

Course Name – Artificial Intelligence, Law and Justice
Professor Name – Dr. Krishna Ravi Srinivas
Department Name – Center of Excellence in Artificial Intelligence and Law
Institute Name – NALSAR University of Law
Week – 02
Lecture – 10

The screenshot shows a video player interface. At the top left is the NPTEL logo. The main title 'Artificial Intelligence, Law and Justice' is centered in red. Below it, 'Session 10' is also centered in red. Underneath, 'AI and The Rule of Law - Part-II' is centered. The speaker's name and title are listed: 'Dr. Krishna Ravi Srinivas, Adjunct Professor of Law & Director, Center of Excellence in Artificial Intelligence and Law, NALSAR University of Law'. A small video inset of the speaker is in the bottom right. The video player controls at the bottom show a progress bar at 0:22 / 38:25.

AI and The Rule of Law - Part-II. Artificial Intelligence Rule of Law - Part-II. This is Session 10.

The screenshot shows a video player interface. At the top left is the NPTEL logo. The main title 'Recap' is centered in red. Below it, there is a bulleted list of three points. A small video inset of the speaker is in the bottom right. The video player controls at the bottom show a progress bar at 0:30 / 38:25.

- In the first of the three sessions on AI and Rule of Law we began by introducing the key topics in this theme highlighting some of the concerns on impact of AI on Rule of Law
- We discussed how states and private sector have adopted ML tools for different purposes
- By looking at three cases of AI in USA and Europe we illustrated why and how concerns about adoption of AI are also concerns about human rights and entitlements

Let us recap what we discussed in the first part. In the first of the three sessions, we

began by introducing the key concepts in this theme and why there are concerns about the impact of AI on the rule of law, both as a theory and as a practice. Since machine language systems have been adopted by both state and private sectors, we looked at the different purposes for which they have been used and some of the concerns raised by them. Similarly, we also looked at cases of AI in the USA and the Europe. We illustrated why and how concerns about adopting AI are also concerns about human rights and entitlements. This topic, like rights, entitlements, and AI usage in public service, will be a thing that we will recurrently discuss in this course.

AI and The Rule of Law - Part-II

Empirical Contingencies

- **Complex Relationship** Between ML-Driven Adjudication and Rule of Law
 - Not as straightforward as it appears
 - Empirical contingencies play a significant role
- **Rule of Law and Background Conditions**
 - Influenced by social and economic conditions
 - Governance choices, including ML tools, alter these conditions
- **Material and Intellectual Equality**
 - Formal and procedural rule of law presupposes equality
 - Uneven effects in the absence of such equality
- **Disparities in Legal Benefits**
 - Those with resources leverage the law better
- **Promoting Equal Distribution of Legal Resources**

So, there are some issues that are very interesting and at the same time very challenging. Now there is a complex relationship between machine language-driven adjudication and the rule of law. Because machine language-driven adjudication is based on data, the training done by it is taken as the model, and based upon the model it runs. Whereas with the rule of law, we do not always look at models. We always look at the current ground-level reality. We look at humans, we look at institutions, and then we put things in context. Also, empirical contingencies play a significant role.

When we say empirical contingencies, we refer to contingencies that could be very much on the ground or contingencies that could arise on account of the changed factors. So, a human judgment, or a judgment given by a judge, or when a court gives a judgment, does not give a judgment that is based solely on data and facts. It also takes into account other factors, particularly the way things have changed, although judges too take into account a lot of background details among other things. Not everything is reduced to some statistical probability that this person, if granted bail, will commit a crime, or that this

person has committed fraud, or that this person is likely to default after the third installment given his income and past credit record. We do not make decisions like that.

We try to be flexible because we are human. Whereas the complex relationship between adjudication and the rule of law is important. The rule of law does not say or imply rule of law when it talks of equality of opportunity, or when we say that there is a fair trial, or when we say that there is due process. When we say that decisions have to be made on the basis of transparency and other factors, we are not reducing people to potential probabilities or statistical numbers. But ML systems, being systems that are trained on data and numbers, look at things more from that perspective, which is very problematic in every sense.

When humans decide, they also take into account social and economic conditions, but then we put them in the right context, whereas the problem with ML systems is that they reduce everything to data in the sense that everything is linked to some probability or linked to some sort of association, which means you do not assess a person in the broader socio-economic context. You look at a person, take in everything, in the sense that you take in everything and then look at the numbers, numbers, numbers, then data matching, and then also look at the probability based on the equations derived, and then you arrive at the result. So, there is a huge gap between the way the rule of law operates in practice and the way ML systems do things. One more thing: when we talk of equality, we talk of both equality in terms of procedure and equality in terms of the formal. So, the procedural rule of law, or due process in the American context, presupposes equality in the sense that equality is given.

It is a basic axiom. And whether you talk about the formal justice system or any justice system based on the rule of law, equality is something that is at the cornerstone. Whereas, in the case of machine language systems, we cannot guarantee that such equality prevails. On the other hand, to look at it this way, equality in the light of the rule of law is really an equality in practice, or is it an equality that for many people remains only on paper? This is a criticism that is valid for the simple reason that we know those who have better resources, those who have access to better resources, or those who can pull strings here and there always leverage the law better—not just the law, but other things as well. So, on one hand, the paradox is that we can simply say the rule of law entitles everyone to equality or guarantees that you will be treated equally, whereas in practice, what is happening is not equality but something else.

We will not go into that in detail, but whenever we see that there are problems with algorithms and automated decision-making, we can also say that there are a lot of issues with the rule of law in practice, which we again need to address. In the sense that we cannot position the rule of law as an ideal situation or ideal condition vis-à-vis "the bad ML systems that discriminate, that show bias." That sort of comparison is not one we are

talking about. A thing that is also equally important is that we need to look at the equal distribution of resources, which is not happening and is not at all the reality. On the other hand, an ML-based system, or as we call it, algorithmic decision-making or AI system, does not have this sort of thing because there is no question of distributing any resources, only data: available data, information, decisions—that's all.

So, we cannot take a stand that everything is fine with the rule of law and nothing is fine with ML systems and AI. Nor can we take a stand that, since there are certain things wrong with AI and ML systems, however imperfect or problematic the rule of law is, we should always see that the rule of law is an ideal which we should try to assess the ML systems with and then say that even if ML systems fail in 10% or 5%, we should not use them because we are able to do things better despite all the problems in the way we practice the rule of law.



The screenshot shows a video player interface for a lecture titled "Centrality of Human-Managed Courts". The video is from NPTEL and NALSAR. The main content is a list of bullet points:

- **Assumptions on Human-Managed Courts**
 - Raz emphasizes the need for judicial independence
 - Fuller requires a robustly independent judiciary
 - Waldron focuses on human-driven adjudicative processes
- **Challenges to Traditional Views**
 - Taekama questions the necessity of courts for law guidance
 - Technological advances offer new ways to achieve rule of law values
- **Unbundling Social and Human Goods**
 - Normative ambitions can be separated from traditional institutional forms
 - Conceptual and institutional elements are less tightly connected

There are two inset images: one of a person in a suit at a desk with a scale of justice, and another of a man in a blue shirt speaking. The video player shows a progress bar at 8:00 / 38:25.

But the question here is: in a human-managed court system, Raz emphasized the need for judicial independence, and then, according to Fuller, a robustly independent judiciary is a must, whereas Jeremy Waldron focuses on the human-driven adjudicative process. So, in the human-managed courts, we have this judicial independence granted, an independent judiciary granted, and then a human-driven adjudicative process where people litigate, people argue, and people drive the process: arguments, counterarguments, mediation, arbitration, case, decision, appeal, final appeal, final decision. So, it is a completely adjudicative process driven by humans.

Whereas in the case of AI and ML systems, it is not the same. So, technological advances can be thought of in one way as offering new avenues to achieve the rule of law. In the sense that: if the technological advances, including AI and ML, can make things easier

for people who otherwise feel that the rule of law is not serving them well in terms of equality, why don't we go for them? If an AI and ML-based system can deliver fast justice, quicker justice in a more efficient way, why shouldn't we try that option instead of arguing that they are not the ones that meet the 100% criteria of the rule of law? So, the dilemma in a country like India is that when there are crores and crores of cases pending, people struggle to get their cases listed, and judges struggle to deliver judgments or even to hear arguments in the courts on account of the ever-increasing overload of cases. What harm could there be if you use AI and ML in the justice system? Or even if there are going to be some problematic things, wouldn't it be a better solution given how the system works? So, this is an area where people really have to think. There could be trade-offs and potential harms, but still, if the efficiency of the system can be vastly improved by AI and AI-based systems, why not give them a chance? Why not put them up front and then say that we will try to harness them to the best possible extent? Now, we need to understand some of the things that are societal human goods.

Normative ambitions can be separated from traditional institutional forms, and conceptual institutional elements are less closely connected. We need not bother with these at this stage because there are more critical things that have more significance for our discussion.



The image is a screenshot of a video lecture. At the top left, it says "AI and The Rule of Law - Part-II". The NPTEL logo is on the left, and the Indian Council of Legal Education logo is on the right. The main title of the slide is "Future Directions" in red. Below it, there are two main bullet points: "Principles of AI Development" and "Core Interests and Needs". The "Principles of AI Development" section includes three sub-points: "Transparency in AI creation", "Inclusivity ensuring diverse participation", and "Accessibility for all individuals". The "Core Interests and Needs" section includes two sub-points: "AI developed with people's interests at its core" and "Compliance with the rule of law". To the right of the text is an image of a scale of justice. At the bottom right, there is a small video inset of a man speaking. The video player controls at the bottom show a progress bar at 10:51 / 38:25.

So one of the ways people have been saying is that, look, the idea here is not to throw the baby out in the bathwater. The idea here is to see how AI-driven systems can adhere to or be made sensitive to the rule of law principles. The principles of AI development are to see if some of these things can be incorporated; would it be better? The idea here is that there should be transparency in AI system creation, inclusivity in ensuring diverse

participation in the sense that this involves user participation or stakeholder participation in designing, assessing, or testing.

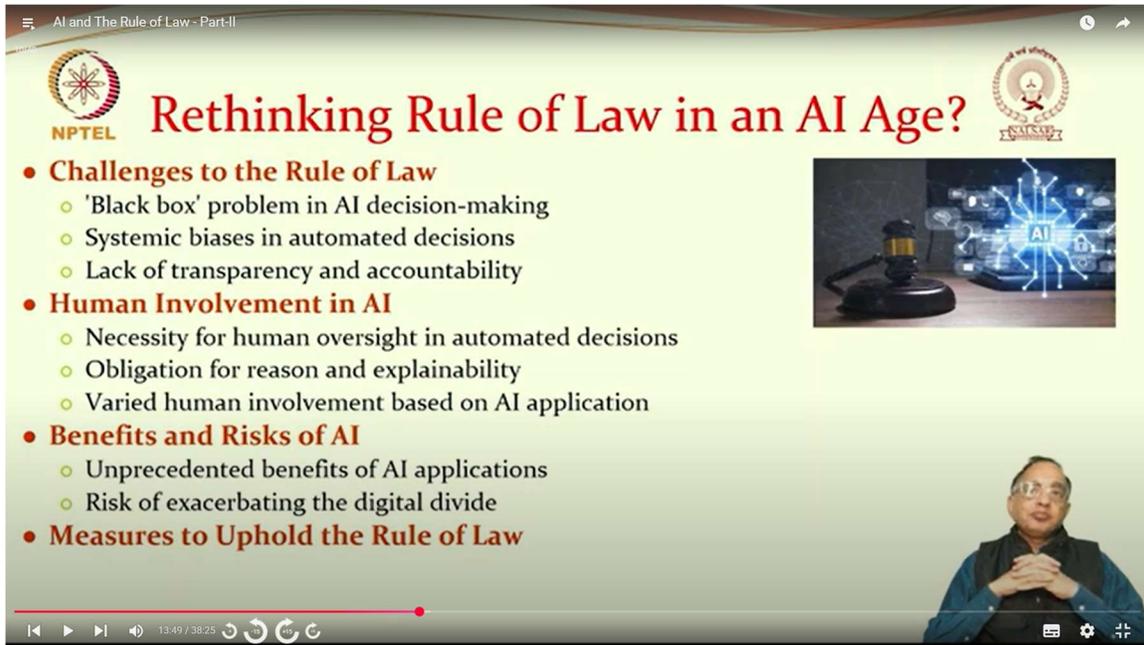
Then it should be accessible to all individuals. So, instead of complaining about AI systems being problematic on account of discrimination bias and then not meeting the criteria of the rule of law, why don't we try to look at it the other way around and then say what needs to be done to make them better? Is it transparency? Okay, bring transparency into creation. Is it the problem of bias and discrimination due to non-representational data, or are people not being represented in the right way? Then, make participation a criterion in deciding systems and developing them. Then the third thing is to make it more accessible in the sense that we ensure that everyone who wants to access legal services is able to access services driven by AI and ML. So, if these things can be taken into account, why can't we say that AI systems that meet the full rule of law requirements can be developed, tested, and run? Then, when AI systems are developed with the core interests and needs of the people, they will definitely comply with the rule of law.

But ultimately, what is the rule of law? The rule of law is not something that is floating in the air. It is neither an abstract principle nor a utopia. The idea of the rule of law, or for that matter any legal principle, should be to develop and to put people's interests at the core and to serve people's interests. So, if we cannot distinguish, we cannot differentiate that in the sense that, no, we cannot disentangle that from any ideal. Why don't we say that AI systems should be developed with that in mind, and that itself will make it 100 percent compliant with the rule of law? So, these are some of the suggestions given by proponents of AI-driven justice, AI-driven civil, criminal, and administrative law, so that AI systems are able to address a lot of problems that we otherwise find with a normal judicial system.

AI and The Rule of Law - Part-II

Rethinking Rule of Law in an AI Age?

- **Challenges to the Rule of Law**
 - 'Black box' problem in AI decision-making
 - Systemic biases in automated decisions
 - Lack of transparency and accountability
- **Human Involvement in AI**
 - Necessity for human oversight in automated decisions
 - Obligation for reason and explainability
 - Varied human involvement based on AI application
- **Benefits and Risks of AI**
 - Unprecedented benefits of AI applications
 - Risk of exacerbating the digital divide
- **Measures to Uphold the Rule of Law**



So, the question is, in this AI age, should we rethink the rule of law? Should we say that our rule of law conceptualisation is obsolete, we need to be updated; we need to be something that is kicking us in the cojones and keeping up with the times. So, challenges arise here due to the black box issue, which we have already discussed, lack of transparency, systematic biases, and human insight and involvement. Human oversight in automated decision-making is necessary if you really think in terms of the rule of law. An obligation for reason and explainability. Why? Because the rule of law is something that is antithetical to arbitrary decision-making and antithetical to opaque or non-transparent practices.

So, when human involvement is included, AI can make this possible in the sense that, with human oversight, there could be more scope for reason and explainability when that is made a compulsory option or obligation. If you are a developer or someone who is going to put the system to use, you are obligated to reason and explain how it functions, what the parameters are on which it is trained, what the limitations of the training models are, and how it could be understood by common people. So, if we can bring in varied human involvement in AI application development, such as people who could be likely impacted—women, children, elderly people, and others—human involvement will make AI much more compatible with the rule of law than merely complaining that the criteria are not met by AI. So, when we really think in terms of unprecedented benefits from AI applications, we should also take this into account. But the risk of digital divide becoming worse is also there.

But then that is an issue more of a social technical nature that would need to be tackled. So, we can put the risk of AI on one side, we can put the benefits of AI on the other side,

and then identify which elements enhance the risk, which elements will enhance the benefit, and then try to reduce them and try to enhance them. So, if we can do that, we can list out certain measures or we can list out certain things to be done so that AI systems and ML systems meet the criteria of the rule of law. So, when we do it, we are not rethinking the rule of law in the AI age; rather, we are trying to reinvent AI through the criteria of the rule of law. However, this may appear to be something that is very sweet or something that is very nice.

But then there are issues in both theory and practice. And there are also other issues, such as how malleable a technology can be or how much of a technology can be made to meet so many criteria that are not part of the technical domain. Or is it possible that we develop a technology that is technically efficient while simultaneously fulfilling all the things we want, like ticking boxes? Oh, it promotes transparency, good. It promotes public participation, good. It promotes explainability and reasoning capacity, good.

Is it really possible to build a system? Or are we talking about something that is very utopian in the sense that the antithesis of efficient machine language and AI systems should be in practice? This is a thing that we need to really look into because when critics point out flaws, optimists point out other potentials. So, the reality or the fact of the matter could be somewhere in between.

AI and The Rule of Law - Part II

Due Process and AI

- **AI as a Broad Field**
 - Encompasses various technologies and approaches
 - Aims to create systems performing tasks requiring human intelligence
- **High Complexity AI Applications**
 - Examples include Neural Networks and Deep Learning
 - Provide high predictive accuracy
 - Considered black-box models due to output understanding difficulty
- **Concerns with Black Box Models**
 - Lack of transparency
 - Difficulty in understanding automated decisions
 - Erodes trust and undermines accountability
- **Problem of Interpretability**

17:49 / 38:25

When we talk of AI, it is always important to understand a few things. One, AI is not a single technology; it is not a single and simple application. More importantly, it can be conceptualised as a bouquet of technologies and approaches, and thus, AI is a very broad field. I mean, today, if you look at AI or the way it has traversed from the mid-50s to

now, AI is not a simple thing. They are everywhere. Robotics and AI can be integrated. AI can be integrated into IR4. AI can be integrated into factories.

AI can be integrated into many applications. And more importantly, the scope of technology is also very vast. So, when we say the Internet of Things, AI is something that can be part and parcel of that. Then what is the idea behind talking so much about AI? Are we talking about AI because it is a good, fantastic idea or something that is very intellectually satisfying and theoretically challenging? No. When we talk about artificial intelligence, we are talking about a system or a technical device, or for that matter, a system that can perform tasks that require human intelligence.

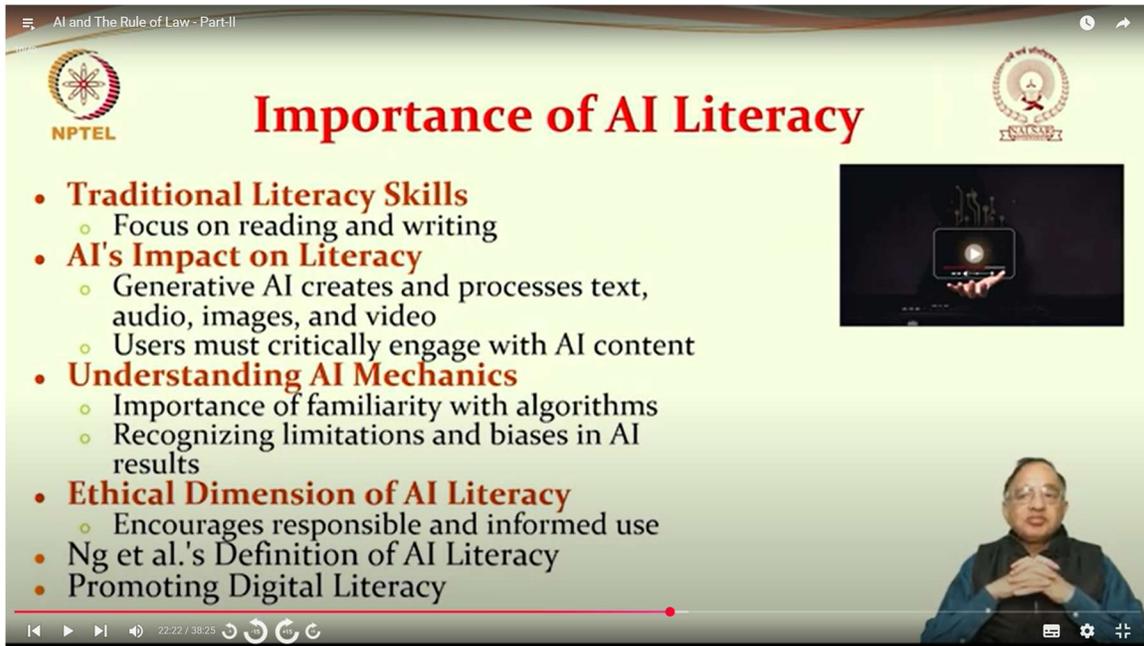
In other words, the benchmark here is human intelligence, and we are trying to measure artificial intelligence to that level, and then the ultimate aim is for AI to reach that level. So, AI, as a broad field, is being developed with that objective in mind. So, when we keep that in mind, we will not feel that AI is something totally alien, in the sense that we should think of AI as something always negative. No. And we should understand from the days in which AI was conceptualised in a very preliminary way in the mid-50s and then the conference held at Dartmouth College, many things have happened; there have been AI winters, there have been peaks and lows in AI development, and then there was a period of AI trying to develop.

People expected that expert systems would make a lot of difference, but nothing happened. Suddenly, neural networks, suddenly machine learning, suddenly certain developments sprang AI into forefront. So, what has happened in the last two decades in AI is simply unparalleled. So, when we talk about today's neural networks and deep learning, they are coming closer to human intelligence in one way or another. In the sense that they are very technically sophisticated and very efficient with high predictive accuracy.

So the problem here is that as the AI's performance, capabilities, and capacity improve, and as it becomes more and more complex, the black box models would be there due to the difficulty in understanding the output. But then we should not try to discard AI; we should not put that as a major criticism against AI. Now some of the things, like black box models, lack of transparency is difficult to understand. If these things could be addressed in a way, then it would be better. But the problem here is that if we assess AI through the idea of due process or through the lens of due process, then the major stumbling blocks or the major negative aspects that are to be associated with AI are the lack of transparency, the black box models, and the difficulty in explaining and understanding the automated decisions.

And then the way that can cumulatively erode trust and accountability could be a major issue. And then there is the problem of interpreting the AI decisions and the problem of

understanding how the whole thing works. So, if we view it through the due process lens, AI may not be able to fulfill that 100%, although we can always say that AI is highly competent, highly efficient, and its accuracy rates are fantastic or as good as humans.



The screenshot shows a video player interface for a lecture titled "Importance of AI Literacy". The slide content is as follows:

- **Traditional Literacy Skills**
 - Focus on reading and writing
- **AI's Impact on Literacy**
 - Generative AI creates and processes text, audio, images, and video
 - Users must critically engage with AI content
- **Understanding AI Mechanics**
 - Importance of familiarity with algorithms
 - Recognizing limitations and biases in AI results
- **Ethical Dimension of AI Literacy**
 - Encourages responsible and informed use
- Ng et al.'s Definition of AI Literacy
- Promoting Digital Literacy

The video player includes a progress bar at the bottom showing 22:22 / 38:25, and a small inset video of the speaker in the bottom right corner.

But we also need to take one more thing into consideration here: the problem with AI being a new technology is that there is a lot of misunderstanding, unnecessary fears, and undue concerns about it for the simple reason that people are not aware. So, if people are aware of AI, what is AI working on, how does AI work, and more importantly, what is behind AI? It is a black box in one sense, but it is not just a black box; it is something that we can understand.

Trained people can help us to understand it, and then there is a whole literature that tells you how to make sense of AI, how to understand algorithms, and how AI has developed over time. So, if we can train AI literacy like any other literacy, people will be able to understand things better. On the other hand, AI can do wonderful things for improving the normal literacy of people, particularly in education. So instead of complaining about AI, we need to engage with AI, the content it creates, whether it is called generative AI or the judgments or orders passed by AI, and then try to understand how it works; this is part of AI literacy. In the sense that we need to come to grips with AI's functioning, we need AI literacy, and then we need to engage with the content.

Then we need to understand how the algorithms work. We also need to understand the limitations and biases in AI results. This will again be part of AI literacy. AI literacy will not be one where you always speak highly and positively of AI or try saying nothing negative about AI. AI literacy is a good idea, as it encourages responsible and informed use.

This is important, particularly when you know people use AI for all sorts of criminal activities, including deepfakes, misinformation, disinformation, AI-generated fraud applications, and more. So, people have to be taught about AI. People should be made AI-literate. But also, about their responsibility and how they should use AI with responsibility as well as with an informed understanding. So, there is a definition of AI literacy that I have discussed in the text I am going to refer to.

So, one way to address the rule of law problem in AI is that the rule of law problem exists for the simple reason that many people are not aware of AI, what exactly AI is, and why they should understand AI's functioning, its pluses and minuses, and the negative or positive impacts so that people neither fear nor worship AI. So, if we talk about AI literacy, then many of the concerns regarding the rule of law can be addressed through AI literacy by empowering people to engage with AI better. So, this is one way to say that the rule of law, as an idea, will be eroded or negatively impacted by AI. No, the rule of law can be a good principle and criterion, but AI literacy will help us understand AI better, and through that, we will be able to understand some of the criticisms that are raised against AI from the rule of law perspective.

AI and The Rule of Law - Part-II

NPTEL **Rule of Law : Old Concerns, New Issues** **KAJCSAP**

- **Historical Evolution of Rule of Law**
 - Distinct models in the UK, USA, France, and Germany
 - Two archetypes: Aristotle's rule of reason and Montesquieu's rule of institutional restraint
- **Impact of Information Technology Revolution**
 - Opportunities for informed decision-making, service delivery, transparency, and civic engagement
 - Challenges include 'black box' nature of AI systems and widening digital divide
- **'Black Box' Problem in AI**
 - Opaque decision-making processes erode trust and accountability
 - Lack of human comprehensibility poses challenges to the rule of law
 - Human involvement and explainability are crucial
- **Digital Divide and Inequality**
- **Addressing Challenges**

26:04 / 38:25

So, to put it another way, the rule of law, as we said, is the basic idea that germinated in the time of Aristotle.

It developed further beyond the 21st century. So, when there are distinct models of the rule of law in different countries, including the UK, the USA, France, and Germany, of course, the Indian perspective on the rule of law is equally distinct because of the Supreme Court, judgments, the jurisprudence, and the legalities that are available here. But the rule of law can also be thought of as two basic things. There are two archetypes

or models. One of Aristotle's rules of reason, which is the core idea of the rule of reason: reasoning capacity. And then comes Montesquieu's rule of institutional restraint.

Now the idea of institutional restraint became important, as we discussed, when monarchs, kings, and queens asserted themselves as being above supreme law; nobody can control them, and no institution is above them. So, Montesquieu's idea of the rule of law, which is also germane to French thinking on the rule of law, is more about institutional restraint. Institutional restraint on anyone or any authority that claims too much power is there to ensure that powers are restrained and not abused; more importantly, the rule of law, a key component, ensures that nobody is able to take full control or assert themselves as above institutions. So, from a French perspective, if we look at the rule of law, we should view it as a model of institutions constraining the power holders, or the institutions constraining the government, as well as the presidents or the prime ministers. On the other hand, the information technology revolution, which has been present for at least 50 years now, including the PC revolution, the laptop revolution, and mobile technology, has also facilitated a lot of things in the sense that it has made information available to almost everyone.

And then people have been helped in informed decision-making. Service delivery has engaged terrifically in a much better way. Civic engagement has happened in unimaginable ways. So, the question here is, let us look at the black box nature of AI systems and the widening digital divide. Yes, there are issues, but the way information technology has addressed many of the challenges in the past, particularly access—access to information, increasing service delivery, bringing more transparency, and making services more easily available—can meet these challenges instead of trying to say that the rule of law is something that is supreme.

Based on that, we should not be very sanguine or hopeful about AI systems meeting that criteria. So, the black box problem in AI, which haunts again and again, can be addressed in a way. The digital divide can be addressed in a way that all these challenges, including inequality and lack of access to information, can be tackled. So, the rule of law, if there are some old concerns about how technology will impact society, what will happen if technology negatively impacts society, or taking Jacques Ellul's famous perspective from "The Technological Society," which views technology as a deterministic approach, should go beyond that. This is one perspective that the issues are new, but the concerns have been there since long ago.

In the sense that what would happen in terms of institutional restraint is an older idea from France. So, we can also think in terms of that when we come to engage with AI in law and justice, we can try to import the idea of institutional restraint to modern times and then try to build it up as some sort of mechanism to ensure that there are reasonable restraints on AI systems' behavior or AI systems taking unilateral decisions. So, how do

we go about it? What sort of things we need to do is something we need to engage with instead of complaining that AI systems are going to negatively impact the rule of law.

AI and The Rule of Law - Part-II

Rule of Law- Variations in a Theme

- **Concept of Rule of Law**
 - Multiple interpretations
 - Mechanism for curtailing arbitrary state power
 - Attributes necessary for a just society
- **Perspective on Rule of Law**
 - Mechanism for determining rules
 - Conditions for individuals to reach their potential
 - Achieving personal goals and ideals
- **Impact of Technology**
 - AI as an inhibiting factor
 - Susceptibility to manipulation and categorization
- **Notion of Power**
- **Technology is more than a mere tool**

But if the rule of law is in flux and is amenable to multiple interpretations, with mechanisms for curtailing state arbitrary power. But another concept of the rule of law is that it is also something that is needed for a just society.

Because equality of opportunity and equality are essential components of a just society. So, from that perspective, there should be a mechanism for determining rules. And then, the rule of law is a concept that should allow humans to flourish. So, if personal goals and ideals can be met without harming society, the rule of law criteria could be met. And more importantly, we can also say that the rule of law is not something that restrains individuals.

Rule of law in the sense of its potential for growth and development within the legally permissible framework. Achieving personal goals and ideals is a good thing as long as the acceptable restraints are not violated. But looking at technology as an inhibiting factor may not always be the best approach, and however much the technology is susceptible to manipulation, we should look at it. But the counterargument to this whole argument is very simple.

Technology is more than a mere tool. Technology comes with power, or power is inherent in technology. So, it is not the old argument that you can cut with a knife or hit someone on the head with a knife. Or it is not an old argument that technology is neutral; however good or however bad we make use of it depends on our capacity, our intention, and the way we deal with things. Because technology is not only a mere tool, the way it

can reorganise society, the way it can reorganise social relationships, or the way it can impact institutions is something that needs to be understood very carefully. There is a whole historical thinking about it, and there is a whole lot of literature available on it, ranging from Langdon Winner's classic essay "Do Artifacts Have Politics?" to the recent debates on agency in AI, or whether AI will affect human agency, and the whole debates on responsible AI, ethics in AI, or how we can make AI more accountable.

Or even forget all these things a simple idea that technology cannot be taught as a tool but emerging technologies are much more than that. Emerging technologies cannot be thought of as equivalents to a knife. A knife is a very normal tool. On the other hand, emerging technologies like AI, developments in synthetic biology, or, for that matter, other technologies like quantum technology or neurotechnology are not simply technologies; they are also powerful tools. However, they also have their own internal logic, and the way technology processes raises concerns about to whom the power accumulates and who becomes powerful.

So, there are multiple views on the rule of law and AI. One set of people argue that the rule of law will not be diminished; the rule of law will not be abrogated or negated by AI. On the other hand, AI is something that can help us in achieving the rule of law; it can even help us in meeting the criteria of the rule of law if we address certain things, like making people AI literate, addressing some of the concerns expressed, and developing AI systems with participation, less bias, a better understanding, and more transparency. We need not fear that AI is the antithesis of the rule of law. So, the negative aspects that we discussed earlier in detail, such as why it could be problematic for the rule of law to think that AI is yet another technology without any consequences. So, there are multiple views; we also need to bring insights from other disciplines like STS, science and technology studies, philosophy of technology, the technology of techno-sciences, the history of science, and sociology of science and technology to understand how different disciplines look at AI.

Looking at AI from the lens of the rule of law or from a legal perspective is necessary but not sufficient, and to understand technology regulation or technology governance, law as a discipline, or law when it deals with technology regulation, needs to borrow concepts, ideas, and principles from other disciplines so that it can come to grips with an emerging technology, a bigger technology, a technology that has huge potential like AI. In the next class, we will take this discussion forward and also look at some of the potential solutions or approaches that have been put forth in this whole debate, and we will conclude with that. The idea of having three sessions on the rule of law and AI is to highlight that, one, AI, although it's a very new technology, relatively speaking, is something that can have an impact on the rule of law. However, whether it's positive or negative, it's too early to predict. Two, when we think in terms of AI in law and justice, we also need to put that in the context of legal principles, legal concepts, and legal ideals.

So, when we do that, the rule of law is a good example to understand the relationship between technology and law or the relationship between law, technology, and society because ultimately the rule of law is also about society, citizens, and all of us. Therefore, the rule of law, as a concept and as a practice, is something that can be understood in light of technological developments, or we can even try to say what the impact of technological developments on the rule of law could be. In the next class, we will also look at some of the issues, such as the rule of law, but there are concerns about human rights and other issues as well, so we should take a broader perspective. In the three sessions, we will look at the questions that arise when we go beyond a traditional utilitarian perspective on AI or view AI as a mere tool. But a course on law, AI, and justice has to deal with that complexity because justice is justice.

We are not talking about simply crude law or justice in a very abstract sense. So, the debate on the rule of law can also be linked to the ideas of justice and fairness. That is why we bring in the due process and a whole lot of legal concepts here again and again. Thank you.