

ID: MSCA-19-Hildebrandt02

Discipline: Law and Criminology

Title: From the end of lawyers to the end(s) of law - on the cusp of legal theory and computational theory

Abstract: This research could inquire into the different schools in artificial intelligence, notably with regard to its application in law. In the 1980s jurimetrics has attempted to translate legal normativity into decision trees, based on the belief that law can be (or should be) reduced to deductive logic in combination with prior legal knowledge. Since the advance of machine learning a new school is emerging, aiming to reinvent legal analysis by way of generative inductive programs, including back propagation and reinforcement learning. It seems time for a foundational analysis of how both methodologies could interact, based on an argumentative understanding of legal practice, assuming that whereas law and human interaction are incomputable, they can indeed both be computed in different ways. The research would investigate the extent to which this plurality could contribute to practical and effective legal protection, making the output of computational law contestable in a court of law. The research would interact with the ERC ADG research team on 'Counting as a Human Being in the Era of Computational Law'.

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