

## Consensus without will? - Contracts in the age of Artificial Intelligence

Artificial Intelligence (AI) challenges many traditional legal views. Among others, it calls a fundamental institution of private law into question: the freedom of contract. Contracts are traditionally the domain of humans' free will: Whether or not a contract is formed – and whether or not it is considered just – relies solely on what the parties want. Economic rationality, mathematic accuracy and the common good are not guiding principles of traditional contract law. Once AI agents get involved in the formation of contracts, this paradigm might shift: Unlike humans, AI agents are not driven by will in the sense of idiosyncratic preferences and interests. They can neither be subject to obligations nor can their bear their own rights. At the same time, humans who employ AI agents to form contracts deliberately choose not to exercise their will and leave the decisions to AI. This detachment of contracts from will raises several practical questions: Can machines even form legally valid contracts? If so, according to which standards should we interpret them, given that there is no actual will to be explored? And finally, how do errors of an AI affect the validity of contracts? In my presentation I will explore these questions and try to contribute to a theory of contracts in the age of AI.