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Programming Ethics Into AI for the Sake of Humanity

Is it time that law and other major industries consider the dangers of AI innovation?

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A significant amount of academic and public concern has recently been expressed about "rogue robots." The Washington Post asks if AI algorithms can be racially biased in applying criminal sentencing recommendations. The New York Times posits the possibility that police might be improperly using AI facial recognition to single out African-Americans as criminals. The Wall Street Journal suggests that AI might be poorly serving customers with "robo-advisors."

Of course, the theme of man vs. machine is the stuff of much of our "entertainment." From "2001: A Space Odyssey" (1968) and "The Terminator" (1984) to the current dystopic cascade of horrible outcomes mankind will suffer when the computers take over, film and books have profited mightily from the potential calamity when the robots revolt.

But make no mistake, the topic of the ethical behavior of computers is not mere science fiction. Rather, it is a contemporary question of science fact.

Even the computer scientists who have fueled the exponential growth of AI applications in virtually every area of human endeavor are ringing the alarm bells. Several of the most technology-intensive businesses have created a coalition of tech providers who are actively engaged in addressing the ethics of beneficial AI programming. The Partnership on AI was formed by the nation's largest technology companies to "benefit people and society."

Legal technology must pay even closer attention to the incredible capabilities of AI to perform essential functions for clients and their lawyers. As unimaginable as rogue robots might be, what could maleficent software do to estates, financial planning, complex transactions and high-stakes litigation? When AI begins to program itself without human oversight, what's to stop such a technology from wreaking havoc on the economy, personal rights and legacy wealth?

Just this week, the World Economic Forum announced its foundational go-forward policy for the future of AI as a matter of global economic well-being by asking the question, "How can private-

public collaboration realize digital technology's potential to benefit humankind?"

As we now know, intelligent transactions can execute global commerce with little human intervention. If you have not yet followed the work of Clause, you will want to examine the shipment of 88 bales of cotton from Texas to China via blockchain technology, the Internet of Things (IoT) and AI working in tandem to ensure on time delivery, specified quality and appropriate price without the "friction" and expense of an industry of middle men and women (including lawyers). Meanwhile, with intelligent contracts, price is determined by AI upon delivery per the terms of a dynamic legal contract. Clause created the technology to accomplish this global transaction without delay or dispute with price determined by the data generated by the shipment itself.

When intelligent transactions begin to proliferate, as expected in fin-tech, health care, industrial supply chains and law, who is watching over the output of the AI managing these complex transactions at almost the speed of light without human intervention? Although a blockchain itself has never been hacked due to the layers of encrypted AI algorithms, can the AI itself be trusted to act only in the best interests of the global economy and the humans who depend on its stability?

That is the task before us. Waiting until the chaos occurs is too late. In the lifetimes of those reading this article, most AI experts doubt that "singularity" (the state at which computers will achieve the complete computing power of the human brain) can be achieved. Instead, there is far more concern about the capacity of malevolent humans to create havoc for the foreseeable future.

Blockchain technologies offer a strong hope that unwanted and nefarious software applications can prevent damage to intended transactional integrity. If harmful programming is introduced into transactions, its blockchain also provides a trustworthy audit to reveal the source of the deleterious actor.

Those of us working in applying blockchain technology to legal relationships have a high duty to provide guidance to AI development that will minimize, and possibly eliminate, AI, which can work to achieve maleficent ends contrary to the best interests of humanity now and into the future.

We have time. Let's step to the plate and take our turn in the batter's box. Join us as we responsibly move together into our machine-augmented human future.

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