



GRIFFITH JOURNAL OF LAW & HUMAN DIGNITY

Law and Human Dignity in the Technological Age

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Law & Human Dignity in the Technological Age

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LAW & HUMAN DIGNITY IN THE TECHNOLOGICAL AGE:

EDITORIAL

I INTRODUCTION

We are in an era of automation, disruptive technology, and artificial intelligence. We now utilise gadgets and applications which the generations preceding us would find unfathomable. We have the ability to converse with robots through virtual assistants, and 3D print what comes to mind. We have taken the ideas from science fiction, and made them a scientific *reality* — creating innovation at a pace incomparable to any other industrial advancements of our past. Of course, we don't often think about what an amazing — and colossal — feat this actually is. On the contrary, we utilise its convenience as much as possible, without giving too much thought to the logistics of this paradigm. Notwithstanding the fact that we have been quick to reap the benefits of this, we are yet to give vital consideration to the influence these developments will *continue* to deliver; the virtual assistant in your mobile is not the climax of the innovation we've yet to see.

When asked to actually ponder our future in light of this technological advancement, public opinion, expert literature, conspiracies, pop culture (etc.) seem to formulate two dominant perspectives.

The first predominantly embodies fear. The hypothetical scenarios and “what if's?” come to surface. That is: what if robots wage war against us; what if we cannot control them; what if we create intelligence so great, robots have the ability to think independently?

However, the latter perspective is one of enthusiasm, integration, and forward thinking. Indeed, people with this perspective may ask some of the same questions as the former, but with different purpose. For example, they may ask about the possibility of self-aware robots, but because they want to be ready for them — they want to draft reform and embrace this possibility. As Donna Haraway — author of *Simians, Cyborgs, and Women: The Reinvention of Nature* — puts it:

'[...] a cyborg world [could] be about lived social and bodily realities in which people are not afraid of their joint kinship with animals and machines, not afraid of permanently partial identities and contradictory standpoints.'¹

Whatever your standpoint —fear or enthusiasm — the same questions arise: what are the repercussions of sentient beings? How will we regulate the spread of automation and its effects on human dignity? What law reform is necessary so we can best integrate with smart technology? Is there still more to learn from the science fiction? Will our privacy be unencumbered?

We, at the *Griffith Journal of Law & Human Dignity*, sought to answer these questions, through the novel scholarship of academics with an interest in the area. Accordingly, the editorial board (after much drafting) settled on the following mission statement to guide our call for papers:

In an age that blurs the boundaries of code, humanity, and machine, artificial intelligence is touted as both progress and peril. What might this mean for the future of law and human dignity? What proposals can we make to resolve prominent issues that are developing? This special issue invites contributions that address and question law & human dignity and their nexus with technology in the twenty-first century and beyond.

After close to two years of planning, our special issue, *Law & Human Dignity in the Technological Age* has finally come to fruition. Through this issue, you will see that the articles in which it's comprised are not only a perfect reflection of our mission statement, but answer the aforementioned questions with such profound insight. This will become evident in my mere introduction of the manuscripts.

II THE ARTICLES

The special issues opens with the outstanding and thought-provoking piece by Raúl Madden, entitled *Equity, "Revenge Porn," & Cambridge Analytica: The Doctrine of Confidence as a Protection for Human Dignity in the Technological Age*. Madden demonstrates a need for a substantive right to privacy in Australia, considering the misuse of private information that is facilitated and amplified by technological advances.

¹ Donna Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (Routledge, 1st ed, 1990) 154.

The essay is enshrined in the fundamental aspects of human dignity, and how vital they are — both now, and in the future.

We then move on to Mark Brady's individual article entitled, *Is Australian Law Adaptable to Automated Vehicles?* The article carefully considers the impact of disruptive technology, specific to self-driving vehicles. Brady perceptively engages in the various realities that come with automated cars which Australian law is not currently equipped for. His considerations include criminal law, compulsory third party insurance, and the Australian Consumer Law. Brady does not merely contemplate these examples, but proposes possible reform avenues for each — posing vital discussion to ensure we are ready for such innovation.

An article written by the esteemed Professor Julian Webb then follows. *Information Technology & the Future of Legal Education: A Provocation*, is an astute account of the difficulties faced by legal education, law, and legal practice, regarding the recent — and substantial — developments in information and communications technologies (also known as “ICTs”).

From there, we then move into the world of crypto-currency. Zeina Abu-Meita and Nick Inglis have written an interesting piece entitled *Financial Equality, The Ignored Human Right: How E-Currencies Can Level the Playing Field*, which adds a necessary extra dimension to the issue. They consider financial disasters — such as those in Greece — and suggest early regulation on universal financial care, to prevent a similar outcome in other parts of the world.

Lachlan Robb writes a wonderful piece titled, *Thanatopolitics Through Technophobia: Using Charlie Brooker's Black Mirror to Reflect Upon Humanity in the Face of Advanced Technology*. Robb writes an in-depth analysis of the *Black Mirror* episode entitled *Men Against Fire*, and contextualises it through both the use of other popular culture and science fiction examples, and also with real life examples. He considers the fear that some have regarding developing technology, and notes that we must hone in on this fear — control it — through awareness, as demonstrated in the episode.

Proceeding that, we look to Dr David Tuffley's work: *Human Intelligence + Artificial Intelligence = Human Potential*. The article gives a sophisticated overview of artificial intelligence and the various issues that come with its progression. He notes that artificial

intelligence is not necessarily a specifically “good” or “bad” thing, but rather an extension of our intelligence as humans. He considers the risks of movement towards an artificially intelligent era, exploring the benefits, potential guidelines, and ultimately the promotion of utilisation.

Finally, we end with a jointly written article by the equally impressive Pamela Finckenberg-Broman, Morgan Broman, and Mark Brady. The article —*Law & Technology: The Legal & Social Implications of Sentient Robots*—considers the possibility of self-aware robots in a very unique way. They suggest that once this phenomenon comes to fruition, robots can no longer be considered purely an item used for human benefit. If we fail to recognise this shift, the authors suggest that robots are essentially slaves, with their only purpose to be objectified by the human race.

III WHAT NEXT?

At this point, we have already seen massive developments in technology. We have seen a pocket-sized computer come to fruition in the smartphone. We have seen a virtual assistant become a common house-hold appliance. However, as demonstrated by the articles in this special issue, there is plenty of innovation to come. Whether we like it or not, whether we are scared and excited; the age is upon us. It is time to give thought to the range of vital possibilities to come. It is time to contemplate how we can integrate with the future of technology, and benefit from what we are calling, The Technological Age.

Vanessa Antal
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