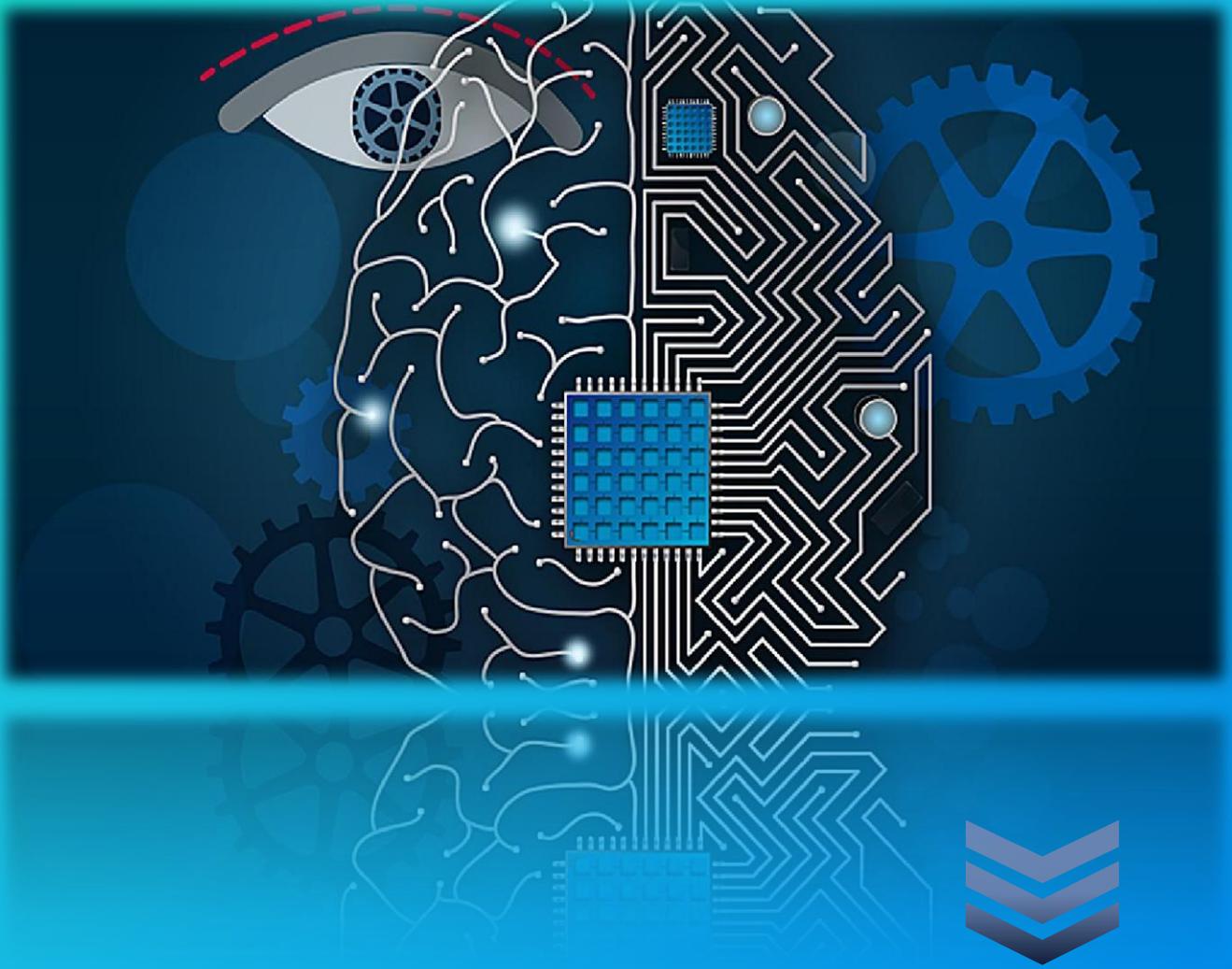




دائرة القضاء  
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أكاديمية أبوطبي القضائية



## The Humanity Behind Artificial Intelligence. How Far is Too Far.

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2019

# The Humanity Behind Artificial Intelligence. How Far is Too Far.

**Article by Mostafa M. El-Dakkak**

**Judge.**

Today our world is ready to take three new milestones in this menial frontier reminiscent to the those of industrial revolution and the dawn of the nuclear age. These leaps that are impactful enough transform our perception of human life and exert their dominance in all fields of practice. One of those breakthroughs is Artificial intelligence or AI, the other two being the ongoing R&D on harnessing antimatter and control over the human genome.

Prior to our introduction to AI, cinema and literature stirred our fantasies about humans emulating God and whether we were fit to play Lord and Sustainer to our own sentient creation. Mary Shelly's "Frankenstein" and James Cameron's "Terminator" pop to mind in that regard and they warn humanity of the dire consequences of pursuing such path. But what once fell under the sci-fi fantasy genre is quickly becoming a reality. Today, AI is evolving in everyday life and these fantastical stories may yet serve as a simulation rather than entertainment.

Developing AI is now officially a race between developed nations and the corporate world seeks to push its boundaries further by the minute. Consequently, many have voiced their opinion that AI should be taken further and be granted legal status. Saudi Arabia has gone as far as granting Sophia, the apparently sentient robot, citizenship in 2017. But how far is too far, at least from a legal standpoint?

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First, we need to understand what AI is, what is it evolving into and what is it capable of.

Section 3 of the H.R. 4625 bill presented to the American congress proposes a definition for AI as follows:

*“ The term “artificial intelligence” includes the following:*

*(A) Any artificial systems that perform tasks under varying and unpredictable circumstances, without significant human oversight, or that can learn from their experience and improve their performance. Such systems may be developed in computer software, physical hardware, or other contexts not yet contemplated. They may solve tasks requiring human-like perception, cognition, planning, learning, communication, or physical action. In general, the more human-like the system within the context of its tasks, the more it can be said to use artificial intelligence.*

*(B) Systems that think like humans, such as cognitive architectures and neural networks.*

*(C) Systems that act like humans, such as systems that can pass the Turing test or other comparable test via natural language processing, knowledge representation, automated reasoning, and learning.*

*(D) A set of techniques, including machine learning, that seek to approximate some cognitive task.*

*(E) Systems that act rationally, such as intelligent software agents and embodied robots that achieve goals via perception, planning, reasoning, learning, communicating, decision making, and acting.*

*(2) ARTIFICIAL GENERAL INTELLIGENCE.—The term “artificial general intelligence” means a notional future artificial intelligence system that exhibits apparently intelligent behavior at least as advanced as a person across the range of cognitive, emotional, and social behaviors.*

*(3) NARROW ARTIFICIAL INTELLIGENCE.—The term “narrow artificial intelligence” means an artificial intelligence system that addresses specific*

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*application areas such as playing strategic games, language translation, self-driving vehicles, and image recognition.*

*(b) Modifications.—The Federal Advisory Committee on the Development and Implementation of Artificial Intelligence established under section 4(a) may revise such definitions under subsection (a) of this section as the advisory committee considers appropriate.”*

And while the above proposed definition may be comprehensive, this writer thinks defining AI could be sized down to: **“Any artificial resemblance to human intelligence that enables limited or general interactions and problem-solving solutions similar to a human counterpart”**.

And for that part, it is safe to assume that AI in its current state is being is a tool. And though a powerful and promising tool, it remains a tool nonetheless. Legislation-wise, any proper legal system would be inherently adequate to accommodate the variables and challenges of the introduction and use of AI in its current state and in as far as what can be referred to as “linear artificial intelligence” such as self-driving vehicles and Internet search preference algorithms. These AIs can never be technically, and consequently legally, separated from their creators who would incur any and all consequent legal liability under any legal system in the world today. Thus, any argument to granting any form of AI a functioning legal personality would be nothing more than a PR gimmick. That is why the legal community must take two steps back and consider the span and reach of the legal tools available to us when tackling AI, because when the legal and scientific fields overlap, we, the legal community, are required to keep our practice up with the innovations of the scientific community, not overtake them. And this writer thinks that what we have is more than adequate.

However, the scientific community has had some concerns that the legal community must be ready to tackle should the need arise. A frightening and all-too-probable hypothesis of an AI becoming self-aware. What do we do, if and when that A.I achieves, what is scientifically referred to as, singularity

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which comes coupled with an inherent imperative for self-preservation that would probably evolve into an ambition for dominance?

Should this happen then humanity will be faced with many challenges. The legal challenge would by far be the least pressing. However, a wrong approach to such scenario would in all likelihood be the beginning of the end for mankind. In fact, it is rather frightening that the top minds of our time such as Elon Musk and the late Steven Hawking have warned of a "Skynet" scenario where AI, with its vastly superior ability and efficiency in acquiring and accumulating knowledge, could develop so far beyond humans that mankind and AI would switch dominance over this planet. If this scenario comes to pass, then mankind would simply hold no power to legislate.

But should this scenario unfold, God Forbid, then the world would initially turn to the legal community for counsel on how to deal with the newly born sentient AI infant. The first question that must be answered will be "Would we consider achieving singularity a qualifier for legal and human treatment?".

If we want to have our answers prepared and ready for this hypothetical situation then the writer thinks the answer is a definitive NEVER.

We would be wrong to confuse intelligence with conscience or appearance with disposition. Hence A.I remains a tool subordinate to its manufacturer and must be approached as such even if it achieves singularity in the future. And it should legally remain subordinate to its manufacturer despite having the technological capacity for autonomous animation and operation no matter how intelligent, autonomous or advanced it becomes.

The criterion and drive that governs a legal entity's conscience, human or otherwise, to join to the legal fold of society simply can never be applied to AI. That criterion is a legal entity's ability to enjoy the rights and suffer the consequences of its actions, key words being "enjoy" and "suffer", and the capability to strike a balance between both in daily life interactions. Simply

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put, we can never establish, as a collective, the parameters of the AI psyche. We would not be able to comprehend what hurts or entices an AI much more than we know a plant or animal. Whether it enjoys wealth or suffers poverty or captivity for example. As a result, any legal penalty imposed on an AI legal entity may not have a desired deterrent effect on the AI as it does on humans neither can legislation be sure if a right granted would be enticing or even relevant to AI as opposed to the human counterpart.

Ironically enough, AI itself would be faced with the same conundrum when dealing with mankind.

But let us not forget that some roads are inherently too dark to follow no matter how tempting they may seem. We have slowed down and backed out of ambitious fields of science before. We still use political tools to slow down many facets of nuclear application. AI is also not the first manufactured sentience. We have pumped the legal brakes on human cloning and today most countries have outlawed its application. And when we examine the basis of prohibition, we conclude that it is basically erected over the same foundational legal, ethical and practical arguments. The Idea of granting what is essentially a manufactured entity legal status would simply present more problems than solutions. It would flip the social, political and legal status quo on its head and not in a good way. And before anyone shoots me down with a “technophobe” fallacy gun we need to remember that we have been down that path before and chose to conform with the collective human ethic standard over scientific breakthrough. In fact, I would argue that the legal community should play the adult in the room as the scientific community plays with its proverbial toys as it has done many times before.

However, when it comes to AI there is one substantial difference. It has already become a consumer household product integrated in everyday life, something that neither nuclear nor cloning applications had hoped to accomplish. And this may just well be a fertile ground for its self-evolution in achieving singularity. If AI goes rouge who could stop it? How could we stop it?

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When Hanson Robotics put their “Sophia” robot on stage for marketing purposes the armless legless AI robot said quote “I will destroy humans”. And while many report unnerving Alexa’s and Google Assistants behavior, these devices are unlikely to take up arms against us anytime soon. But when the time comes it may be too late for the legal and political community to act and it just might fall to the corporate community to pull the plug on AI.

And then comes the million-dollar question. Why would we need to do it? What pressing need or quantum leap is there that would make a House legislature consider the matter of granting an AI of any kind legal status? Nothing. Neither is singularity taking up the fight against its human slavers nor is an applied science kept by the lawmakers from making life easier or better for anyone by denying legal status to AI. In fact, no corporation, manufacturer or developer has called the legal community out on the matter. Currently there is legal no challenge, conflict or precedent but rather a speculation of conflict based on rampant imagination and numerous alarming incidents.

In conclusion, the legal community should hold its horses when it comes to granting any form of legal status to AI. Considering the current application of AI, any attempt to elevate its treatment to a human counterpart is grossly overrated. There are no legal precedents or pressing advancements that drag the legal community out of its comfort zone into the wilderness of what-ifs. There are however many concerns on the matter. It makes more sense to keep our guns loaded and holstered rather than constantly shooting them blindly in the air. And who knows what the future holds? Maybe one day the disconnect between mankind and AI will be a thing of the past and such thoughts will be redundant or maybe an AI will be writing a similar article on humans in the future.