

Technology, Law and New Ethics.

Fabian Horton



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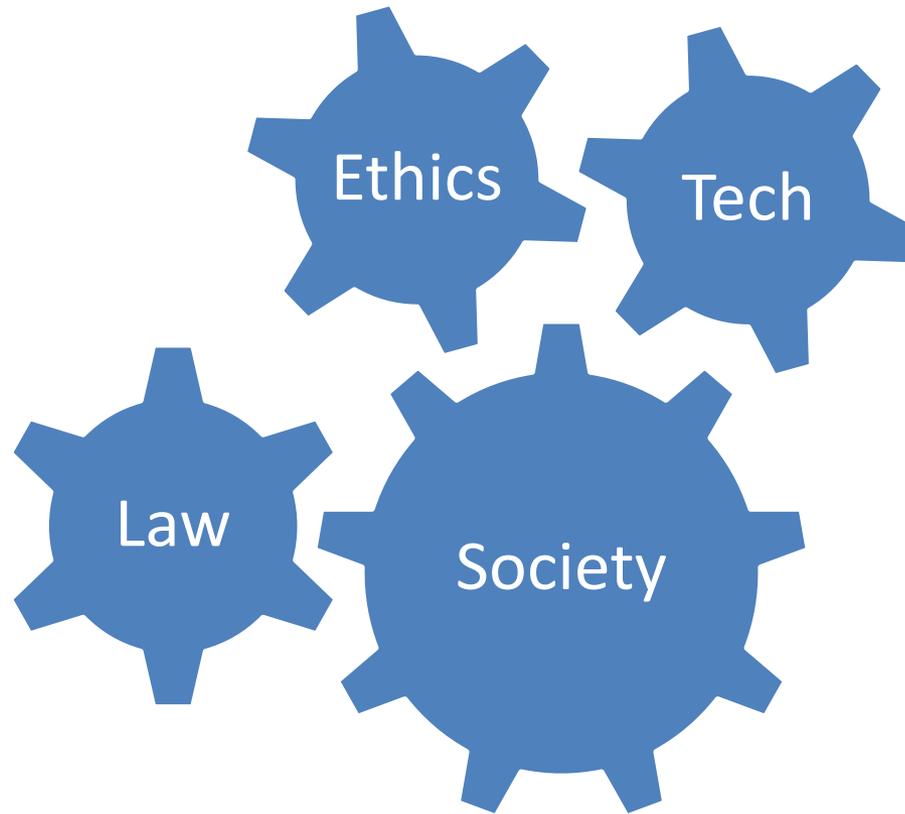


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20% off for Influences

- Consumer –Third line forcing
- Discrimination – New class of plaintiff
- Leasing – Special condition precedent

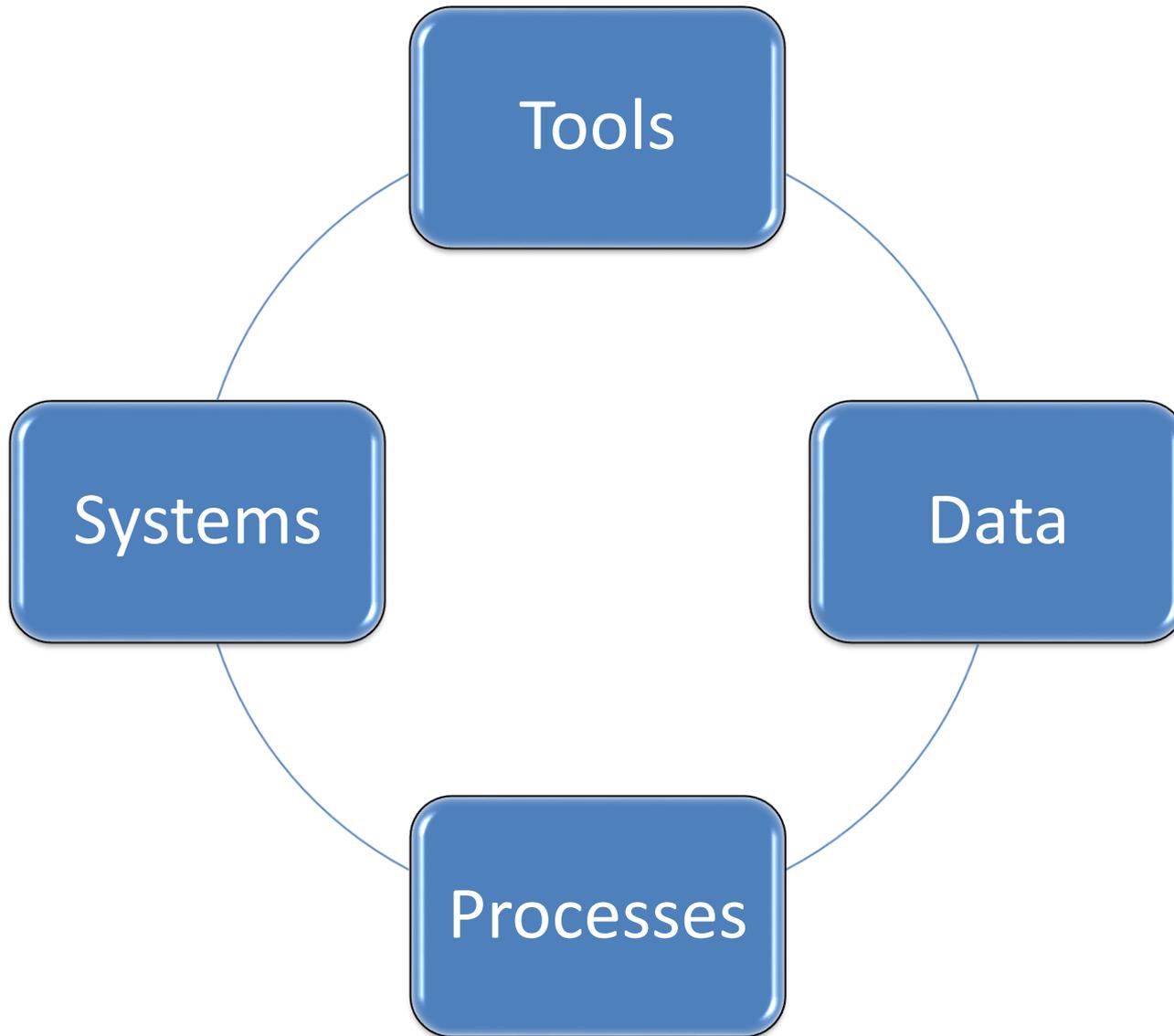
Three main questions

- What is technology?
- Is technology neutral?
- Is technology autonomous?

Why are these questions important?

What is technology?

- Articles, devices (Instrumental)
- Data
- Systems: modes of production
- Human system: military, government, industry



Is tech neutral?

- If we treat tech as neutral, that engenders a certain response, and visa-versa.
- Can the “use” of technology be separated from its “purpose”?

GUNS DON'T KILL PEOPLE

PEOPLE KILL PEOPLE



Is tech autonomous?

- What is the driving force in social change; technology or humans?
- This is a question about the relationship between humans and technology.
- It deals with social change. (Technological Determinism)

“Technology leads a double life, one which conforms to the intentions of designers and interests of power and another which contradicts them—proceeding behind the backs of their architects to yield unintended consequences and unintended possibilities.”

Jacques Ellul



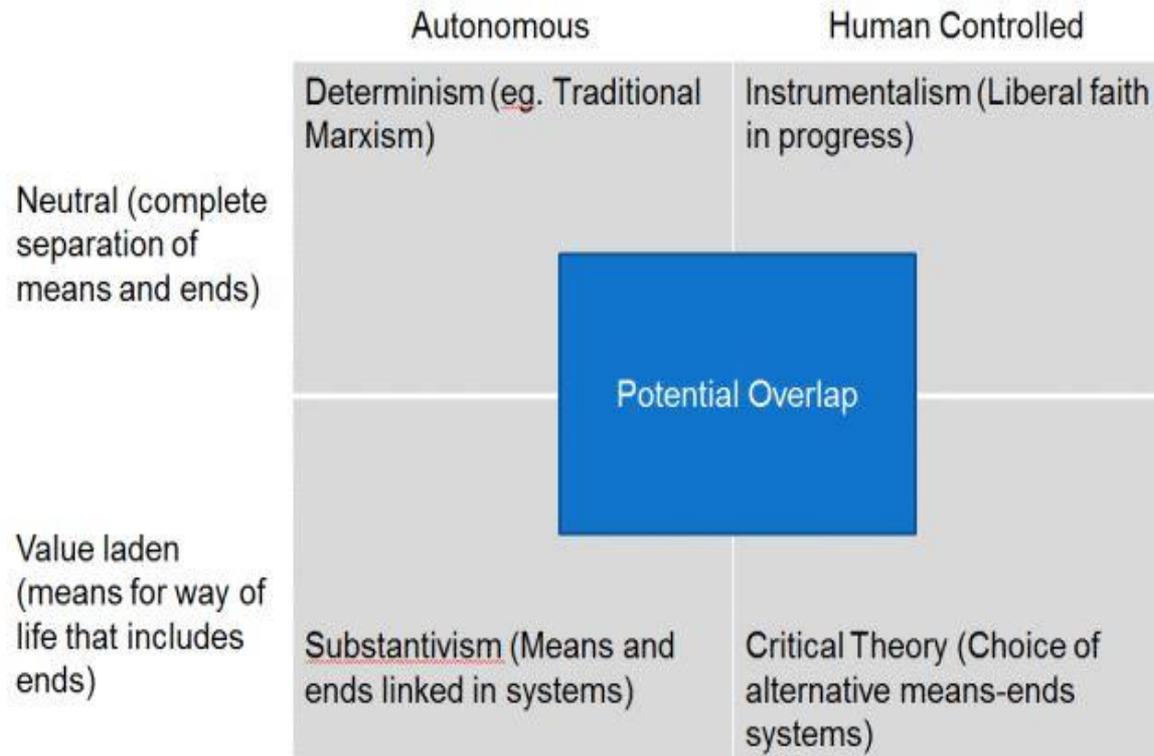
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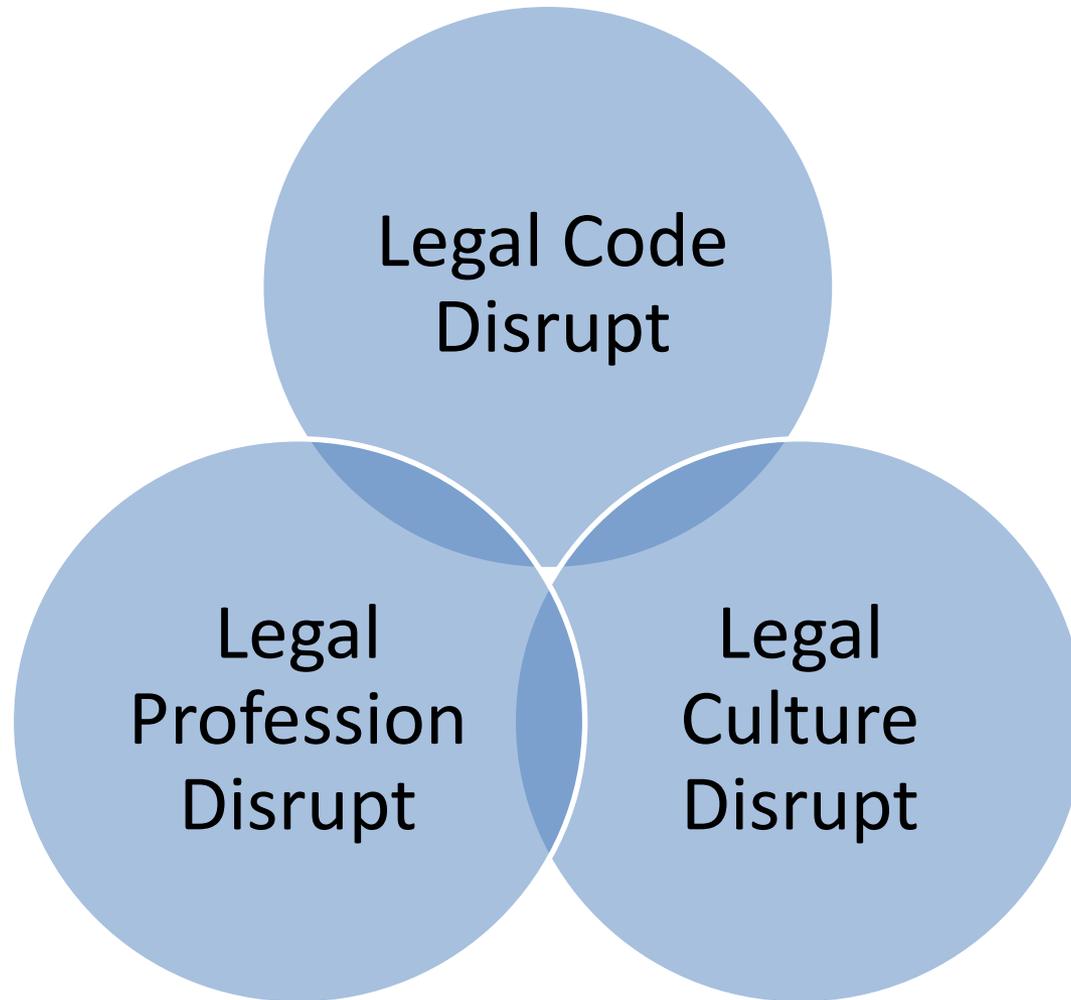
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Thought exercises

- Does Facebook change the way we relate to each other or does the way we relate to each other determine what becomes popular in Facebook?
- Has LinkedIn changed business networking?
- Does hyperconnectivity change our brain?



Anabel Quan-Haase, *What makes Technology Change?*



The three law-tech domains

Law of technology domain – Legal Code Disrupt

Tech and legal industry domain – Legal Profession Disrupt

Tech-law culture domain - Legal Culture Disrupt

Applying the law-tech framework

- Do we look to regulate the manufacturing of the technology or its use?
- Do we take a cultural approach and use educational means?
- Are there systems that can be changed or improved?

Case Study: Medicinal Cannabis

The ethics of drug development, promotion and
legalisation

- Genetically engineered
- Historically prohibited

- Can we legalise just specific variants?
- Do new variants make it more acceptable?
- Are there better enforcement options to deal with misuse?

Case Study: Medicinal Cannabis

The ethics of drug development, promotion and legalisation

- Is it the drug or the manufacture of the drug we are concerned with?
- Is the drug evil or just evil users?
- Did our societal values encourage this type of research or do new 'better' drugs make us think it's ok?

Case Study: Medicinal Cannabis

The ethics of drug development, promotion and legalisation

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Types of law-tech ethics

- The extension by technology of known legal ethical issues
- The creation by technology of new ethical concerns and their extended legal consequences
- The question of ethical oversight of emerging technologies.

Extension by technology

- Responses to some problems are relatively settled.
- Development of the issues continues as new facts arise.
- Technology's advancement is incremental.
- Small advancements can create new problems in well known ethical areas.

Creation by technology

- New technologies, new issues.
- The problems are sometimes created inadvertently (not due to primary functions of the technology).
- Can have direct legal consequences.



Oversight of emerging tech

- Tech and culture do not develop at the same rate (culture lag).
- Can create a disconnect between a technology and ethical norms relating to it.

“The automation of factories has already decimated jobs in traditional manufacturing, and the rise of artificial intelligence is likely to extend this job destruction deep into the middle classes, with only the most caring, creative or supervisory roles remaining.”

Prof. Stephen Hawking

Guardian. July 2016



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“One more robot per thousand workers reduces the employment to population ratio by about 0.18-0.34 percentage points and wages by 0.25-0.5 percent..”

Robots and Jobs: Evidence from US Labor Markets
Daron Acemoglu, Pascual Restrepo
NBER Working Paper No. 23285, March 2017

Imperatives

- Lawyers have an **extremely important role** to play, but in many ways **it will be different a different role.**
- There needs to be a **paradigm shift** in how we think about the law and its role in a hyper-connected digital world.
- If lawyers are to be heard **work needs to start now**, otherwise decisions will be made for us.



Thank you

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