

Technology Regulation

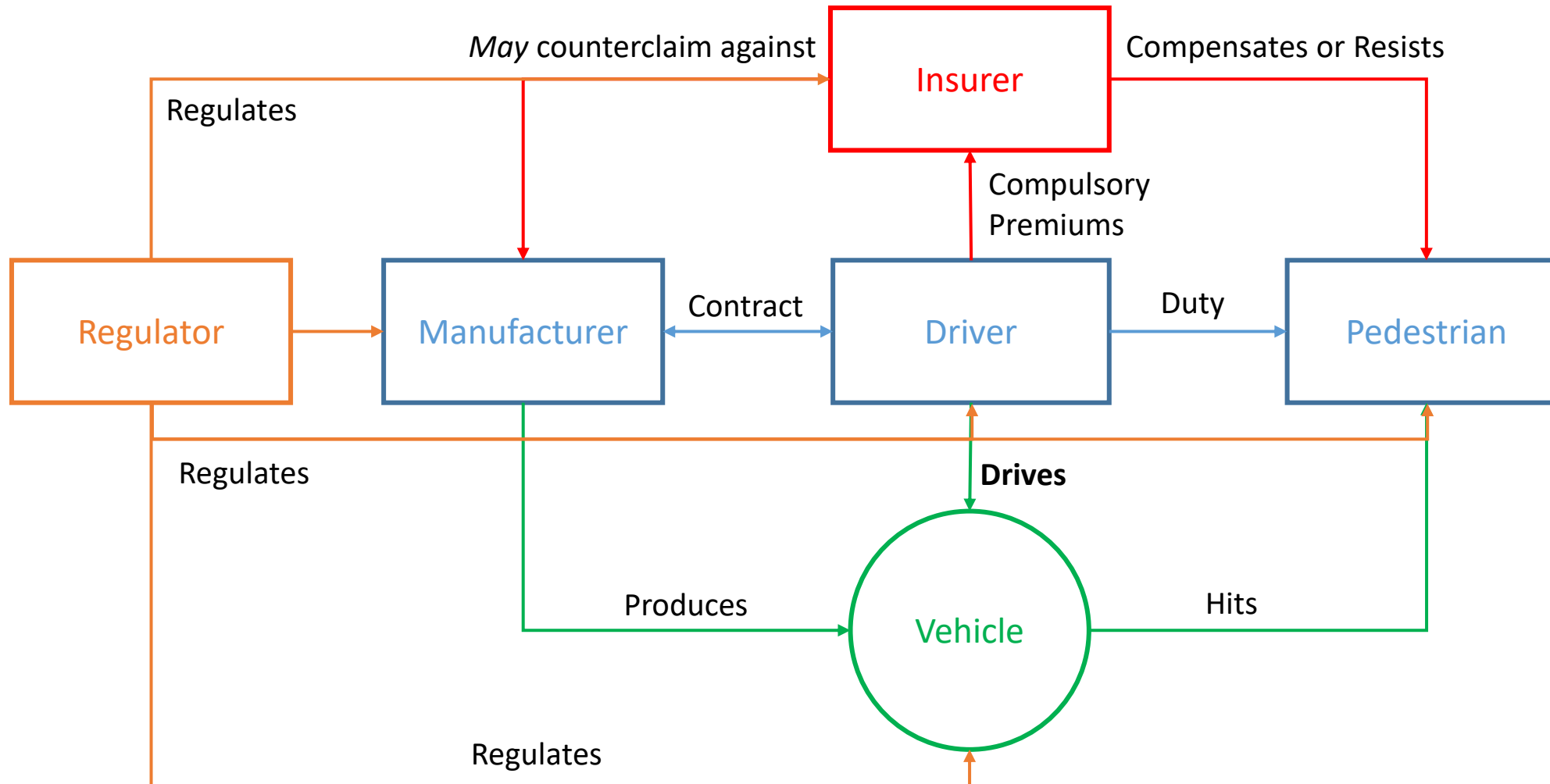
History and Principles

Part II: Automobiles

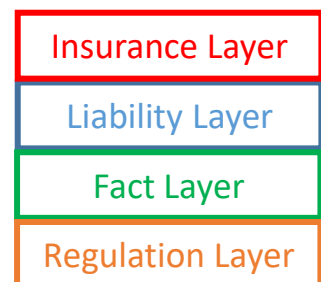
In this Video...

- The laws and regulations surrounding how automobiles (to use the historic name) are applied and supplied
- Laws themselves not the main point, but useful as a case study of the concepts covered in Part 2.1

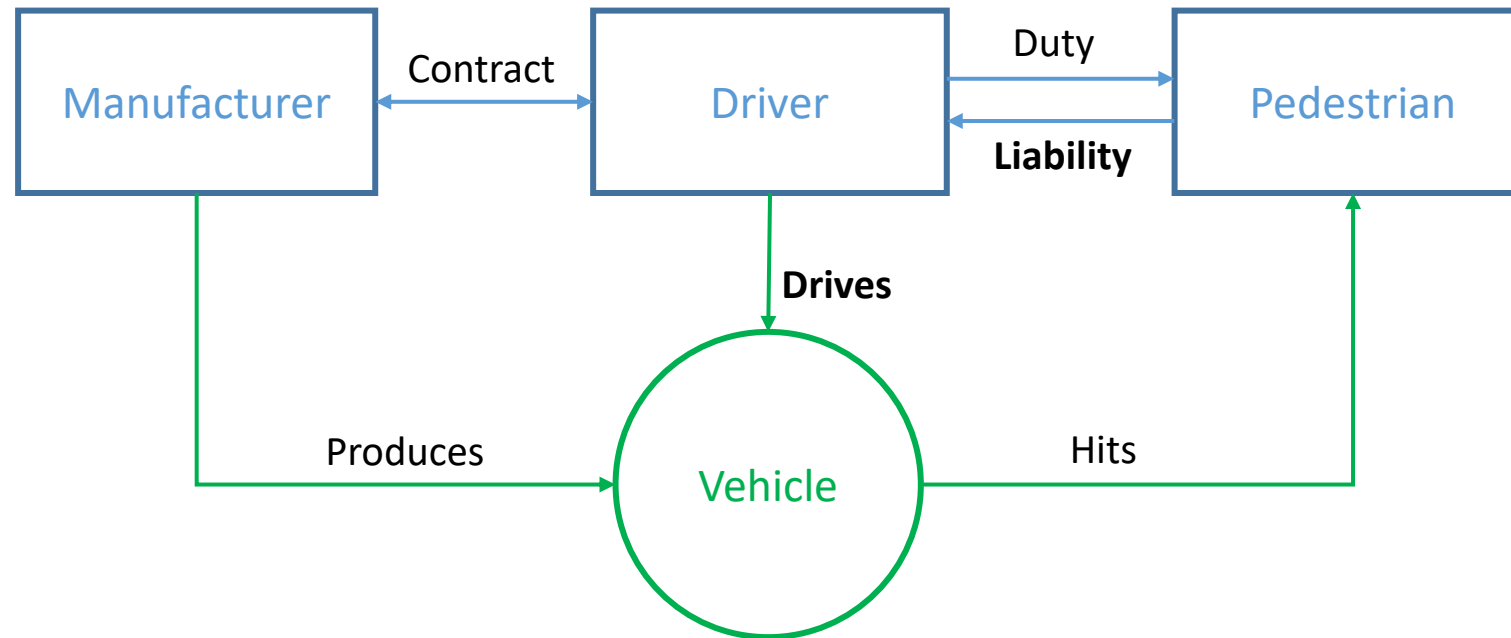
How It's Done Now



Key



How It Was Done Back Then



Key

Insurance Layer
Liability Layer
Fact Layer
Regulation Layer

The Automobile

- Popularised in 1908 by Ford Model T
- Had been around earlier, since 1700s
- Not much adoption → not much law
- Explosion in adoption in early 1900s
- More cars → more accidents
- **What was law's response?**



The Law of the Metal Horse

- Courts:
 - “driver” could apply to automobiles
 - Mainly negligence rules, premised on driver’s control of vehicle
 - Horse carriage cases readily applied, no need for special consideration (*why?*)
- But **liability proved insufficient** given rise in accidents and judgement-proof defendants. **Regulation** was necessary
 - First-mover was UK in *Road Traffic Acts* of 1930s, introducing compulsory insurance (and other things)
 - Compensation still premised on proof of negligence
 - As tech developed, more and more **regulation** (highway codes, etc)
- **How does this reflect what we’ve seen about technology regulation?**
 - What is being regulated?
 - How and why?
 - Recall: Collingridge dilemma

Criminalising Walking; Subsidising Driving

- Note: Article tailored to US context (strong auto lobby)
- **Social norms**, led by corporate interest campaigns
 - Stigma around “jay” walking → essentially a kind of victim-blaming
 - “Jaywalkers are causing most of the incidents!”
 - Traffic collisions branded as “accidents” → no one’s (intentional) fault!
- **Real space architecture** evolved
 - roads and “freeways” became the norm
 - “parking” spaces took over cities
 - pedestrians relegated to the “*sidewalk*”
- **Laws** also changed → jaywalking became illegal and widely-enforced, sometimes against disadvantaged groups (disabled, minority races, etc)

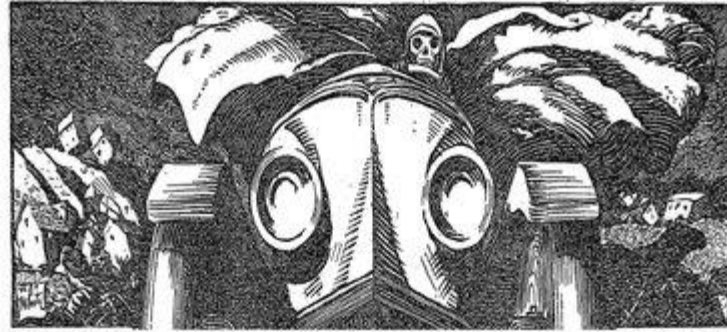
NATION ROUSED AGAINST MOTOR KILLINGS

Secretary Hoover's Conference Will Suggest Many Ways to Check The Alarming Increase of Automobile Fatalities.—Studying Huge Problem

THE need for vigorous action against the alarming increase in automobile fatalities has prompted Secretary Hoover to call a conference of representatives of the various agencies interested in checking the steady increase in motor vehicle deaths.

The conference will be held in Washington on Dec. 15. It will draw the nation's foremost experts on traffic control, motor vehicle safety, engineering, education and law enforcement, and will be the first of its kind since the war.

The conference will be held in the morning and afternoon. The afternoon session will be devoted to the study of the problem of motor vehicle fatalities. The morning session will be devoted to the study of the problem of motor vehicle fatalities.



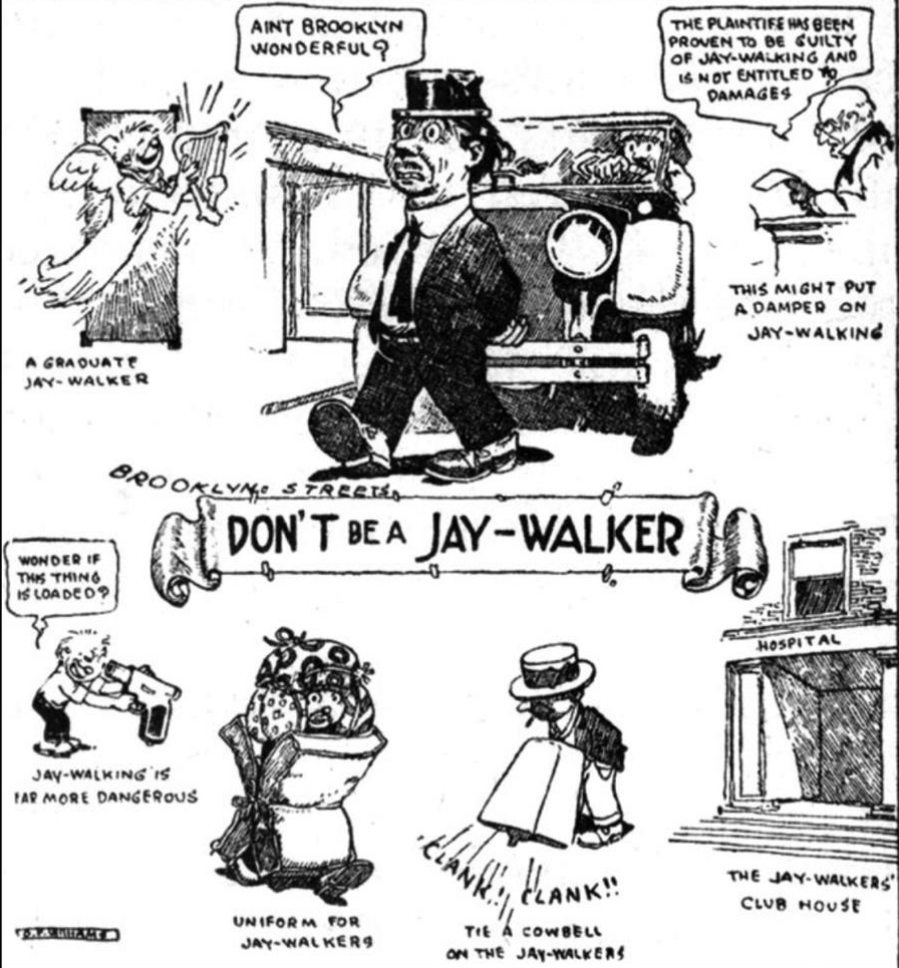
Secretary Hoover is the chief of the Federal Bureau of Investigation.

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A Traffic Problem—Jay Walking



Lessons from the Past

- Lessig's theory plays out nearly note for note
- As we move on to more "newly urgent" cases, you should be able **spot parallels to the past and say "we've handled this before"**
 - Notice that this is one key we apply to spot legal issues
- Law and Technology necessitates *some* **understanding of law and society, law and economics, etc**
- **Tussle between different modalities** (over which different interest groups hold power), even before code
 - Markets → corporations
 - Law → governments (and corporations?)
 - Norms → communities
- **Question for later Parts: who has power over code?**

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