

‘e’ meets justice Conference

Lisboa 2-3 May 2019

Organised by:

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- the ‘Building EU Civil Justice’ (<http://www.euciviljustice.eu/>)
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Connecting Law and Technology

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Connecting Law and Technology

Law and Technology

Law and Technology, the overlapping fields:

- The IT research, and especially the AI and Cognitive Sciences studies, have changed the relation between law and technology.
- Starting with one example:



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Law and Technology: the overlapping fields

Starting with one example at the airport:



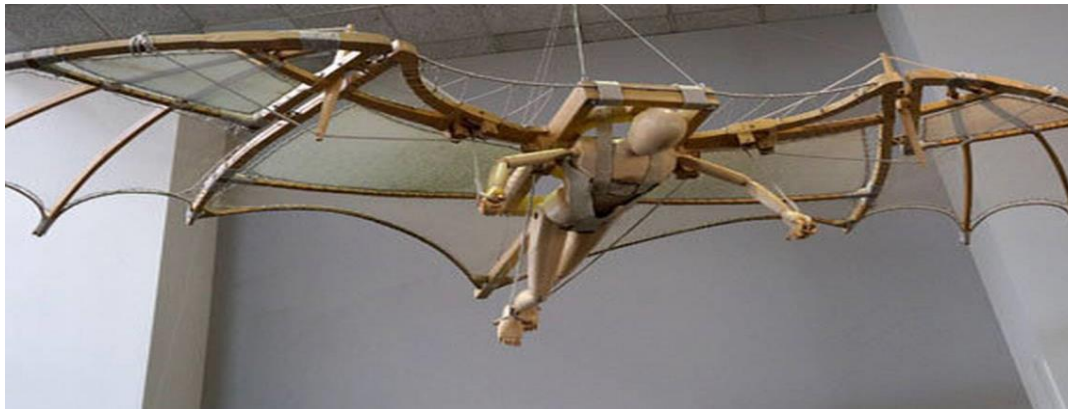
Why does a plane fly?



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Law and Technology: the overlapping fields

Starting with one example at the airport: Why does a plane fly?



- A plane is a strange object, ‘in nature’ **it would not fly**, but if (and only if) it is built in some specific ways, **it will fly!**



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Law and Technology: the overlapping fields

Starting with one example at the airport: Why does a captain work?



A captain too is a ‘strange object’, ‘in nature’ **he would not work in order to let the airplane fly**, but if (and only if) he is trained and ‘persuaded’ in some specific ways, **he will cooperate in order to let the airplane fly!**



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Law and Technology: the overlapping fields

The rules governing the flight of an airplane

- Technique and Law are sets of rules directed to change the ‘natural’ environment, both of things and humans.
- The flight of a plane needs new things to be built in some specific ways and the cooperation of thousands of individuals who are unknown to each other and who would probably neither cooperate nor trust each other.



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Law and Technology: the overlapping fields

The rules governing the flight of an airplane

- If either of these variables is wrong, the plane will not fly or it will fall.



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Law and Technology: the overlapping fields

The rules governing the flight of an airplane





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Law and Technology: the overlapping fields

Law and Technology, the overlapping fields:

- Both types of rules are directed to behaviours of humans:
- **A-** The technological rules stating how to **BEHAVE** in order to build technological objects and to let them work (doing the work for which they are planned for)
- **B-** The legal rules stating how to **BEHAVE** interacting with other people handling old and new objects.



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Law and Technology: the overlapping fields

Law and Technology, the overlapping fields:

- The two types of rules can generate conflicts in what they order as due behaviour because they overlap in a contradicting way: they partially rule the same domain, but the goals that they are intended to reach are different.



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Law and Technology: the diverging goals

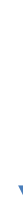
Law and Technology, the diverging goals:

Legal rule



Resolution of
social conflicts

Technical rule



Transformation of the
world



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Law and Technology: the diverging goals

Law and Technology have diverging **efficiency** paradigms:

Legal rule



Social peace
cooperation

Technical rule



Wasteless use of
time-energy



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Law and Technology: the new overlapping fields

Law and Technology: the new insights of IT

- **Something has changed with the Information Technologies, especially with distributed artificial intelligence, machine learning and robotics.**
- **Technology has not only widened its overlapping fields with law**



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Law and Technology: the new overlapping fields

Law and Technology: the new insights of IT

In Cybernetics, machine learning and robotics the data become information and this becomes meaning within any system that takes cognition of reality, including robots and like biological systems, including humans.



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Law and Technology: the new overlapping fields

Law and Technology: the new insights of IT

By controlling the data it is possible to create information and from this it is possible to take control on the individual meanings, and from these again gaining control to their will and their action.



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It is evident today, less so few years ago, that the object of Cybernetics, robotics and so on, as sciences of control and direction of action, really overlaps with that of law. Cybernetics, like law, is the science of controlling the action of others: if we want, we can expose this more neutrally with Kelsen: 'norms are the senses of acts of will addressed to other people's behaviour'



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First Answer

The first question posed to me was:
'on the challenge of connecting the legal and
technical world'

but

The problem is that they are already necessarily
connected



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Second Answer

The second question that arises from the first answer is:

‘are we prepared to regulate this connection between the legal and technical world?’



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Second Answer

‘Are we prepared to regulate this connection between the legal and technical world?’

The answer is no, because...



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Third Question and Answer

The third question that arises from the second answer is:

‘What should we do now?’

Answer: ‘education, education, education, beginning fro the teachers’



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The turning point

Is there a turning point that is now at the stake? Can we define it?

Yes there is and we can define it:



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The turning point

The new technologies of information will challenge the decision making and values oriented decision, reproducing it artificially. In the law domain it will change pretty a lot. Values, for instance, could be easier settled by parties instead of by rules of law.



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The turning point - Example

Fair algorithms and the social engineering approach of MIT;

Decision theory;

Algorithmic procedures.



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The turning point - Example

The lawyer will become the creator-user of these algorithms.



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Thank you and **GOOD LUCK!**