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GENERAL AI & LAW

[Research Handbook on the Law of Artificial Intelligence](#); Woodrow Barfield and Ugo Pagallo (eds.); Edward Elgar Pub.; 2018

Publisher's note: *The field of artificial intelligence (AI) has made tremendous advances in the last two decades, but as smart as AI is now, it is getting smarter and becoming more autonomous. This raises a host of challenges to current legal doctrine, including whether AI/algorithms should count as 'speech', whether AI should be regulated under antitrust and criminal law statutes, and whether AI should be considered as an agent under agency law or be held responsible for injuries under tort law. This book contains chapters from US and international law scholars on the role of law in an age of increasingly smart AI, addressing these and other issues that are critical to the evolution of the field.*

[L'intelligence artificielle et le droit](#); Hervé Jacquemin, Alexandre de Streel; Larcier; 2017

Publisher's note: *Depuis quelques années, on observe des avancées majeures dans le domaine de l'intelligence artificielle et des robots, en raison des progrès techniques indéniables et des traitements de données sans cesse plus performants (en lien avec le phénomène big data). Parmi les réalisations concrètes les plus marquantes, on pointe les véhicules autonomes, les drones militaires ou les logiciels susceptibles d'aider les médecins, les juges, ou les avocats dans leurs activités professionnelles. Au-delà des questions éthiques ou philosophiques qu'elle pose, cette robotisation de la vie constitue un véritable défi pour le droit, en ce sens que les règles actuellement en vigueur peuvent se révéler inadaptées ou insuffisantes pour encadrer cette nouvelle réalité. Cet ouvrage a pour objet d'analyser, de manière transversale, les principales questions posées par l'intelligence artificielle et les robots, en matière de protection de la vie privée, de propriété intellectuelle, de droit des obligations (contractuelles ou extra-contractuelles) ou de droit de la concurrence, avant d'adopter une approche sectorielle, avec l'examen des enjeux posés par la robotisation de la justice, de la finance, des services publics ou des transports (drones et véhicules autonomes).*
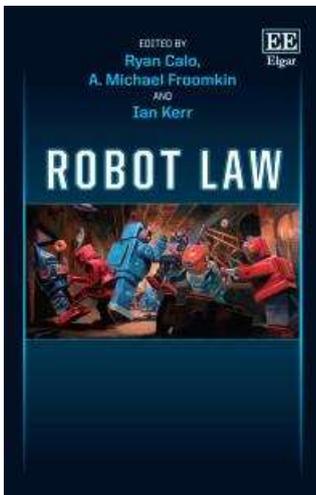
[Robot Law](#); Ryan Calo, A. Michael Froomkin, and Ian Kerr; Edward Elgar Publishing; 2016

Publisher's note: *Robot Law brings together exemplary research on robotics law and policy - an area of scholarly inquiry responding to transformative technology. Expert scholars from law, engineering, computer science and philosophy provide original contributions on topics such as liability, warfare, domestic law enforcement, personhood, and other cutting-edge issues in robotics and artificial intelligence. Together the chapters form a field-defining look at an area of law that will only grow in importance.*

REGULATION OF AI
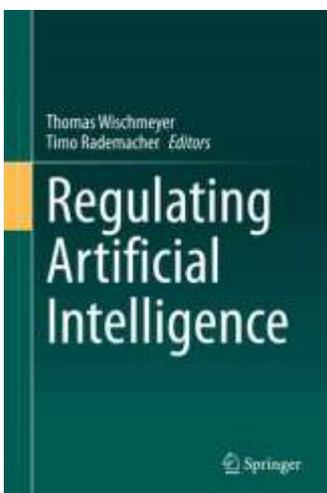
[Regulating Artificial Intelligence](#); Thomas Wischmeyer, Timo Rademacher (eds.); Springer; 2020

Publisher's note: *This book assesses the normative and practical challenges for artificial intelligence (AI) regulation, offers comprehensive information on the laws that currently shape or restrict the design or use of AI, and develops policy recommendations for those areas in which regulation is most urgently needed. By gathering contributions from scholars who are experts in their respective fields of legal research, it demonstrates that AI regulation is not a specialized sub-discipline, but affects the entire legal system and thus concerns all lawyers.*
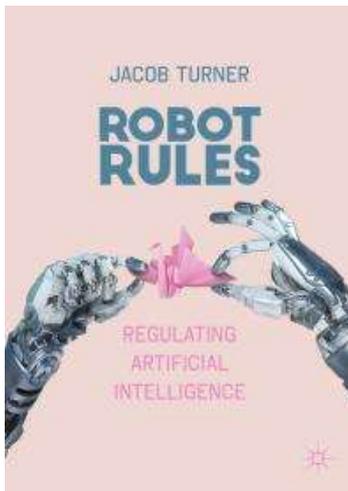
[Robot Rules: Regulating Artificial Intelligence](#); Jacob Turner; Palgrave Macmillan; 2019

Publisher's note: *This book explains why AI is unique, what legal and ethical problems it could cause, and how we can address them. It argues that AI is unlike any other previous technology, owing to its ability to take decisions independently and unpredictably. This gives rise to three issues: responsibility--who is liable if AI causes harm; rights--the disputed moral and pragmatic grounds for granting AI legal personality; and the ethics surrounding the decision-making of AI. The book suggests that in order to address these questions we need to develop new institutions and regulations on a cross-industry and international level. Incorporating clear explanations of complex topics, Robot Rules will appeal to a multi-disciplinary audience, from those with an interest in law, politics and philosophy, to computer programming, engineering and neuroscience.*
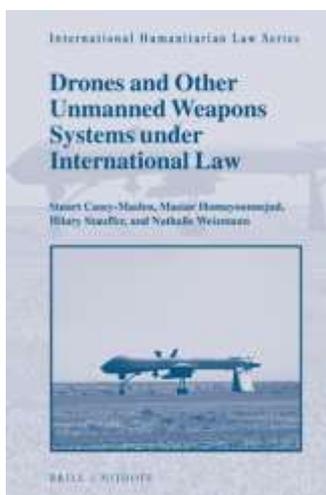
AI & INTERNATIONAL LAW

[Dehumanisierung der Kriegführung: Herausforderungen für das Völkerrecht und die Frage nach der Notwendigkeit menschlicher Kontrolle](#); Tassilo Singer; Springer; 2019.

Publisher's note: *Dieses Buch diskutiert, ob menschliche Kontrolle bei der Kriegführung nach dem Völkerrecht vorausgesetzt wird. Dies wird bei den Diskussionen zu autonomen Waffensystemen (LAWS) im Rahmen der UN-Waffenkonvention unter dem Thema „meaningful human control" gefordert. Praktisch betrifft es die Frage, ob man Systeme ohne jegliche menschliche Kontrollmöglichkeit bei der Zielbekämpfung einsetzen darf und falls ja, unter welchen Voraussetzungen. Dies umfasst sowohl das Waffenrecht (darf eine Waffe überhaupt eingesetzt werden?) als auch das Einsatzrecht (wie darf eine Waffe in einem konkreten Einsatz verwendet werden?). Die rechtliche Analyse erstreckt sich auf vollautonome Waffensysteme und Cyber Operationen und geht auf die jeweiligen Eigenheiten ein. Zudem wird eine Lösung für Verantwortungslücken, die durch fehlende menschliche Kontrolle entstehen, entwickelt.*

[Drones and Other Unmanned Weapons Systems under International Law](#); Stuart Casey-Maslen et al.; Brill Nijhoff; 2018

Publisher's note: *Drone strikes have become a key feature of counterterrorism operations in an increasing number of countries. This work explores the different domestic and international legal regimes that govern the manufacture, transfer, and use of armed drones. Chapters assess the legality of armed drones under jus ad bellum, the law of armed conflict, the law of law enforcement, international human rights law, international criminal law and domestic civil and criminal law. The book also discusses the application of law to fully autonomous weapons systems where computer algorithms decide who or what to target and when to fire.*

AI & HUMAN RIGHTS
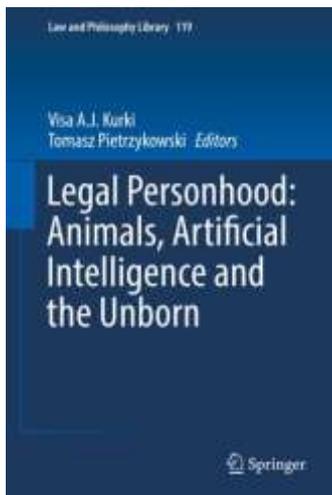
[Legal Personhood: Animals, Artificial Intelligence and the Unborn](#); Visa A.J. Kurki, Tomasz Pietrzykowski; Springer; 2017

Publisher's note: *This edited work collates novel contributions on contemporary topics that are related to human rights. The essays address analytic-descriptive questions, such as what legal personality actually means, and normative questions, such as who or what should be recognised as a legal person. As is well-known among jurists, the law has a special conception of personhood: corporations are persons, whereas slaves have traditionally been considered property rather than persons. This odd state of affairs has not garnered the interest of legal theorists for a while and the theory of legal personhood has been a relatively peripheral topic in jurisprudence for at least 50 years.*

AI IN THE LEGAL PROFESSION
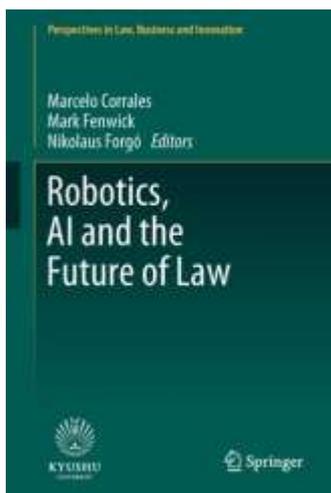
[Robotics, AI and the Future of Law](#); Marcelo Corrales, Mark Fenwick, Nikolaus Forgó; Springer; 2018.

Publisher's note: *Artificial intelligence and related technologies are changing both the law and the legal profession. In particular, technological advances in fields ranging from machine learning to more advanced robots, including sensors, virtual realities, algorithms, bots, drones, self-driving cars, and more sophisticated "human-like" robots are creating new and previously unimagined challenges for regulators. These advances also give rise to new opportunities for legal professionals to make efficiency gains in the delivery of legal services. With the exponential growth of such technologies, radical disruption seems likely to accelerate in the near future.*
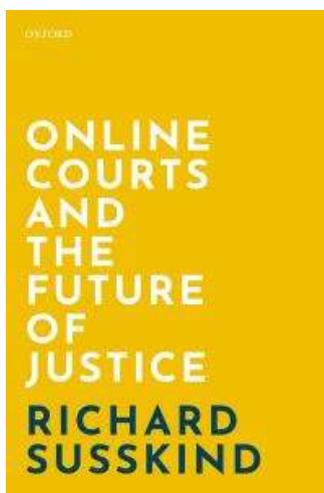
[Online Courts and the Future of Justice](#); Richard Susskind; Oxford University Press; 2019

Publisher's note: *In* Online Courts and the Future of Justice, *Richard Susskind, the world's most cited author on the future of legal services, shows how litigation will be transformed by technology and proposes a solution to the global access-to-justice problem. In most advanced legal systems, the resolution of civil disputes takes too long, costs too much, and the process is not just antiquated; it is unintelligible to ordinary mortals. The courts of some jurisdictions are labouring under staggering backlogs - 100 million cases in Brazil, 30 million in India. More people in the world now have internet access than access to justice. Drawing on almost 40 years in the fields of legal technology and jurisprudence, Susskind shows how we can use the remarkable reach of the internet (more than half of humanity is now online) to help people understand and enforce their legal rights. Online courts provide 'online judging' - the determination of cases by human judges but not in physical courtrooms. Instead, evidence and arguments are submitted through online platforms through which judges also deliver*

their decisions. Online courts also use technology to enable courts to deliver more than judicial decisions. These 'extended courts' provide tools to help users understand relevant law and available options, and to formulate arguments and assemble evidence. They offer non-judicial settlements such as negotiation and early neutral evaluation, not as an alternative to the public court system but as part of it. A pioneer of online courts, Susskind maintains that they will displace much conventional litigation. He rigorously assesses the benefits and drawbacks, and looks ahead, predicting how AI, machine learning, and virtual reality will likely come to dominate court service.
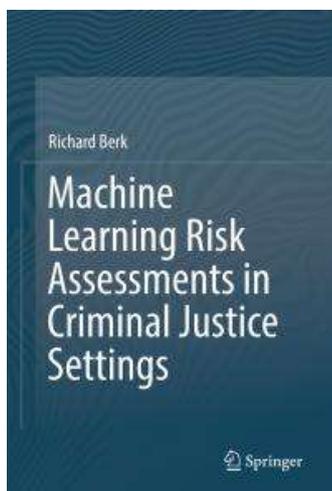
[Machine Learning Risk Assessments in Criminal Justice Settings](#); Richard Berk; Springer International Publishing; 2019

Publisher's note: *This book puts in one place and in accessible form Richard Berk's most recent work on forecasts of re-offending by individuals already in criminal justice custody. Using machine learning statistical procedures trained on very large datasets, an explicit introduction of the relative costs of forecasting errors as the forecasts are constructed, and an emphasis on maximizing forecasting accuracy, the author shows how his decades of research on the topic improves forecasts of risk. Criminal justice risk forecasts anticipate the future behavior of specified individuals, rather than "predictive policing" for locations in time and space, which is a very different enterprise that uses different data different data analysis tools. The audience for this book includes graduate students and researchers in the social sciences, and data analysts in criminal justice agencies. Formal mathematics is used only as necessary or in concert with more intuitive explanations.*

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E-ARTICLES

REGULATION OF AI

> [Regulating the safety of autonomous vehicles using artificial intelligence](#); Roger Kemp; Communications Law; 2019; Vol. 24 (1); pp. 24-33.
> Abstract by the author: *Reflects on how the use of autonomous vehicles should be regulated, looking at the current laws regulating the driving of motor vehicles, the regulation of automated guided transport systems, the use of safety-critical software, the current risk-based approach, and the timescale for adopting effective regulatory measures.*

> [The Bot Legal Code: Developing a Legally Compliant Artificial Intelligence](#); Edmund Mokhtarian; Vanderbilt Journal of Entertainment and Technology Law; 2018-09-22; Vol. 21 (1); p.145.
> Abstract by the author: *The advent of sophisticated artificial intelligence (AI) agents, or bots, raises the question: How do we ensure that these bots act appropriately? Within a decade, AI will be*

ubiquitous, with billions of active bots influencing nearly every industry and daily activity. Given the extensiveness of AI activity, it will be nearly impossible to explicitly program bots with detailed instructions on permitted and prohibited actions, particularly as they face unpredictable, novel situations. Rather, if risks to humans are to be mitigated, bots must have some overriding moral or legal compass--a set of "AI Laws"--to allow them to adapt to whatever scenarios they face.

AI & INTERNATIONAL LAW

> [International law does not compute: Artificial intelligence and the development, displacement or destruction of the global legal order](#); Matthijs M. Maas; Melbourne Journal of International Law; Jul 2019; Vol. 20(1); pp. 29-57.
Abstract by the author: *Within the coming decade, the deployment of artificial intelligence ('AI') appears likely to have a disruptive impact on global affairs. What will such 'globally disruptive' AI imply for the form, function and viability of international law? I briefly sketch the long history of technological innovation driving, shaping and destroying international law. Drawing on scholarship on the relation between new technologies and international law, I argue that new technology changes legal situations both directly, by creating new entities or enabling new behaviour, and indirectly, by shifting incentives or values. I argue that development of increasingly more disruptive AI may produce three types of global legal impacts. The first is 'legal development' (patching); the second is 'legal displacement' (substitution); the third is 'legal destruction' (erosion). I discuss the potential impact of AI in all three modalities, and the implications for international relations. I argue that many of the challenges raised by AI could in principle be accommodated in the international law system through legal development, and that while AI may aid in compliance enforcement, the prospects for legal displacement - a shift towards an 'automated international law' - look slim. However, I also conclude that technical and political features of the technology will in practice render AI destructive to key areas of international law: the legal gaps it creates will be hard to patch, and the strategic capabilities it offers chip away at the rationales for powerful states to engage fully in, or comply with, international law regimes. This suggests some risk of obsolescence of distinct international law regimes.*

> [The applicability of artificial intelligence in international law](#); Y.-Y. Rhim, K. Park; Journal of East Asia and International Law; Spring 2019; Vol. 12(1); pp. 7-30.
Abstract by the authors: *Law reacts to the progression of scientific technology in the end. Though conservative, changes are beginning to take place due to Artificial Intelligence (AI). AI is automating conventional legal works, creating a new industry namely Legal-Tech. This paper investigates the characteristics and flow of legal-AI and computational law while focusing on the applicability of AI to international law. Mainly, the paper reviews three critical areas: dispute resolution, trial prediction, and machine translation, respectively. International law has different characteristics than the domestic law applied in each country. Unlike domestic law, international law has not been aggregated from a pandect, and it is a still daunting task to draw any meaningful insights for further analysis due mainly to limited data (i.e., trial cases and precedents). Nevertheless, AI is already penetrating the legal ecology system, and international law would eventually accept the influx of such changes exhibiting greater force.*

> [Addressing indirect discrimination and gender stereotypes in AI virtual personal assistants: the role of international human rights law](#); Rachel Adams, Nora Ni Loideain; Cambridge International Law Journal; 2019; Vol. 8(2); pp. 241-257
Abstract by the authors: *Argues that virtual personal assistants may reproduce negative gender stereotypes concerning the role of women and the type of work they perform, and considers whether this could be classed as indirect discrimination under international human rights law.*

AI & HUMAN RIGHTS

> [Human Rights and Artificial Intelligence: An Urgently Needed Agenda](#); Mathias Risse; Human Rights Quarterly; 2019; Vol. 41(1); pp. 1-16
Abstract by the author: *The increasing presence of artificial intelligence creates enormous challenges for human rights. Among the short-term challenges are ways in which technology engages just about all rights on the UDHR, as exemplified through use of effectively discriminatory algorithms. Medium-term challenges include changes in the nature of work that could call into question many people's status as participants in society. In the long-term humans may have to live with machines that are intellectually and possibly morally superior, even though this is highly speculative. Artificial intelligence also gives a new relevance to moral debates that used to strike many as arcane.*

AI IN THE LEGAL PROFESSION

> [Maintainable process model driven online legal expert systems](#); Johannes Dimyadi et al.; Artificial Intelligence and Law; 2019; Vol. 27(1); pp. 93-111
Abstract by the authors: *Legal expert systems are computer applications that can mimic the consultation process of a legal expert to provide advice specific to a given scenario. The core of these **systems is the experts' knowledge captured in a so**phisticated and often complex logic or rule base. Such complex systems rely on both knowledge engineers or system programmers and domain experts to maintain and update in response to changes in law or circumstances. This paper describes a pragmatic approach using process modelling techniques that enables a complex legal expert system to be maintained and updated dynamically by a domain expert such as a legal practitioner with little computing knowledge. The approach is illustrated using a case study on the design of an online expert system that allows a user to navigate through complex legal options in the domain of International Family Law.*

> [Artificial Intelligence and Law: An Overview](#); Harry Surden; Georgia State University Law Review; 2019-06-22; Vol. 35 (4); p. 1305
Introduction by the author: *Much has been written recently about artificial intelligence (AI) and law. But what is AI, and what is its relation to the practice and administration of law? This article addresses those questions by providing a high-level overview of AI and its use within law. The discussion aims to be nuanced but also understandable to those without a technical background. To that end, I first discuss AI generally. I then turn to AI and how it is being used by lawyers in the practice of law, people and companies who are governed by the law, and government officials who administer the law.*

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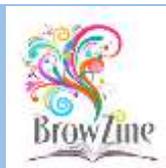EPRS publications are also available to the external world on the **[European Parliament's website](#)**.

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