



**British Institute of  
International and  
Comparative Law**

## Short Course Artificial Intelligence, Law and Ethics

**20 September-22 November 2023**

### **Detailed Course Outline**

#### **1) Introduction to AI, Law and Ethics (1 session):**

- a) Defining “Artificial Intelligence”, drawing from the history of ideas to outline how our modern understanding of AI develops from a variety of scholarly disciplines & traditions
- b) Introduction to ethics as a self-regulatory frame
  - Defining “Ethics” as a practice and a lived phenomenon
  - Global AI ethics codes and frameworks: Exploring frameworks for ethical AI, including Fairness, Accountability, Transparency, Safety, Explainability.
- c) Overview covering current capabilities & applications of AI and technology across different sectors and industries
  - e.g., healthcare, education, autonomous vehicles, financial, legal systems, and the legal profession
- d) Real and hypothesized risks of AI (short-term vs. long term?)

#### **2) Conceptual & Critical Understandings: Theory and Practice (2 sessions):**

Theories to explore in this course

- a) Main categories of ethical theories
  - Utilitarian (consequentialist)
  - Deontological (non-consequentialist; duty-based)
  - Virtue (agent-centred)
- b) Data Feminist critiques
- c) Posthumanism
  - How we determine, grasp and perceive what counts as ‘human’ and what is ‘machine’ will inevitably shape one’s formulation of ethics & regulation as a mechanism of protecting ‘who’ (?) from ‘what’ (?).

Theory in practice

- Workshopping challenges and solutions to these AI applications using the conceptual/critical tools presented in the first session
- Providing the critical understanding of why ‘soft’ and ‘hard’ approaches to AI governance (sessions 3 and 4) are essential to address the contemporary issues presented in sessions 6, 7, 8 and 9.
- Conveying the potential *and* limitations of AI ethics
  - Flexible and dynamic nature of ethics
  - Problems associated with its self-regulatory frame
  - Responsibilities of companies (business and human rights framework)
  - Whose morals & standards?

- Where does the citizens' voice sit in this frame?

### 3) AI Governance and Regulation (1 session):

- Overview & critical analysis of policy initiatives and their implementation based on key areas:
  - "Ethical" or "Trustworthy" AI by design
  - "Certification" approach that focuses on technical robustness instead of the wider AI ecosystem
  - Responsible Innovation (where regulation is seen as compatible with innovation)
- Ethical Approaches
  - Model Frameworks and National Strategies
  - Personal Data Protection and the GDPR
  - OECD, international organisations and standardisation
  - EU AI Act

Debating the case for regulation beyond ethical guidelines and frameworks

- A consideration of other innovative regulatory frames
    - Rule of Law?
    - Trust as Regulation?
    - Hard Laws and Legislative approach?
  - A comparative approach: What are other countries doing?
- Comparative Regional Approach to AI governance
    - The critical role of governance in addressing the social, economic and political reservations towards AI technologies should not be underplayed yet much of this debate has evolved and continues to be centred in the West. Asia's contributions and perspectives to this discussion have been minimally articulated, or scattered across the region at best.
    - Mapping out and exploring AI ethics principles from an communitarian perspective
    - Inquiring into other possible regulatory framework and design for AI technologies across Asia
  - EU Approach
    - Rights and data protection GDPR
    - AI Act
    - Data sovereignty
  - How does our understanding of 'effective' AI governance sit in relation to the dual-focus on addressing both the near- *and* long-term challenges of AI?
    - Do we have equal responsibility in ensuring equitable outcomes for present citizens and for future generations? → Drawing from critical literature around future studies & foresight methodologies to inform governance approaches?
    - Is there a potential for AI technologies to shift from being a source of disruption (and thus the subject of governance control) to being the solution to prevent disruptive effects (and thus a tool to assist with governance mechanisms)?  
→ Put simply, given the current challenges/social harm done by AI technologies, is the solution to create more + better technology? What are the potential and limitations in this "techno-solutionism" as a governance approach?

#### **4) Emerging *ethical issues and challenges* in AI deployment (3 sessions):**

- a) Presenting several case studies (local & global perspectives) around the following themes:
  - privacy & surveillance
  - justice & fairness
  - human dignity (rights-based approach & duties)
  - misinformation & trust
  - responsible innovation
  
- b) AI and the Business and Human Rights Framework
  - State duty to protect
  - Corporate responsibility to respect
  - Access to remedy
  
- c) The powers of big tech companies
  - How do big tech companies accumulate power
    - Ability to garner copious amounts of information
    - Ability to come across as trustworthy, reliable, and indispensable
    - Ability to evade regulation
    - Lack of transparency in their obligations
  - The impact of big tech
    - On the social
    - The environment
    - The economy
    - And on public administration

#### **5) Operation of AI and technology in the legal sphere and its impact (2 sessions):**

- a) Documenting and scrutinizing the operation of AI and Tech in the legal sphere
- b) Analysing emerging *legal issues* in AI deployment in the legal sector
  - Legal personhood – Accountability and Responsibility
  - The impact of AI on rights and liberties broadly – (use cases: predictive algorithms, predictive policing)
  - What are AI crimes?
  - AI's interference with the due process and access to justice
  - AI's interference with democracy
  - AI's interference with the rule of law

#### **6) Looking into the future – Disruptive Regulation (1 session):**

- Trust and AI in community
- Digital self determination
- Access to justice
- Sustainability of legal service delivery
- Law as a commodity or a communal resource?