**RESEARCH PAPER OUTLINE**

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**Section: 18**

**RESEARCH QUESTION:**

Should AI be treated the same with people legally?

**PART A: OUTLINE**

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| **Introduction**  a) The rapid increase in the place of artificial intelligence in human life. (Autonomous cars; Sophia, the first naturalized robot)  b) Legal responsibility of AI - controversial issue.  c) The legal identity of AI is necessary, however, it should be different than people.  **d) Argument/Thesis (FULL SENTENCE)**  AI should not be treated the same with people legally considering the following points: most AI will not reach the level of intelligence required to justify their crimes in court; unlike the crimes committed by a person, the penalty for crimes committed by AI should be distributed to the developer, user, and the AI itself, which requires new laws for AI crime; since the penalties imposed on humans cannot restrict the freedom of artificial intelligence, legal authorities should give separate penalties to individuals and AI. |
| **Body 1/ Topic Sentence (FULL SENTENCE):** Most AI will not have the intelligence needed to defend their actions.  **Details:**   * AI characteristics. (act unpredictably, act unexplainably, act autonomously, domain-base AI) (Summary of the points) (Abbott and Sarch 330-331) * Unpredictability and inexplicability cause legal issues. (Who is responsible?) * Turing test help to determine whether an AI is as intelligent as a human. (Summary of the test) (Turing 433-434) * No AI has passed the Turing test so far. * If particular AI will pass the test, the right to defend themselves in court can be given to it because it can explain its past actions and predict its future actions. * Even though particular AI seems to think, people cannot know if it has consciousness, so it should not have legal rights. (counter) * There is three possible models of legal personhood and all can be applied to AI: * 1) The (lucid) Cheshire Cat - thinking ability is enough. (Van den Hoven van Genderen 36) * 2) Any reasonable human creature - however, according to it, companies has an identity because it can reduce to the people so do AI. (Van den Hoven van Genderen 37) * 3) The rational, responsible actor - it excludes disable and young people. (Van den Hoven van Genderen 38) * AI passing the Turing test can be responsible according to third model. * People cannot know if anyone has a consciousness, rather they look evidences. * “The only mental requirements needed in order to impose criminal liability are knowledge, intent, negligence, etc., as required in the specific offense and under the general theory of criminal law.” (Hallevy 187) |
| * Thinking ability should be enough to meet above requirements.   **Concluding sentence:**  Although some AI may have rights such as the right to self-defense, most will not have this level of intelligence. |
| **Body 2/ Topic Sentence (FULL SENTENCE):** Unlike the crimes committed by individuals, there may be many criminals in the background of AI crimes, and the punishment should be distributed according to their level of guilt.  **Details:**   * Two necessary element of criminal liability - criminal conduct (actus reus) and intent (mens rea). (summary of the points) (Hallevy 177) * “A parrot is capable of repeating words it hears, but it is incapable of formulating the mens rea requirement for libel.” (Hallevy 178) * 3 model for criminal liability of AIentities * 1)The Perpetration-via-Another Liability Model: AI innocent, developer or user has intention for crime. (summary of the point) (Hallevy 179) * AI is just a tool therefore should not be responsible. * 2) The Natural-Probable-Consequence Liability Model: AI has no awareness, developer or user unintentionally commit a crime. (summary of the point) (Hallevy 181) * AI is not responsible but developer or user can be responsible and their guilt should be carefully examined. * “[According to] Dutch Civil Code where it is stated that a party who brings a product to the market of which, at the state of scientific and technical knowledge at the time he put the product into circulation, it was not possible to discover the existence of the defect of the product, will not be responsible for the defect. “(Van den Hoven van Genderen 48) * Therefore, if the mistake is in above description, developer is not responsible. However, some techniques should be use to determine the negligence. |
| * a) Local Explanation: tracking the reason of the specific decision of AI (Doshi-Velez et al. 6-7) * b) Counterfactual Faithfulness: If the crime is believed to be caused by one particular input, such as the people's race, and after testing AI with different races, founded that no racist decision was made, then it is enough to declare the developer innocent. (Doshi-Velez et al. 7) * If both methods shows developer didn’t make mistake then by dutch civil code developer is innocent. * 3) The Direct Liability Model: Artificial Intelligence Entities as being Tantamount to Human Offenders: AI commit a crime intentionally and both developer and user are innocent or the crime irreducible to the people. (Hallevy 186). * The developer should always be guilty of crimes committed by AI. (counter) * There would be requisite for all AI to have responsible person; therefore there will be no need for AI to be responsible. (Abbott and Sarch 378-379) * Companies could make the people they hired accountable by giving big sums of money. * Most of the AI are now self-learning. * “There are more possible Go board configurations than there are atoms in the universe. Thus, a machine designed to play Go cannot simply be preprogrammed with optimal predetermined moves …” (Abbott and Sarch 330) * Developer may not be responsible for mistakes of self-learning AI.   **Concluding sentence:**  The punishment for AI crimes should not be imposed on only one group; anyone who could be guilty should share the punishment. |
| **Body 3/ Topic Sentence (FULL SENTENCE):** New criminal law should be prepared for AI that is better than the criminal law of the people at being able to restrict the freedom of AI.  **Details:**   * There is no way to deter AI therefore, punishing AI is not a solution.(Counter) * “[Punishing AI] will not produce any affirmative harm-reduction benefits because AI is not deterrable.” (Abbott and Sarch 344) * However, penalizing AI can be justified: * 1) Societal benefits * “Expressing condemnation of the harms suffered by the victims of an AI could provide these victims with a sense of satisfaction and vindication.” (Abbott and Sarch 346) * Not going unpunished for the mistakes made by artificial intelligence can increase people's sense of trust in justice. * 2) Corperations also be punished * Legal identity is not equal to human identity, and legal identity can be applied to different objects. * 3) General acceptance * Even though AI not perceive the punishment unpleasant, it is enough to considering the punishment unpleasant. Prison who do not suffer from being in prison still a punishment. (Abbott and Sarch 364) * Possible Punishments: * Death sentence for human = Deletion sentence for AI. (Hallevy 195-196) * Community Service for human= work for benefit of the society for AI. (Hallevy 197-198)   **Concluding sentence:** |
| * Incarceration for human= put out of use for a determinate period for AI. (Hallevy 196-197) * The adjudication of a fine for human = labor for the benefit of the society for AI. (Hallevy 198-199) * Potential penalties that I propose: * Disconnecting AI from the Internet = Incarceration for human * Giving data sets to further train like a therapy * Change the place of duty. For example, for racist judge AI can be take responsibility in Turkey   **Concluding sentence:**  The punishment of AI is beneficial in many ways; however, they should be punished with punishments appropriate to their nature. |
| **Conclusion**   1. Restatement of thesis/argument   AI should not be treated the same with people legally because a little portion of the AI’s will be equivalent to the human mind to defend their actions; in ai crimes there may be more than one guilty; due to differences in the nature of the AI and the people, they should take different penalties.  b) Review of the each point  Although artificial intelligence that can pass the Turing test should have legal rights as much as humans, their number will be very few. For the remaining AI's, in crimes committed by them, people need .to examine the crimes and find the culprits carefully. If both humans and artificial intelligence are among these criminals, they should be punished with different punishments.  c) Concluding thoughts/remarks  The world is moving into the age of AI, and people may need to adopt them as a new species someday. To not be caught unprepared when that day comes, people should start drawing the limits of AIs legal responsibilities today. |

**PART B: WORKS CITED**

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