Katoliški inštitut
Fakulteta za pravo in ekonomijo
Catholic Institute
Faculty of Law and Economics

Book of Abstracts

12th LEGARG 2021, Ljubljana, 30 November – 1 December 2023

Legal Argumentation and Rhetoric in the Age of AI

KEYNOTES:

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(online)

Rhetorical Invention, Argumentation, and the AI Challenge

One of the five canons of rhetoric, inventio involves the discovery or invention of arguments. We can meet arguments in situ: identify them, compare them, and assess them, setting them aside for recall and adaptation. But first they must be invented, produced according to a range of judgments and chosen strategies, conscious of audience demand. We turn the blank page or screen into something to be communicated. We create arguments.

But now we learn we do not have to do this; artificial intelligence can take on the task for us. The Generative Pre-trained Transformer (GPT), a language model from the company OpenAI, will produce arguments on demand, reacting to requests to match argument scheme to issue. It works impressively, and immediately. The days of invention are numbered. Or are they? John Haugeland, in an early work on Artificial Intelligence (1985), advanced the thesis that machines (robots) can be just as inventive, creative, as us. This is a claim to be carefully weighed in light of the advances of the last year or so.

I examine what it means to invent arguments. That is, what sense of 'argument' is at work behind this process, and does this sense best accommodate or explain the productions of AI chatbot ChatGPT? While any sense of arguing that is promoted by current theories, whether logical, dialectical or rhetorical, includes arguments, the reverse does not seem the case. That is, the existence of arguments does not mean the presence of arguing.

There is an important difference to note between learning how to produce arguments and understanding their production because of how we experience of them, between what is simply produced and what arises naturally. We learn the first in order to understand the latter, and one cannot replace the other. So, we need to consider carefully what is at stake in each "process." With artificial arguments there is no argumentative situation with a history and wider context, there is no rhetorical depth.

This is not to say there is no role for AI in Argumentation, but we are now in a better place to appreciate that role.

Ernest Petrič

New University, Slovenia

The New World Order

The great expectations after the end of the Cold War were not fulfilled. The old autocratic tendencies prevailed in several important states which reflects also in their international relations. The international security system doesn't function as proved in Syria, Ukraine, Gaza etc. The trends in

international relations are dangerous. The Russian Federation has cleverly, by involving Hamas and thus spreading the conflict, succeeded to involve the west and in particular the USA in the Middle East. At the same time also China is ambitiously expanding its nuclear arsenal not hiding intentions to reintegrate Taiwan, if necessary by use of force. There is an escalating danger that the existing world order based on the UN Charter might collapse. The success of Russia to subdue Ukraine would ruin the existing world order based on the prohibition of the use of force. To accept that a powerful state can use aggressive force to achieve is goals would be extremely dangerous for weak and small states.

How to move towards peace in Europe and in Palestine and away from spreading the existing conflicts, is the great challenge of contemporary world and the central topic of this paper.

PANEL 1: Introducing AI to Legal Reasoning

Hanna Maria Kreuzbaer

University of Salzburg, Austria

What is Intelligence?

At its most basic level, intelligence is a qualitative property of cognitive activity. Based on neural activity, evolution has created a "universe" of mental entities, collectively referred to here as the "mental universe", which contains a complex collection of interacting, more fluid (mental activity) and more crystalline (memory) components. Focusing only on hominids, their mental universe can be brought into a system to understand what intelligence actually is and how it can be technically reproduced by AI technology. The mental universe consists of bodily control, emotion, volition and cognition in the broad sense, and the latter can be further divided into wakefulness (consciousness and attention), volition, perception, cognition in the narrow sense (thinking) and language processing. Intelligence tests usually only measure cognition in the narrow sense, but to the author's knowledge there is still no convincing systematisation of it. So in order to get tho a deeper understanding of intelligence, we will systematize the realm on which it is applied. Here we will distinguish between: (1) flow of thought, (2) pre-abstract functional thinking, and (3) abstract functional thinking (rooted in what we will call 'Platonic essentialisation').

After establishing the conceptual landscape and the system mentioned above, the presentation will address the most important factors of pre-abstract and abstract functional thinking. We will discuss the mechanisms involved and, finally, when exactly the concept of intelligence can and should be applied.

Miklós Könczöl
Pázmány Péter Catholic University, Hungary

Virtue, Law, and AI: A Look at the Arguments

In the last five years, there has been a huge interest in the promises of a virtue ethics perspective in the field of AI. The present paper seeks to further this current of scholarship by (1) giving a critical overview of its most important insights, and (2) examining their applicability within the framework of ‘virtue

jurisprudence,' with a special focus on legal argumentation. In particular, the author argues that while the general virtue ethical take on AI regards it as the object of human action, and concentrates on the expectations concerning its use, in the moral imagination AI is often pictured as a judge, and expected to display the corresponding virtues. The paper concludes with an assessment of the consequences in the field of legal argumentation.

Maurizio Manzin

University of Trento, Italy

The Meno's Android: Could (or Should) AI Replace Human Legal Reasoning?

In Plato's Meno, Socrates conducts a cognitive experiment consisting of making a Meno's slave boy capable of solving a geometry problem: the demonstration of (a variant of) the Pythagorean theorem. After being provided by Socrates with some basic elements of the mathematical knowledge, and guided by a set of questions, the boy will succeed in the demonstration. According to Plato, we the humans have a kind of inherent software for analytical reasoning by which we can find (a certain level of) truth (orthotes). To an even greater extent, Leibniz thought that also moral problems could be solved by computations (Calculemus! – Let us calculate!). In the legal domain, Montesquieu imagined a machine-judge (être inanimé – inanimate being) as a hardware, whose software was soon developed by Beccaria under the name of "perfect syllogism": the logical inference of a judicial decision from a legal (major) premise and a (minor) factual one. The idea of certainty and predictability of legal judgements is –for some very good reasons– deeply rooted in Western culture, and AI is only the most recent tool to be applied to law in order to get them. The fact is that "intelligence" is human by nature while "artificial" means "made by humans" by definition. AI is then a certain product of human intelligence which works through mathematical functions –the algorithms– processing a huge amount of data in an extraordinarily short time. As a tool it could be (and in many cases it is) undoubtedly useful: for instance in some phases of the penal action, like the detection and evaluation of evidence, the (hypothetical) reconstruction of the fact, the reliability of the testimonies etc. But AI could also provide the final judgement on the basis of the statistically more likely connection between the alleged elements of fact and rules' interpretation (s.c. predictive jurisprudence). Such kind of work would be consistent with the idea of a "logic" decision by the judge (like that of the formal syllogism) but not with the one of the enthymematic (i.e. rhetoric) inference –a practical reasoning in which not only "linear" logos but also ethos and pathos cooperate in catching the just solution for the single case. The aim of my presentation is to discuss what counts as "intelligence" in human behavior related to the judgement, comparing the "judge-bot" figured by strong AI (a sort of Meno's android) with the "dialogical" judge implicated by the rhetorical model, eventually pointing out which of the two fits better with the adversary penal system and the principle of the equality of the parties.

Matej Avbelj

New University, Slovenia

Constitutionalism in the Algorithmic Society

The science of artificial intelligence (AI) has been with us for more than six decades now. However, only recently the technological development has enabled the industry to implement the original theoretical findings. The resulting AI products have exceeded all expectations, and especially the language-generative AI models in the form of chatbots have revolutionized our societies in toto, bringing us to the brink of a post-modern algorithmic society. Against this backdrop, our paper will confront two closely related and yet distinct questions. First, what is or will be the impact of AI on theory and practice of constitutionalism. Second, how should constitutionalism, in theory and practice, respond to the main challenges that AI already has and still will bring about in our post-modern algorithmic society?

Panel 2: AI Impacts Legal Reasoning

Marko Novak

New University, Slovenia

What Can AI Contribute to the Rhetorical Proofs in Legal Argumentation?

A rhetorical legal argumentative situation, in which legal arguers, arguments, and audiences as its constitutive parts meet, is a complex one. However, its complexity is even more exacerbated when they are accompanied by AI. AI applications or robots can be in view of the current state of the art considered realistic argumentative assistants, also in the legal context.

To analyze the above-mentioned, we need to discuss how the roles of the three rhetorical constituents are being affected by the appearance of AI. More specifically, it seems interesting to examine how the presence of AI in legal argumentation impacts rhetorical proofs or the "technical" means of persuasion including logos, ethos, and pathos (as well as "physis").

Viktor Olivér Lorincz

Hungarian Academy of Sciences, Hungary

Stagnating Legal Cultures, Creativity and the AI

Creativity will be one of the main obstacles of the development of artificial intelligence according to recent literature, while the role of creativity in legal systems and legal cultures, especially in continental or civil law ones is more questionable. The creativity of learning models taught on pre-existing samples might be limited, and even if there is a possibility of extrapolation, the result may fundamentally diverge from the human version of creativity. Especially because the unconscious process of creativity is mainly unexplored (see e.g. the book of the Nobel-prize winner Eric R. Kandel: The Age of Insight), and therefore it is very difficult to compare it with the also partly ungraspable functioning of artificial intelligence. There is also a possibility that the result of the AI-process is a mere simulation or imitation of the human creativity, and in fact the model provides only a copy or a simple variation of earlier legal decisions from the provided corpus. Imitation, copy and original are the central questions of theories on

cultural development and growth, especially from the 18th century (in the history of art for example since the writings of Johann Joachim Winckelmann). These theories are also echoed in the popular culture. Pierre Boulle in his sci-fi, La planète des singes describes the civilization of apes as stagnating civilization unable to develop, because the whole civilisation is founded on the mere imitation of earlier human culture. (This is not only a reference to the Roman copiers of Greek art but also to the centuries-old visual topoi of the ape-artist: e.g. Jean Siméon Chardin: Le singe peintre.)

In this paper, we discuss the possible impact of the use of artificial intelligence on the development of law. Will the extensive use of AI in law result the stagnation of the law and legal culture? In order to answer this question, we also examine how and where creativity plays a role in the actual functioning of law and legal argumentation. While in the common law countries, it is evident that the use of analogies and precedents presuppose a certain sort of creativity. In the civil law countries, creativity seemingly acts against certainty and the rule of law, but we argue that even in these legal systems, creativity is an indispensable element of the legal process and argumentation. If AI is unable to provide the same level of creativity, the use of these models can fundamentally alter the whole legal system, leading to a stagnating legal culture.

Fabio Ratto Trabucco

University of Padua, Italy

Artificial Intelligence, Neuroscientific Knowledge, and Legal Decisions

The contribution addresses some topics at the intersection of neuroscience, artificial intelligence (AI) and law.

The problem of AI is not only the development of more powerful machines, but the cognitive architecture of the intelligence model that is assumed as a reference. But until we better understand how human cognition works, we will not even make decisive steps on “general” artificial intelligence.

Law is a rich test case and an important field for the development of logic-based artificial intelligence, particularly with regard to logical models of legal argumentation.

The question of the relationship between law and logic (and which logic) and between law and AI intertwines with legal traditions (mainly rationalist or historicist ones) and with the orientations present in the IA debate, and gives rise to complex and open questions.

In particular, the relationship between logicist (or rationalist) and non-logicist (or historical) orientations in AI and law is strictly considered.

Blaž Marinčič Udvanc

New University, Slovenia

Comments and Views on AI in the Legal Profession

This research paper analyzes the influence of artificial intelligence on the legal profession. First, it explains what artificial intelligence is and how it is used in the legal profession. Through the explanation of approaches of use for artificial intelligence the paper highlights how different types of artificial intelligence are put to use. In addition to this, the paper briefly summarizes the history of artificial intelligence usage in the legal field of work. After the introduction, the paper revolves around key concepts of artificial intelligence that is currently used in the legal profession, both from the view of positive effects as well as negative aspects of it. It provides a critical view of the artificial intelligence systems that are being used in criminal law, in regards to risk assessment, bail, and sentencing. Through concrete examples, the paper analyzes the impacts that the use of artificial intelligence has on discrimination and transparency. Lack of transparency is presented in detail, via the use of case studies. The paper also presents the current alternative to the problematic aspects of artificial intelligence systems and its use in the criminal procedures in court. Last but not least, the paper also provides insight into the practical use of artificial intelligence in the legal profession, such as the impact of legal document research and the use of technology as a complementary solution and not as a replacement for legal professionals.

PANEL 3: Some Core Issues in Legal Theory

Ivana Tucak
University of Osijek, Croatia

Rethinking Group Rights

For decades, legal theorists and political and legal philosophers have debated if and in what form group or collective rights of cultural minorities should be recognized, how such rights can be justified, and what their legal nature is. The answers to these questions are important for defining the very concept of democracy and constitutionalism, given that there is no single demos in plurinational or multinational states. The ideas of homogeneity, uniformity or unity in the constitutional order are replaced by heterogeneity, diversity or pluralism. Today, when we are clearly aware of the dangers of majority rule in ethnically, racially or religiously diverse societies, we can no longer ignore these issues as anachronistic. However, it is difficult to work out an appropriate response to the dangers of majoritarian rule in such societies, and to ensure that the proposed solutions comply with the democratic principles embedded in modern liberal constitutions and international treaties based on the universality of human rights.

As numerous studies have shown, the dominant group in multinational states prefer political decision-making mechanisms based on non-ethnic criteria, calling for state stability and the establishment of common solidarity, while minority groups seek to be recognized as nations with their own identity that differs from the dominant culture. The latter base their demands for political autonomy and their own political representatives on the principles of justice (Will Kymlicka, Iris Marion Young). Whether the above-mentioned conflicts can be resolved using the concept of individual human rights and the principles of equality and non-discrimination, which are guaranteed to the individual regardless of her origin, is still the subject of sharp debates.

We still face the challenge of how to enact constitutional solutions that will not impose the identity of a specific, dominant culture on the entire state (language, school curriculum, state symbols, etc.) and thus create resistance and encourage political or ethnic and religious conflicts and desires for self-

determination and secession. The rights sought by cultural minorities are something they want permanently for the purposes of protection against assimilation, as opposed to interests that are (temporarily) protected by affirmative action. The purpose of this paper is to first critically examine some of the most important theoretical considerations about the disputed concept of group or collective rights. It is important to point out that there is not even a widely accepted terminology in this area (Miodrag Jovanović, Neus Torbisco Casals). Then, we consider the constitutional solutions accepted in certain multinational states and the role of constitutional courts in their application.

Ivan Padjen

University of Rijeka, University of Zagreb, Croatia

Arguing Efficacy of International Law

Theory of legal argumentation is concerned as a matter of course with arguments in adjudication, i.e. within a legal order. This presentation is a step toward finding arguments about the very *existence* of *the* legal order. They are arguments, rather than a fiction, in support of the international legal order as efficacious and as such superior to all national legal orders.

Hans Kelsen's crucial insight is that international law is the limit (border, frontier) among states, the spatial limit of power of the states being determined by customary international law. The insight does not imply that international law is efficacious enough to exist and limit the states. Copious literature on Kelsen's literature in major German, French, English, Russian, and Croatian has barely noticed the insight; overlooked Kelsen's reduction of legal science, by cleansing it from *inter alia* legal history, although the latter is a *prima facie* necessary complement of legal dogmatics, not only of the Kelsenian brand; failed to conduct historical inquiries that could render plausibility to Kelsen's insight.

This paper performs two major tasks: Section 1 presents Kelsen's insight in more detail and indicates how and to what extent it can be supported, or refuted, especially by historical legal research of international law. Section 2 outlines briefly the most important changes of spacial limits (borders, frontiers) of the states in the past two centuries, *i.e.* the changes that lower the efficacy of international law *qua* law and reduce it to a mere instrument of force in international relations. The outline in section 2, when compared with general notions of the change of spatial limits of the states by peaceful means, provides the reasons that are strong enough to support the following appraisal, which is as accurate as an appraisal of the social relations on a grand scale and of high complexity can be. The changes of spatial limits of the states by armed force: in 1815-1911 in Europe are considerable (great outside Europe, but largely as a consequence of the European colonization of the lands that have not been the states according to international law; even in Latin America the changes of the spatial limits of the newly independent states can be seen as a reaction to the colonial borders that have become national); in 1911-45 in Europe great during the two world wars (1911-1921; 1938-1945) but insignificant between the wars; outside Europe in the whole period less pronounced; in 1945-, not considerable, till the independence of Kosovo in 2007 and the Russian aggression against Ukraine 2014, the latter being (when seen in the context of the Western interventions in Afghanistan 2001-22, Iraq 2003-11, and Libya 2011, and the Russian interventions in Nagorno-Karabakh 1992- and Ossetia and Abkhazia in 2008) a treat to the world peace.

Luka Burazin

University of Zagreb, Croatia

Application of Constitution by (Croatian) Ordinary Courts

The paper determines what "application of the Constitution" by ordinary courts consists in. On the basis of literature review and preliminary Croatian case law research, six paradigmatic cases of the application of the Constitution by ordinary courts were selected (facts of the case directly regulated by constitutional rules, statutory gaps, avoidable in abstracto antinomies between constitutional and statutory norms, avoidable in concreto antinomies between constitutional and statutory norms, unconstitutionality of individual judicial and administrative decisions, and unavoidable in abstracto antinomies between constitutional and statutory norms). The cases selected were analyzed by using the method of argumentative analysis of judicial reasoning, within the framework of internal and external schemes of justification of judicial decisions, in examples (by and large) designed on the basis of Croatian case law.

Elena Marchese

Bocconi University, Italy

Legal Reasoning in the European Asylum System

Argumentation plays a key role in international protection decisions. This is due to two characteristics of these procedures: the peculiar scarcity of information on the basis of which the decision-makers must arrive at a verdict and the double nature of the proof requested: in these proceedings the object of proof is the applicant's fear and it must be proven through evidence related to the objective situation of the Country of origin and through the analysis of the subjective conditions of the applicant.

My work focuses on the argumentative role of the European Court of Human Rights in R.H. v. Sweden. In this case the Court refuses protection to the applicant, denying the existence of a risk to her safety in the event of repatriation. From an argumentative point of view, it is interesting to observe the way in which the Court arrives at affirming the non-existence of the risk.

In particular, I will analyze two inferences that I consider particularly problematic. The first, (A), derives from the contradictions present in the appellant's procedural behaviour and narrative the fact that there is no basis for «assuming» that she would return to her Country as a single woman (and, therefore, there will be no danger).

The second, (B), concludes the existence of a male and family support network based on the fact that: 1) the applicant had known, years before, the death of her parents and, 2) on the fact that she had never stayed in a refugee camp before leaving towards Italy.

In both cases the inferences are problematic because, although they concern the central question under examination (the presence or absence of risk), they are based on very weak maxims of experience.

In the first case the maxim can be reconstructed in this way: "Whoever has lied can continue to lie. So even the claim of the absence of a male safety net is a lie".

In the second, in this way: "Whoever has information about their family has family contacts with their Country of origin and with their family. Those who do not stay in a refugee camp have a family protection network".

Such superficial argumentation seems surprising given the humanitarian purpose of these proceedings, the relevant individual interests involved and the Court's duties of justification.

It is interesting to ask, with respect to cases of this type, what type of contribution (if any) artificial intelligence could offer. Starting from the premise that I do not believe that the human decision-maker can be replaced by these tools, I believe it is possible to hypothesize that, being able to process large quantities of information, these tools could be useful to identify better maxims of experience, in the construction of evidentiary hypotheses and causal correlations purged of the most common biases, as well as for better management of statistical and probabilistic aspects. The use of these heuristic tools, however, should be guaranteed to both parties (principle of equality of arms) and data such as the error rate and information relating to the database on which the algorithm operates should be made public (principle of instrumental transparency).

PANEL 4: Back to AI and Legal Reasoning

Davor Petrić

University of Zagreb, Croatia

Constructing Interpretive Arguments: What Place for AI?

My presentation will concern the possible contribution of AI tools to the construction of arguments in the interpretation of law. First, I will briefly review the main AI tools that have recently been developed and put to use in legal practice. Then I will distinguish between the application of law and interpretation of law, and show how in the former domain these tools could find (and already have found) important uses. My focus will then move to the latter domain. I will present a catalogue of interpretive arguments suggested in a seminal volume Interpreting Statutes: A Comparative Study (Ashgate 1991) edited by Neil MacCormick and Robert Summers Depending on their material content, I will distinguish between evidence-based and non-evidence-based arguments. For evidence-based arguments, I will show what kind of materials are typically being used to substantiate their content. In this respect, AI tools may help the interpreters take into account a greater range of inputs in a shorter period of time. This could contribute to their arguments being more solid and persuasive. However, what AI tools cannot do, in my view, is substitute the interpreter's decision on the weight to be assigned to a particular interpretive argument or a value that justifies the use of that argument. This remains within the interpreter's domain and concerns value judgments, which depend on individual moral and political preferences. So, my conclusion will be that although AI tools could provide great assistance in the process of interpretation of the law, they cannot change the essence of that process, which is tied to human nature and the law being a social construct. A part of the explanation is that human intelligence does not only concern analytical intelligence, which AI tools can replicate and exceed multiple times, but also social and emotional intelligence, which so far cannot be reproduced in non-human entities. And this kind of intelligence is essential for the interpretation of law.

Polona Brumen

New University, Slovenia

Legal Reasoning and AI: The Case of Japan

Providing grounds for the decisions taken by the courts ensures their reasonableness as well as enables their acceptability among the immediate and wider audience, both, resulting in the strengthening of trust in the judiciary. Likewise, the same holds true for the judgments reached by the courts in Japan, where the contemporary legal system is evolving from the fusion of indigenous elements harmonized with components accepted from abroad. Development of the field of legal argumentation gains ground after the WWII, a period corresponding to Japan's latest period of foreign-originated legal characteristics implantation. This paper aims to shed light on the current situation of AI application for the purposes of enhanced legal reasoning by the Japanese courts, through an introduction of several computer-based systems for argumentation analysis, and for this purpose, it also aims to provide a concise report-like historical overview of prescribed patterns for writing judgments. During the course of this research, an emphasis has been placed on the analysis of primary sources, in addition to the historic approach and various descriptive tools for presentation of the findings. Despite the Japanese law being widely considered as having resemblance to its primary "Western" model, the German law, it correspondingly displays characteristics of common law owing to a domestic tradition that is longer than its heavy borrowing from the Anglo-Saxon law. The utilization of precedent had developed in the 18 th century for simplification of certain administrative procedures, while its modern counterpart, the casebook publications from each of the legal areas provide easier access to effected decisions and function as an important foundation for development of computer-assisted bulk processing of existent judgments.

With the increase of international litigation cases and, especially, with the onset of the corona pandemic, the need for digitalization of judicial procedures has become more imminent. Still, the digital divide in the world's most aging society seems to represent an enormous obstacle. On the other hand, a gap between the algorithmic systems and the word-loving humanist science is not to be taken lightly either.

Sebastjan Svete

New University, Slovenia

Addressees of Legal Argumentation and Artificial Intelligence

If the logical and dialectical approaches to legal argumentation are primarily directed inwards, i.e., to theses and facts, to the arguments that support them, to the choice of the path that leads decision-maker to the final decision, is a rhetorical approach to legal argumentation directed outwards, to the addressees of the argument. Therefore, rhetoric can be defined such as the knowledge of good speaking or writing. So its highest aim and purpose is good speaking or writing. If the speaker (writer) wants to achieve this goal and to convince the addressees, he must know the origins of argumentation as well as the skill thoughtful and effective presentation of these arguments.

Therefore, the development of artificial intelligence, if we want it to be really useful in law, to create legal texts with the aim of convincing the addressees of those texts to understand them and/or accept them, then it must not proceed only in the direction of a logical and dialectical approach. If we want to use artificial intelligence in law in a useful way, we should not only develop ways of imitating the behaviour of the decision-maker when he makes a decision based on facts and arguments, but we should also take into account the fact that legal argumentation is intended for someone and that his way of perception is probably different from the way of perception of the one arguing.

Argumentation never takes place in an empty space and is always aimed at the audience, addressees, who complement the rhetorical arguments with their own understanding, and about them they judge. The decision-maker, who argues his decision, must adapt to the addressees of their decision. Here is the core of the deficiency of logic and dialectics, which are introverted logical stringing of theses as

consequences from causes and the conclusions derived from them, which become the theses of the next link in the chain of syllogisms, because such treatment is more scientific dialogue or teaching. Encouraging consensus, persuading, and justifying is only possible starting from the point of common acceptance and common beliefs. The task of the rhetorical approach is precisely to find arguments that are true persuasive or seemingly persuasive. However, the sole aim of argumentation is not full intellectual consensus, but also to stimulate a willingness to act.

The main necessity of the rhetorical level of legal argumentation is, as said, that he who argues, adapts his argumentation to the addressees, which he does by starting only from theses, which are accepted as acceptable by the addressees, to whom their legal decision and legal argumentation is intended. It is necessary to distinguish between the reality of theses and agreement with them, because for the rhetorical level, the attitude of the addressees towards the presented thesis is especially important. The thesis that someone is not guilty can be true, which means that he really did not cause a historical event. A completely different question is whether the addressees agree with the thesis. Someone can really be innocent, or he can be guilty, and his fault just was not proven because there was insufficient evidence for this. This will require the consent of the addressees with the offered conclusion depending on the argumentation of the decision-maker.

This is an important question when considering the use of artificial ineligibility in legal argumentation, since not only the mathematical correctness of the legal decision is important, but also the understanding and acceptance of the addressees.

Dragana Savić

New University, Slovenia

AI Neural Plasticity in Legal Decision-Making

The second wave of AI development brought neural networks as far as neural plasticity, mimicking the very human brain process and its ability of the constant evolvement of (self)learning. Based on such (r)evolution, an AI should not be naively recognized as a tool or agent of decision weighting in any aspect, peculiarly not in the field of law. The very heart of the question lies in whether the Hebbs learning model can really contribute to a role of “wearing the robe”, while we bear in mind the AlphaGo Zero experience. One should never neglect the concept of truth that very much matters in decision-making and furthermore in the constellation of what we call »reality«. The concept of truth and law is vastly debated in Jaap Hage’s philosophy of law as it is laid as the foundation of one’s reality. Our point of view on reality here will be with affection towards the social component and underlying us as subjects playing the language (social) games, where the law is only one of them as we sought the law as reasoning to be standing dangerously close to solipsism. Solipsism in law is a rather infeasible situation, bringing law and common values of space-time defined culture, to the very brink of existence.