



Interview

# Gregor Noll

Lund Law School

7 February 2025

**Anne Saab (AS):**

*Good morning and welcome to Gregor Noll. I am very happy that you are taking the time for this interview with us. So let me ask the first question.*

*Can you tell us a bit about your research on artificial intelligence and legal decision making in contemporary conflicts?*

**Gregor Noll (GN):**

Yeah, thank you very much Anne. Basically I've been dealing with it for something like a decade and I think now as you asked me and I have to revisit the trajectory I see that it's perhaps no coincidence that a personal experience all got me started.

I was hospitalized. In hospital I met a person who had Parkinson's disease and who basically was a sort of guinea pig for a novel technology called deep brain stimulation. So this is not at all about artificial intelligence (AI). It's about neurosurgery of sorts. So they basically wanted to give that man back the capability to walk and to use his muscles which they in a way succeeded but the trade-off was language. So he could walk but his speech became worse and that really left a deep impression.

So I wondered, what is that? That put me on track to research the uses of neurotechnology which was really a far-out thing in the military domain in 2014 when I started to write the piece. **So the piece asked the question: Will we be able to apply international humanitarian law (IHL) under conditions of neurotechnological targeting?** That was basically the scenario I was going for and at the time probably there was no application whatsoever that would be on the market, so to say, for that but there was literature and it was dealt with as being partly in the domain of the weird and the wonderful but people were serious about it. I remember we went to the International Committee of the Red Cross (ICRC) and talked to them about stuff and so on.

And there I think the important outcome of that exercise was to see that well basically the major loss here is the loss of language. You no longer have these conversations between the legal advisor and the commander where we imagine IHL decision-taking

to take place where the law is brought into a kind of a human cognitive process of sorts. I thought that was interesting.

There is a literature to deal with that. I was drawing on Heidegger. I was drawing on obviously the debates on Cartesianism. It was very educational. I was kind of enthralled to the theme. So it didn't quite leave me.

Five years later I tried again. I wrote a contribution to an anthology, which I co-edited with a number of friends and colleagues. There I tried to write about the uses of algorithmic warfare basically. So that's a volume called **War and Algorithm**. I contributed a chapter and there I really tried to understand in a way what happens when you add artificial intelligence and automate certain processes of cognition and decision-taking. To my mind it became ever more clear to me that there is a kind of an ontological separation going on there.

As lawyers we're coming from a kind of a very deeply rooted understanding of normativity. It goes back in the Western tradition to monotheism. It is very much premised on a learning process. A human learning process. We as lawyers study the books. We go out, meet reality. We fail. We go back to the books and so on. It's a circular process.

That is disrupted by AI because we are voluntarily outsourcing part of the learning process and saying: hey software, please help me with this difficult computing. When you do that, that's a major disruption. I think I want to contend myself by emphasizing that: the conclusion was it's a major disruption and you can frame it by saying there are two different ontologies standing against each other. That was interesting to me.

I still think that is something that is underappreciated. So I think that's something we need to work more on to understand what this rift is. There's a kind of a historical trajectory we're in now. Time is moving. Technology is moving. We are obviously not relenting. We're not giving up on the uses of technology. So what does it mean to live with this ontological rift? That's something I would be interested in.

And then with **Markus Gunneflo**, who is joining the conference today, I had the pleasure to do **a piece on proportionality and decision support** and we looked a bit into the history of this and we realized well you know this isn't AI. It's an earlier process. We got started way earlier by proportionality being understood in a cost benefit way. Quantified if you so wish. So that put us on a track where we said okay you can't just say there's law. AI is disrupting it. That's the story. The disruption story doesn't make sense. We decided to take that course way earlier before the technology was there. We had the language. We had this kind of background.

That's a long answer I'm afraid.

**AS:**

*That's great. Thank you very much.*

*So I have a follow up question. I know that your research hasn't focused specifically on emotion or on what you might want to label emotion or related terms and concepts. But could you reflect a little bit about what role emotion plays in this?*

**GN:**

Yeah. Yeah. That's a good one.

Obviously, emotion figures in the literature I have to read for these pieces. And there's for example this gang which thinks that we need to eliminate emotionality out of the application of IHL and to automate IHL and AI helps us do that. That's the **Ronald Arkin** school which thinks that look I mean soldiers are emotive, they're driven by feelings of revenge and fear and whatnot. You eliminate that and you get better application of the law. That's the one school and standing against another school as you well know which thinks well there's an issue of bias.

You never get rid of emotionality however much you automate it and render it into something abstract. So to me that was less interesting. I thought for the first piece about the loss of language what was really interesting to learn more about was the literature about embodied cognition. Embodied cognition allows me to speak in a more interesting way going back and forth between the phenomena we encounter when we are learning law or doing law where our explanatory power is broadened because embodied cognition simply broadens the view of what might be factored in into a process of cognition and it's spread out over a much larger network.

It is not so centered on the individual as the paradigmatic limit of everything where my body stops my senses stop, cognition stops. I mean, that's a reductive view. If I go and walk with my dog and I see we are kind of being attuned to each other in our cognition. The dog stops walking. I know something is around the bend and so on. That's something that is trans-individual in a way which is interesting and I think the military lives off that ability to be trans-individual, the theme of the body as part of the military teamwork as something that is almost a fetish in the military.

So I think if anything it's particularly attuned to analysis of that field. Is that an answer?

**AS:**

*Yeah thank you very much. Yeah great.*

*I have a final question if you could give us some of your thoughts on what you think the most pressing questions are in thinking about not just artificial intelligence but*

*the application of new technologies in warfare and what that means for international humanitarian law. What are the questions that we need to be dealing with?*

**GN:**

Yeah, I think I would go back to what I earlier called this rift the ontological rift where we are not noticing enough that a technology is premised on a different way of thinking the world and that thinking the world is not necessarily compatible with the thinking of the world that provided the foundation for IHL as it emerged historically. So the point is not: hey, let's have this wonderful historical IHL, it's so great, it's justice and warfare, but the point is there is a deep incommensurability between the two systems of thought which are provisionally labeled law versus cybernetics. You can give it any name you want as long as you see that there are these differences and you're going to bump into these differences in application situation, but I'm pretty sure that you're going to paper them over because the investment is so large.

You paid for these systems, you kind of organized your militaries around them and whatnot, and we discursively affirm that well yeah there are certain issues we need to discuss but by and large this is technological progress. We are in a kind of a cold war situation, this is a situation where this new technology is deeply unregulated as nuclear warfare was in the 40s and the 50s and parts of the 60s. No nuclear proliferation and no non-proliferation treaty in sight in this field. Let's just go for it, basically, so that's not a situation that is prone to reflection on the ontological base.

So I think we need to do our homework on that front also if we want to lean into the policy domain and, for example, critique the various ways in which the normative discussion is currently formed.

**AS:**

*Thank you very much for taking the time for this interview and we look forward to continuing our conversations later today here in Lund.*

