3 LAW OR ETHICS?

3.1 INNOVATION AND LEGAL REGULATION

Day 3, AI and Auto Driving Car	Fact: AI Malfunction of Robotics	Uber Accident https://www.theguardian.com/technology/2018/mar/22/se l f-driving-car-uber-death-woman-failure-fatal-crash-arizona Shin HIRAI, Robot Law (2017). Tatsuhiko YAMAMOTO, AI and Constitution (2018)

The purpose of this class is to understand the role of law and ethics.

- Q: What is example regulation on autonomous driving?
- Q: What does Superior Responsibility mean in the article?
- Q: Who is responsible for harm caused by AI, Robot or Autonomous Machin?
- Q: What is the relationships between ethical and legal responsibility?

Exercise 1: Please make pair of word and content

Word list	Content list
(1) actus reus	(a) failure of an injured party to act prudently, considered to be a factor in the injury which they have suffered.
(2) mens rea	(b) the one which does not depend on actual negligence or intent to harm
(3) contributory negligence	(c) the intention or knowledge of wrongdoing that constitutes part of a crime, as opposed to the action or conduct of he accused.
(4) strict liability	(d) incite someone to do something, especially something bad.
(5) instigate	(e) action or conduct which is a constituent element of a crime, as opposed to the mental state of the accused.

3.2 STRUCTURE OF CRIME
< Intention > + < Act > + <Result> + <Causal Relation>
= criticized by illegality and responsibility
Act = feasance, omission, Intention = include negligence

Act
+
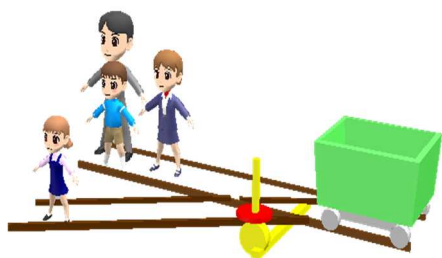Illegality
+
Responsibility
Crime

Exercise 2

AI armor kills innocent person. Who did the murder? Pick up three element of crime and apply to the crime structure.

3.3 THE TROLLEY PROBLEM

The trolley problem is a thought experiment in ethics. The general form of the problem is this:

The trolley running the railway tracks, five people tied up ahead of straight track. You are standing next to a lever. If you pull the lever, the trolley will switch to a different direction of tracks. However, one person tied up on the side track. You have two options:

1. Do nothing, and the trolley kills the five people on the main track.
2. Pull the lever, diverting the trolley onto the side track where it will kill one person.
Which is the most ethical choice?

3.3.1 Trolley Problem: a derivative scenario of autonomous vehicle

Joshua D. Greene, *Our driverless dilemma*, Science 24 Jun 2016: Vol. 352, Issue 6293, pp. 1514-1515 Summary: Suppose that a driverless car is headed toward five pedestrians. It can stay on course and kill them or swerve into a concrete wall, killing its passenger.

Exercise 3

How should they be programmed? And who should decide?

3.4 STRICT LIABILITY AND INSURANCE

Strict Liability: Liability which does not depend on actual negligence or intent to harm. (Oxford Dictionary)

To avoid decision of the responsibility of AI accidents liability insurance is proposed.

Exercise 4

Think benefit and demerit of AI insurance. Consider moral hazard.

3.5 SELECTION OF LIFE

We studied some cases to divide people into priority group and others. At first, it contradict to equality principle of the constitution.

Exercise 5

What is problem to provide priority group by law? Why?
Does it change in normal time and emergency situation?
Can ethical rules solve the problem?