

The Acceptable Roles of Artificial Intelligence in the Judicial Reasoning Process

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Abstract : There are some cases where we as a society feel deeply uncomfortable with the use of Artificial Intelligence (AI) tools in the judicial decision-making process, and justifiably so. A perfect example is COMPAS, an algorithmic model that predicts recidivism rates of offenders to assist in the determination of their bail conditions. COMPAS turned out to be extremely racist: it massively overpredicted recidivism rates of Black offenders and underpredicted recidivism rates of white offenders. At the same time, there are certain uses of AI in the judicial decision-making process that many would feel more comfortable with and even support. Take, for example, a “super-breathalyzer,” an (albeit imaginary) tool that uses AI to deliver highly detailed information about the subject of the breathalyzer test to the legal decision-makers analyzing their drunk-driving case. This article evaluates the point at which a judge’s use of AI tools begins to undermine the public’s trust in the administration of justice. It argues that the answer to this question depends on whether the AI tool is in a role in which it must perform a moral evaluation of a human being.

Keywords : artificial intelligence, judicial reasoning, morality, technology, algorithm

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