

ARTIFICIAL INTELLIGENCE AND THE FUTURE OF LAW

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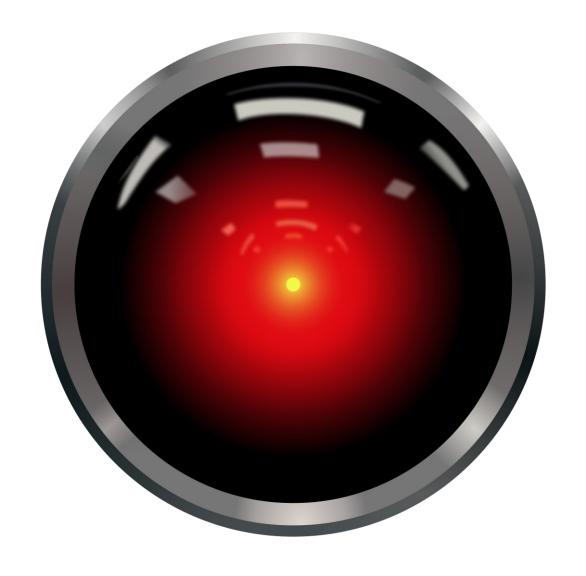
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What is AI?

Artificial intelligence is that activity devoted to making machines intelligent, and intelligence is that quality that enables an entity to function **appropriately** and with foresight in its environment. (Nilsson 2010)







What is law?

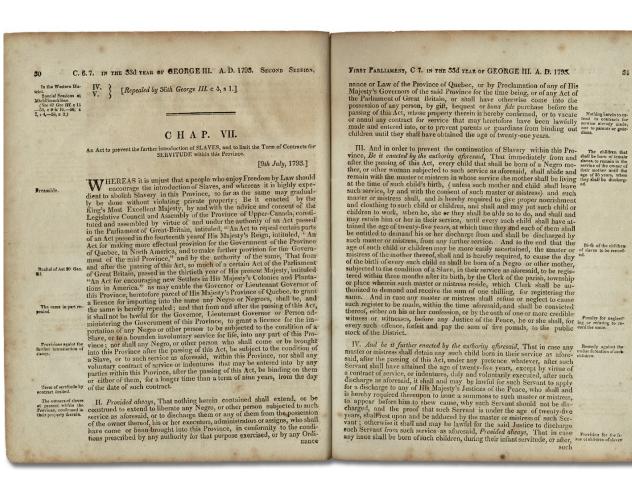
Law is a classification institution for achieving social order by coordinating behaviour to follow appropriate patterns, enabling human groups to reap the benefits of cooperation and social life





What is legislation?

Legislation is a mechanism for translating collective choices into authoritative classifications for purposes of social and formal penalties

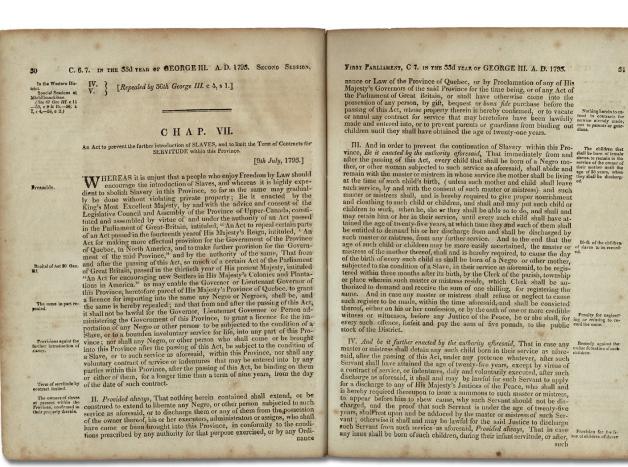






What is legislation?

Authoritative, unique
Transparent, public
Neutral, impersonal
Stable
Clear

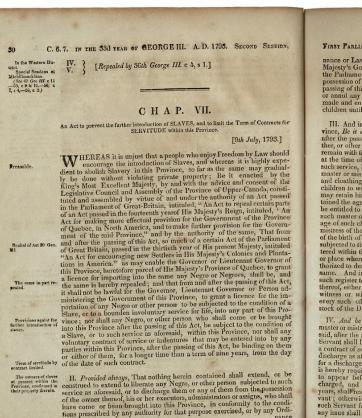






What is the rule of law?

Authoritative, unique
Transparent, public
Neutral, impersonal
Stable
Clear



FIRST PARLIAMENT, C 7. IN THE 33d YEAR OF GEORGE III. A. D. 1795. nance or Law of the Province of Quebec, or by Proclamation of any of His Majesty's Governors of the said Province for the time being, or of any Act of the Parliament of Great Britain, or shall have otherwise come into the possession of any person, by gift, bequest or four gifted purchase before the possession of any person, by gift, bequest or four gifted purchase before the possession of the III. And in order to prevent the continuation of Slavery within this Province, Be it enacted by the authority aforesaid. That immediately from and safter the passing of this Act, every child that shall be born of a Negro mother, or other woman subjected to such service as aforesaid, shall alide and remain with the master or mistress in whose service the mother shall be living the state of the province of the work of the state of t at the time of such child's birth, (unless such mother and child shall leave such service, by and with the consent of such master or mistress) and such such service, by and with the consent of such master or mistress; and such master or mistress shall, and is hereby required to give proper nourishment and cloathing to such child or children, and shall and may put such child or children, and shall and may put such child or children to work, when he, she or they shall be able so to do, and shall and may retain him or her in their service, until every such child shall have attained the age of twenty-five years, at which time they and each of them shall be entitled to demand his or her discharge from and shall be discharged by such master or mistres, from any further service. And to the end that the age of such child or children may be more easily ascertained, the master or of saves to be record-mistress of the mother thereof, shall and is hereby required, to cause the day of the birth of every such child as shall be born of a Negro or other mother, subjected to the condition of a Slave, in their service as aforesaid, to be registered within three months after its birth, by the Clerk of the parish, township or place wherein such master or mistress reside, which Clerk shall be authorized to demand and receive the sum of one shilling, for registering the same. And in case any master or mistress shall refuse or neglect to cause such register to be made, within the time aforesaid, and shall be convicted thereof, either on his or her confession, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace, he or she shall, for ing or reising to reevery such offence, forfeit and pay the sum of five pounds, to the public ordinessme. stock of the District. IV. And be it further enacted by the authority aforesaid, That in case any Remedy against the under defention of such 11. And to the future ranges of the short of the service as afore-distance and the said, after the passing of this Act, under any pretence whatever, after such Servant shall have attained the age of twenty-five years, except by virtue of a contract of service, or indentures, duly and voluntarily executed, after such discharge as aforesaid, it shall and may be lawful for such Servant to apply for a discharge to any of His Majesty's Justices of the Peace, who shall and is hereby required thereupon to issue a summons to such master or mistress, to appear before him to shew cause, why such Servant should not be discharged, and the proof that such Servant is under the age of twenty-five charged, and the proof that such Servant is unsert are age of order, and years, shall-frest upon and be adduced by the master or mistress of such Servant; otherwise it shall and may be lawful for the said Justice to discharge such Servant from such service as aforesaid, Provided always, That in case Portion for the form of the said such service as a foresaid, Provided always, That in case was statisfied to delay a set at latter to the said such as a such service as a foresaid. any issue shall be born of such children, during their infant servitude, or after, sue of children,



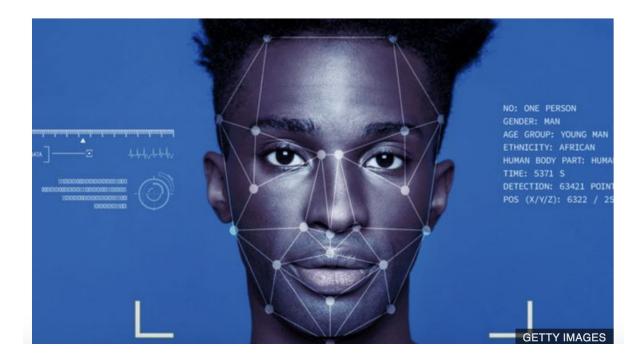


HOW WILL WE ACHIEVE THE RULE OF LAW IN THE AGE OF AI?





George Floyd: Amazon bans police use of facial recognition tech



Amazon said the suspension of law enforcement use of its Rekognition software was to give US lawmakers the opportunity to enact legislation to regulate how the technology is employed. BBC News

CORE CHALLENGES OF REGULATING AI: MACHINE *LEARNING*





CORE CHALLENGES OF REGULATING AI: RELATIONSHIP TO HUMAN ACTION





TO WHOM DO WE GIVE INSTRUCTIONS THROUGH LEGISLATION?

PEOPLE?

MACHINES?





NYPD used facial recognition to track down Black Lives Matter activist

Mayor Bill de Blasio says standards need to be "reassessed"

By James Vincent | Aug 18, 2020, 5:26am EDT









Black Lives Matter activist Derrick Ingram (above) was targeted by the police for alleged assault. | Photo by Ira L. Black -

George Floyd: Amazon bans police use of facial recognition tech

() 11 June 2020



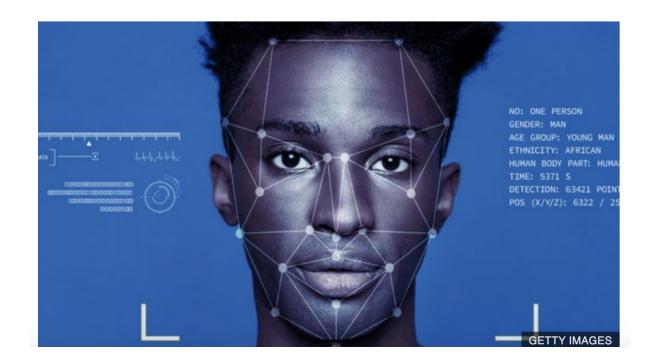






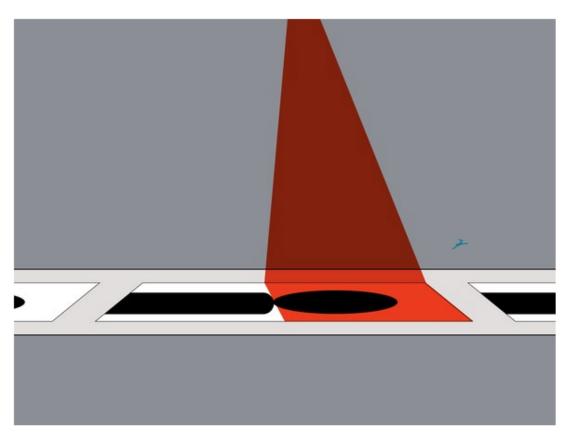


George Floyd death



ML engineering: find the model that best predicts the *training data*

PHOTO ALGORITHMS ID WHITE MEN FINE—BLACK WOMEN, NOT SO MUCH



When asked to analyze the lightest male faces in the image set, Microsoft's service correctly identified them as men every time. IBM's algorithms had an error rate of 0.3 percent.

When asked to analyze darker female faces, Microsoft's service had an error rate of 21 percent. IBM and Mevii's Face++ both had 35 percent error rates.

Racist Camera! No, I did not blink... I'm just Asian!

Published on May 13, 2009 in General. 52 Comments



Racist Camera! No, I did not blink... I'm just Asian!, originally uploaded by !!! :: jozjozjoz :: !!!.

We got our Mom a new Nikon S630 digital camera for Mother's Day and I was playing with it during the Angels game we were at on Sunday.

As I was taking pictures of my family, it kept asking "Did someone blink?" even though our eyes were always open.

Sheesh! RACIST! :P

-Joz





TO WHOM DO WE GIVE INSTRUCTIONS THROUGH LEGISLATION?

PEOPLE?

MACHINES?





Stop at through highway

- **136** (1) Every driver or street car operator approaching a stop sign at an intersection,
- (a) shall stop his or her vehicle or street car at a marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed. R.S.O. 1990, c. H.8, s. 136 (1).





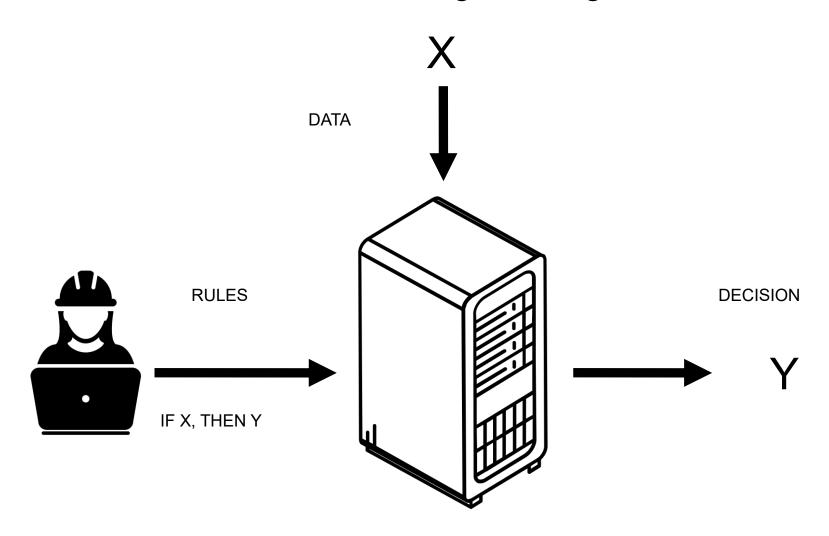
TO WHOM DO WE GIVE INSTRUCTIONS THROUGH LEGISLATION?

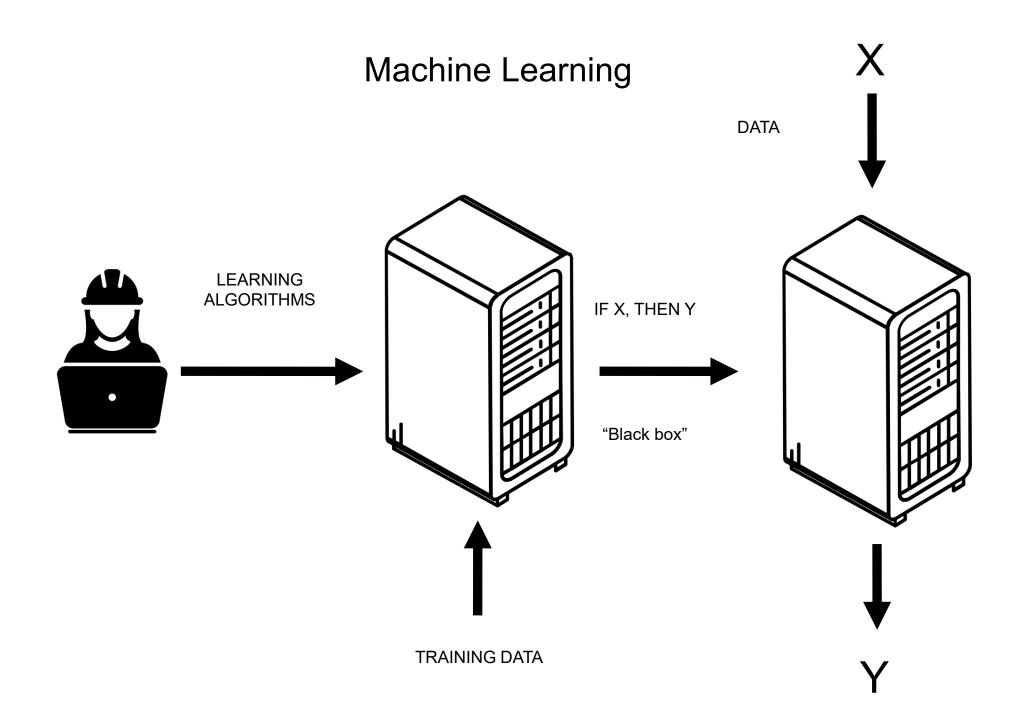
PEOPLE WHO BUILD MACHINES?





Conventional Programming





CORE CHALLENGES OF REGULATING AI:

COMPLEXITY OF TECHNOLOGY SPEED OF CHANGE





THE COMING SHIFT IN LEGISLATION?

FROM INSTRUCTIONS TO OUTCOMES

SELF-REGULATION? LICENSED THIRD-PARTY PRIVATE REGULATORS? AI TO REGULATE AI?





Core challenge of Regulating A?

Reinventing Law

Law ≠ Legislation

Legislation = Mechanism to coordinate appropriate behaviour

