance, the increase in loneliness could be partially seen as an unintended consequence of social media and its promise to "connect" people who had been, up to a point, disconnected by geography or time, such as friends who moved away, or old classmates. Social media promised to bring back old groups of friends, to trace families and classmates, and bring together people who otherwise would not have an opportunity to meet in real life, and it was successful to a certain extent. But social media also contributed to feelings of loneliness and social disconnection, particularly amongst their most frequent users and younger groups of people.

In the case of democracy, technological advances such as LLMs can certainly assist democratic institutions, but their potentially damaging effects on democratic participation cannot be ignored. More specifically, LLMs, as the following Sections will show, may be able to enhance the effectiveness of democratic governance among certain groups of people and on certain topics of public policy, such as the regulation of AI, that so far have been put to public deliberation only indirectly and quite infrequently. AI could indeed give voice to people who previously had little time and opportunity to be heard politically or are unable to vote, such as non-citizens, children, and teenagers.

Having laid out some of the challenges digital democracy may face, it is also important to acknowledge its additional benefits. These benefits have an impact on both of the elements of democratic legality

175. Tore Bonsaksen et al., *Associations Between Social Media Use and Loneliness in a Cross-national Population: Do Motives for Social Media Use Matter?*, 11 HEALTH PSYCH. BEHAV. MED., no. 1, 2023, at 1–18.

that concern this Article: democratic pluralism and equality.[176] If properly used, AI in general, and particularly LLMs, have immense potential to strengthen both elements of democratic legality by expanding equality and facilitating *access* to the democratic process, particularly on behalf of citizens who are least likely to be heard. They can also assist in the discernment of people's preferences on individual topics of public policy that are too concrete to communicate through the traditional democratic process, which tends to focus on larger issues of public policy at the national and regional levels.

Before this Part explores in greater detail some of AI's possible contributions to democracy, and to address some of the problems described above, it is necessary first to clarify the meaning of *digital democracy*. That, as the following Section discusses, involves a redefinition of democracy itself. The rest of this Part proceeds to examine the ways in which LLMs can strengthen democratic legality by empowering democratic pluralism and equal citizenship.

A. Democracy Redefined

Weyl and Tang's account is, in a sense, unique because it is one of the very few accounts on the potential of AI to *assist*, and not necessarily *threaten*, democracy.[177] The authors are both well aware of the dangers that AI may entail for democratic pluralism and equality, yet they maintain their faith in digital democracy's potential.[178] As the previous Section has shown, however, to focus on the strengths of AI for democratic governance, one must speak for a particular *form* of such governance, namely *digital* democracy. Such a proposal, therefore, may presuppose a certain redefinition of democracy, if not its transformation into *digital* democracy.

In the framework of this Article, digital democracy will be interpreted as one of two things.[179] One way to approach it would be

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176. *See supra* Part II.

177. *See supra* Part III.

178. *See supra* Part III.

179. There is extensive literature on the different forms of democratic governance more broadly that is beyond the scope of this Article. Instead, this Article develops its own analytical framework on two of the possible interpretations of digital democracy. For a general framework of different forms of

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as a *substitute* to existing forms of democratic governance, a new regime that is arguably more attuned to the needs of modern society. A second way would be to perceive it as a *subsidiary* form of governance *at the service* of the existing traditional forms of democratic governance.

The second form of digital democracy is more likely to be successful. Indeed, the term *digital* democracy, although appealing, is not the one safeguarded by constitutions around the world. It is not the political regime invented by ancient Greek philosophy and practiced around the world, popularized in the eighteenth century by the then-pioneering American and French revolutions.[180] The political regime that has constituted the subject of political theory for thousands of years and is safeguarded by the legal system of liberal democracies across the world today refers to a different kind of governance. That regime in the United States is described in the Constitution, which establishes a republic, and has become entrenched in the U.S. legal system since the American Revolution.[181]

Digital democracy, on the other hand, is a recent invention and can indeed be enabled by AI and LLMs that facilitate popular participation in democratic governance. But it is not itself *a regime* that could alter existing political and legal forms of governance in any foundational way. Instead, it should be conceived as yet another tool that technology has to offer that could assist in the accomplishment of established goals of the existing political and legal systems. Those

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democratic governance that was proposed, for example, by James Fishkin, *see infra* note 193 and accompanying text.

180. *See infra* note 182.

181. *See, e.g.*, THE FEDERALIST NOS. 10, 51 (James Madison); *see also* ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA (Harvey C. Mansfield & Delba Winthrop eds. & trans., 2000) (explaining some of the basic ideas underlying the American regime at the time); GORDON S. WOOD, THE RADICALISM OF THE AMERICAN REVOLUTION 129-270 (1992) (outlining the importance of the principles of equality and democratic participation at the time of the American Revolution). *See generally* GORDON S. WOOD, THE CREATION OF THE AMERICAN REPUBLIC 1776–1787 (1969) (explaining the political theories prevalent at the time of the founding of the American Republic).

goals are entrenched in the *democratic* rule of law that constitutes the U.S. legal system.[182]

As evidenced in Part II, the rule of law in a democracy differs from the rule of law in authoritarian regimes.[183] It cannot be perceived merely procedurally, by focusing on due process and basic protection of rights, such as liberty and human dignity, while allowing gross and systematic violations of other human rights and political liberties.[184] Liberal democracies, such as the United States, have been reckoning with their own dark times of systematic human rights violations, through, for example, the institution of slavery and its pervasive effect on the modern legal system and society. Today's rule of law, marking a break with the rule of law of the past, has vowed to provide a more robust protection of its citizens and is thus distinguished from its authoritarian counterpart. Hence, in a democracy, the rule of law expands beyond the confines of due process and procedural safeguards and steps into considerations of substantive justice, such as liberty and equality.[185]

As Part II explored, in this novel approach to the rule of law, two substantive elements stand out and constitute keys to our understanding of the potential impact of AI on the rule of law: democratic pluralism and equality.[186] Pluralism stands for citizens' ability to voice their opinion within the confines of the law without risking imprisonment for their ideas or without being cut off *in advance* from any form of democratic participation—including participating in elections, engaging in free association, and practicing free speech. That safeguard may not extend beyond the confines of the legal system and its constitutional protections, laws, and regulations, but it is still the cornerstone of democracy.

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182. On the notion of the democratic rule of law, *see supra* Part II.

183. *See supra* Part II.

184. For an example of this procedural approach, see, for example, RAZ, *supra* note 22, at 219–23.

185. *See supra* Part II.

186. *See supra* Part II.

Equality, on the other hand, may not have a single meaning in a democracy, as there is disagreement regarding its precise content;[187] it nevertheless constitutes the foundation of equal citizenship.[188] Indeed, equality may refer to a wide spectrum of ideas, from procedural equality and nondiscrimination to substantive equality, or equality of result.[189] In a democracy, there may not be consensus on the particular definition of equality, but there is consensus on its need and foundational nature for democratic governance. Equality is thus not only entrenched in the Constitution; it is also enshrined in laws and regulations. Some of these laws, such as the Affordable Care Act, for example, may adopt an egalitarian reading of the principle of equality, focusing on equity.[190] Other laws and principles, such as the principle of "one person, one vote," prioritize procedural equality.[191] But they all rely on the foundational value of equality for a democratic rule of law.

Indeed, these two principles, pluralism and equality, are interconnected and neither one can properly function without the presence of the other; there cannot be true equality when the ideas of some citizens *always* bear more weight than the ideas of others, or when some class of citizens is *always* excluded from effectively practicing their democratic right to vote and affect public policy through democratic participation. Similarly, there cannot be true democratic pluralism without acknowledging the equal right of citizens to engage in effective democratic participation, enjoy human

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187. RONALD DWORKIN, TAKING RIGHTS SERIOUSLY 226 (1977) (stating that the Fourteenth Amendment makes equality "a test for legislation, but it does not stipulate any particular conception of that concept").

188. Papadaki, *supra* note 28.

189. For the conflicting ideologies that coexist in a democracy, see RONALD DWORKIN, LAW'S EMPIRE 408 (1986); *see also* Sandra Fredman, *Substantive Equality Revisited*, 14 INT'L J. CONST. L., 712, 712–38 (2016) (discussing formal and substantive equality and focusing on the latter).

190. On health equity, see, for example, Dayna Bowen Matthew, *Structural Inequality: The Real COVID-19 Threat to America's Health and How Strengthening the Affordable Care Act Can Help*, 108 GEO. L.J. 1679, 1679–80 (2020).

191. On the relationship between procedural equality, political equality, and majority rule, see, for example, Thomas Christiano, *Political Equality*, 32 NOMOS 151, 151–54 (1990).

rights, partake in democratic governance, and have their ideas heard and taken into consideration when shaping public policy.

Accordingly, this redefinition of democracy should not refer to a separate regime, which would lie beyond the existing legal system. Instead, it should refer to ways in which digital democracy—a component of the existing, ancient political regime of democratic governance—can assist in the realization of the *democratic* rule of law. As the following Sections show, AI generally, and LLMs in particular, could assist in the more effective realization of both democratic pluralism *and* equality, which are the foundational components of the substantive aspect of democratic legality. This potential is definitely not the *only* way AI and LLMs may be used, as they could also be employed to hurt both democracy and equality. But it is, as this Article argues, the way they *should* be used to assist in the realization of the principles of democratic governance.

Some scholars argue that there is still an opportunity for a different kind of democratic form of governance, called "deliberative democracy by the people themselves."[192] Specifically, according to James Fishkin, most existing systems of democratic governance combine elements from three democratic paradigms: "Competitive Democracy," "Elite Deliberation," and "Participatory Democracy."[193] Instead, "Deliberative Democracy by the People Themselves" is found only in times of high political energy by the citizenry,[194] such as

192. James S. Fishkin, *Democracy When the People Are Thinking: Deliberation and Democratic Renewal*, 163 PROC. AM. PHIL. SOC'Y, 108, 108 (2019); *see also* JAMES S. FISHKIN, DEMOCRACY WHEN THE PEOPLE ARE THINKING: REVITALIZING OUR POLITICS THROUGH PUBLIC DELIBERATION (2018) (arguing for the ability of "deliberative democracy" to positively contribute to existing institutions and improve public deliberation); JAMES S. FISHKIN, WHEN THE PEOPLE SPEAK: DELIBERATIVE DEMOCRACY AND PUBLIC CONSULTATION (2009) (offering a particular theory of democracy and providing examples of various deliberative democracy projects in more detail). For alternative visions of democracy in the age of AI, see, for example, Aviv Ovadya, *Reimagining Democracy for AI*, 34 J. DEMOCRACY 162, 162–70 (2023).

193. Fishkin, *supra* note 192, at 108.

194. For the concept of political energy, see generally RICHARD D. PARKER, HERE, THE PEOPLE RULE: A CONSTITUTIONAL POPULIST MANIFESTO (1994) (favoring moments of high political energy from the people).

"constitutional moments" or "ancient Athenian institutions," and is otherwise viewed as utopic.[195] Competitive democracy refers to a regime that is grounded on elections of competing parties and focuses on winning the vote of the people.[196] According to this model, the U.S. democracy focuses on elite deliberation, where ideally, representatives evaluate competing arguments in a way that avoids faction and would "serve justice and the public good."[197] Participatory democracy, on the other hand, focuses on the participation of every citizen in the democratic process and is based on the principle of numerical equality of votes; it may also attempt to enhance participation through the use of voter handbooks and ballot propositions.[198] Instead, Fishkin favors "deliberative democracy," which aspires to combine political equality, the equal consideration of people's choices, with "deliberation by the people themselves,"[199] which would ultimately produce a thicker form of democratic governance.[200] So far, he argues, societies have lacked the institutional framework and infrastructure for such deliberation, particularly the kind that would be connected to lawmaking, but that may change in the future.[201]

Fishkin draws inspiration from the Athenian Democracy in the aftermath of the Peloponnesian War.[202] He argues that the Athenians of the fourth century reformed their direct democracy to add deliberative institutions that would help them combat demagogues and prevent "political crises and military catastrophes."[203] For instance, this reform prescribed that a proposal of the Assembly would only become law if it was also approved by the majority of *nomothetai*, "a randomly selected sample of citizens who would deliberate for a day, hearing the arguments for and against the proposal."[204] The randomness of the sample of citizens who had voluntarily included their names on

195. Fishkin, *supra* note 192, at 108–09.
196. *Id.* at 109.
197. *Id.* at 110 (quoting THE FEDERALIST NO. 10 (James Madison)).
198. Fishkin, *supra* note 192, at 110–11.
199. *Id.* at 111.
200. *Id.* at 111–12.
201. *Id.*
202. *Id.* at 112–13.
203. *Id.* at 113 (quoting Mogens Herman Hansen).
204. *Id.*

the list was seen as a result of equality, a measure against corruption, and a way to encourage dispute resolution.[205] This model, Fishkin argues, may be inspiring for modern societies and showcase the potential of public deliberation at the local, state, and national levels; that could indeed be the case if certain conditions are met, such as (1) proper access to information; (2) exposure to arguments in favor and against various policy measures; and (3) the existence of a representative sample of people.[206]

Fishkin, therefore, proposed the idea of "Deliberative Polling," which combined this ancient model of democracy with modern methods of social science.[207] The idea is to gather random samples of citizens who would engage in small group discussions moderated by trained individuals.[208] Advisory committees would present material that represents different arguments on the subject matter of deliberation, and competing experts would be examined and questioned.[209] The sample of citizens would be large enough to produce "statistically meaningful" results.[210] Finally, a detailed survey would be completed both at the outset and at the end of the deliberations.[211] This method has already been used in the United States and many countries around the world to address public policy issues, such as electricity provision in Texas, pension reform in Japan, and regulation of the press in Macau.[212] The system of deliberative polling was also adopted in Mongolia.[213] This method, according to Fishkin, has the ability to restore citizens' faith in the legitimacy of democratic institutions and decision-making.[214]

Regardless of the definition of democracy one may adopt, it is important to consider how AI, and particularly LLMs, may assist democratic pluralism and deliberation and thus empower the

205. *Id.* at 114–15.
206. *Id.* at 116.
207. *Id.* at 117.
208. *Id.*
209. *Id.*
210. *Id.*
211. *Id.*
212. *Id.* at 117–18.
213. *Id.* at 118–19.
214. *Id.* at 120.

democratic rule of law. The next Sections will focus on three aspects of this issue, which are ultimately interconnected: (1) Augmented Deliberation; (2) Augmented Participation; and (3) Augmented Governance.

B. AI and Democratic Pluralism

1. Augmented Deliberation

Weyl and Tang's account is also quite illustrative when discussing AI's potential to empower democratic deliberation and participation. Even before the invention of LLMs, a similar positive outlook had been adopted while reflecting on the impact of technology on democracy more broadly by proponents of technology's ability to serve as an "intermediary" that aggregates people's preferences and thus augments democratic participation.[215] Similarly, some have proposed the use of LLMs "as a method to create software agents that can power augmented democracy systems," using LLMs to "train personalized digital twins that can act as intermediaries or assistants designed to augment the participatory ability of each voter."[216] These researchers' idea of augmented democracy was to use "software agents to explore fine-grained forms of civic participation" that would serve as a system that lies between direct democracy and representative democracy.[217]

That way, citizens would not only get to choose their representatives through elections; they would also be able to voice their opinions on specific policy issues along the way.[218] In augmented democracy, citizens would no longer have to choose among "bundles" of proposals that generally follow party lines, but could voice their opinion on *individual* policies.[219] In augmented democracy, each citizen gets to train their "personalized software agent that can work for them as their representative," thus helping "alleviate" some of the "cognitive

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215. Jairo F. Gudiño, Umberto Grandi & César Hidalgo, *Large Language Models (LLMs) as Agents for Augmented Democracy*, PHIL. TRANS. R. SOC. A, Dec. 2024, at 1, 2.

216. *Id.* at 2.

217. *Id.* at 3.

218. *Id.*

219. *Id.*

burden" that ordinary democratic participation entail.[220] Then, augmented democracy systems would be able to create "personalized bundles" of policies for each citizen based on their preferences and enable the creation of "collective decision-making systems"—which could not be produced without this type of technology and constitute distinct forms of democracy.[221] Of course, these researchers have also warned that such augmented-democracy systems, as their enabling LLMs, are not immune to political capture and manipulation.[222] As a result, their use must be sensitive to this potential, and concrete safeguards should be adopted to avoid such outcomes.

Another example of possibly augmented deliberation through the use of AI was proposed by Lawrence Lessig. In the Digitalist Papers, Lessig criticized the current state of the American democracy, which has become essentially a "vetocracy,"[223] too vulnerable to the "corrupting dependence of representatives on private wealth," and polarizing for both political parties and citizens.[224] AI, according to Lessig, like social media, is driven by engagement and profit, and is likely to exacerbate both dependence on private wealth and polarization;[225] with the exception that AI, as opposed to social media, could also *improve* representative democracy in several ways. First, as this Section has already explored, it could act as an agent for voters by helping them realize their policy goals.[226] Lessig uses the example of "Talk to the City," which is an LLM that helps groups deliberate on how to solve shared problems.[227] Similarly, Pol.is and CrowdSmart.ai can be used to find common threads within large groups of people with better results than traditional opinion polls.[228] In the same vein, AI could reduce

220. *Id.*
221. *Id.*
222. *Id.*
223. Lawrence Lessig, *Protected Democracy*, DIGITALIST PAPERS, https://www.digitalistpapers.com/essays/protected-democracy [https://perma.cc/3N3F-ZELJ] (last visited Oct. 21, 2025).
224. *Id.*
225. *Id.*
226. *Id.*
227. *Id.*
228. *Id.*

polarization by participating in online debates and "offering balance to extreme views."[229]

According to Lessig, U.S. citizens live in an "unprotected democracy," which affects democratic deliberations. A better way of engaging in democratic deliberation would be through "the random and representative sample" of a "protected assembly."[230] This "protected assembly" would complement and not replace the existing institutions of the democratic process. According to this idea, reminiscent of the ancient sortition,[231] a "random and representative sample" of citizens would be selected and presented with an ideologically balanced question.[232] The results of the citizens' deliberations based on that information would then inform the decisions of democratic institutions.[233] This process, Lessig argues, would be similar to the global practice of "citizen assemblies" or "deliberative polls."[234] Such assemblies would not replace the legislature but complement it by focusing on issues that "a legislature will not fairly consider."[235] Citizens' assemblies have been used in states such as Ireland and Belgium to consider contentious

229. *Id.* Indeed, community notes on X already play a similar role by fact-checking allegations about political events and individual people. Similarly, many community members habitually use tools such as Perplexity to fact-check extreme allegations about individuals and world events, thereby attempting to reduce the appeal of extreme viewpoints at their inception. On community notes and their expansion beyond X, see Chris Vallance, *Meta is Ditching Fact Checkers for X-style Community Notes. Will They Work?*, BBC (Jan. 25, 2025), https://www.bbc.com/news/articles/c4g93nvrdz7o [https://perma.cc/CR3Z-YQER].

230. Lessig, *supra* note 223.

231. On the practice of sortition, see also Adriano Giuliani, *Sortition in Politics: From History to Contemporary Democracy*, PARLIAMENTS, EST. & REPRESENTATION, July 2015, at 1–19.

232. Lessig, *supra* note 223.

233. *Id.*

234. *Id.*; For a study that has shown that AI mediators can help overcome disagreement on contested political issues, see Michael Henry Tessler et al., *AI Can Help Humans Find Common Ground in Democratic Deliberation*, 386 SCI., 2024, at 1.

235. Lessig, *supra* note 223.

issues such as abortion and same sex marriage.[236] According to this model, an important political issue would be identified through the democratic process and citizen initiative, and then a "protected assembly" would be called on to address it, producing, for example, a recommendation for the parliament or a referendum for the people, or a law.[237] Lessig believes that in the United States, in particular, such a process would be particularly feasible at the state level to complement the initiative process in one of the twenty-six states that already have that,[238] although the process could also be impactful at the national and constitutional levels.[239] These examples outline some of the ways AI could be used to supplement democratic deliberation. As the technology evolves, one could imagine that these avenues could be expanded.

2. Augmented Participation

In addition to deliberation, AI could also enable the augmentation of democratic participation. Clearly, the two are interconnected, but for the purpose of analysis, this Article will explore them in turn. A different sort of influence of LLMs on democratic governance, for example, has been proposed by Maud Reveilhac and Davide Morselli, who examined the potential role of ChatGPT as a voting application in direct democracy frameworks, focusing on Switzerland.[240] They argue that, to this day, there is little research on the role of LLMs for direct-democracy voting, particularly in terms of voting preferences and individuals' positioning on important political questions.[241] Specifically, Reveilhac and Morselli wanted to investigate LLMs'

236. *Id.* On the issue of citizens' assemblies in Ireland more broadly, see Colm D. Walsh & Johan A. Elkink, *The Dissatisfied and the Engaged: Citizen Support for Citizens' Assemblies and Their Willingness to Participate*, 36 IRISH POL. STUD. 647, 647–66 (2021). On democratic innovations in Belgium, see Pierre-Étienne Vandamme, *Belgium: Democratic Innovations in Search of Legitimacy*, 30 COMMON KNOWLEDGE 343, 343–53 (2024).

237. Lessig, *supra* note 223.

238. *Id.*

239. *Id.*

240. Maud Reveilhac & Davide Morselli, *ChatGPT as a Voting Application in Direct Democracy*, 30 SWISS POL. SCI. REV., Feb. 2025, at 1, https://www.researchgate.net/publication/389086333_ChatGPT_as_a_voting_application_in_direct_democracy [https://perma.cc/MQ93-NJSJ].

241. *Id.* at 3.

potential to assist individuals in making political decisions in a direct democracy context, where a political outcome could be determined by a binary answer,[242] and thus they focused on three popular initiatives and one referendum.[243] Before reaching a conclusion, individuals would have to engage anyway with more complex forms of reasoning, where they would assess the advantages and disadvantages of a variety of political outcomes available ahead of making a final decision.[244] At least that would be the ideal reasoning process, and AI could make it happen.

Of course, this proposal has potential pitfalls. Given the constraints of knowledge and time most modern citizens have, LLMs could offer a timely solution and analyze volumes of data that could overcome the processing abilities of any one individual. In a way, LLMs could function similarly to Wikipedia: Giving an overview of the pros and cons of a subject, but sometimes, without the interactive ability to directly edit potential responses, engage in a firsthand examination of the sources and data used, or check the reasoning followed and the viewpoints taken into consideration or excluded.[245] That potential, in and of itself, would provide LLMs with immense influence on citizens' perception and knowledge of the details of complex political questions. In addition, something that until recently would have been a foundational component of democratic debate—or in John Rawls's terms, part of *public reason*[246]—could now be removed from the public forum altogether, be privatized, and offered to citizens "prepackaged" and ready for consumption. Clearly, this partial sidelining of public reason when it comes to the decision-making on controversial political subjects and—why not—important legal questions could be problematic for democracy.

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242. *Id.* at 3–4.

243. *Id.* at 6.

244. *Id.* at 3.

245. Some LLMs will now mention the sources they consulted or aggregated to provide individual answers. It is up to the user to consult the sources without being limited to the summarized answer produced. Citizens could also take the time to use follow-up prompts to clarify answers and adjust them to their preferences.

246. RAWLS, POLITICAL LIBERALISM, *supra* note 14, at 213.

Nevertheless, this proposal follows a greater trend that has gained some traction in Europe and elsewhere regarding the use of Voting Advice Applications ("VAAs"). VAAs are defined as "interactive tools used to assist in one's choice of a party or candidate to vote for in an upcoming election"[247] and promise to "increase citizens' trust and participation in democratic structures."[248] Although supporters of this idea admit that VAAs "depend strongly on architectural and design choices," they assert their confidence in the technology's overall benefits, proposing tangible improvements.[249] Such authors, for example, using the Ethics Guidelines for Trustworthy AI offered by the European Commission,[250] examined VAAs' contributions, and proposed certain improvements which would facilitate VAAs' alignment with the Commission's guidelines. Their suggestions focused on (a) the transparency of recommendations' subjectivity;[251] (b) disclosure of underlying "values and assumptions;"[252] (c) the "diversity of stakeholders" and their participation;[253] and (d) the algorithm's lack of "user-centric documentation."[254] Yet VAAs have been

247. Elisabeth Stockinger et al., *Trustworthiness of Voting Advice Applications in Europe*, 26 ETHICS & INFO TECH, no. 55, 2024, at 1.
248. *Id.* at 1.
249. *Id.*
250. *Id.* at 3-6.
251. *Id.* at 14
252. *Id.* at 15.
253. *Id.* at 14.
254. *Id.* at 14–15.

considered able to achieve higher goals, such as "increasing political competence,"[255] participation in elections,[256] and affecting voting choices.[257]

Finally, scholars have explored how LLMs could augment democratic participation and reinvigorate democracy at the local level.[258] According to them, AI presents the opportunity to create digital spaces for discussion and decision-making among and within groups of people across the United States.[259] They argue that it is thus possible to design a "digital civil infrastructure" that would "enable collective decision-making and direct democracy" at the local and national levels, combating political polarization and the nationalization of policymaking.[260] Since Tocqueville's example of town meetings may seem antiquated for today's communities, there could be modern ways to enable democratic participation in a way that fits modern values and priorities.[261] One such modern example

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255. *Id.* at 1. For a critical analysis of this point, see Thomas Fossen & Joel Anderson, *What Is the Point of Voting Advice Applications? Competing Perspectives on Democracy and Citizenship*, 36 ELECTORAL STUD. 244, 245–46 (2014). For a meta-analysis of the effects of VAAs, see Simon Munzert & Sebastian Ramirez-Ruiz, *Meta-Analysis of the Effects of Voting Advice Application*, 38 POL. COMM., 691, 691–706 (2021).

256. Stockinger et al., supra note 247, at 1. On the issue of political participation, see generally Munzert & Ramirez-Ruiz, *supra* note 255; Valerie-Anne Maheo, *Information Campaigns and (Under) Privileged Citizens: An Experiment on the Differential Effects of a Voting Advice Application*, 34 POL. COMM., 511, 511–29 (2017); Simon Munzert et al., *Do Online Voter Guides Empower Citizens? Evidence from a Field Experiment with Digital Trace Data*, 84 PUB. OP. Q., 675, 675–98 (2021).

257. Stockinger et al., supra note 247, at 1; *see also* Munzert & Ramirez-Ruiz, *supra* note 255; Diego Garzia & Stephan Marschall, *Voting Advice Applications under Review: the State of Research*, 5 INT'L J. ELEC. GOVERNANCE, 203, 203–22 (2013); Fossen & Anderson, *supra* note 255; Javier Ramos, Javier Padilla & Enrique Chueca, *Abstentionism, Voting Advice Applications & Voting Activation*, 10 STAT. POL. & POL'Y, 55, 55–85 (2019).

258. Lily L. Tsai & Alex Pentland, *Rediscovering the Pleasures of Pluralism: The Potential of Digitally Mediated Civic Participation*, DIGITALIST PAPERS, https://www.digitalistpapers.com/essays/rediscovering-the-pleasures-of-pluralism [https://perma.cc/VH5Y-MBW6] (last visited Oct. 21, 2025).

259. *Id.*

260. *Id.*

261. *Id.*

was called "The School of Possibilities," an AI experiment of civic engagement in Romania focusing on the topic of school reform.[262] In this experiment, students were able to use an app on their phones to offer "evaluations and policy input" to various chatbots that would play different roles, such as representing the teacher, the principal, or the whiteboard.[263] Each student could offer their feedback while being anonymous or choose not to speak but review the conversation as a whole.[264] The students' inputs were immediately shared with the community and the decision-makers.[265] AI bots could facilitate the conversation and ensure that it remained productive and respectful.[266] The resulting discussion was thus described as "more engaging, safe, and fun than in-person modes of interaction."[267]

Another example discussed was the Polis platform.[268] Polis is a platform that has been used in countries such as Austria, New Zealand, the United States, Uruguay, Germany, the United Kingdom, and the Philippines to seek the public's opinion on policy questions and contentious issues, such as climate change, referenda, government and municipal policy, government polling, and developing the platform of a political party.[269] It then allows the organizers to get graphical feedback of the people's choices using statistical summarization of their answers.[270] In Polis, a question is posed to the public where participants can interact with it directly by commenting on it, but they cannot reply to other people's comments.[271] They can also agree or disagree with a preexisting set of comments provided by the platform by upvoting or downvoting them.[272] Based on these votes, Polis creates a "citation map" by grouping together participants' comments and visualizing the ensuing areas of agreement or

262. *Id.*
263. *Id.*
264. *Id.*
265. *Id.*
266. *Id.*
267. *Id.*
268. *Id.*
269. *Id.*
270. *Id.*
271. *Id.*
272. *Id.*

disagreement.[273] Subsequent research has shown that such a technique of visualization could be helpful and reduce polarization.[274] Similar to the previous example of "The School of Possibilities," participants may choose not to participate in the debate but simply examine other people's range of opinions on the examined topic.[275]

According to this view, in a pluralist democracy, it is possible for generative AI and online platforms to enable a kind of "reserved civic participation."[276] That is provided that there are three elements available: (1) identity authentication for its users, which could be the result of a digital identity that would protect anonymity while ensuring that the user is a real person and not a bot, or a company;[277] (2) the existence of new kinds of online platforms that would summarize people's opinion and "visualize common themes;"[278] and (3) the existence of platforms that respect democratic values and principles, enabling people to disagree respectfully, and, if necessary, disengage from the discussion.[279]

3. Augmented Governance

a. LLMs as an Election Research Assistant

One of the issues worth exploring in this Section is the use of AI in shaping one's vote in democratic elections. A second issue this Section will also examine is how citizens can augment their *own* participation in *AI* governance. The potential use of AI in shaping one's vote has inspired not only Europeans but also some in the United States. Specifically, before the 2024 presidential election, some

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273. *Id.*

274. *Id.*; On the technique of visualization, see also Dhaval Adjodah et al., *Accuracy-Risk Trade-Off Due to Social Learning in Crowd-Sourced Financial Predictions*, 23 ENTROPY, no. 801, 2021, at 1, https://www.mdpi.com/1099-4300/23/7/801 [https://perma.cc/A3UJ-6JPM].

275. Tsai & Pentland, *supra* note 258.

276. *Id.*

277. *Id.* The issue of a digital identity proposed in a different context was recently debated in Switzerland, see Enrique Dans, *Digital Identity in Switzerland: A Democracy's Test of Trust*, MEDIUM (May 9, 2025), https://medium.com/enrique-dans/digital-identity-in-switzerland-a-democracys-test-of-trust-129032c51cd7 [https://perma.cc/S6AD-ALTV].

278. Tsai & Pentland, *supra* note 258.

279. *Id.*

explored ways in which citizens could use AI to plan for their vote.[280] Heather Kelly, for example, argued that while one should not "outsource major life decisions to an AI chatbot"—including whom to vote for in the presidential election[281]—citizens could definitely use AI in a variety of ways to help themselves determine how to vote.[282] Elections, the argument follows, have simply become too complicated and time-consuming for citizens to handle on their own, and thus AI could become their new research assistant, which would help them make more informed decisions in the limited timeframe available.[283] For example, in the 2024 election season, Kelly explains that there were "159 state ballot measures in the United States,"[284] while in Denver alone, there could be "26 measures and 31 candidate races" that "could take up to 114 minutes to fill out."[285] Accordingly, she observed, ChatGPT could be a useful tool that could help citizens navigate complicated election decision-making. Nevertheless, she cautioned that it could be a bad idea to ask ChatGPT for voting recommendations, as its suggestions may rely on outdated or unreliable data and thus provide misleading information.[286]

Instead, Kelly suggested, AI tools like that worked better when asked to summarize an extended, complex text, such as a state ballot measure that was written at an eighth-grade or college reading level and transform it into a fifth-grade level document.[287] That summary, in Kelly's view, would ensure that more people could easily understand and vote on it.[288]

This proposition may unfairly discount the abilities of the average citizen while failing to focus on ways such documents could be written differently to become more accessible. Nevertheless, it is still useful to

280. Heather Kelly, *How to Use AI to Help Plan Your Vote*, WASH. POST (Oct. 31, 2024), https://www.washingtonpost.com/technology/2024/10/31/ai-ballot-vote-election-chatbots/ [https://perma.cc/S4MV-J2HP].

281. *Id.*

282. *Id.*

283. *Id.*

284. *Id.*

285. *Id.*

286. *Id.*

287. *Id.*

288. *Id.*

consider this possibility for a reason that has little to do with citizens' reading level competence. It is true that people suffer from an overload of information, particularly since the age of social media, online platforms, working from home, and instant messaging.[289] As a result, an adult's range of focus is necessarily diminished due to the sheer overflow of information competing for attention.[290] This may be one of the reasons platforms, such as Facebook, Instagram, TikTok, and YouTube, to name a few, may have invested in short videos, which last only a few seconds, and thus managed to amplify the effect of advertisement and all kinds of political messaging.[291] Indeed, content on those apps is simple, easy to consume, and *short*.[292] Therefore, the investment of one's time in it seems minimal, and thus more likely to happen.

Summarizing extended, complex texts in easy-to-understand bullet points can definitely amplify political messaging and make proposed policies easier to digest and voting on them more likely. Therefore, simplifying and summarizing complex and long series of information could help many people who struggle with having the time and patience to do independent research on a particular policy or candidate from scratch, and give them a head start.[293] Nonetheless,

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289. *See, e.g.*, Miriam Arnold et al., *Dealing with Information Overload: A Comprehensive Review*, 14 FRONTIERS PSYCHOL., June 2023, at 1, 2, https://pmc.ncbi.nlm.nih.gov/articles/PMC10322198/ [https://perma.cc/UQ4T-Z2DL] (discussing the issue of information overload).

290. *See id.* (illustrating the consequences of information overload).

291. On a recent account on the role of social media influencers, political messaging and its impact on democracy, see Christian von Sikorski et al., *The Political Role of Social Media Influencers: Strategies, Types, and Implications for Democracy—An Introduction*, AM. BEHAV. SCI., June 2025, at 1–17, https://journals.sagepub.com/doi/10.1177/00027642251344208 [https://perma.cc/S8C5-DSPQ].

292. *See e.g.*, Rebecca Jennings, *TikTok Never Wanted to Be Political. Too Late.*, VOX (Jan. 22, 2020, 07:00 ET), https://www.vox.com/the-goods/2020/1/22/21069469/tiktok-memes-funny-ww3-politics-impeachment-fires/ [https://perma.cc/QE6P-SHCF] (discussing TikTok as a platform providing short-form content that may be political).

293. For a critical analysis of this point and some of the dangers involved, see Sayed Fayaz Ahmad et al., *Impact of Artificial Intelligence on Human Loss in Decision Making, Laziness and Safety in Education*, 10 HUMAN. & SOC. SCI.

footnote continued on next page

it is the *forum* where that process should take place—state government, think tanks, AI tools, or a synergy of these actors—that needs to be carefully examined along with the imposition of necessary safeguards against its abuse.[294]

Additionally, Kelly recommended that instead of hoping AI chatbots would find reliable information on their own, citizens should upload their *own* files and sources and then ask the AI tool they are using to summarize and analyze them.[295] Citizens may gather sources like "the original text of ballot measures," local voter guides, news stories, and candidates'" CSVs of funding data from a site like OpenSectrets.org," and then ask an AI tool to make comparison tables and charts summarizing the specific data provided.[296] This solution, although workable in principle, may be more challenging in practice, as it may diminish one of AI tools' most important comparative advantages: their *speed*. If it is the lack of time and resources that AI tools compensate for while helping citizens make informed decisions, investing the time to train the algorithm *oneself* may not be the most practical solution. On the other hand, more efficient solutions, such as having the algorithms propose voting decisions that match one's

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COMM., no. 311, 2023, at 2, https://www.nature.com/articles/s41599-023-01787-8 [https://perma.cc/V2VZ-DPQF].

294. It is clear that such a procedure cannot and should not replace independent research on some of the most important political and legal questions, which require citizens' independent perspectives and need to reflect their actual positions as closely as possible. Citizens in a free and democratic society are not merely the sum of their preferences, and their moral and political positions cannot always be reflected in bullet points and policies tailored by experts. They need to be heard individually through their right to vote, as well as through means of democratic participation that are historically foundational to democratic governance, such as free speech and association. Sidelining the essential function of the citizen and outsourcing democratic decision-making to an algorithm could antagonize the human rights and dignity of citizens. Nevertheless, algorithms can facilitate independent research and complement already established methods of democratic participation.

295. Kelly, *supra* note 280.

296. *Id.*

political profile as derived from their online footprint,[297] may raise even more significant questions of privacy and long-term political liberty.

Another way to improve election-related answers, according to Kelly, is to ask the selected chatbot to embellish its responses with direct quotes from relevant political candidates and then "double-check" them to ensure accuracy, as it has been noted that some chatbots have invented quotes in the past.[298] Alternatively, people could take the time to reveal their political leanings and ideologies for the chatbot to be able to tailor its responses to each particular audience.[299]

There are two issues that immediately arise from these suggestions. First, apart from inventing quotes, the *use* of existing quotes can be misleading if taken out of context. Taking the time to go to the primary source to confirm the accuracy of a statement or look at its context is less likely to occur consistently if one assumes chatbots are chosen for their efficient handling of information and speedy results. Secondly, even if one overcomes the hurdle of privacy concerns, taking the time to educate a chatbot on one's political leanings and preferred ideology risks *tailoring* the algorithm's output to these political leanings. In other words, it becomes easier for the algorithm to take advantage of one's confirmation bias, which, for instance, has been shown to have a positive impact on the likelihood of being a repeat consumer of a product.[300] Taking advantage of people's confirmation

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297. *See* Roberto Cerina & Raymond Duch, *Measuring Public Opinion via Digital Footprints*, 36 INT'L. J. FORECASTING 987, 987–1002 (2020) (discussing the use of digital footprints as a measure of public opinion).

298. Kelly, *supra* note 280.

299. *Id.*

300. *See* Shah Mohammed, *In the Bubble: How Brands Create a Confirmation Bias Comfort Zone*, MEDIUM (Sep. 15, 2023), https://shahmm.medium.com/in-the-bubble-how-brands-create-a-confirmation-bias-comfort-zone-8ea530c049b1 [https://perma.cc/KB66-TV2L]; *see also* Raymond S. Nickerson, *Confirmation Bias: A Ubiquitous Phenomenon in Many Guises*, 2 REV. GEN. PSYCH. 175, 175–220 (1998) (discussing confirmation bias); *see* Aslan Patov, *Confirmation Bias: Navigating Its Impact on Customer Experience*, RENASCENCE (July 31, 2024), https://www.renascence.io/journal/confirmation-bias-navigating-its-impact-on-customer-experience [https://perma.cc/5UJN-BTDF] (showing

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bias has already been used consistently by other industries, such as marketing, and there is no prima facie reason why the AI industry would be exempt from that temptation.[301] Taking advantage of people's confirmation bias to give out election advice that would fit one's ideological profile may come at a great cost: It may run counter to the very purpose of *democratic* politics and political debate, which, ideally, is not about voting blindly according to ideology but also includes making informed decisions based on individualized reasoning.

If democratic societies elect to follow this route, it may be difficult to change course. If citizens use ideology to create predictable patterns of decision-making that can be amplified through LLMs' recommendations on voting for an upcoming election, politicians who run for such elections and policymakers could also use AI to come up with winning political and economic agendas. Currently, political candidates need to rely on consulting services that research the political market and determine what kind of policy decisions are more likely to attract more voters across a variety of ideologies.[302] Besides, to get elected, a wider coalition of voters needs to be created, and one cannot invest too many resources in ideological consistency. If LLMs are good enough to guide voters in their election-related questions, then they could also *recommend* policies that would be most likely to appeal to such voters.[303] Then the question becomes, at what point

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confirmation bias may still improve customer satisfaction even when the product ends up falling short of customers' expectations).

301. Samantha Sheekey, *AI and Confirmation Bias: Time to Break Free from Echo Chambers*, MEDIUM (Jan. 5, 2025), https://medium.com/@dukepolis/ai-and-confirmation-bias-time-to-break-free-from-echo-chambers-8240c4ae9391 [https://perma.cc/J73A-9W5R]; Will Burns, *Is Confirmation Bias Destroying Marketing Innovation?* FORBES (May 31, 2019), https://www.forbes.com/sites/willburns/2019/05/31/is-confirmation-bias-destroying-marketing-innovation/ [https://perma.cc/28NF-UPGM].

302. *See generally* ADAM SHEINGATE, BUILDING A BUSINESS OF POLITICS (2016) (discussing the history of political consulting and its modern use).

303. Interestingly, it has been recently shown that user inputs have an impact on LLMs' political values over time which overcomes the training data; that results in a "value shift" in LLMs, see Yifei Liu, Yuang Panwang & Chao Gu, *"Turning Right"? An Experimental Study on the Political Value Shift in Large Language Models*, 12 HUMAN. & SOC. SCI. COMM., 2025, at 1.

does LLMs' role in policymaking and voting become too much? At what point would LLMs no longer *facilitate* democratic decision-making, but instead *replace* it?

While being aware of these risks, there are reasons for optimism that AI can be deployed in election-related decision-making without necessarily jeopardizing democratic governance. Another method citizens may use to produce more accurate results is to "fact-check" AI-provided responses by consulting primary sources to ensure the validity of the AI-generated information on policy measures and political candidates alike.[304] This position has the advantage of empowering individual citizens to complement AI with their own critical judgment and mental faculties. Nonetheless, the downside remains that one may not always have the time and ability to engage in independent fact-checking on every occasion. In that case, citizens may still run the risk of over-relying on AI for important political decisions and deferring to algorithms' judgment.

This drives a broader question about AI's deployment: At what point is AI considered accurate enough to enter the ring of democratic politics? Industry has demonstrated a willingness to test AI despite its current limitations in insurance coverage decisions,[305] criminal law enforcement,[306] and even in medical practice.[307] Why would democratic governance be any different, and what could be gained or lost along the way? Those are some of the questions that, as LLMs evolve, democratic societies will be compelled to address in the future.

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304. Kelly, *supra* note 280.

305. Rachele Hendricks-Sturrup, Joe Vandigo, Christina Silcox & Elisabeth M. Oehelein, *Best Practices for AI in Health Insurance Claims Adjudication and Decision-Making*, HEALTH AFFS. FOREFRONT (June 20, 2024), https://www.healthaffairs.org/content/forefront/best-practices-ai-health-insurance-claims-adjudication-and-decision-making [https://perma.cc/4SRL-26PW].

306. Bart Custers, *AI in Criminal Law: An Overview of AI Applications in Substantive and Procedural Criminal Law*, *in* LAW AND ARTIFICIAL INTELLIGENCE 205-23 (Bart Custers & E. Fosch-Villaronga eds. 2022).

307. Shuroug A. Alowais et al., *Revolutionizing Healthcare: The Role of Artificial Intelligence in Clinical Practice*, 23 BMC MED. EDUC., art. no. 689, at 2, 3 (2023), https://bmcmededuc.biomedcentral.com/articles/10.1186/s12909-023-04698-z [https://perma.cc/7YMA-T2P9].

b. AI Governance

Finally, an example of the way in which AI could be used to complement democratic institutions comes from the area of AI governance itself. AI governance has so far been subject to intense debate and state-centric regulation, although some have proposed a model of co-governance.[308] In a similar vein, others have argued in support of "Alignment Assemblies" as instrumental in the strengthening of democracy in the AI era.[309] Intellectual elites, they argue, often think they are better positioned to address public policy issues than the general public.[310] They are mistaken; citizens are able to be informed enough on individual issues to be able to make rational decisions, overcome partisanship, and practice effective self-government "when given time, space, and resources."[311]

Motivated by that goal, the Collective Intelligence Project used "Alignment Assemblies" that are basically "digital-first gatherings of people" as a way to gather their opinion on issues of AI governance and thus inform decision-making on the future development of the technology.[312] One of the Alignment Assemblies was run in cooperation with OpenAI in 2023, where 1000 "demographically representative Americans" were selected to participate in a two-week survey on AI public safety.[313] Each one of the participants had the opportunity to voice their concerns on the impact of AI on the public and raised issues such as its effect on critical thinking and overreliance on the technology for decision-making.[314] The next step after accumulating such evaluations was to decide on how to best incorporate them in the technology's regulation or development.[315]

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308. *Co-Governance and the Future of AI Regulation*, 138 HARV. L. REV. 1609, 1628–32 (2025).

309. Divya Siddarth, Saffron Huang & Audrey Tang, *A Vision of Democratic AI*, DIGITALIST PAPERS, https://www.digitalistpapers.com/essays/a-vision-of-democratic-ai [https://perma.cc/7Y46-NQN9] (last visited Oct. 21, 2025).

310. *Id.*

311. *Id.*

312. *Id.*

313. *Id.*

314. *Id.*

315. *Id.*

A second experiment was run with Anthropic, and the goal was to produce "a collectively designed constitution," which reflects the public's values, that would train an LLM, inspired by "Anthropic's Constitutional AI work."[316] In that vein, a group of Americans that represented diverse incomes, geographical locations, ages, and genders was asked to write "a constitution for Anthropic's large language model, Claude."[317] The model produced, compared to the researchers' model, was reportedly equally able to complete its assigned duties but less biased.[318]

Finally, the Collective Intelligence Project and Taiwan's Ministry of Digital Affairs used an Alignment Assembly in 2023 to collect ideas about how the government should use AI in the public sector.[319] In that Assembly, people expressed their desire to see their government more engaged in the development of AI.[320] Alignment Assemblies could also be used to "fine-tune" LLMs by "directly updating the technology."[321] For example, Taiwan's National Applied Research Laboratories, using information produced by Alignment Assemblies, created TAIDE (Trustworthy AI Dialogue Engine), an open-source model.[322] Specifically, TAIDE could incorporate human feedback and adjust its behavior accordingly.[323] These are some of the ways AI could be used to complement democratic governance in the area of AI development itself.

V. Conclusion: A Cautionary Tale

This Article suggests that democratic societies can be ambivalent about AI's potential to empower democracy and still retain their faith in the technology's ability to assist or complement democratic governance. The pathway towards the development of more advanced LLMs—and eventually artificial general intelligence—is wide open, as it should be. Simultaneously, time and resources must be invested to

316. *Id.*
317. *Id.*
318. *Id.*
319. *Id.*
320. *Id.*
321. *Id.*
322. *Id.*
323. *Id.*

ensure that this progress will not come at a cost to humanity. Society should also not shy away from AI's immense potential to assist in the realization of effective democratic governance by giving a voice to people whose participation in the development of individual policies has been foreclosed, limited, or whose democratic rights have been exhausted to the occasional exercise of their right to vote.

This Article has examined some methods in which AI, in general, and particularly LLMs, may contribute to one of the foundational elements of democratic legality—democratic pluralism—by giving voice to people whose ability to effectively participate in democratic governance has so far been limited by several constraints such as time, visibility, and resources. Specifically, it has examined LLMs' use in augmented democracy models, such as enhanced polling and referenda, as well as in elections, voting research, and policy education. Nonetheless, these are only a few of AI's potential uses,[324] and its expansion into the realm of politics is already underway.[325] Additionally, each of these uses may come at a cost and is not entirely devoid of potentially adverse consequences. For this reason, while exploring the potential benefits of AI and LLMs in enhancing democratic pluralism—and thus one of the foundational elements of democratic legality—this Article has also highlighted some of the potentially adverse uses of this emerging technology.

As this Article has argued, AI's revolutionary development and the introduction of LLMs come at a time of an ideological gap in American politics and legal theory.[326] Several old ideologies focusing on libertarianism or technocracy have raised fears of exacerbating inequality and hurting democratic governance.[327] Proponents of digital democracy, on the other hand, believe that the deepening of technological advancement and the harnessing of AI at the service of democracy can fill this gap.[328] Such an endeavor, however, would entail a redefinition of democracy: Digital democracy would not refer to a different political *regime* that lies beyond the existing constitutional

324. *See supra* Parts III and IV
325. *See supra* Parts II, III, IV.
326. *See supra* Part III.
327. *See supra* Part III.
328. *See supra* Part III.

and legal framework. Instead, it would refer to the ways in which technology can assist the effectiveness of *existing* democratic institutions. This Article argued that an important way to do so is through the advancement of democratic pluralism and equal citizenship.

Advancing democratic pluralism means reaching out to people whose channels of political participation were limited due to geographic, financial, time, and educational constraints.[329] That would enable people to participate more effectively in the public forum and contribute their take on important legal and political issues that have been traditionally seen as part of public reason.[330] These contributions can further assist policymakers to better discern people's preferences and thus effectively guide public policy by bringing it closer to the concerns of citizens.[331]

If that kind of information becomes available at a large scale, one may expect several improvements in the democratic process. First, policymakers would be able to make more informed decisions, taking into consideration people's needs, fears, or aspirations.[332] They could also use LLMs to systematically identify people's opinions on controversial policy issues at the national level, as well as on practical issues of decision-making at a state or local level.[333] Additionally, the use of such data could go beyond the democratic process itself and inform policymakers about the impact of their decisions on individual communities, some of which may have restricted access to channels of political participation.[334] It is also a way for marginalized communities to voice their opinion effectively and have their ideas heard and taken into consideration.[335] Finally, the political empowerment of citizens to state their views on issues of national or regional importance could contribute to the struggle against inequality by ensuring that

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329. *See supra* Part IV.

330. For the concept of public reason, see RAWLS, POLITICAL LIBERALISM, *supra* note 14, at 240–44.

331. *See supra* Part IV.

332. *See supra* Part IV.

333. *See supra* Part IV.

334. *See supra* Part IV.

335. *See supra* Part IV.

democratic participation is more equitably distributed across the country and across different communities.[336]

The impact of AI on election and voting education cannot be understated. Despite some of the shortcomings of the technology available today, citizens are bound to increasingly rely on AI tools to learn more about policy measures that affect them and inform themselves about the background of political candidates. Communities need to be clear about the potential pitfalls of such a practice, some of which this Article outlines, but one cannot ignore LLMs' groundbreaking effect on spreading information regarding policymaking, elections, and voting across and beyond existing community boundaries. Specifically, citizens could have the opportunity to access summaries of large amounts of data, which they can subsequently reexamine for accuracy, and which could inform their position on proposed policies and political agendas.[337] Finally, citizens could inquire into the available channels of political participation beyond elections and trace communities with which they have shared goals and aspirations. Over time, AI tools, such as LLMs, may become more accurate and reliable, and people may become more aware of their intrinsic limitations and potential fallibility. Then, such tools could have a significant impact on an expedited or complementary form of civic education that could have an empowering effect on the lives of individual people.

The future effects of AI and LLMs on democracy are admittedly yet uncharted. With the information so far available, this Article has explored some of the ways in which this technology could *help*, not jeopardize, democratic governance. As with every technology, AI could be used for good as well as evil, and it is its *use*, not its existence, that should be persistently subject to debate and renewed evaluation.

336. *See supra* Part IV.
337. *See supra* Part IV.