

DRAFT (20190519)

Report concerning the desirability of a chair of

Public Law, Governance and Artificial Intelligence

at the Department of Constitutional & Administrative Law of the Institute of Public Law of the Leiden Law School and Institute of Public Administration of Leiden University
Faculty of Governance and Global Affairs

Contents

1. BACKGROUND	1
2. THE INSTITUTES OF PUBLIC LAW AND PUBLIC ADMINISTRATION OF LEIDEN UNIVERSITY	2
2.1 CONSTITUTIONAL & ADMINISTRATIVE LAW AT THE INSTITUTE OF PUBLIC LAW	2
2.2 PUBLIC ADMINISTRATION INSTITUTE	2
3. THE CHAIR ON LAW AND GOVERNANCE OF ARTIFICIAL INTELLIGENCE	3
4. POSITIONING AND EMBEDDING OF THE CHAIR.....	4
5. PROFILE	5
6. JOB DESCRIPTION	5

1. Background

Leiden University has initiated a number of university-wide programs for 4 years to support several important multidisciplinary research themes, including one on artificial intelligence. The program on artificial intelligence (SAILS) brings together different faculties of Leiden University, including the faculties of Science, Social Science, Humanities, Law, and Governance and Global Affairs, who will collaborate and engage in multidisciplinary research. SAILS as a program provides ample opportunities for multidisciplinary collaborations, with application domains for deep learning.

As part of this program, the institutes of Public Law and Public Administration of Leiden University will work together in the area of public law and governance of Artificial Intelligence. The proposed chair in this area will be positioned in both institutes and will work on themes within this newly developing field. This report further develops this chair in the area of public law and governance of artificial intelligence, which is embedded in these institutes of the Leiden Law School and the Faculty of Governance and Global Affairs.

2. The institutes of Public Law and Public Administration of Leiden University

2.1 Constitutional & Administrative Law at the Institute of Public Law

The Department of Constitutional and Administrative law (17,0 fte), part of the Institute of Public Law, seeks to study the effectiveness and legitimacy of law and governance in a multi-level jurisdiction. The department is known for its integrated approach of constitutional theories and designs and the functioning of the administrative state, both on a national and European level. Its research centers on societies' challenges and inquires the capacity of law and public law institutions to resolve the major issues in our society. The datafication of society and government is one of the most revolutionary developments that challenges traditional legal concepts, influences the power balance within the state and asks for rethinking of modes of effective administration and legal protection.

The core group of researchers are mostly trained lawyers from the discipline of law, but the overall character of the group is multidisciplinary. The program's ambition to be open to other disciplines does not just entail involvement in projects with other disciplines, but also makes a real effort to understand each other's mode of approach. Many staff members took a degree not only in law, but also in adjacent fields like history, philosophy or political science. There is a natural environment to build bridges between disciplines.

Within Leiden Law School the department is responsible for five core subjects in the field of constitutional and administrative law and a Master's program in which theory and practice come together.

2.2 Public Administration Institute

The Institute of Public Administration at Leiden University, Faculty of Governance and Global Affairs, seeks to explore, explain, understand and advise on how public administrations and public organizations can create and sustain public value in an interdependent environment. This view on public administration permeates its research and teaching. The institute distinguishes five pillars in its research and teaching (see Research Strategy, Institute of Public Administration, September 2017). These pillars are public policy, public management, European governance, international governance, and historical and normative perspectives on public administration.

Building on these pillars, the institute explores the various interdependencies with which the public sector is confronted: these are interdependencies within the public sector, between the public sector and society, and between different levels of governance including international ones, which are typical for democratic political and administrative systems around the world. These interdependencies include the institutions, policies, and management of sectoral, national and international actors, which shape and affect their performance, capacity and effectiveness to address important societal problems. Furthermore, as a hallmark of the institute, we aim to explore these issues using a comparative perspective, which typifies our research as well as our teaching.

The Institute is rapidly expanding its strong international scientific reputation in research and is combining it with a steady expansion of its master's programs, intensifying transdisciplinary cooperation with colleagues from other scientific domains and renewed investments in the collaboration between the institute and professionals. To strengthen our research and teaching we explore new themes such as big data and digitalization, public health and welfare, and sustainability and endorse a transdisciplinary approach to the study of these societal challenges. Our contribution to these transdisciplinary endeavors further enriches our knowledge and insights embedded in our pillars but also make new and interesting connections between these through new research initiatives. Most importantly, though, we are convinced that a governance perspective is essential for the analysis of these societal problems as well as their potential solutions.

Since 1 May 2019, the Institute has a new chair in Public Administration with a focus on digitalization and public policy. This chair explores public administration in the information society. It complements the already existing collaboration with the Science Faculty on themes related to the SAILS program. Furthermore, the chair on Public Law and Governance of AI will compliment this chair by focusing on legal and regulatory aspects of AI.

3. The chair on Public Law, Governance and Artificial Intelligence

The datafication of society changes the way in which public institutions govern. AI assists the government in law and policy making and facilitates algorithmic decision making. On the one hand AI challenges classical legal norms and concepts of public administration and asks for an adaptation of these to purposefully regulate new technological applications. On the other hand, AI may strengthen the compliance with public norms and values. The prospective professor of the chair has knowledge of AI applications within the public sector, foresees technological developments and is specialized in relevant core themes of public law and governance, with a focus on AI. More specifically one can think of the following general themes in this field:

1. Transparency and accountability in the use of AI in decision-making or other forms of automation within government: in what way is AI used within government and how should it be used in an open and democratically responsible society under the rule of law? Can AI foster both good governance (including principles such as efficiency, equality and public accountability) and legality? How can data-driven inspections strengthen compliance with public (law) standards?
2. Regulation of and oversight over AI: In what way has the use of AI been regulated and how do (local) governments comply with their responsibilities? What deficits arise and how can regulatory approaches be adapted to better reflect emerging realities?
3. Innovation within public administration and administrative law: most times the law, but also public organizations, cannot live up with the speed and impact of technological developments, or unintendedly even hinders AI applications. How do law, public organizations and technical innovation interact, and can this interaction be improved so that AI can be used in a responsible way?

Since this chair is part of the university-wide program, SAILS, the chair will participate in this program, extending the existing collaboration of the institutes with others within Leiden University. Especially the collaboration with colleagues within the Faculty of Science, the Leiden Law School and the Faculty of Governance and Global Affairs is essential for this chair.

Furthermore, both institutes expect the chair to further develop the area of Public Law and Governance of Artificial Intelligence both in terms of teaching and research. This includes the further development of new tracks and programs and attracting grants and sponsorship in the area of second- and third-stream revenues. Important is that during the period of the university-wide program, sufficient milestones are reached so that continuation of this chair and the wider program can be based on regular revenues generated by these activities.

4. Positioning and embedding of the chair

The chair is for 0.5 fte in the Department of Constitutional & Administrative Law of the Institute of Public Law of the Leiden Law School and 0.5 fte in the Institute of Public Administration in the Faculty of Governance and Global Affairs.

The prospective professor is expected to create a platform where science and practice can meet, in which the position of both institutes will be of central importance. The close proximity of government agencies in The Hague offers the possibility of further developing this feature. Both faculties have a good record of service as a platform for the transfer of novel, high-quality knowledge to the practical arena, especially in the field of administrative law and governance.

The profile of this chair offers interesting opportunities for collaboration within Leiden University. Both institutes seek actively inter- and transdisciplinary cooperation with institutes in other faculties of Leiden University. The strong disciplinary status of each of them has proven to be attractive to other partners in the university. A variety of research projects and collaboration in teaching are already underway and many other opportunities are looming.

The institutes comprise the following regular chairs:

Constitutional & Administrative Law:

- Constitutional & Administrative Law, fulfilled by prof.dr. W.M.J. Voermans, with a focus on Dutch & European constitutional law and on legislative studies (1,0 fte);
- Constitutional & Administrative Law, fulfilled by prof.drs. W. den Ouden with a focus on Dutch & European administrative law, especially in the field of financial law (1,0 fte);
- Constitutional & Administrative Law, fulfilled by prof.mr. Y.E. Schuurmans with a specialization in procedural law, evidence and data-handling and comparative administrative law (1,0 fte).

Public Administration:

- Public Administration including the neo-institutional economic approaches on governance, fulfilled by prof.dr. B. Steunenberg (1,0 fte), which is also focusing on the European Union, including the relationship between the EU and its member states;
- Public Administration with a focus on public management, which concentrates on the structure and management of public organizations and on public leadership, fulfilled by prof. dr. S.M. Groeneveld (1,0 fte);
- Public Administration with a focus on international governance, which concentrates on the effects of inter- and transnationalization on public administrations and on their capacity to address societal problems, fulfilled by prof.dr. A.K. Yesilkagit (1,0 fte);

- Public Administration with a focus on digitalization and public policy, which focuses on the effects of the digitalization of society on policy making, fulfilled by prof. dr. ing. A.J. Klievink (1,0 fte);
- Governance of Sustainability (vacant).

5. Profile

We are looking for a candidate with the following qualities:

- The prospective professor engages in high-quality teaching and research in the field of public law and governance with a focus on artificial intelligence. If s/he has demonstrated capacity to engage with both disciplines (law and public administration), this is considered as a plus. S/he has demonstrable experience in the study of emerging digital technologies. The chair is in the Leiden Law School (Department of Constitutional & Administrative Law) and the Faculty of Governance and Global Affairs (Institute of Public Administration).
- The prospective professor has excellent research qualities, as is apparent from a Ph.D. and a list of international, high-quality publications in the area of governance, regulation and administration, with a focus on the impact and opportunities of AI. That her/his research is influential is apparent from frequent quotations in journals and textbooks. S/he is considered an internationally recognized authority in the field. S/he has excellent didactic skills and wide teaching experience at the academic level.
- The prospective professor is (co)responsible for, and involved in, the BA and MA programs of both institutes, both in Dutch and English. Her/his contribution to the teaching program will be organized in consultation with the governing body of the institute. S/he will have the capability for setting up and supervising educational-reform projects. In addition, the professor participates in post-initial educational modules.
- The prospective professor conducts research in the field of her/his job description. S/he should be capable of further developing existing research projects and of stimulating novel and innovative research, if desirable in cooperation with colleagues inside and outside the faculty. S/he has a proven track record of acquiring research funds (second- and third-stream funding). S/he will play an active role in relevant research associations at the faculty or national and international levels. S/he also plays an active role in making available and applying the results of research to a wider public, including governmental organizations in the Netherlands. The professor will have to contribute to recruitment, supervision and training of young researchers and to maintaining contacts with colleagues in the country and abroad.
- The prospective professor has the capability and the willingness to play an active role in the management of initiatives that are part of university-wide program on artificial intelligence and the cooperation between both institutes. When cooperation with other disciplines is required or desirable, the candidate is expected to make a constructive contribution. S/he must be willing to promote the interests of the Leiden University, inside and outside the university community.
- The professor has the final responsibility for teaching and research in public law and governance of artificial intelligence. In this capacity s/he also provides services towards the wider community associated with her/his job description.
- If the prospective professor is not proficient in Dutch, s/he is expected to have acquired a good command of Dutch within two years. Excellent command of English is required.

6. Job description

Teaching

- Supervises teaching in the area of the chair and in other programs and courses with sufficient interests. Total enrollments as well as the success of newly designed programs or tracks are important targets for the new chair.
- Develops and provides, either alone or in cooperation with others, teaching in the various tracks and programs of both institutes, both in Dutch and in English.
- Develops teaching materials in the form of substantial syllabi or textbooks and contributes to educational reform at curriculum level.
- The chair also participates in contract-teaching and other programs in both institutes.
- Supervises Ph.D. students and provides teaching to Ph.D. students depending on current institutional arrangements.

Research

- Supervises and conducts research on the specific key themes in the area of the chair as part of the research program of the Department of Constitutional & Administrative Law of the Institute of Public Law and the Institute of Public Administration.
- Co-coordinate the new program SAILS and initiate and conducts research within this project together with the other partners including in the areas of Constitutional & Administrative Law and Public Administration.
- Initiates and develops new research projects within the area of the chair and in the context of the research programs of the institutes in cooperation with others.
- Initiates and develops new research projects based on second- and third-stream funding, including the EU.

Service

- Contributes to the dissemination in society of knowledge in the discipline.
- Management and administration in such a way that it contributes to a positive atmosphere and cohesion in and between both institutes through motivating and inspiring leadership.
- Is active in networking including national and international scientific organizations.
- Raises external funds for research and/or education/teaching for the institutes.