Law and Artificial Intelligence

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TRANSCRIPT

Hi, I'm Professor Jill Marshall. I want to talk about something which is being talked about in terms of research and in terms of the technology, but increasingly, we need to think about the ethics of this topic. What is the topic? I'm going to be talking about law and artificial intelligence.

What is artificial intelligence? In a nutshell, it's the use of robots or computers to, in some way, try to help us, or to assist us, or in fact, to replace us in terms of thinking of how systems operate, of how things function in society, and really for the computers, in some way, to perform the tasks that are usually, and have been in the past, carried out by humans. Are they replacing us? How might this apply to us as human beings, who we are? Will it change us in different ways? Is it already changing us? There's lots and lots of big philosophical issues.

In relation to ethics and law, you need to be trying to think of the connection with law and morality, the connections in one of the chapters on liberalism and law. Also, this has implications for feminism, and a feminist reading of law, and also Marxism, in terms of inclusion and exclusion of certain people. There are other things I'm thinking about, in terms of law and artificial intelligence, because the technology is already here in many ways. The engineers, the computer scientists, are increasingly looking to moral philosophers and to legal theorists, and there's new jobs out there as well in terms of legal engineering and legal technician. All of these new things in some ways will make us think, "Are lawyers actually of the future going to be different from lawyers of the past?" Will you need to have different craft, different skills, different creativity, in some way, so that you aren't, in fact, replaced by a computer? That's sort of lawyering at a lawyer level.

Also then, in terms of judging. Many parts of your course, I'm particularly thinking of Hart and Dworkin in their debate about what judges do, and whether judges are creating, for example, new rules, or whether they're discovering the law that's already there, and whether judges are better to be seen in some sort of idealist sense of a fictitious judge like Hercules that we see in Dworkin's work. Maybe, in fact, the judges of the future could be replaced by robots. So that you punch in a whole pile of information in the algorithm, and the answer comes out the other end. What might be the good and bad, or the pros and cons, the advantages, the disadvantages, of that way of judging? People are increasingly writing about that as well, which is good to see. These are big issues about law and morality, about law and ethics, about the whole nature of what it means to be a lawyer, and also, the nature of what it means to be a judge.

In this part of the short video blog, I want to think about the design and the use of artificial intelligence, and how that works into social exclusion, and ideas of the good life and human flourishing. What is the good life? This is something that natural lawyers, natural law thinkers, especially Aristotle and Aquinas and Finnis examine in some detail. You see that in your chapter on classical natural law in particular, that it feeds into ideas of modern natural law in some aspects of Finnis's work as well.

The good life, what is for the common good, and what is good for humans, are all parts of those thinkers' ways of working and theorizing, such that I want to look at a little bit more now. I'm currently looking at human flourishing and the good life, and how it might connect to artificial

intelligence systems. At a global level, the meaning of human flourishing does vary. In some cultures, humans are seen as flourishing when they're able to follow their own plans of life, and we see this in the liberalism chapter. A liberal point of view of the human would be that we make our own choices in life, and we have that free will and freedom, and that law should enable us to be able to follow those plans of life. We also see this in Joseph Raz's work. We are not only able to, but we are permitted legally to follow our own plans of life and our life choices.

However, in other parts of the world and in different belief systems from different cultural perspectives, humans perform best and have the best lives when community is paramount. This is a more communitarian point of view. We might see this also in the Hart-Devlin debate in the chapter on liberalism as well. Is the community then more paramount, or of more importance, than a self-focused individual choice way of living and value system? For many people, human flourishing is tied to some form of innate quality or something deep within us, a core, that each human being has, or is born with, which simply by being human, we all have in some way. What we have within us to become, yet, something that needs to be brought into being in the world, and developed and nurtured in the right environment. As humans, this requires a place of safety and sufficient nourishment, enough to eat, a place to sleep, people to live and care for them. This links into human rights and human rights law as well, which I know isn't the main core of the work that you're studying in jurisprudence, but this all fits in to thinking about natural law thinkers, to thinking about the good life for humans, what are those principles that we need somehow intuitively, which we see, for example, in John Finnis's work.

Some say that there are no universally agreed views of the good life, or the common good, that strike all humans as self-evidently true. There's differences amongst choices and ways of life, and these are formed in societies, and by a variety of us as different individuals in different community settings. For many, religion and belief systems are fundamental to their sense of who they are, their identity. That religion or belief system forms the most basic option and notion of human worth, and purpose for that individual person within a community setting.

Thinking about this in terms of your course, I've already highlighted natural law thinkers. I've highlighted the liberalism in the law. We can also think about feminists, and maybe being critical in different ways, because there are different types of feminism, of how perhaps these are unequally distributed, these ideas in some way, unequally impact on women's lives because of different things that they have to go through and different experiences.

Just to finish, I do want to just mention a few different ways that technology is being used, and also then think about how they relate to law, the legal regulation of law. We've got robot-assisted surgeons. Obviously, there's lots of different ways you can think of liability if things go wrong. We've got artificial intelligence in automated vehicles. Increasingly, we're talking about driverless cars. So if there's a car accident, who is responsible, and if the car has to make a decision whether to go left or right to hit one person rather than another person, you have a whole new version of the trolley car problem, which you can maybe look into yourselves in your own time. We've got remotely controlled drones which are killing people and being used in warfare. Certain parts of the population as well don't even have access to computers. At the same time, other parts of the population or the world, and other sections, have free access to the internet everywhere, and free access to it anywhere.

These all, of course, also work into ideas of human flourishing, of the common good, of the good life, of the role of law linking with morality and ethics as well, at that grand scale, all sorts of globally, as well as at a national level.

I hope this has given you a taster of certain aspects of a very topical issue, and how it can be worked into jurisprudence for the future. Thanks very much for now. I'll just sign out, and look forward to seeing you again.