Artificial Intelligence (AI) is going to transform our jobs. Not even lawyers will escape its impact. Until now, if you wanted to automate a contract, you had to come up with all the possible options and choices upfront and input those into the model. The end product was the direct result of what you included, no more, no less. Going forward, you will feed a large stack of contracts, and the self-learning algorithm will find its own way through all options and related contract provisions that experienced lawyers have thought out over the years. The algorithm crystalizes our “collectively acquired experience” in how to draft contracts. If that doesn’t result in job losses, what will?

The first analyses of AI’s impact on employment predicted mass unemployment indeed, but by now McKinsey reports that more than enough new jobs will be created. The debate has now shifted toward the vast retraining needed to cope with the transition to AI-powered jobs. The European Commission pledged no less than €27 billion towards this effort between 2014 and 2020. The investment is thought to be necessary because our current education systems are not adapted to digital developments. What is the point in teaching skills that don’t prepare future job-seekers to deal with AI? It is better to focus on tasks in which contextual assessments, critical thinking, creativity, and ethical judgment play a role. So, no need to worry. According to the experts, our jobs will become a lot more fun. AI will be our new colleague. The medical specialist will receive a second opinion from the algorithm about the severity of a brain hemorrhage and the best treatment.

I think this type of prediction is off the mark. People learn their trade by working on small, routine matters, and then mostly learn from their mistakes. And those matters are precisely the ones that are suitable for AI automation. The young lawyer will first draft a simple contract and can then handle increasingly complex cases. Without this training, you cannot suddenly assess a complicated contract. If the routine work is gone, it becomes difficult to have experts who can assess whether the outcome of the algorithm is correct.

This is the principle of the “sat nav.” At first, many people were able to find their way around intuitively. The first experiences with the sat nav were therefore very positive. Hey, maybe this really is a better route! The algorithm was then still only just a second opinion. But after years of using sat nav, you lose your navigation skills. Incidentally, if sat nav gets it wrong, you are really lost. The algorithm is no longer a second opinion, but the basis for our actions. This principle has a really broad scope of application. The more efficient the algorithms become, the more people have the inclination to leave decisions to the algorithm, and the more atrophied our “moral muscles” become when it comes to making contextual assessments and ethical judgments.
Is it really that bad, you ask? We can still buy road maps, surely? This is exactly the point: with many AI applications, there is no road map at all. For now, self-learning algorithms are “black boxes.” We do not know exactly how algorithms come to their results. In the case of the algorithm that analyzes brain scans, we still have the human expert assess the outcome (based on experience) and offer the algorithm a second opinion indeed. But this expert will ultimately retire. We have to ensure that we will still be able to train young people on our collectively built experience. That is possible, but for that we need algorithms to be transparent. And that is not yet the case. This will take time and money.

The European Commission recently indicated that AI systems should be developed in a manner that allows humans to understand the basis of the systems’ actions, and it has also drawn up an action program. The House of Lords Committee on AI has even stated that if companies and organizations do not improve the intelligibility of their AI systems, regulators may need to step in and prohibit the use of opaque technology in significant and sensitive areas of life and society. But what if we ultimately do know what the decision-making rules of the algorithm are? Then we are still left with the question of how to train young people on these. How do you keep their attention if the sat nav is (mostly) right?

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