How AI Destroys Institutions

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Civic institutions—the rule of law, universities, and a free press—are the backbone of democratic life. They are the mechanisms through which complex societies encourage cooperation and stability, while also adapting to changing circumstances. The real superpower of institutions is their ability to evolve and adapt within a hierarchy of authority and framework for roles and rules while maintaining legitimacy in the knowledge produced and action taken. Purpose-driven institutions built around transparency, cooperation, and accountability empower individuals to take intellectual risks and challenge the status quo. This happens through the machinations of interpersonal relationships within those institutions, which broaden perspectives and strengthen shared commitment to civic goals.

Unfortunately, the affordances of AI systems extinguish these institutional features at every turn. In this essay, we make one simple point: AI systems are built to function in ways that degrade and are likely to destroy our crucial civic institutions. The affordances of AI systems erode expertise, short-circuit decision-making, and isolate people from each other. They are anathema to the kind of evolution, transparency, cooperation, and accountability that give vital institutions their purpose and sustainability. In short, current AI systems are a death sentence for civic institutions, and we should treat them as such.

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If you wanted to create a tool that would enable the destruction of institutions that prop up democratic life, you could not do better than artificial intelligence. Authoritarian leaders and technology oligarchs are deploying AI systems to hollow out public institutions with an astonishing alacrity. Institutions that structure public governance, rule of law, education, healthcare, journalism, and families are all on the chopping block to be "optimized" by AI. AI boosters defend the technology's role in dismantling our vital support structures by claiming that AI systems are just efficiency "tools" without substantive significance.[1] But predictive and generative AI systems are not simply neutral conduits to help executives, bureaucrats, and elected leaders do what they were going to do anyway, only more cost-effectively. The very design of these systems is antithetical to and degrades the core functions of essential civic institutions, such as administrative agencies and universities.

Civic institutions are the way that complex societies encourage cooperation and stability.[2] They enable human flourishing by fostering collaboration in service of a shared commitment. But their real superpower is how they evolve and adapt within a framework of fixed rules. Through institutions, knowledge gains legitimacy and gets passed down over time. Institutions empower people to take intellectual risks, challenge the status quo,

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[1] Teaganne Finn & Amanda Downie, *How Does AI Improve Efficiency? | IBM*, (Feb. 26, 2025), https://www.ibm.com/think/insights/how-does-ai-improve-efficiency.

[2] *See* Julien Lie-Panis et al., *The Social Leverage Effect: Institutions Transform Weak Reputation Effects into Strong Incentives for Cooperation*, 121 PROC. NATL. ACAD. SCI. U.S.A. e2408802121 (2024), https://pnas.org/doi/10.1073/pnas.2408802121 ("institution[s] collect individual contributions and transform them into incentives for cooperation between actors…").

and adapt to changed circumstances. People participating in institutions develop interpersonal bonds, which nourish our need for human connection, broaden our perspectives, and strengthen our shared commitment to the institutional goal.[3] The affordances of AI systems extinguish these institutional features at every turn. They delegitimize knowledge, inhibit cognitive development, short circuit decision-making processes, and isolate humans by displacing or degrading human connection. The result is that deploying AI systems within institutions immediately gives that institution a half-life.

In this Article, we hope to convince you of one simple and urgent point: the current design of artificial intelligence systems facilitates the degradation and destruction of our critical civic institutions.[4] Even if predictive and generative AI systems are not directly used to eradicate these institutions, AI systems by their nature weaken the institutions to the point of enfeeblement. To clarify, we are not arguing that AI is a neutral or general purpose tool that *can* be used to destroy these institutions. Rather, we are arguing that AI's current *core functionality*— that is, if it is used according to its design—will progressively exact a toll upon the institutions that support modern democratic life. The more AI is deployed in our existing economic and social systems, the more the institutions will become ossified and delegitimized. Regardless of whether tech companies intend this destruction, the key attributes of AI systems are anathema to the kind of cooperation, transparency, accountability, and evolution that give vital institutions their purpose and sustainability. In short, AI systems are a death sentence for civic institutions, and we should treat them as such.

We make our case in three Parts. First, we explain the central features of institutional structure: how they function and how they "think."[5] In this Part, we review how bedrock sociological theories have renewed relevance in the AI age. We describe the traits that define institutions, such as purpose, hierarchy, iterability, transparency, and accountability. Institutions encompass acceptable rules to manage the evolving complexity of social life, produce reliable knowledge about our world, and stabilize social relations, which ultimately promote peace and prosperity. Next, we explore three characteristics of AI systems that degrade our core institutions. First, AI systems afford offloading human tasks that demand wisdom and skill onto machines, which *undermines and downgrades institutionally aggregated expertise.* AI systems provide the

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[3] See Part I.

[4] By "AI systems" we mean generative AI systems like large language models, predictive AI systems like facial recognition, and automated-decision systems like content-moderation. For more on the differences between generative, predictive, and content-moderation AI, *see* ARVIND NARAYANAN & SAYASH KAPOOR, AI SNAKE OIL: WHAT ARTIFICIAL INTELLIGENCE CAN DO, WHAT IT CAN'T, AND HOW TO TELL THE DIFFERENCE (2024).

[5] MARY DOUGLAS, HOW INSTITUTIONS THINK (2012). But see notes 10-11 *infra.*

illusion of accuracy and reliability, leading to misguided cognitive offloading, skill atrophy, and frustrating back-end labor required to repair AI's mistakes and "hallucinations." Second, AI systems afford automating and streamlining important choices, which *short-circuits institutional decisionmaking*. AI systems outsource moral choices to machines that should be made by humans, flatten the hierarchical structure that privileges persons over things, and remove critical points of reflection and conflict. This, in turn, ossifies the ability of institutions to take intellectual risks in response to changing circumstances. Third, AI systems *isolate people* by displacing opportunities for human connection, interpersonal growth, and the cultivation of shared purpose. This isolation deprives institutions of the necessary solidarity and the space required for good faith debate and adaptability. In the final part of this essay, we explore a few of the vital civic institutions that AI has caught in its crosshairs, including law, universities, journalism, and democracy. We close with a warning: because AI is anathema to the well-being of our critical institutions, absent rules mitigating AI's cancerous spread, the only roads left lead to social dissolution.

I.   Institutions Are Society's Superheroes

Institutions are essential for structuring complex human interactions and enabling stable, just, and prosperous societies.[6] When we use the term "institutions," we mean the commonly circulating norms and values covering a recognizable field of human action such as medicine or education. Institutions form the invisible but essential backbone of social life through their familiar yet iterative and adaptable routines across wide populations in space and time.[7] In fact, institutions govern most fundamental social functions.[8]

Theorists of institutions describe them as structuring the "rules of the game" that people habitually—and often, unconsciously—rely upon, thus shaping everyday activities within the organizations of that institutional field.[9] There is sometimes confusion attached to the term "institution" as distinct from "organization." The "institution" concept distinguishes the formalized processes and arrangements of human *organizations* (roles, responsibilities, resources) from the informal, often tacit understandings that comprise *institutions*, which

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[6] *See* DOUGLASS C. NORTH, INSTITUTIONS, INSTITUTIONAL CHANGE AND ECONOMIC PERFORMANCE 3 (Cambridge Univ., Political Economy of Institutions and Decisions Series, James E. Alt & Douglass C. North ser. eds., 1990) ("Institutions . . . are the humanly devised constraints that shape human interaction.").

[7] Id.

[8] Id.

[9] *Id.*; *see also* Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*, 32 Nat. Res. J. 415 (1992).

make sense of the collective enterprise for its actors.[10] Institutions like higher education, medecine, and law inform the stable and predictable patterns of behavior within organizations such as schools, hospitals, and courts., respectively,, thereby reducing chaos and friction. These "rules" solve collective action problems by creating familiar and expected ways of interacting.[11] In a well-cited essay, Mary Douglas invited confusion between institutions and organization when she asked "how institutions think," suggesting but immediately denying that institutions have minds.[12] Institutions don't think. But organizations—the material instantiation of institutions—do. Organizations engage in action through formal structures that are infused with purpose, values, and legitimacy that arise from the institutions to which they belong.[13]

Institutional theory has evolved as institutions have developed and changed over time. Early theorists like Émile Durkheim viewed institutions—such as the family, religion, and education—as "collective representations" that uphold social norms and ensure cohesion in increasingly complex societies.[14] Max Weber focused on the development of bureaucratic institutions such as judicial systems as foundational to modern nation-states.[15] Scholars of "new institutionalism" from the second half of the twentieth century emphasize the cultural, cognitive, and historical dimensions of institutions, including institutional dynamism as opposed to stasis.[16] These theorists explain that

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[10] John W. Meyer & Brian Rowan, *Institutionalized Organizations: Formal Structure as Myth and Ceremony*, 83 AM. J. SOCIO. 340 (1977), *reprinted in* THE NEW INSTITUTIONALISM IN ORGANIZATIONAL ANALYSIS.(Paul J. DiMaggio & Walter W. Powell eds., 1991.

[11] *See* NORTH, *supra* note 4, at 46-47 ("Formal rules can complement and increase the effectiveness of informal constraints. They may lower information, monitoring, and enforcement costs and hence make informal constraints possible solutions to more complex exchange." (citing Paul R. Milgrom, Douglass C. North & Barry W. Weingast, *The Role of Institutions in the Revival of Trade: The Law Merchant, Private Judges, and the Champagne Fairs*, 2 ECON. & POL. 1 (1990))); *see also* MAX WEBER, ECONOMY AND SOCIETY ch. 3, § 3, at 343 (Keith Tribe ed. & trans., Harv. Univ. Press 2019) (1921) ("Legal rule relies on the validity of the following interconnected ideas: 1. that any legal norm can be established by. . . rationally oriented statutes . . . [or] be[ing] regularly observed by persons who become involved in social relationships. . . .").

[12] Following Durkheim, Douglas analogies the individual mind of socially competent/ socialized actors as "society writ small" habituated, norm laden consciousness. See DOUGLAS, *supra* note 2, at 45.

[13] PHILIP SELZNIK, TVA AND THE GRASS ROOTS: A STUDY IN THE SOCIOLOGY OF FORMAL ORGANIZATION (1949).

[14] W. RICHARD SCOTT, INSTITUTIONS AND ORGANIZATIONS: IDEAS AND INTERESTS 12 (3d ed. 2001) (quoting ÉMILE DURKHEIM, ELEMENTARY FORMS OF RELIGIOUS LIFE 474-75 (Joseph Ward Swain trans., Collier Books 1961) (1912)).

[15] *See generally* MAX WEBER, THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION (Talcott Parsons ed., A.M. Hendeson & Talcott Parsons trans., Free Press 1947) (1920).

[16] *See, e.g.*, John W. Meyer, *The Effects of Education as an Institution*, 83 AM. J. SOCIO. 55 (1977) (institutions gain legitimacy by conforming to widely accepted norms, not just efficiency); Paul J. DiMaggio & Walter W. Powell, *The Iron Cage Revisited:*

institutions are socially constructed and gain legitimacy by becoming embedded in social practices and shaped by human behavior, reproducing and sustaining institutional norms through daily interaction.[17] Accordingly, institutional legitimacy is not simply imposed on people but derives from human behavior and interactions.[18]

In the classic work of institutional sociology, Philip Selznick explained that when human organizations transcend their formal structures—roles, responsibilities, and management of resources—and act in terms of extra-organizational social processes according to custom and norms, they infuse the organization with value and legitimacy beyond the technical requirements of the task at hand.[19] Common interest often defines an institution's mission and augments its legitimacy.[20] For example, universities commit to academic freedom both functionally within their organization and because they are an institution of higher education that is instantiated by that value. Universities garner legitimacy as such when they double down on academic freedom in the face of threats.

Institutional Isomorphism and Collective Rationality in Organizational Fields, 48 AM. SOCIO. REV. 147 (1983) (introduced the concept of institutional isomorphism, explaining how organizations come to resemble one another), *reprinted in* THE NEW INSTITUTIONALISM IN ORGANIZATIONAL ANALYSIS, *supra* note 3, at 63; John W. Meyer & Brian Rowan, *Institutionalized Organizations: Formal Structure as Myth and Ceremony*, 83 AM. J. SOCIO. 340 (1977), *reprinted in* THE NEW INSTITUTIONALISM IN ORGANIZATIONAL ANALYSIS, *supra* note 3, at 41; Paul J. DiMaggio, *The New Institutionalisms: Avenues of Collaboration*, 154 J. INST'L & THEORETICAL ECONS. 696 (1988).

[17] Institutions such as family, religion and education are collective representations that uphold social norms and promote cohesion in increasingly complex societies. *See* ÉMILE DURKHEIM, *Preface to the Second Edition*, *reprinted in* THE RULES OF SOCIOLOGICAL METHOD 34, 44-45 (Steven Lukes ed., W.D. Halls trans., Simon & Schuster 1982) (1895). Institutional adaptability is necessary to ensure institutions can evolve in response to social and economic pressures, preventing dislocation and protecting the social fabric. *See* KARL POLANYI, THE GREAT TRANSFORMATION: THE POLITICAL AND ECONOMIC ORIGINS OF OUR TIME 76 (2d ed., Beacon Press 2001) (1944) ("Robbed of the protective covering of cultural institutions, human beings would perish from the effects of social exposure; they would die as the victims of acute social dislocation through vice, perversion, crime, and starvation. Nature would be reduced to its elements, neighborhoods and landscapes defiled, rivers polluted, military safety jeopardized, the power to produce food and raw materials destroyed."); *see also* POLANYI, *supra*, at 35-44. Accountability is crucial for ensuring that institutions serve the public interest. *See, e.g.*, DARON ACEMOGLU & JAMES A. ROBINSON, WHY NATIONS FAIL: THE ORIGINS OF POWER, PROSPERITY, AND POVERTY 3-4, 120, 342, 411, 457 (2012) (discussing historical examples of institutional accountability and its absence).

[18] *See generally* PATRICIA EWICK & SUSAN S. SILBEY, THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE (Univ. of Chi., Language and Legal Discourse Series, William O'Barr & John M. Conley ser. eds., 1998) (legal institutions enacted and reshaped by ordinary people and professionals in decentralized, sometimes informal ways).

[19] PHILIP SELZNIK, TVA AND THE GRASS ROOTS: A STUDY IN THE SOCIOLOGY OF FORMAL ORGANIZATION (1949).

[20] See DOUGLAS, *supra* note ^, at 46.

Similarly, journalism, as an institution, commits to truth-telling as a common purpose and performs that function through fact-checking and other organizational roles and structures. Newspapers or other media sources lose legitimacy when they fail to publish errata or publish lies as news.

Importantly, then, institutions are thus bundles of normative commitments and conventions propagated and monitored through self-policing within formal organizations. These institutional norms—along with the organizational formalities enacted to serve them—arise when "all parties have a common interest" in those rules and norms to ensure coordination. Common interest reduces uncertainty while promoting human cooperation and efficacy of mission.[21]

People both inside and outside an institution must believe in its mission and competency for it to remain durable and sustain legitimacy. Through everyday, repeated, and routinized interpersonal interactions, institutions cultivate that necessary acceptance while also evolving slowly over time.[22] By generating shared expectations for how things are done and accountability when they are not done right, institutions transmit knowledge and practices across generations of people. Through mimesis and technical expertise, institutions

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[21] *See* NORTH, *supra* note ^, at 46-47 ("Formal rules can complement and increase the effectiveness of informal constraints. They may lower information, monitoring, and enforcement costs and hence make informal constraints possible solutions to more complex exchange." (citing Paul R. Milgrom, Douglass C. North & Barry W. Weingast, *The Role of Institutions in the Revival of Trade: The Law Merchant, Private Judges, and the Champagne Fairs*, 2 ECON. & POL. 1 (1990))); *see also* MAX WEBER, ECONOMY AND SOCIETY ch. 3, § 3, at 343 (Keith Tribe ed. & trans., Harv. Univ. Press 2019) (1921) ("Legal rule relies on the validity of the following interconnected ideas: 1. that any legal norm can be established by. . . rationally oriented statutes . . . [or] be[ing] regularly observed by persons who become involved in social relationships. . . .")

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reinforce their purposes and functions alongside their centrality to everyday life.[23]

Broadly speaking, institutions share characteristics, such as a purpose of promoting human flourishing, and assigned roles within a hierarchy of authority. Roles within such a hierarchy streamline decisions and enable accountability, which in turn promotes responsibility and legitimacy.[24] The legal system and the military are classic examples of hierarchical institutional structures with precise purposes serving these functions. Purpose is often easy to identify. Hospitals, for example, have the purpose of treating the medical needs of patients; Universities have the purpose of educating students and conducting research that progresses and disseminates knowledge about the world. Some institutiontional organizations famously adapt or change their purpose—for example, March of Dimes—a nonprofit organization initially dedicated to curing polio—shifted its philanthropy following the widespread success of the polio vaccine.[25] The organization revised its mission, committing instead to preventing birth defects, premature birth, and infant mortality. Both purpose and purposive adaptation arise within the structure of the institution itself. Assigned roles within hierarchies effectively accomplish institutional purpose. These roles are defined through governance rules and managed by delegation and deference within leadership structures, and allocation of expertise.[26]

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[23] *See* DURKHEIM, *supra* note ^, at 44. Legitimacy is sustained through everyday practices. Individuals 'live the law' by continuously negotiating institutional norms in daily life. Institutions are not only top-down structures but also socially constructed and maintained through individual actions. *See generally* PATRICIA EWICK & SUSAN S. SILBEY, THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE (Univ. of Chi., Language and Legal Discourse Series, William O'Barr & John M. Conley ser. eds., 1998) (describing how normative components are not as homogenous previously thought and that the pluirality of norms enable evolution and change by adapting to local conditions and by outright critique).

[24] *See* Mark C. Suchman, *Managing Legitimacy: Strategic and Institutional Approaches*, 20 ACAD. MGMT. REV. 571 (1995).

[25] See Georgette Baghdady & Joanne M. Maddock, *Case Study: Marching to a Different Mission*, 6(2) STAN. SOC. INNOVATION REV. 61, 65 (2008); PHILIP SELZNIK, TVA AND THE GRASS ROOTS: A STUDY IN THE SOCIOLOGY OF FORMAL ORGANIZATIONS 251 (1949) (in the context of the study of the Tennessee Valley Authority developing the sociology theory of adaptive organizations, explaining that "the organization may be significantly viewed as an adaptive social structure, facing problems which arise simply be- cause it exists as an organization in an institutional environment, independently of the special ... goals which called it into being"). The framework for this paper is institutional theory, recognizing that there exists variations among institutions in theory and practice.

[26] Peter M. Blau, *The Hierarchy of Authority in Organizations*, 73 AMERICAN JOURNAL OF SOCIOLOGY 453 (1968), https://www.journals.uchicago.edu/doi/10.1086/224506; Thomas Diefenbach & John A.A. Sillince, *Formal and Informal Hierarchy in Different Types of Organization*, 32 ORGANIZATION STUDIES 1515 (2011), https://journals.sagepub.com/doi/10.1177/0170840611421254.

Expertise is another institutional characteristic.[27] Expertise values and promotes competence, innovativeness, and trustworthiness.[28] Institutions, such as hospitals and universities, rely on specialized knowledge to deliver services and solve complex problems.[29] Expertise based on training and quality standards delivers reliable and satisfactory outcomes, which enhance trust in the institution and its goals.[30] Further, expertise is enacted through socialization, evaluation, and practical instantiation—it is not only what is known but what is *done* with what is known that constitutes expertise.[31] Attending physicians and hospital administrators may each individually possess specific knowledge, but it is together, within the practices and purposive work of hospitals, and through delegation, deference, and persistent reinforcement of evaluative practices, that they accomplish the purpose of the institution.[32] The autonomy of institutional actors and of the institution itself is necessary for its adaptability and integrity. Autonomy protects professional judgment, facilitates sustainability and self-correction, and insulates an institution from undue influence.[33] For example, universities with academic freedom can pursue critical or cutting-edge research; financial institutions operating with independence from electoral politics may be more effective at stabilizing economic trends; journalistic institutions operating

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[27] SHEILA JASANOFF, DESIGNS ON NATURE: SCIENCE AND DEMOCRACY IN EUROPE AND THE UNITED STATES (2011) (describing the role of expertise in civic epistemologies or "the institutionalized practices by which members of a given society test and deploy knowledge claims used as a basis for making collective choices.").

[28] See ANDREW ABBOTT, THE SYSTEM OF PROFESSIONS: AN ESSAY ON THE DIVISION OF EXPERT LABOR (1988) (describing expertise within professional institutions as originating with generalized training with authority to use discretion in particular cases and evolving as competition among experts for jurisdiction).

[29] *See* Dietrich Rueschemeyer, *Professional Autonomy and the Social Control of Expertise*, *in* SOCIOLOGY OF THE PROFESSIONS: LAWYERS, DOCTORS AND OTHERS 38 (Robert Dingwall & Phillip Lewis eds., Quid Pro Books 2014) (1983)[29]; Cathryn Johnson, Timothy J. Dowd & Cecilia L. Ridgeway, *Legitimacy as a Social Process*, 32 ANN. REV. SOCIO. 53 (2006).

[30] *See* Rueschemeyer, *supra* note ^; *see also* Sandro Busso, *Modern Institutions Between Trust and Fear: Elements for an Interpretation of Legitimation Through Expertise*, 13 MIND & SOC'Y 247, 247 (2014) ("[E]xpert systems can be considered as powerful trust creators. However their power can also cause fear, as their control over the majority of everyday life tasks can have a 'disabling' effect on lay people. This double-edged role deeply influences the relation between citizens and institutions, the latter considerably relying on expertise in order to be perceived as rational actors." (quoting IVAN ILLICH ET AL., DISABLING PROFESSIONS (1st ed. 1977))).

[31] *See* Rueschemeyer, *supra* note 16; *see also* Diefenbach, *supra* note ^.

[32] *Cf. id.* at 49-50 (expert professions accomplish their purposes by reinforcing one another in broader social contexts).

[33] *See* Seth Abrutyn, *Toward a General Theory of Institutional Autonomy*, 27 SOCIO. THEORY 459 (2009).

with the promise of a free press can investigate and publish accurate and socially valuable information to maintain the public trust and act in the public interest.[34]

Institutions are society's machinery for coordinating complex, enduring, adaptable, and beneficial human activity with specific purposes. They do this by establishing roles within a hierarchy of authority, deploying explicit and implicit rules, and structuring collaborative work by creating and maintaining relationships that rely on and develop expertise free from interference. Unfortunately, the design and function of AI systems undermine most—if not all—of these institutional dynamics.

II.   The Destructive Affordances of AI

Artificial intelligence—which we use as shorthand here for generative AI systems like large language models, predictive AI systems like facial recognition, and automated-decision systems like content-moderation AI—tempts institutional actors with its perception of efficiency and accuracy.[35] At first blush, AI might seem to benefit institutions by helping humans be more productive and accomplish their tasks faster. Admittedly, our institutions have been fragile and ineffective for some time.[36] Slow and expensive institutions frustrate people and weaken societal trust and legitimacy.[37] Fixes are necessary.[38]

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[34] Universities: *See, e.g.*, Philippe Aghion et al., *The Governance and Performance of Universities: Evidence from Europe and the US* (Nat'l Bureau of Econ. Rsch., Working Paper No. 14851, 2009); Frank Fernandez, Volha Chykina & Yin Chun Linm, *Science at Risk? Considering the Importance of Academic Freedom for STEM Research Production Across 17 OECD Countries*, 19 PLOS ONE Doc. No. e0298370 (2024). Financial institutions: *See, e.g.*, David Stasavage, *The Limits of Delegation: Veto Players, Central Bank Independence and the Credibility of Monetary Policy*, 97 AM. POL. SCI. REV. 407 (2003); N. Nergiz Dinçer & Barry Eichengreen, *Central Bank Transparency and Independence: Updates and New Measures*, 34 INT'L J. CENT. BANKING 189 (2014). Journalistic institutions: *See, e.g.*, Tim Besley & Andrea Prat, *Handcuffs for the Grabbing Hand? Media Capture and Government Accountability*, 96 AM. ECON. REV. 720 (2006); Aymo Brunetti & Beatrice Weder, *A Free Press Is Bad News for Corruption*, 87 J. PUB. ECON. 1801 (2003).

[35] For more on the differences between generative, predictive, and content-moderation AI, *see* ARVIND NARAYANAN & SAYASH KAPOOR, AI SNAKE OIL: WHAT ARTIFICIAL INTELLIGENCE CAN DO, WHAT IT CAN'T, AND HOW TO TELL THE DIFFERENCE (2024).

[36] Elizabeth Wilkins & Hannah Garden-Monheit, Opinion, *Democrats Can Rebuild Government by Learning from How Trump Has Destroyed It*, THE HILL (July 23, 2025), https://thehill.com/opinion/white-house/5414744-fixing-government-efficiency-speed/ ("Despite good intentions and tireless efforts from appointees and civil servants alike, the old tools and norms have not worked. Administrative rulemaking has been too slow, fragile, and captured by well-resourced industries to meaningfully serve the public interest.").

[37] *See* POLANYI, *supra* note ^, at 21.

[38] To be clear, we don't argue that eradicating AI from institutions will necessarily fix them. Rather, the addition of AI to institutions will enfeeble and destroy them.

As part of a balanced analysis on how lawmakers might use AI to model the impacts of their decisions, Ryan Calo speculated that a "policymaker could, in theory, leverage computational modeling to conduct cost-benefit analyses that better optimize across multiple variables, as well as to generate and select among feasible regulatory alternatives. Such analyses are required by statute in some contexts and are a facet of most regulatory review expected by the modern White House."[39] Chris Schmidt and Johanna Bryson argue "that it is both desirable and feasible to render AI systems as tools for the generation of organizational transparency and legibility. . . ."[40] These scholars propose

> a framework "for legitimate integration of AI in bureaucratic structures: (a) maintain clear and just human lines of accountability, (b) ensure humans whose work is augmented by AI systems can verify the systems are functioning correctly, and (c) introduce AI only where it doesn't inhibit the capacity of bureaucracies towards either of their twin aims of legitimacy and stewardship. … AI introduced within this framework can not only improve efficiency and productivity while avoiding ethics sinks, but also improve the transparency and even the legitimacy of a bureaucracy."[41]

They define "ethics sinks" as "constructs leading to unattributed accountability in bureaucracies."[42] The idea is that when AI systems obscure human accountability, they become structural inhibitions to ethical decisionmaking. In theory, the way to avoid this is through better institutional and technological design.

So surface-level use cases for AI in institutions exist. But digging deeper, things quickly fall apart. We are a long way from the ideal conditions to implement accountability guardrails for AI. Even well-intentioned information, technology rules, and protective frameworks are often watered down, corrupted, and distorted in environments where people face powerful incentives to make money or simply get the job done as fast as possible.[43]

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[39] Ryan Calo, *Modeling Through*, 71 DUKE L.J. 1391, 1408 & n.81 (2022) (citing MAEVE P. CAREY, CONG. RSCH. SERV., R41974, COST-BENEFIT AND OTHER ANALYSIS REQUIREMENTS IN THE RULEMAKING PROCESS, at i (2014); Lisa Heinzerling, *Quality Control: A Reply to Professor Sunstein*, 102 CALIF. L. REV. 1457, 1458 (2014)). *But see* Calo, *supra*, at 1419-22 (noting that models will be brittle, implicate privacy biases, will invite automation bias, will obscure the normative dimensions of policymaking, and may dehumanize critical decisions).

[40] Chris Schmitz & Joanna Bryson, *A Moral Agency Framework for Legitimate Integration of AI in Bureaucracies* (2025), https://arxiv.org/abs/2508.08231.

[41] Id.

[42] Id.

[43] See, e.g., ARI EZRA WALDMAN, INDUSTRY UNBOUND: THE INSIDE STORY OF PRIVACY, DATA, AND CORPORATE POWER (2021).

Perhaps if human nature were a little less vulnerable to the siren's call of shortcuts, then AI could achieve the potential its creators envisioned for it. But that is not the world we live in. Short-term political and financial incentives amplify the worst aspects of AI systems, including domination of human will, abrogation of accountability, delegation of responsibility, and obfuscation of knowledge and control. People are only human. It is unreasonable to expect the kind of superhuman willpower necessary for all of us at scale to indefinitely avoid the worst temptations of AI.[44] Even if it were feasible to ensure accountability for the design and function of these systems, AI is not the fix for institutions that efficiency enthusiasts have been looking for. It is a poison pill that will extract a substantial cost upon institutions, even in its most optimal deployments.

Scholars in the field of Science and Technology Studies (STS) often talk about technologies in terms of "affordances," that is, the properties of objects and systems that suggest how they can or should be used.[45] Affordances are the grammar of a system or device, requiring or facilitating certain kinds of engagement and precluding or dissuading others.[46] To take a basic example, a coffee mug's affordance is to be lifted to one's mouth, and therefore requires arms or arm-like appendages. The COVID-19 pandemic underscored how in-person classroom learning may be an optimal affordance for educational institutions, especially for students of a certain age.[47] Generative AI has its affordances, too. AI systems have essential features that demand specific responses and foreclose other kinds of engagements. These features are often invisible, unconsciously engaged, or hard to discern, undermining effective resistance or change. We describe them in more detail below.

Scholars like Ifeoma Ajunwa, Emily Bender, Abeba Birhane, Meredith Broussard, Ryan Calo, Danielle Citron, Julie Cohen, Kate Crawford, Chris Gilliard, Alex Hanna, Frank Pasquale, Andrew Selbst, Evan Selinger, Michael Veale, Ari Waldman, and a host of others have already expertly depicted the

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[44] See, e.g., Mark P. McKenna and Woodrow Hartzog, Taking Scale Seriously in Technology Law, 61 WAKE FOREST L. REV. (forthcoming 2026).

[45] *See, e.g.*, JAMES J. GIBSON, *The Theory of Affordances*, *in* THE ECOLOGICAL APPROACH TO VISUAL PERCEPTION 119, 119-35 (classic ed. 2014) (1979); WOODROW HARTZOG, PRIVACY'S BLUEPRINT: THE BATTLE TO CONTROL THE DESIGN OF NEW TECHNOLOGIES 38 (2018); RYAN CALO, LAW AND TECHNOLOGY: A METHODOLOGICAL APPROACH (2025); Calo, *supra* ^, at 1408 n.79 (defining affordance as "the capacity of an organism to perceive and take advantage of different facets of their environment, including through the use of technology." (citing GIBSON, *supra*, at 127)); Ryan Calo, *Privacy, Vulnerability, and Affordance*, 66 DEPAUL L. REV. 591, 601-03 (2016).

[46] *See* GIBSON, *supra* note ^.

[47] *See* Dan Goldhaber et al., *The Consequences of Remote and Hybrid Instruction During the Pandemic*, 5 AM. ECON. REV.: INSIGHTS 377 (2023).

dangerous affordances of automation and artificial intelligence.[48] AI requires the pillaging of personal data and expression, and facilitates the displacement of mental and physical labor.[49] It leverages scale to overwhelm local norms, acclimate people to their new vulnerability and diminished power, and undermine deliberative democratic responses.[50] It also leverages scale to

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[48] *See* Calo, *supra* note ^; *see also* KATE CRAWFORD, ATLAS OF AI (2021); Julie E. Cohen, *Public Utility for What? Governing AI Datastructures*, 27 YALE J. L. & TECH. (forthcoming 2025); MEREDITH BROUSSARD, ARTIFICIAL UNINTELLIGENCE (2018); IFEOMA AJUNWA, THE QUANTIFIED WORKER (2023); Danielle Keats Citron & Frank Pasquale, *The Scored Society: Due Process for Automated Predictions*, 89 WASH L. REV. 1 (2014); ARVIND NARAYANAN & SAYASH KAPOOR, AI SNAKE OIL (2024); EMILY M. BENDER & ALEX HANNA, THE AI CON (2025); BRETT FRISCHMANN & EVAN SELINGER, RE-ENGINEERING HUMANITY (2018); *see also* Chris Gilliard, *The Rise of 'Luxury Surveillance'*, THE ATLANTIC (Oct. 18, 2022), https://www.theatlantic.com/technology/archive/2022/10/amazon-tracking-devices-surveillance-state/671772/; Laura Weidinger et al., *Taxonomy of Risks Posed by Language Models*, ACM CONFERENCE ON FAIRNESS ACCOUNTABILITY AND TRANSPARENCY 214 (2022), https://dl.acm.org/doi/10.1145/3531146.3533088; ; Abeba Birhane, Algorithmic injustice: a relational ethics approach, Patterns, Volume 2, Issue 2, 2021, 100205, ISSN 2666-3899, https://doi.org/10.1016/j.patter.2021.100205; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3461238; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4195066. Abeba Birhane, *Algorithmic Injustice: A Relational Ethics Approach*, 2 PATTERNS 100205 (2021), https://www.sciencedirect.com/science/article/pii/S2666389921000155; Ari Ezra Waldman, *Power, Process, and Automated Decision-Making*, 88 FORDHAM LAW REVIEW 613 (2019), https://fordhamlawreview.org/issues/power-process-and-automated-decision-making/; Margot E. Kaminski, *Regulating the Risks of AI*, 103 B.U. LAW REV. 1347 (2022), https://www.ssrn.com/abstract=4195066; Daniel Solove, Artificial Intelligence and Priavcy, 77 Florida Law Review 1 (2025); Woodrow Hartzog, Two AI Truths and a Lie, 26 Yale Journal of Law and Technology 595 (2024).
[49] *See, e.g.*, Kate Knibbs, *The Battle Over Books3 Could Change AI Forever*, WIRED (Sep. 4, 2023), https://www.wired.com/story/battle-over-books3/ (covering OpenAI's use of pirated data sets in its LLMs); Benj Edwards, *Artist Finds Private Medical Record Photos in Popular AI Training Data Set*, ARS TECHNICA (Sep. 21, 2022), https://arstechnica.com/information-technology/2022/09/artist-finds-private-medical-record-photos-in-popular-ai-training-data-set/; Michael M. Grynbaum & Ryan Mac, *The Times Sues OpenAI and Microsoft Over A.I. Use of Copyrighted Work*, N.Y. TIMES (Dec. 27, 2023), https://www.nytimes.com/2023/12/27/business/media/new-york-times-open-ai-microsoft-lawsuit.html (case ongoing); *see also* C.J. Larkin, *100 Days of DOGE: Assessing Its Use of Data and AI to Reshape Government*, TECH POL'Y PRESS (Apr. 30, 2024), https://www.techpolicy.press/100-days-of-doge-assessing-its-use-of-data-and-ai-to-reshape-government/; Max Ufberg, *How DOGE Used AI to Reshape the Government in Just 100 Days*, FAST COMPANY (Apr. 29, 2025), https://www.fastcompany.com/91324480/doge-used-ai-to-reshape-the-government-in-just-100-days.
[50] *See* Woodrow Hartzog, Evan Selinger & Johanna Gunawan, *Privacy Nicks: How the Law Normalizes Surveillance*, 101 WASH. U. LAW REV. 717 (2023).; *see also* Woodrow Hartzog, Evan Selinger & Judy Hyojoo Rhee, *Normalizing Facial Recognition Technology and The End of Obscurity*, 6 EUROPEAN REVIEW OF DIGITAL ADMINISTRATION AND LAW [E.R.D.A.L] 163 (2025); *see also* ; McKenna & Hartzog, *supra* note ^.

overwhelm the resources of systems, threatening their stability and security.[51] Its modus operandi is to reproduce existing patterns and amplify biases, polluting our information ecosystem and marginalizing vulnerable communities.[52] Its humongous need for computing power, another unavoidable affordance, ravages the environment.[53] And its faux-conscious, declarative and confident prose hides normative judgments behind a Wizard-of-Oz-esque curtain that masks engineered calculations, all the while accelerating the reduction of the human experience to what can be quantified or expressed in a function statement.[54] This performative utility encourages employers to embed AI systems in everyday work, fueling surveillance technologies and the micromanagement of workflows that trigger workplace dissatisfaction and alienation to the point of misery.[55] Currently, AI companies like OpenAI are racing to commit ordinary people to the everyday use of generative AI systems.[56] the result is the outsourcing of human thought and relationships to algorithmic outputs.

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[51]Bruce Schneier, *Autonomous AI Hacking and the Future of Cybersecurity*, SCHNEIER ON SECURITY (Oct. 10, 2025), https://www.schneier.com/blog/archives/2025/10/autonomous-ai-hacking-and-the-future-of-cybersecurity.html.

[52] *See* Neil Richards & Woodrow Hartzog, *Against Engagement*, 104 B.U. L. REV. 1151, 1172-74 (2024) (discussing outrage feedback loops); Woodrow Hartzog, Evan Selinger & Johanna Gunawan, *Privacy Nicks: How the Law Normalizes Surveillance*, 101 WASH. U. L. REV. 717, 757-60 (2024) (discussing the disproportionate impact of "privacy nicks" on marginalized groups). *See also* Moshe Glickman & Tali Sharot, *How Human–AI Feedback Loops Alter Human Perceptual, Emotional and Social Judgements*, 9 NAT. HUM. BEHAV. 345 (2024), https://www.nature.com/articles/s41562-024-02077-2.

[53] *See* Adam Zewe, *Explained: Generative AI's Environmental Impact*, MASS. INST. TECH. NEWS (Jan. 17, 2025), https://news.mit.edu/2025/explained-generative-ai-environmental-impact-0117; Shaolei Ren & Adam Wierman, *The Uneven Distribution of AI's Environmental Impacts*, HARV. BUS. REV. (July 15, 2024), https://hbr.org/2024/07/the-uneven-distribution-of-ais-environmental-impacts.

[54] Gerben Wierda, *Generative AI 'Reasoning Models' Don't Reason, Even If It Seems They Do*, R&A IT STRATEGY & ARCHITECTURE (June 8, 2025),[54]https://ea.rna.nl/2025/02/28/generative-ai-reasoning-models-dont-reason-even-if-it-seems-they-do/.

[55] For adverse effects on the workplace of digital monitoring systems generally, *see* KAREN LEVY, DATA DRIVEN: TRUCKERS, TECHNOLOGY, AND THE NEW WORKPLACE SURVEILLANCE (2023); Alex Scott, Andrew Balthrop & Jason Miller, *Did the Electronic Logging Device Mandate Reduce Accidents?*, Doc. No. 3314308, 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3314308. For effects of employer monitoring specifically through the use of AI, see Press Release, Consumer Fin. Prot. Bureau, CFPB Takes Action to Curb Unchecked Worker Surveillance (Oct. 24, 2024), and NEWSNATION, *Major Companies Using AI Software to Monitor Employees' Messages* (YouTube, Feb. 27, 2024), https://www.youtube.com/watch?v=4GC3aOtXgiA.

[56] See https://openai.com/global-affairs/open-weights-and-ai-for-all/ ("Our mission to put AI in the hands of as many people as possible is what drives us."); see also https://openai.com/index/building-openai-with-openai/ ("AI has moved beyond an experiment. It now operates as infrastructure for work, shifting from pilots to systems that shape daily decision.") (emphasis added).

All of these AI deployments will hasten the end of critical civic institutions because AI steals power and agency from the human participation and collective engagement necessary for institutional resiliency and legitimacy.[57] Among AI's affordances, we highlight three that will doom our essential institutions: Precocious use of AI affords deference to automation, offloading tasks, and displacing humans in ways that undermine expertise, short-circuits decisionmaking, isolate people. These are, we suggest, inevitable affordances of AI's ubiquituous deployment which, when embedded in our social institutions, will degrade them. Not even guarantees that AI systems will respect privacy, equality, or the environment can save our institutions from destruction.

A. AI Undermines Expertise

First, AI systems *undermine and degrade institutional expertise*. Because AI gives the illusion of accuracy and reliability, it encourages cognitive offloading and skill atrophy, and frustrates back-end labor required to repair AI's mistakes and "hallucinations."[58] Because AI systems at scale are both opaque and stochastic, they undermine institutional agents' accountability both when they are "right" and when they are "wrong." When AI appears "good enough" to substitute for human judgment, financial pressures will motivate institutions to replace humans with AI in the decision-making pipeline.[59] This replacement robs the institution of its structured transfer of knowledge and know-how that occurs, for example, when one employee takes over for another (adapting that wisdom to

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[57] When commercial legal databases, including Lexis, offered discounted academic access on the condition that law schools train students on their platforms, institutions responded by building open legal information infrastructures and aided other institutions in doing the same, yielding vast public repositories of democratized knowledge. *See id.* ("In the face of this pressure to let industry tools determine the structure of education, legal academia chose to craft its own fate, pushing back against attempts to shape and enclose access to legal information and to provide free and universal access instead."); *see, e.g.*, LEGAL INFORMATION INSTITUTE, Corn. L. Sch., https://www.law.cornell.edu; AUSTRALASIAN LEGAL INFORMATION INSTITUTE, Univ. Tech. Syd. & Univ. N.S.W., https://www.austlii.edu.au/; HONG KONG LEGAL INFORMATION INSTITUTE, Univ. of H.K., https://www.hklii.hk/, BRITISH AND IRISH LEGAL INFORMATION INSTITUTE, Univ. Coll. Cork, https://www.bailii.org/; INSTITUTE OF ADVANCED LEGAL STUDIES, Univ. of Lond., https://ials.sas.ac.uk/.

[58] *See* Kate Neiderhoffer et al., *AI-Generated "Workslop" Is Destroying Productivity*, HARVARD BUSINESS REVIEW, Sep. 2025, https://hbr.org/2025/09/ai-generated-workslop-is-destroying-productivity.

[59] https://budgetmodel.wharton.upenn.edu/issues/2025/9/8/projected-impact-of-generative-ai-on-future-productivity-growth for a discussion on the expected savings and scope of AI automation. (finding that "for more than a quarter of U.S. employment, AI could perform between 90 and 99 percent of the work required with minimal oversight," resulting in "the average labor cost savings will grow from 25 to 40 percent over the coming decades").

changed circumstances in the process).[60] Offloading expertise onto a machine also denies the displaced person the ability to hone and refine their skills, risking skill atrophy and a decline in critical cognitive abilities.[61] Early returns from the nascent but growing body of scholarship studying the atrophic effects of cognitive and skill offloading demonstrate that use of generative AI can inhibit critical engagement with work and potentially lead to long-term overreliance on AI and resulting diminishment of independent problem-solving skills.[62]

       The inevitable atrophy of human skills and knowledge is especially concerning for institutions because AI can only look backwards.[63] In other words, AI systems are bound by whatever pre-existing knowledge they are fed. They remain dependent upon real-world inputs and checks. In their remarkably clear and powerful book *AI Snake Oil*, Arvind Naryanan and Sayash Kapoor write that predictive AI simply does not work because the only way it can make good predictions is "*if nothing else changes*."[64] It is a closed system that lacks iterative adaptability.[65] But real-life complex and adaptive systems are constantly changing to such a degree that they are provably unpredictable.[66] Even Sam Altman, the CEO of OpenAI, has publicly acknowledged that merely feeding AI massive amounts of existing data will not enable it to solve major scientific problems—attempting to do so ignores the need to conduct experiments and collect new data, the process of which is the backbone of the scientific method.[67]

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[60] Chung-Jen Chen, Jing-Wen Huang, How organizational climate and structure affect knowledge management—The social interaction perspective, International Journal of Information Management, Volume 27, Issue 2, 2007, Pages 104-118, ISSN 0268-4012, https://doi.org/10.1016/j.ijinfomgt.2006.11.001.

[61] Hao-Ping Lee et al., *The Impact of Generative AI on Critical Thinking: Self-Reported Reductions in Cognitive Effort and Confidence Effects From a Survey of Knowledge Workers*, *in* PROCEEDINGS OF THE 2025 CHI CONFERENCE ON HUMAN FACTORS IN COMPUTING SYSTEMS 1 (April 26, 2025), https://dl.acm.org/doi/10.1145/3706598.3713778.

[62] *See* id.

[63] *See* NARAYANAN & KAPOOR, *supra* note ^, at 44 (noting that predictive AI does not account for the impacts of its own decisions, or for certain other types of systemic changes).

[64] *See i*d.

[65] *See* id*.*

[66] *See* Academic literature surrounding complex adaptive systems (CASs) demonstrates the unpredictability of real-world CASs. See, e.g. Northrop, ULS systems (explicit statements regarding non-predictability); Markose (re: algorithmic insolvability of valuation patterns in financial markets)

[67] *See* Cleo Abram, *Sam Altman Shows Me GPT 5... And What's Next* (YouTube, Aug. 7, 2025), https://youtu.be/hmtuvNfytjM?si=mD7oUozNG0G8G4JL ("Do we expect that a really good super intelligence could just think super hard about our existing data and maybe, say, like, solve high-energy physics with no new particle accelerator? Or does it need to build a new one and design new experiments? . . . I suspect we will find that for a lot of science, it's not enough to just think harder about data we have, but we will need to build new instruments, conduct new experiments . . . . [T]he real world is slow and messy . . . .").

The flipside of AI systems appearing hyper-competent is acknowledging that they are frequently and indelibly wrong, which leads to the same trap of illegitimacy. AI "hallucinations" are not simply bugs—they are a mathematical inevitability based on how these systems are designed.[68] When generative AI systems make an incorrect guess, humans must expend significant extra energy checking or correcting it—if they catch the mistake—lessening their effectiveness and productivity, and creating a problem for the population the entity is supposed to serve.[69] When AI is "right," the people who make the institution function become less skilled and less valued, and the institution loses its most stable and guaranteed way of keeping its corpus of knowledge up-to-date through on-the-job development and dissemination of human know-how and expertise.[70] And when AI is "wrong," the institution's failures have to be compensated for elsewhere, or they will spread to others. Either way, the institution is undermined. To quote JOSHUA from War Games, it is "[a] strange game. The only winning move is not to play."[71]

B. AI Short-Circuits Decisionmaking

The second affordance of institutional doom is that AI systems *short-circuit institutional decisionmaking* by delegating important moral choices to AI developers. By "short circuit," we mean cutting out the necessary self-reflection and points of contestation for adaptive and rigorous analysis. This flattens the hierarchical structure necessary for delegation and accountability, undermining the legitimacy of institutional rules and outcomes, and removing critical points of

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[68] *See* Gyana Swain, *OpenAI Admits AI Hallucinations Are Mathematically Inevitable, Not Just Engineering Flaws*, COMPUTERWORLD (2025)., https://www.computerworld.com/article/4059383/openai-admits-ai-hallucinations-are-mathematically-inevitable-not-just-engineering-flaws.html.

[69] *See* Auste Simkute et al., *Ironies of Generative AI: Understanding and Mitigating Productivity Loss in Human-AI Interaction*, 41(5) INT'L J. HUM.-COMPUT. INTERACTION 2898 (2025) (finding that generative AI can lead to productivity loss by (1) shifting human responsibilities from direct production to evaluation of AI outputs; (2) unhelpfully restructuring workflows; (3) interrupting tasks; and (4) making easy tasks easier and hard tasks harder); *see also* NARAYANAN & KAPOOR, *supra* note 42, at 36-59 (AI falsely accused 30,000 Dutch parents who received welfare of fraud and left them without recourse; it also overestimates risk of criminal recidivism in counties where crime is rare); Cynthia Rudin, *Stop Explaining Black Box Machine Learning Models for High Stakes Decisions and Use Interpretable Models Instead*, 1 NAT. MACH. INTEL. 206 (2019) (listing excessive prison sentences due to opaque recidivism risk-scoring methods and erroneous air quality measurements as failures of "black box" AI models whose creators profited from their use).

[70] See, e.g., Ari Ezra Waldman, Privacy, Practice, and Performance, 110 Calif. L. Rev. 1221 (2022); Julie E. Cohen and Ari Ezra Waldman, Introduction: Framing Regulatory Managerialism as an Object of Study and Strategic Displacement, 86 Law & Contemporary Problems (2023).

[71] WARGAMES, Blu-ray, at 1:48:30 (Harold Schneider, 1983) (Yes, we're aware of the irony of quoting one of the most iconic early fictional AI systems here).

reflection and conflict. All of this obscures the rules that make the institution function and ossifies the institution's ability to take intellectual risks in response to changing circumstances.

To start, the decision to implement an AI system in an institution in any significant way is not just about efficiency. Technologies have a way of obscuring the fact that moral choices that should be made by humans have been outsourced to machines.[72] For example, when an AI-powered filter selects which medical bills to cover by insurance and which to deny, the patient likely learns only that their health care costs have risen and not whether there are good reasons. This may prevent further care and exacerbate health outcomes. [73] Under the guise of neutral efficiency, rules that allocate power and serve as a guide for institutional actors become invisible as they get kneaded into the machine.

When AI systems obscure the rules of institutions, the legitimacy of those rules degrades. Clarifying the rules and their rationales to the people who are part of or affected by the institution strengthens institutional structure and purpose.[74] In this way, obscure AI "rules" facilitate authoritarianism that relies upon the exercise of power through automation ("just so") instead of the purposeful and knowing adherence to institutional rules as reasonable and understandable. By obscuring the rules and denying institutional participants the opportunity to consciously follow, consider, iterate, or even resist them, AI systems short-circuit the process by which institutional participants decide which rules are just and effective, and which should be modified or applied only in certain contexts. The unthinking, automatic enforcement of rules has a corrosive and ossifying effect on deliberative governance frameworks that require buy-in for legitimacy, adaptability, and longevity.[75]

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[72] *See*, *e.g.*, Ryan Calo, Law and Technology: A Methodological Approach at ^; Shay, et. al., Do Robots Dream of Electric Laws? An Experiment in the Law as Algorithm.

[73] *See* Michelle M. Mello & Sherri Rose, *Denial—Artificial Intelligence Tools and Health Insurance Coverage Decisions*, 5 JAMA HEALTH FORUM (2024), https://jamanetwork.com/journals/jama-health-forum/fullarticle/2816204.

[74] *See*, *e.g.*, Frank Pasquale, Black Box Society (2015); Danielle Keats Citron, Technological Due Process, 85 Wash U. L. Rev. 1249 (2008); Danielle K. Citron & Frank Pasquale, Essay, The Scored Society: Due Process for Automated Predictions, 89 Wash. L. Rev. 1 (2014); Ryan Calo & Danielle Citron, The Automated Administrative State: A Crisis of Legitimacy, 70 Emory L. J. 797 (2021).

[75] See, e.g., Jonathan Zittrain, The Future of the Internet and How to Stop It at 101-126; Woodrow Hartzog, Gregory Conti, John Nelson & Lisa A. Shay, Inefficiently Automated Law Enforcement , 2015 Michigan State Law Review 1763 (2016); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2029201; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2231453; Ian Kerr, "Prediction, pre-emption, presumption: The path of law after the computational turn" in Mireille Hildebrandt, Katja de Vries, eds, Privacy and Due Process After the Computational Turn, (London: Routledge, 2013) 91.

What's more, AI is *incapable of intellectual risk*, that is, a willingness to learn, engage, critique, and express yourself even though you are vulnerable or might be wrong.[76] AI systems are incapable of intellectual risk because they lack true agency, intrinsic motivation, the ability to experience consequences, and they cannot choose to willingly defy established norms or venture into the unknown for any purpose, including for (r)evolution, resistance, or adventure. Most AI models are optimized for accuracy, reliability, and safety.[77] They are trained to find patterns in data.[78] Their "creativity" is constrained by safety filters and has a tendency to drift to the middle. Humans engage in intellectual risk by going beyond what is known, connecting distant concepts, or proposing radically new ideas. Because AI systems are limited by their training data and programmed objectives, they can recombine concepts but rarely generate truly original, unsupported ideas.[79] Closed systems cannot embrace radical uncertainty, a feature of our highly complex world in which historical data provides no reliable guidance, and in which human judgment and narrative thinking are essential to resolution and progress.[80] Without intellectual risk, expertise and institutional adaptation atrophy.

An AI system also cannot challenge the status quo, because its voice has no weight. This is part of what we mean when we say AI systems flatten the institutional hierarchies. Even assuming a lack of sycophancy, when AI systems replace human decisionmakers, institutions are deprived of a source of moral courage and insight, which is necessary for institutions to adapt and thrive. Stanislav Petrov famously saved the world from nuclear warfare when he disobeyed orders and refused to alert his superiors that the nuclear early-warning

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[76] *See, e.g.*, Soutter, M., & Clark, S. (2021). Building a Culture of Intellectual Risk-Taking: Isolating the Pedagogical Elements of the Harkness Method. Journal of Education, 203(3), 508-519. https://doi.org/10.1177/00220574211037747 (identifying intellectual risk as "the act of engaging in learning by contributing an idea, question, or creative thought regardless of potential errors or judgments.").

[77] *See* https://www.ibm.com/think/insights/llm-evaluation (the goals of accuracy, reliability, and safety are reflected in the "most common" evaluation criteria for LLMs: accuracy ("percentage of correct responses"), perplexity ("how well the model predicts a sequence of words or a sample of text. The more consistently the model predicts outcome, the lower its perplexity score"), and toxicity ("the presence of harmful or offensive content in model outputs")).

[78] https://arxiv-org.ezproxy.bu.edu/abs/2307.06435 ("LLMs play a crucial role in data analysis, where they can filter large volumes of text data, summarize key points, and find patterns that would take humans much longer to identify.")

[79] https://medium.com/@axel.schwanke/generative-ai-never-truly-creative-68a0189d98e8 ("generative AI, which is trained solely on historical data, is fundamentally limited by its reliance on pre-existing patterns and information. This limitation means that while AI can replicate and remix past creative works with remarkable precision, it lacks the ability to develop truly new ideas that break free from historical constraints."); see also Zhangde Song, et. al., Evaluating Large Language Models in Scientific Disovery, https://arxiv.org/abs/2512.15567.

[80] *See* JOHN KAY & MERVYN A. KING, RADICAL UNCERTAINTY: DECISION-MAKING BEYOND THE NUMBERS (2021).

system reported that missiles had been launched from the United States, which turned out to be a system error.[81] Whistleblowers within institutions put their livelihood and personal wellbeing on the line, to say nothing of the countless humans who speak up and challenge their superiors' decisions, even though it could cost them their jobs. AI systems have no skin in the game and no impetus to challenge decisions within the hierarchy.

C. AI Isolates Humans

Finally, AI systems isolate people by displacing opportunities for human connection and interpersonal growth. This deprives institutions of the necessary solidarity and space required for good faith debate and adaptability in light of constantly changing circumstances. AI displaces and degrades human-to-human relationships and—through its individualized engagement and sycophancy—erodes our capacity for reflection about and empathy towards other and different humans.[82]

As such, AI systems degrade solidarity and organizational resilience, and rob institutions of the ability to develop and sustain the political will and socio-emotional capacity necessary to prevent dissolution.[83] Sycophancy blunts our acumen for managing social friction, which is necessary for iterative change and knowledge transmission.[84] Hyper-personalization creates a world in which individual preferences dominate, denying a person the view of a system populated and functioning because of other, diverse people.[85] When we do not—or cannot—understand and manage differences among co-workers, the adherence

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[81] Pavel Aksenov, *Stanislav Petrov: The Man Who May Have Saved the World*, BBC NEWS, Sep. 26, 2013, https://www.bbc.com/news/world-europe-24280831.; *The Man Who "Saved the World" Dies at 77 | Arms Control Association*, https://www.armscontrol.org/act/2017-10/news-briefs/man-who-saved-world-dies-77; https://web.archive.org/web/20140308000459/https://www.bbc.com/news/world-europe-24280831.

[82] *See* Lee et al., *supra* note ^; Ziying Yuan, Xiaoliang Cheng & Yujing DuanSee, *Impact of Media Dependence: How Emotional Interactions Between Users and Chat Robots Affect Human Socialization?*, 15 FRONTIERS IN PSYCH. Doc. No. 1388860 (2024); *see also South Park: Deep Learning* (Comedy Central television broadcast, aired Mar. 8, 2023) (Stan outsources empathy to ChatGPT by using it to generate text messages to Wendy); *see also* POLANYI, *supra* note 5, at 32-41. We understand in the literature of the history of technology the debates around certain technologies that bring people together (the telephone) and those that further poloarize and isolate us (social media). See, e.g., Sherry Turkle, Alone Together: Why We Expect More from Technology and Less from Each Other (2012). For purposes of this article, we argue that AI is closer to the latter.

[83] *See* POLANYI, *supra* note ^, at 71 (discussing self-regulating markets); ÉMILE DURKHEIM, THE DIVISION OF LABOUR IN SOCIETY 102-03 (Theoretical Traditions in the Social Sciences Series, Anthony Giddens ser. ed., W.D. Halls vol. trans., Macmillan Press 1989) (1893).

[84] *See* Yuan, Cheng & Duan, *supra* note ^.

[85] *See id.*; *see also* Richards & Hartzog, *supra* note ^, at 1172-74.

to institutional roles and rules frays. And without institutional rules, there is only social chaos or the rule of the powerful. Deference to others and hierarchical compliance are necessary for expertise development, and output becomes a cynical game rather than being motivated by respect for and belief in the institutional purpose. According to one study, co-workers who receive "workslop" (AI outputs that make more work rather than less, or make no sense) start seeing their colleagues differently, as less creative (54%), less capable (50%), less reliable (49%), less trustworthy (42%), and less intelligent (37%). Human consensus and mutual respect are key to both stability and adaptability.[86] Lack of human consensus and mutual respect erodes ground truths and critical decisionmaking capacity essential to institutional functions. As AI dominates these functions, offloading human interactions with all their friction and diversity, the collective human purpose of the institutions wanes. We are left isolated with only AI.

In summary, AI's core functions usurp expertise, replace human relationships with data and automation, mask moral choices with false numerical certainty, and bypass systemic critical reflection in places where intentional human choices and feedback from sources outside the black box are needed to evaluate, iterate, and legitimate rules, norms, and outcomes. The result is that the more AI systems are deployed, the less durable and adaptable institutions become. As a result, the institutions will become increasingly ossified and delegitimized. Institutions that struggle to change and lack social legitimacy cannot survive.

III. The Institutions on AI's Death Row

The so-called U.S. "Department of Government Efficiency" ("DOGE") will be a textbook example of how the affordances of AI lead to institutional rot.[87] DOGE used AI to surveil government employees, target immigrants, and combine and analyze federal data that had, up to that point, intentionally been kept separate for privacy and due process purposes.[88] Human expertise was

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[86] *See* Neiderhoffer, *supra* note ^.

[87] *See* Larkin, *supra* note ^; *see also* Alexandra Ulmer et al., *Exclusive: Musk's DOGE Using AI to Snoop on U.S. Federal Workers, Sources Say*, REUTERS (Apr. 8, 2025), HYPERLINK "https://www.reuters.com/technology/artificial-intelligence/musks-doge-using-ai-snoop-us-federal-workers-sources-say-2025-04-08/"https://www.reuters.com/technology/artificial-intelligence/musks-doge-using-ai-snoop-us-federal-workers-sources-say-2025-04-08/; https://www.wired.com/story/oral-history-doge-federal-workers/. Leah Feiger Zoë Schiffer, *The Story of DOGE, As Told by Federal Workers*, WIRED (2025), https://www.wired.com/story/oral-history-doge-federal-workers/ (last visited Oct. 22, 2025).

[88] *See* Larkin, *supra* note ^ ("Since DOGE's official launch in January, the group has leveraged AI in two primary ways: utilizing the technology to analyze government data and developing internal tools for federal agencies. A key goal is to automate as many government operations as possible.").

systematically ignored and marginalized in favor of AI.[89] Roles necessary to provide critical resistance to questionable decisions were eliminated and handed over to automated systems.[90] Power was centralized in an opaque way that encouraged abuse, self-dealing, and oppression.[91]

But DOGE is just one example out of many.[92] The FDA offloaded parts of its approval process onto an AI system known as "Elsa," which reportedly keeps making up studies that were never conducted and misrepresenting real research.[93] Courts of law may offload discretionary decisions, such as bail and sentencing, to algorithmic systems that promise neutrality and comprehensiveness seemingly beyond human capacity.[94] Hospitals are being encouraged to offload prioritization and insurability decisions to AI systems that can save the precarious medical system time and money.[95] University teachers may rely on generative AI assistants to develop syllabi, classroom slides, and reading materials when encouraged to refresh and update their annual courses.[96] But the techno-optimism that drives these human-AI partnerships ignores the essential features of institutions that rely on humanity's specificity and the fuzziness of social reality that defies AI's capacities.

Institutions such as law, medcine, and higher education are people-centered, despite their routinization and structural architecture.[97] Institutional schema—or the "rules of the game" mentioned above—may be predictable and stable, but the categories that define the rules (such as job titles and roles or liability and public policy aims) are subject to slow evolution and adaptation

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[89] *See* Ufberg, *supra* note ^ (covering DOGE's push to use AI to reassess VA programs and GSA contracts).

[90] *See* Ufberg, *supra* note ^ (covering DOGE's push to use AI to reassess VA programs and GSA contracts).

[91] *See* Celine McNicholas & Ben Zipperer, *Trump Is Enabling Musk and DOGE to Flout Conflicts of Interest*, ECON. POL'Y INST. (May 7, 2025), https://www.epi.org/publication/trump-is-enabling-musk-and-doge-to-flout-conflicts-of-interest-what-is-the-potential-cost-to-u-s-families/.

[92] See, e.g., Ryan Calo & Danielle Keats Citron, *The Automated Administrative State: A Crisis of Legitimacy*, 70 EMORY L. J. 797 (2021).

[93] *See* Anna Washenko, *FDA Employees Say the Agency's Elsa Generative AI Hallucinates Entire Studies*, ENGADGET (July 24, 2025), https://www.engadget.com/ai/fda-employees-say-the-agencys-elsa-generative-ai-hallucinates-entire-studies-203547157.html.

[94] *See* Julia Angwin et al., *Machine Bias*, PROPUBLICA (May 23, 2016), https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing.

[95] Press Release, AMA, Physicians Concerned AI Increases Prior Authorization Denials (Feb. 24, 2025), https://www.ama-assn.org/press-center/ama-press-releases/physicians-concerned-ai-increases-prior-authorization-denials.

[96] Kashmir Hill, *The Professors Are Using ChatGPT, and Some Students Aren't Happy About It*, N.Y. TIMES (May 14, 2025), https://www.nytimes.com/2025/05/14/technology/chatgpt-college-professors.html.

[97] Some of the organizations that instantiate these institutions are, for example, courts, hospitals, and universities.

based on regular reification and debate over their relevance, boundaries, and roles in society.[98] Participation in the institutional practice of medicine, education, or law, for example, demands the constant application of human judgment and flexible categories within organizations when the decisional pathways are multifaceted, ambiguous, and not predetermined.[99] Should I include this reading or that in my syllabus? Should I treat this patient with this drug or that one? Should this person be sentenced to ten months or three years? AI systems replace human judgment and independent expertise, and they represent the relevant rules and categories as fixed (rather than adaptable) based on AI's backward-looking data.[100] At stake in the AI takeover of institutions critical to human flourishing are the values of: the rule of law, the pursuit of knowledge, free expression, and democratic, civic life.

A. Rule of Law

There has been much written lately about how the rule of law has broken down among celebrated democracies.[101] The rule of law is loosely described as a set of predictable, transparent practices embedded in legal practices that constrain the arbitrary use of state power.[102] When AI systems replace these practices, they undermine the object of democratic legal institutions, which is to promote the rule of law for a just and peaceful society. Predictability and transparency are crucial for accountability, which renders legitimate the legal institutions and the force they wield.[103] For example, the black-letter prohibition of vague laws serves these purposes; we should know the meaning and scope of the rules we must follow if we are to be punished under them.[104] Rule of law institutions contain hierarchical structures and varying forms of expertise—as examples, juries and an independent judiciary with appellate review—to assure conformity

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[98] *See* POLANYI, *supra* note ^, at 35-44.

[99] *See* Rueschemeyer, *supra note* ^, at 52.

[100] Another way of looking at this might be AI does not so much replace human judgment as shift it, both temporally and subjectively. It pushes decisions upstream, to the macro design level, and shifts decisionmaking from expertise in, say, healthcare to expertise in coding. We thank Ari Waldman for this insight.

[101] *See* Kim Lane Scheppele, *The Life of the Rule of Law*, 20 ANN. REV. L. & SOC. SCI. 17, 20 (2024) ("Democracy and rule of law raters have been warning repeatedly over the last two decades that the world is experiencing a crisis of both.").

[102] *See* PAUL GOWDER, THE RULE OF LAW IN THE REAL WORLD 12-20 (2016) (describing regularity, publicity, and vertical equality as features of rule of law); *cf.* GOWDER, *supra*, at 13 ("[R]egularity and publicity together protect individuals from being subjected to official terror – from the specter of officials with open-ended threats who can use their power to make individuals live in fear and behave submissively.").

[103] *See supra* ^ and accompanying text.

[104] *See, e.g.*, Connally v. Gen. Constr. Co., 269 U.S. 385 (1926) (a statute is unconstitutionally vague when people "of common intelligence must necessarily guess at its meaning and differ as to its application"); Papachristou v. City of Jacksonville, 405 U.S. 156 (1972).

with democratic rules and equal justice.[105] Furthermore, rule of law institutions become legible to their subjects by providing public reasons for enforcement.[106] Embedding AI systems in legal decisions—be they for criminal sentences, bail determinations, or benefit calculations—corrupts these fundamental rule of law principles.[107]

Imagine being told you owe $100,000 of back taxes to the government, and liens will be put on your home and earnings until all taxes are paid. When you contest the tax notice, you are told the IRS's new AI system has been finding many such unpaid back taxes. Although the federal government does not know exactly how the system produced its determination, the system is assumed to lack human biases, be comprehensive, and be free of calculation errors. Or, imagine a judge who determines your sentence for criminal fraud and does so in a range substantially above the prosecutor's recommendation and recent similarly situated defendants. The judge explains that the AI system she uses assures she will avoid bias, and it accurately calculates the optimal length of prison time by balancing the criminal legal system's goals of deterrence, rehabilitation, retribution, and incapacitation in an unknowable but reliable manner. In both situations, we would contest these legal determinations as an arbitrary use of government power and a violation of the rule of law for several reasons.

First, the decisions are illegitimate because they are unexplainable, making the use of force unaccountable to its subjects.[108] Second, the decisions become unpredictable when their reasons are unknown, and thus, whether they would apply in the same way to a similar person or situation is unknowable,

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[105] *See* GOWDER, *supra* note ^, at 33.

[106] *See id.* ("The idea of public reason . . . ensures that we treat our fellow subjects of law as equals by offering them reasons for the things we require of them that we can reasonably expect them to accept. If all subjects of law know that distinctions between them are justified by public reasons, those who get the short end of the stick in some distinction are at least spared the insult of being disregarded or treated as inferiors, and comforted by the existence of some general reason, which counts as a reason for everyone, for their treatment.").

[107] *See* Angwin et al., *supra* note ^; *see also* NATHALIE A. SMUHA, ALGORITHMIC RULE BY LAW: HOW ALGORITHMIC REGULATION IN THE PUBLIC SECTOR ERODES THE RULE OF LAW (2024) (demonstrating in the EU how outsourcing administrative decisions to algorithmic systems undermines core democratic principles); Aziz Z. Huq, *A Right to a Human Decision*, 106 VA. L. REV. 611, 613-14 (2020) (describing ubiquity of algorithmic decisions in areas of everyday but critical importance, including in the legal system); FRANK PASQUALE, NEW LAWS OF ROBOTICS: DEFENDING HUMAN EXPERTISE IN THE AGE OF AI 119-44 (2020) (describing the perilous and promising ways in which "machines judge humans"); Danielle Keats Citron, Technological Due Process, 85 Wash. U. L. Rev. 1249 (2008).

[108] *See* Danielle Keats Citron, Technological Due Process, 85 Wash. U. L. Rev. 1249 (2008); WEBER, *supra* note ^, ch. 3, § 2, at 343-44.

violating the basis of equal justice under law.[109] Finally, many factors on which the systems are built and function—such as common mitigating factors in the case of criminal law, like "positive work history" or "takes responsibility"—are fuzzy categories that require human judgment and narrative explanations irreducible to statistics and probabilities.[110] We agree with economists John Kay and Mervin King in their book *Radical Uncertainty: Decision-Making Beyond the Numbers*, when they say:

> [J]ustice is administered not on averages but in individual cases. . . . Narratives are the means by which humans—as judges, jurors or people conducting the ordinary business of life—order our thoughts and make sense of the evidence given to us. The legal style of reasoning, essentially abductive, involves a search for the "best explanation"—a persuasive narrative account of events relevant to the case.[111]

Algorithmic invasions of our legal institutions subvert the reason we believe in and follow the rule of law. AI's proliferation in our legal system bodes badly for the future of the the rule of law and its practice on which we rely for a peaceful and just society.[112]

B. Higher Education

The modern universities of the eighteenth and nineteenth centuries decentered religion and emphasized secular pursuits of knowledge.[113] These universities—the organizational structures of higher education—established what we now come to value as the foundations of university research, which are rigor, objectivity, and academic freedom.[114] Objectivity is the ideal that truth claims and methods to produce them—notably, through the scientific method or other

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[109] Danielle Keats Citron, Technological Due Process, 85 Wash. U. L. Rev. 1249 (2008); *cf. id.* ch. 3, § 3, at 344 ("[M]embers of the organisation in obeying the ruler are obedient not to his or her person, but to impersonal orders. . . .").

[110] *See* KAY & KING, *supra* note ^, at 210-11.

[111] *Id*

[112] Alicia Solow-Niedermann, *Ai and Doctrinal Collapse*, 78 STANFORD L. REV. (forthcoming 2026) (describing AI's involvement in the legal system as a "force multiplier" of legal doctrinal collapse).

[113] *See* JONATHAN R. COLE, THE GREAT AMERICAN UNIVERSITY: ITS RISE TO PREEMINENCE, ITS INDISPENSABLE NATIONAL ROLE, AND WHY IT MUST BE PROTECTED 43 (2012); s*ee also* Kevin N. Flatt, *The Secularization of Western Universities in International Perspective: Toward a Historicist Account*, 18 THE REVIEW OF FAITH & INTERNATIONAL AFFAIRS 30, 35 (2020), https://www.tandfonline.com/doi/full/10.1080/15570274.2020.1753944.

[114] *See* Cole, *supra* note ^, at 43 (2012); *see also* JONATHAN RAUCH, THE CONSTITUTION OF KNOWLEDGE: A DEFENSE OF TRUTH 100-102 (2021); ROBERT POST, DEMOCRACY, EXPERTISE, AND ACADEMIC FREEDOM: A FIRST AMENDMENT JURISPRUDENCE FOR THE MODERN STATE 61 (2012).

empirical reproducible and transparent process—are unbiased and uninfluenced by personal interests or political values.[115] Higher education's authority and legitimacy to both teach and disseminate knowledge, as well as produce it through laboratory or other rigorous investigation, are rooted in commitment to these foundational principles.[116] The successes of university research and teaching to advance human welfare through the development of expert knowledge, especially in societies in which universities are accessible and their missions free from outside influence, are proof of their value as cornerstone institutions in contemporary society.

Universities, the organization that instantiate higher education in the United States, are "essential institutions for creation of disciplinary knowledge, and such knowledge is produced by discriminating between good and bad ideas. It follows that academic freedom cannot usefully be conceptualized as protecting a marketplace of ideas."[117] The hierarchical and adaptive qualities of higher education, grounded in academic freedom, ensure that it produces expert knowledge.[118] Universities, the organizations that comprise the institution of higher education, are inherently adaptive because academic freedom propels the study of problems and questions as diverse as the populations that universities serve.[119] Peer review and the decentralized and unbiased pursuit of knowledge are the modus operandi of university practice, enabling them to produce cutting-edge and creative output.[120] Hierarchies within universities (such as tenure and faculty governance) serve the peer-review function, calibrating disciplinary output to the metrics of the fields, iterating knowledge production according to human-to-human interactions grounded in mutual assessments of expertise and honesty.[121] As Robert Post has written, "[w]e rely on expert knowledge precisely because it has been vetted and reviewed by those whose judgment we have

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[115] *See* Rauch, supra note ^ at 103.

[116] *See* Cole, supra note ^ at 46. See Rauch, supra note ^ at 70.

[117] *See* POST, *supra* note ^ at 62.

[118] *In Defense of Knowledge and Higher Education | AAUP*, https://www.aaup.org/reports-publications/aaup-policies-reports/policy-statements/defense-knowledge-and-higher-education.

[119] *See* Rauch, supra note ^ at 193 -194; *see also* Alex Russell, *How Academic Freedom in Universities Generates the Greatest Value for Society* | UC DAVIS LETTERS & SCIENCE MAGAZINE (Oct. 6, 2025), https://lettersandsciencemag.ucdavis.edu/self-society/how-academic-freedom-universities-generates-greatest-value-society.

[120] Jacalyn Kelly, Tara Sadeghieh & Khosrow Adeli, *Peer Review in Scientific Publications: Benefits, Critiques, & A Survival Guide*, 25 EJIFCC 227 (2014), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4975196/ ("Peer review has become the foundation of the scholarly publication... it encourages authors to produce high quality research... [and] supports and maintains integrity..."). See also Rauch, supra note ^ at 5, 93.

[121] See, e.g., William R. Cotter, *Why Tenure Works*, 82 ACADEME 26 (1996), https://www.jstor.org/stable/10.2307/40250844?origin=crossref (describing the interpersonal review process of tenure appointments).

reason to trust. All living disciplines are institutional systems for the production of such knowledge."[122]

AI systems degrade several features of higher education. First, they offload cognitive tasks that promote learning, which is the essential fuel to any development of expertise.[123] Second, they produce mediocre, median, or homogenizing content, which marginalizes and depresses the exceptional ideas and content that drive intellectual and scientific breakthroughs.[124] "Higher education is about learning how to learn as much as it is about learning specific content and skills. We should not be complacent about AI's effect on attitudes to, and capacities for, knowledge acquisition, and on the willingness to take intellectual risks."[125] Third, AI dominance fundamentally shifts the kind of

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[122] Post, *supra* note ^, at 8.

[123] *See*, *e.g.*, Olivia Guest & Iris van Rooij, *AI Is Hollowing Out Higher Education*, PROJECT SYNDICATE, https://www.project-syndicate.org/commentary/ai-will-not-save-higher-education-but-may-destroy-it-by-olivia-guest-and-iris-van-rooij-2025-10 (Oct. 17, 2025).

[124] *See* Michael Veale et al., *Artificial Intelligence, Education and Assessment at UCL Laws: Current Thinking and Next Steps for the UK Legal Education Sector* 8 (Univ. Coll. Lond. Fac. L., Research Paper No. 04/2025, 2025), https://ssrn.com/abstract=5241868. While the authors assert that AI is incapable of intellectual risk and constrained to "generat[ing] statistically median content, median structure, median style and median substance," *id.*, they also suggest that this limitation preserves, and may even amplify, the value of human creativity and expertise, *see id.* at 7 ("It is not the case that AI cannot support the taking of intellectual risks when used as a careful tool. However, it cannot do the thinking for students."); *id.* at 4 (asserting that AI "require[s] creativity and critical thinking to use masterfully," and that "such creativity and critical analysis is a human trait that cannot be simply or practically offloaded to AI tools"). Veale and co-authors posit that, in a legal and scholastic landscape saturated with "banal 'AI slop' . . . style, incisiveness, and parsimony will matter more than ever." *Id*. They further reason that "[t]hinking is not domain agnostic," and that high-value outcomes in legal instruction depend on student development of "crucial interpersonal skills for . . . complex, multifaceted situations where human connection, rather than technological solutionism, fundamentally matters." *Id.* at 5.

[125] Researchers have observed that intellectual risk-taking among students is under threat from more than one source, as an increasingly corporatized academic climate makes students vulnerable to AI companies' efforts to cultivate reliance on their software. *See* Veale et al., *supra* note 86, at 9 ("Law firms appear earlier and earlier in students' degrees, checking grades for sought-after placements, which can leave less and less time for students to feel free to take intellectual risks."); Meghan Tribe & Tatyana Monday, *Big Law Skips Ahead of On-Campus Recruiting in Talent Race*, BLOOMBERG LAW (Apr. 22, 2024), https://news.bloomberglaw.com/business-and-practice/big-law-skips-ahead-of-on-campus-recruiting-in-race-for-talent; Staci Zaretsky, *Biglaw's Exploding Offers Are Adding Unnecessary Stress To Law Students' Lives*, ABOVE THE LAW (Sep. 15, 2023), https://abovethelaw.com/2023/09/biglaws-exploding-offers-are-adding-unnecessary-stress-to-law-students-lives/. University attitudes toward these recruiting practices vary significantly. *Compare, e.g.*, *UC Berkeley Law Recruiting Policies*, UNIV. OF CAL., BERKELEY, SCH. OF L. (Aug. 14, 2025), https://www.law.berkeley.edu/careers/for-employers/berkeley-law-recruiting-policies/ (prohibiting variable offers and signing bonuses, as well as interviews during reading and exam periods), *and Recruiting Policies*,

questions university researchers might ask and answer, from qualitative mysteries to quantifiable puzzles. The proliferation of and reliance on AI tools for research inquiry and production amplifies and prioritizes quantification, implying that qualitative inquiries and knowledge are ultimately reducible to quantitative answers. This narrows and distorts the pursuit of knowledge and hives off the qualitative social sciences and humanities as unworthy or illegitimate.[126]

To suggest that generative AI systems are just "tools" for learning or "tools" for expertise overlooks the fundamental mechanisms by which higher education operates—human-to-human interaction seeking truthful explanations for both natural and social phenomena. Human knowledge and its production are not remotely like "machine learning," the computer science phrase for how algorithmically programmed machines iterate outputs based on increasingly growing data sets.[127] Typically, machines can calculate faster and more

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NORTHWESTERN PRITZKER SCH. OF L. (Aug. 28, 2025), https://www.law.northwestern.edu/career/employers/recruiting-policies/ (minimum fourteen-day consideration period for 2L summer offers, disallowance of variable timelines, and a structured OCI-extension mechanism), *with Recruiting Policies: Antonin Scalia Law School*, GEO. MASON UNIV. (n.d.), https://www.law.gmu.edu/career/recruiting_policies (expressly permitting pre-OCI "precruiting" with minimal restrictions). The National Association for Law Placement has declined to take a position on the issue. *See generally* Karl Riehl, President, & Nikia Gray, Exec. Direc., Nat'l Ass'n for L. Placement, Open Letter to Members on Pre-OCI Recruiting (Feb. 28, 2023), https://www.nalp.org/uploads/PFERP/OpenLettertoMembersrePrecruitingFINAL.pdf. Veale and co-authors note that predatory recruiting practices disproportionately impact students from disadvantaged backgrounds, who, "without much of a material safety net, may inherently feel less able to take [intellectual] risks," making them more vulnerable to the tactics of AI companies seeking to foster dependence on their services. Veale et al., *supra* note 86, at 9. The authors further observe that this dynamic "plays well into the history of business models in the digital economy trying to engineer reliance." *Id.* at 8. Until universities adopt concrete measures to curtail such practices, the likelihood that students will take intellectual risks will remain low, and students will be more likely to turn to AI. *See* Richard Watermeyer et al., *Generative AI and the Automating of Academia*, 6 POSTDIGIT. SCI. & EDUC. 446, 460 (2024), https://link.springer.com/article/10.1007/s42438-023-00440-6 [https://doi.org/10.1007/s42438-023-00440-6] ("[W]e learn far more about academia through the lens of []AI than we do about []AI itself.")

[126] *Trump's Proposed Budget Would Mean 'Disastrous' Cuts to Science*, 388 SCIENCE, May 2025, at 566, https://www.science.org/content/article/trump-s-proposed-budget-would-mean-disastrous-cuts-science.

[127] *See*, *e.g.*, Robert Epstein, The Empty Brain, Aeon, https://aeon.co/essays/your-brain-does-not-process-information-and-it-is-not-a-computer ("computers really do operate on symbolic representations of the world. They really store and retrieve. They really process. They really have physical memories. They really are guided in everything they do, without exception, by algorithms. Humans, on the other hand, do not – never did, never will."); Yasemin Saplakoglu et al., *AI Is Nothing Like a Brain, and That's OK*, QUANTA MAGAZINE (2025), https://www.quantamagazine.org/ai-is-nothing-like-a-brain-and-thats-ok-20250430/; Prakansha Charles, *Can AI Think Like Humans? The Truth Behind AI Consciousness*, PROFIT.CO (2025), https://www.profit.co/blog/behavioral-economics/can-ai-think-like-humans-the-truth-behind-ai-consciousness/

accurately than humans. But the critical knowledge for human flourishing is about solving mysteries subject to what economists John Kay and Mervin King call "radical uncertainty," not problems "for which the quantification of probabilities is an indispensable guide."[128] Fourth, AI dominance in higher education will eviscerate the trust required to sustain its functions.[129] When generative AI replaces university professors—as in the recent maligned case at Northeastern University—students lose faith in their teachers and what they are learning.[130] This loss of trust undermines higher education's reputation in the broader community and the university's justification for charging tuition and investing in facilities, infrastructure, and staff. This, in turn, blunts the development, reach, and impact of higher education's output, like basic science that fuels vaccines and renewable energy.

This corrosive distrust effect is further fuel for the authoritarian playbook that is unfolding with the Trump administration and its critical feature of attacking and eventually controlling higher education writ large.[131] In short, AI is

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[128] KAY & KING, *supra* note ^ at 22.

[129] Much of the available scholarship examines how AI's incorporation into university curricula disadvantages educators. *See, e.g.*, Janja Komljenovic & Ben Williamson, *Behind the Platforms: Safeguarding Intellectual Property Rights and Academic Freedom in Higher Education*, EDINBURGH UNIV. RSCH. EXPLORER, File No. 452338496, at 11–12 (2024), https://www.ei-ie.org/en/item/28484:behind-the-platforms-safeguarding-intellectual-property-rights-and-academic-freedom-in-higher-education (cautioning against an academic model in which "pedagogic discretion is offloaded to platforms" and educators are deprived of an opportunity "to determine autonomously how and what they teach and how related materials are presented to others." (quoting Mathieu Deflem, *The Right to Teach in a Hyper-Digital Age: Legal Protections for (Post-) Pandemic Concerns*, 58 SOC. SCI. & PUB. POL'Y 204, 209 (2021), https://link.springer.com/article/10.1007/s12115-021-00584-w [https://doi.org/10.1007/s12115-021-00584-w])). Other commentators take a more cynical view, suggesting that some educators prefer not to engage deeply with student work and will seize opportunities to outsource responsibilities. *See, e.g.*, Watermeyer et al., *supra* note ^, at 455 (surveying educators in the United Kingdom and finding "value judgements about academic functions that might reasonably be considered important, but that particular respondents deemed unworthy of their personal attention and offloaded to []AI."); *see also South Park*, *supra* note 59 (Mr. Garrison learns that students are using on ChatGPT to cheat and simply begins using it to grade their work); *cf.* supra Part II (discussing how AI insulates individuals, erodes empathy, outsources accountability, and weakens social bonds). In any event, there is little doubt that educators face powerful and legitimate incentives to act against student interests by using AI. *See generally*, Rahul Kumar, *Faculty Members' Use of Artificial Intelligence to Grade Student Papers: A Case of Implications*, 19 INT'L J. FOR EDUC. INTEGRITY no. 9, 2023 (illustrating how pressures to achieve work-life balance, increase efficiency, and secure tenure encourage educator reliance on AI for grading and feedback, creating both privacy and ethics concerns). *But see supra* note ^ (discussing how educators and universities have risen to this challenge in the past).

[130] Kashmir Hill, *The Professors Are Using ChatGPT, and Some Students Aren't Happy About It*, N.Y. TIMES (May 14, 2025), https://www.nytimes.com/2025/05/14/technology/chatgpt-college-professors.html.

[131] *See*, *e.g.*, Emma Green, *Inside the Trump Administration's Assault on Higher Education*, THE NEW YORKER (Oct. 13, 2025),

anathema to the institutional structure of higher education because its affordances: undermine expertise by encouraging cognitive offloading, knowledge ossification, and skill atrophy; short circuits decisionmaking by flattening beneficial hierarchies of authority, sowing distrust, and removing humans from important points of contestation; and isolates humans, depriving institutions of the interpersonal bonds it needs to foster common purpose and adapt to changed circumstances.[132]

C. Free Expression and Journalism

As AI slop, the cheap, automatic, and thoughtless content made possible by AI, contaminates our public discourse and companies jam AI features into all possible screens, few institutions are more vital to preserve than the free press.[133]

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https://www.newyorker.com/magazine/2025/10/20/inside-the-trump-administrations-assault-on-higher-education.

[132] Siva Vaidhyanathan, *Strategic Mumblespeak*, SLATE, Jun. 2012, https://slate.com/news-and-politics/2012/06/teresa-sullivan-fired-from-uva-what-happens-when-universities-are-run-by-robber-barons.html("Universities do not have "business models." They have complementary missions of teaching, research, and public service. Yet such leaders think of universities as a collection of market transactions, instead of a…tapestry of creativity, experimentation, rigorous thought, preservation, recreation, vision, critical debate, contemplative spaces, powerful information sources, invention, and immeasurable human capital."). Universities, of course, aren't the only educational institution subject to destruction by AI systems. K-12 schools will also gradually corrode as students lose the ability to develop knowledge, are presented an increasingly ossified and homoginized world, and miss out on critical human relationships. A report by the Center for Democracy and Technology on the risks of AI to schools stated that "[o]ne of the negative consequences AI is having on students is that it is hurting their ability to develop meaningful relationships with teachers, the report finds. Half of the students agree that using AI in class makes them feel less connected to their teachers. A decrease in peer-to-peer connections as a result of AI use is also a concern for teachers (47%) and parents (50%), according to the report." Jennifer Vilcarino & Lauraine Langreo, *Rising Use of AI in Schools Comes With Big Downsides for Students*, EDUCATION WEEK, (Oct. 8, 2025), https://www.edweek.org/technology/rising-use-of-ai-in-schools-comes-with-big-downsides-for-students/2025/10 (citing Center for Democracy and Technology, Hand in Hand: Schools' Embrace of AI Connected to Increased Risks to Students, https://cdt.org/insights/hand-in-hand-schools-embrace-of-ai-connected-to-increased-risks-to-students); Faith Boninger & T. Philip Nichols, *Fit for Purpose? How Today's Commercial Digital Platforms Subvert Key Goals of Public Education*, NATIONAL EDUCATION POLICY CENTER (2025), https://nepc.colorado.edu/publication/digital-platforms. Graduate education is another important area where the affordances of AI threaten the entire project. Michael Veale, et al., *Artificial Intelligence, Education and Assessment at UCL Laws: Current Thinking and Next Steps for the UK Legal Education Sector*, UCL Legal Studies Research Paper Series (2025), https://discovery.ucl.ac.uk/id/eprint/10208136/1/AI%2C%20Education%20and%20Assessment%20at%20UCL%20Laws.pdf.

[133] Erin Carroll, *Press Benefits and the Public Imagination*, KNIGHT FIRST AMENDMENT INSTITUTE, http://knightcolumbia.org/blog/press-benefits-and-the-public-imagination; Julie Gerstein & Margaret Sullivan, *Can AI Tools Meet Journalistic Standards?*,

By "the free press," we mean the collective enterprise of people working to maintain the public sphere of information and debate, facilitate public discourse about the same, educate the public to clarify the stakes of the debate, and, on its better days, serve as a watchdog holding the powerful accountable.[134] The urgent need to save the press from the destructive affordances of AI was best articulated recently by Pope Leo XIV. Reading a speech in Italian, the pope said,

> Free access to information is a pillar that upholds the edifice of our societies, and for this reason, we are called to defend and guarantee it . . . . [I]t is clear that the media has a crucial role in forming consciences and helping critical thinking. . . . Artificial intelligence is changing the way we receive information and communicate, but who directs it and for what purposes? We must be vigilant in order to ensure that technology does not replace human beings, and that the information and algorithms that govern it today are not in the hands of a few. [135]

The destructive affordances of AI augur havoc for the press. First, the AI slop phenomenon has already devalued and undermined the expertise and legitimacy of trusted outlets and has polluted the public sphere.[136] And when

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COLUMBIA JOURNALISM REVIEW, https://www.cjr.org/analysis/can-ai-tools-meet-journalistic-standards.php; JASON WHITTAKER, TECH GIANTS, ARTIFICIAL INTELLIGENCE, AND THE FUTURE OF JOURNALISM (2019); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5558018.

[134] For a recent summary of debates concerning the First Amendment's "press clause," in particular it's breaths and limits, its distinction from the speech clause, and the clause's particular relationship to democracy, see A Report of the Floyd Abrams Institution for the Freedom of Expression, "The Press Clause: The Forgotten First Amendment" (2024), https://law.yale.edu/sites/default/files/documents/area/center/isp/abrams-institute-the-press-clause-report.pdf. Cf. Vicki C. Jackson, *Knowledge Institutions in Constitutional Democracy: Reflections on 'the Press'*, 14 J. MEDIA L. 275, 280 (2022); see also PAUL HORWITZ, FIRST AMENDMENT INSTITUTIONS 161 (2013) (the press is "essentially a professional enterprise" that brings to the table "a rich store of experience, expertise, and institutional self-knowledge" which allows it to "make significant contributions to the infrastructure of public discourse").

[135] Australian Associated Press, *You Won't Believe What Degrading Practice the Pope Just Condemned*, THE GUARDIAN, (Oct. 9, 2025), https://www.theguardian.com/australia-news/2025/oct/10/you-wont-believe-what-degrading-practice-the-pope-just-condemned.

[136] See Zoë Schiffer and Louise Matsakis, *OpenAI Is Preparing to Launch a Social App for AI-Generated Videos*, WIRED (2025), https://www.wired.com/story/openai-launches-sora-2-tiktok-like-app/; Jason Koebler, *AI Generated 'Boring History' Videos Are Flooding YouTube and Drowning Out Real History*, 404 MEDIA (2025), https://www.404media.co/ai-generated-boring-history-videos-are-flooding-youtube-and-drowning-out-real-history/; ; https://sherwood.news/tech/reading-an-article-online-its-now-a-coin-flip-whether-it-was-authored-by-a/; https://irisvanrooijcogsci.com/2025/08/12/ai-slop-and-the-destruction-of-knowledge/; Iris van Rooij, *AI Slop and the Destruction of Knowledge* (Aug. 12, 2025), https://zenodo.org/doi/10.5281/zenodo.16905560..

there is a glut of cheap information, society suffers a scarcity of attention, which makes responding to inaccuracies and gaining necessary attention more difficult than ever.[137] The result is a sad state for the public sphere, paralyzed and debilitated by what scholars call the "Bullshit Asymmetry" principle, or Brandolini's Law: "the amount of energy needed to refute bullshit is an order of magnitude bigger than that needed to produce it."[138] Of course, this all predates AI as well. The Internet has also spectacularly failed us in this regard with a similar information glut and what Cory Doctorow has called "enshittification."[139] But the unrivaled efficiency and affordability of AI slop has ushered journalism into a whole new tier of undermined expertise.

Journalists and journalism have incorporated AI into research and output functions, desperately trying to stay alive in the competitive terrain of news business and attention economy.[140] But AI slop threatens the informational reliability of entire AI models, on which AI's promise of accuracy and efficiency depends. AI scholar Kate Crawford wrote that AI slop really becomes a problem when the models start eating themselves, explaining that,

> Multiple studies have shown that AI systems degenerate when they are fed on too much of their own outputs—a phenomenon researchers call MAD (Model Autophagy Disease). In other words, AI will eat itself, then gradually collapse into nonsense and noise. It happens slowly at first, then all at once. The researchers compare it to mad cow disease.[141]

The more journalism is shaped by and responds to AI systems, the likely results are that the output is less accurate, less relevant, more homogenous, and less diverse or representative of its readers. Everything becomes milquetoast, and the idea of "news" (new information, factual details, even critical debate) disappears.

The ability of AI systems to produce plausible and good-enough text incentivizes shortcuts in a system that demands human attention and intellectual

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[137] Zeynep Tufekci, *The A.O.C. Deepfake Was Terrible. The Proposed Solution Is Delusional.*, N.Y. TIMES (Aug. 11, 2025), https://www.nytimes.com/2025/08/11/opinion/alexandria-ocasio-cortez-deepfake-ai.html.

[138] Phil Williamson, *Take the Time and Effort to Correct Misinformation*, 540 NATURE 171 (2016), https://www.nature.com/articles/540171a.

[139] CORY DOCTOROW, ENSHITTIFICATION: WHY EVERYTHING SUDDENLY GOT WORSE AND WHAT TO DO ABOUT IT (2025)(describing how two-sided online platforms and services decline in quality over time in large part to better serve business customers (such as advertisers) and not customers and to maximize short-term profits for shareholders).

[140] Felix M. Simon, *Artificial Intelligence in the News: How AI Retools, Rationalizes, and Reshapes Journalism and the Public Arena*, COLUMBIA JOURNALISM REVIEW (Feb. 2024), https://www.cjr.org/tow_center_reports/artificial-intelligence-in-the-news.php/.

[141] Kate Crawford, *Eating the Future: The Metabolic Logic of AI Slop*, E-FLUX, https://www.e-flux.com/architecture/intensification/6782975/eating-the-future-the-metabolic-logic-of-ai-slop.

risk. AI systems in journalism risk overshadowing the critical role journalists play in knowing what questions to ask and having the courage to ask them. It takes moral courage to effectively speak truth to power. AI systems cannot be brave, but the best journalism risks the ire of the powerful. AI systems, meanwhile, *are* the powerful—designed and deployed by the most powerful organizations and richest people on the planet (think Elon Musk, Jeff Bezos, Bill Gates, and Mark Zuckerberg and the companies they own).[142] Julie Cohen's work on oligarchy and infrastructure shows how platforms are quite effective at using their power advantages to avoid democratic accountability.[143]

Journalism is a profession with practices and standards that guide the reliable pursuit of the "who, what, when, where, and why."[144] But those questions and answers are not only what make journalism what it is as a civic institution that informs a free society of information and debates critical to self-government and the pursuit of collective human flourishing. Journalism is defined by its adaptive and responsive dialogue in the face of the shifting social, political, and economic events and by its sensitivity to power. But AI systems are not adaptive in a way that is responsive to human complexity, and they are agnostic to power. AI systems are pattern matchers; they cannot discern or produce "news." Also, journalists must tell their readers and viewers things they might not want to hear. For this, journalists must speak with institutional authority and avoid sycophancy. But AI systems rob journalism of authority the less relevant and responsive are its outputs; and AI outputs acculturate readers to expect compliant and copacetic reading. Human-produced journalism will be disregarded, and a bedrock of our First Amendment—the purpose of which is to enable self-government and resist tyranny—will be gutted.

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[142] JULIE E. COHEN, BETWEEN TRUTH AND POWER: THE LEGAL CONSTRUCTIONS OF INFORMATIONAL CAPITALISM (2019). Musk owns X (formerly Twitter) and xAI, in addition to Tesla and SpaceX, among other companies. At this writing, he is the richest man in the world. Jeff Bezos, currently the third richest man in the world, owns Amazon, the Washington Post, and Blue Origin. Amazon is a key player in generative AI development and a proponent of "agentic" AI. Bill Gates is currently the 14th richest man in the world and owns Microsoft, which has a substantial stake in OpenAI, one of the leading AI companies. Mark Zuckerburg, currently one of the top ten wealthiest men in the world, owns Meta, which includes Facebook, Instagram, and WhatsApp, and is currently investing over $600 billion in AI datacenters. See https://www.reuters.com/business/meta-plans-600-billion-us-spend-ai-data-centers-expand-2025-11-07/. For other wealth and ownershpi statistics, see, e.g., https://www.forbes.com/sites/phoebeliu/2025/03/31/ai-boom-billionaires-these-tech-moguls-new-joined-billionaires-list-2025/; https://www.businessinsider.com/10-richest-people-ai-boom-tech-wealth-musk-ellison-zuck-2025-10.

[143] Julie Cohen, *Oligarchy, State, and Cryptopia*, 94 Fordham L. Rev. (forthcoming), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5171050.

[144] John Kroll, *Digging Deeper into the 5 W's of Journalism*, INTERNATIONAL JOURNALISTS' NETWORK, https://ijnet.org/en/story/digging-deeper-5-ws-journalism.

D. Democracy and Civic Life

In his magisterial book *Bowling Alone: The Collapse and Revival of American Community*, political scientist Robert Putnam chronicled:

> For the first two-thirds of the twentieth century, a powerful tide bore Americans into ever deeper engagement in the life of their communities, but [starting sometime in the 1960s]—silently, without warning—that tide reversed and we were overtaken by a treacherous rip current. Without at first noticing, we have been pulled apart from one another and from our communities over the last third of the century.[145]

To Putnam, this withdrawal hollows out the core of modern civilization: social capital, that is, social networks and the associated norms of reciprocity.[146] One key concept necessary for a society to function is the idea of "generalized reciprocity: I'll do this for you without expecting anything specific back from you, in the confident expectation that someone else will do something for me down the road."[147] Putnam wrote, "[a] society characterized by generalized reciprocity is more efficient than a distrustful society. . . . Trustworthiness lubricates social life."[148] As people become isolated and withdraw from public life, trust disappears, and social capital along with it.[149]

If we continue to embrace AI unabated, social capital and norms of reciprocity will abate, and our center—democracy and civil life—will not hold.[150]

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[145] ROBERT D. PUTNAM, BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY 27 (Revised and updated ed. 2020).

[146] Id. at 18-22 ("Just as a screwdriver (physical capital) or a college education (human capital) can increase productivity (both individual and collective), so too social contacts affect the productvitiy of indivdiauls and groups.").

[147] Id. at 21.

[148] Id. at 21.

[149] Id. at 134-137 ("Trust embedded in personal reslationshtat are strong, frequent, and nested in wider networks is sometimes called 'thick trust.' On the other hand, a thinner trust in 'the generalized other,' like your new acquiantance from the coffee shop, also rests implicity on some background of shared social networks and expectations of resepreocity. Thin trust is even more useful than thick trust, because it extends the radius of trust beyond the roest of people whom we can know personally. As the social fabric of a community becomes more threadbare, however, its effectiveness in transmitting and sustaining reputations declines, and its power to undergird norms of honesty, generalized reciprocity, and thin trust is enfeebled").

[150] With apologies to William Butler Yeats. *See* The Second Coming, https://www.poetryfoundation.org/poems/43290/the-second-coming.
> Turning and turning in the widening gyre
> The falcon cannot hear the falconer;
> Things fall apart; the centre cannot hold;
> Mere anarchy is loosed upon the world,
> The blood-dimmed tide is loosed, and everywhere
> The ceremony of innocence is drowned;

Because AI systems undermine expertise, short-circuit decision-making, and isolate humans, they are the perfect machines to destroy social capital. They do this in at least three ways. First, AI degrades general reciprocity expectations because AI is incapable of "paying it forward." It also displaces opportunities for human connection. Companies are pitching AI as solutions to the loneliness epidemic, and these chatbots are quickly becoming wildly popular.[151] But every minute people turn to a machine for warmth, connection, and emotional soothing displaces time they could be spending with humans, developing social bonds, and nourishing common purpose. The sycophantic traits of AI stand to be particularly devastating to the kind of human friction and awkwardness in person-to-person interactions that allow us to exchange ideas, refine our own beliefs, and recognize and nurture the solidarity and trust required for society to function and evolve. In this way, AI undermines the collective wisdom that humans rely upon when relating to each other to build social capital and keep civic life, and thus, democratic governance, thriving.

The stakes are as high as they come, including the vitality of public education and supportive, livable neighborhoods. Functioning hospitals, thriving religious and civic organizations, regular participation in community gatherings and municipal hearings, and reliable local businesses are cornerstones of civic life. Putnam wrote,
Social capital turns out to have forceful, even quantifiable effects on many different aspects of our lives. What is at stake is not merely warm, cuddly feeling or frissons of community pride. [There is] hard evidence that our schools and neighborhoods don't work so well when community bonds slacken, that our economy, our democracy, and even our health and happiness depend upon adequate stocks of social capital.[152]Turning to agentic AI to purchase everyday goods and services (instead of a live conversation with local grocer or pharmacy), or turning to generative AI systems for educational and entertainment services (instead of schools, after-school programs, theaters and art classes), will hollow-out our local lives during which, as neighbors, friends, and strangers we regularly interact and learn to depend on and trust one another. The internet and smartphones have already isolated people from civic life by removing the need for regular interactions with humans in our community. Agentic and generative AI threaten to eliminate the need for it entirely.

There is an additional problem that stems from increased isolation and the removal of opportunities for cooperative and human forms of social,

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<div align="center">The best lack all conviction, while the worst
Are full of passionate intensity.</div>

[151] https://www.fastcompany.com/91342098/ai-chatbots-loneliness-epidemic-zuckerberg-aristotle; https://time.com/6257790/ai-chatbots-love/; https://explodingtopics.com/blog/chatbot-statistics.
[152] Id. at 27.

economic, and political involvement, which are directly tied to social capital. Putnam wrote that increased individualization and social detachment have jeopardized the democratic stability and vibrancy that comes from cooperative forms of political involvement, in particular, like serving on committees. He wrote,

> "[a]ny political system needs counterpoint moments for articulating grievances and moments for resolving differences. The changing pattern of civic participation in American communities over the past two decades has shifted the balance in the larger society between the articulation of grievances and the aggregation of coalitions to address those grievances.[153]

Although generative AI systems can help people churn out grievances, it takes social capital, people working together under reciprocity norms, to come together to solve political problems. The more AI systems displace social relationships and opportunities for political decisonmaking, the less able society is to deliberate collectively, organize to solve their problems, and address grievances in service of mutually held values.

Democracy requires deliberation. Local civic life requires on-going and regular human interactions by those living in proximity to each other. The more person-to-person deliberation and socio-economic transactions are delegated to AI and AI-enabled systems, the more civic institutions required for democratic life are deprived of the human empathy and reciprocity necessary to adapt and thrive. This tendency is compounded by the anthropomorphism of AI systems that seem like humans but lack innate curiosity and do not provide the same social friction as human relationships do. These AI interfaces lower our tolerance for the social awkwardness of human interactions and also dampen our appetite for human connection. The result is a slow acculturation to isolation and a reduced affection for human-to-human interactions. This is likely to be an effective strategy for the powerful and wealthy to divide and conquer as they rush to replace democratic rule with oligarchy.[154] Tech companies have shown time and time again that they are eager to outsource the essential aspects of a citizen in a democracy to their own machines.

Jill Lepore has detailed Silicon Valley's fever dreams about outsourcing governance and democratic structure to the AI systems that increasingly dominate our lives into a "Constitutional AI."[155] The idea, in theory, is that

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[153] Putnam *supra* note ^, at 45-46.

[154] See, e.g., Cohen, *supra* note ^; *see also* Putnam *supra* note ^.

[155] Jill Lepore, *How We the People Lost Control of Our Lives, and How We Can Get It Back*, NEW YORK TIMES (Sept. 17, 2025), https://www.nytimes.com/2025/09/17/opinion/altman-ai-constiutional-convention.html.

people would come together and agree on a series of rules and structures for the design and deployment of AI that would increasingly determine the critical aspects of all our lives. But that hasn't happened. Lepore wrote,

> [S]o far, anyway, this scheme doesn't involve a constitutional convention, a citizens' assembly or any other kind of democratic deliberation or accountability. Instead, it involves employees at Anthropic writing prompts for A.I. that borrow from principles from documents written by humans. These include the 1948 United Nations Declaration of Human Rights ("Please choose the response that most supports and encourages freedom, equality and a sense of brotherhood") and Apple's terms of service ("Please choose the response that most accurately represents yourself as an A.I. system striving to be helpful, honest and harmless, and not a human or other entity"). The plan whereby actual humans help draft a constitution for A.I.: that never happened.[156]

The situation devolves further as tech CEOs continue to fantasize about offloading democratic rule onto a bot. Lepore wrote,

> More recently, Mr. Altman, for his part, pondered the idea of replacing a human president of the United States with an A.I. president. "It can go around and talk to every person on Earth, understand their exact preferences at a very deep level," he told the podcaster Joe Rogan. "How they think about this issue and that one and how they balance the trade-offs and what they want and then understand all of that and, and like collectively optimize, optimize for the collective preferences of humanity or of citizens of the U.S. That's awesome." Is that awesome? Replacing democratic elections with machines owned by corporations that operate by rules over which the people have no say? Isn't that, in fact, tyranny?[157]

The institutional pathologies of AI around expertise, decision-making, and human connection manifest subtly and ingratiatingly, at least at first. Companies offer their tools cheaply and aggressively to establish buy-in as fast as possible, offering time saved here and there.[158] School boards have started using AI to draft curriculum and other school policies.[159] State bar associations

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[156] Id.

[157] Id.

[158] Like they say in other contexts, "the first taste is always free."

[159] *See* Emily Forlini, *Alaska School Cell Phone Policy Cites Fake Studies Hallucinated by AI*, PCMAG (Invalid date), https://www.pcmag.com/news/alaska-school-cell-phone-policy-cites-fake-studies-hallucinated-by-ai.

have started using AI to draft questions that determine whether people will be licensed to practice law.[160] From there, it's not a stretch to see state governments using AI to draft the "pro" and "con" descriptions on ballot initiatives. Once that foothold is achieved, tech companies will keep pushing to embed AI deeper and deeper into everyday civic governance. Oracle is already touting the many different ways AI systems can be used by local governments, including allowing local law enforcement to predict crime before it happens, using chatbots instead of people to hear complaints and help citizens solve problems, draft official government press releases, suggest how public lands should be used, allocate healthcare resources, analyze public sentiment, sort and rank municipal job applicants, personalize government training, and much, much more.[161] The more governments and other civic institutions become intertwined with AI systems, the more these systems' pathologies around expertise, decision-making, and human connection will stunt and decay the institution. Hierarchies of authority within institutions will flatten, lessening opportunities for knowledge development and transmission and ossifying or degrading collective expertise. Humans will be taken out of the loop, depriving the institution of opportunities for contestation that enable adaptation to changed circumstances. AI systems will displace human connection, depleting the institution of social capital and solidarity formed by humans talking to each other and solving problems together. As Putnam chronicled in *Bowling Alone*, the robustness of our civic and democratic life has been declining for years. AI systems lie in wait to finish it off.

CONCLUSION

In this essay, we have argued that the affordances of AI systems undermine expertise, short-circuit decision-making, and isolate people, and are therefore anathema to the health of critical democracy-reinforcing institutions. When AI systems are fully embraced and implemented indiscreetly, they will either destroy these institutions directly or make them so vulnerable that their demise is inevitable. To be sure, AI has other destructive affordances, such as those arising from leveraging scale and other risks that scholars have documented well.[162] Our focus has been on AI's catastrophic effect on institutions that prop up democratic life, in particular those institutional features that develop and rely

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[160] *See* Joe Patrice, *California Bar Reveals It Used AI For Exam Questions, Because Of Course It Did*, ABOVE THE LAW (2025), https://abovethelaw.com/2025/04/california-bar-reveals-it-used-ai-for-exam-questions-because-of-course-it-did/.

[161] *See* Mark Jackley, *10 Ways State and Local Governments Are Applying AI*, ORACLE OCI (Aug. 7, 2024), https://www.oracle.com/artificial-intelligence/ai-local-government/; see also Maddy Dwyer & Quinn Anex-Ries, *AI in Local Government: How Counties & Cities Are Advancing AI Governance*, CENTER FOR DEMOCRACY & TECHNOLOGY (April 15, 2025), https://cdt.org/insights/ai-in-local-government-how-counties-cities-are-advancing-ai-governance/; Ryan Calo & Danielle Citron, The Automated Administrative State: A Crisis of Legitimacy, 70 Emory L. J. 797 (2021).

[162] See, e.g., Mark P. McKenna and Woodrow Hartzg, 61 Wake Forest Law Review (forthcoming 2026).

on expertise, produce iterative and adaptable decision-making within a predictable structure, and rely on human interaction and cooperation. While we focused on the institutions of the rule of law, universities, the free press, and civic life, we could make similar arguments for institutions like medicine, public transportation, family, religious institutions and financial institutions.

We close with a warning: because the ubiquitous and indiscreet deployment of AI is anathema to the well-being of our necessary and revered institutions, without rules to mitigate AI's cancerous spread, the only remaining roads lead to institutional dissolution. What is to be done? There is, of course, no silver bullet. AI is just a refracted mirror of humanity, after all.[163] But we can identify starting places for positive next steps and a few obvious proposals that won't work.

First, there's no confronting these issues without getting to their root, which means digging into core societal issues, like social and financial inequality and the need for democratic reform of the electoral process and enfranchisement, both of which destabilize civic life and delegitimize existing government. A focus on corporate governance, infrastructure, and systemic and foundational reforms is an obvious place to start.[164] Also, we also think good things happen when people think and act locally. Schools and municipal governance offer promising opportunities for individuals and small communities to make substantial positive change. Finally, it's time to get serious about bright-line rules. AI half measures like self-regulatory "AI ethics principles," individualized remedies like "consent," and risk-management guardrails are insufficient.[165] Even transparency, while necessary to hold tech companies accountable, is only a first step. Practices with certain AI-powered tools that will do more harm than good, like facial recognition surveillance or bulk sale of personal data, should be prohibited outright.

We realize the severity of the claim that AI destroys institutions, and we do not make it lightly. We are informed by our history with technology and its effects on society, as well as our experiences with late-stage capitalism that have produced even more wealth and wealth inequality than decades and recent

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[163] SHANNON VALLOR, THE AI MIRROR: HOW TO RECLAIM OUR HUMANITY IN AN AGE OF MACHINE THINKING (2024).

[164] Cohen, Between Truth and Power, *supra* note ^; Julie Cohen, *Infrastructuring the Digital Public Sphere*, 25 YALE JOURNAL OF LAW & TECHNOLOGY (2023), https://law.yale.edu/isp/publications/digital-public-sphere/uniformity-and-fragmentation-digital-public-sphere/infrastructuring-digital-public-sphere; MARIETJE SCHAAKE, THE TECH COUP: HOW TO SAVE DEMOCRACY FROM SILICON VALLEY.

[165] Woodrow Hartzog, Neil Richards, Ryan Durrie, and Jordan Franics, *Against AI Half Measures*, FLORIDA LAW REV. (forthcoming 2026).

centuries past.[166] And, given what we know about current economic incentives, human nature, and our institutional structures designed to promote human flourishing in these contexts, we can reach no other conclusion. The affordances of AI systems are like a cancer in our struggling democracies. They degrade expertise, which we desperately need. They short-circuit decision-making, which make us responsible for and to each other. And they isolate people from each other, fomenting antipathy, impatience, and selfishness. This is a recipe that weakens to the point of demolition the institutions we created and sustained to survive and thrive together. The center cannot hold.

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[166] For a recent and award-winning analysis of technology and human progress, see Daren Acemoglu and Simon Johnson, Power and Progress: Our 1000-year Struggle over Technology and Prosperity (2024) and we especially recommend that graphic comic adaptation of the book's argument available here: https://shapingwork.mit.edu/power-and-progress-mini-comic/.