Foreward by:

Dr. Sanjay Kumar Rout

Research & Development

ARTIFICIAL INTELLIGENCE

Ethics and International Law: *An Introduction*

A Techno-Social Vision of Artificial Intelligence in the International Life

ABHIVARDHAN

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by

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Abhivardhan was honored with the Bal Samman at KavyaKumbh, 2015 for his poetic achievements, has spoken as a researcher of AI and Law in various notable events including Google I/O Extended at Ayodhya, India. He has been awarded scholarship honors by Amity University, Lucknow and his papers are awarded by universities notably Dharmashastra National Law University, Jabalpur.

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Foreword

I would like to extend my heartfelt congratulations to Abhivardhan for this book on AI and International Law. This work, is of a unique nature and leads towards different methods and ways on the perspective of AI Ethics and International Law. An understanding of the book shows it is pro-academic and pro-storied, where anyone can understand the relevance and meaning of AI Ethics for the human society. The advent of AI Ethics as an initiative in India, is a special development in the information age, which I believe the book has beautifully covered.

This book in general, is not limited to the technical realms of AI, machine learning and legal theory. The author has introduced and elaborated on the perspectives of international politics and humanism, and analysed the frugal situation of globalization in this due regard. A special critique on the approach of human rights and AI makes this book interesting and irresistible because the newer dimensions of a data-driven nation-state is to be understood realist, which the author has attempted to show.

I wish him good luck in his further studies.

Aditya Singh,
Chairman,
Alexis Group.

Abhivardhan is an exceptional creative young writer having good with a hold in both legal and technological aspect. Every secret of a writer's soul, every experience of his life, every quality of his mind, is written large in his works. Best wishes for his success & I quote a sentence for him for his forthcoming success.

"A writer believes in himself that a good writer doesn't really need to be told anything except to keep at it "

At such a tender age, writing a challenging work, which attempts to lead a new question and understandability of creativity in the field of International Law and AI is certainly not an easy task. Abhivardhan seems to be ahead from his age and has done an exceptional work in his book.

Prof **(Dr.) Sanjay Kumar Rout,**
President,
ISAIL, Research & Development Consultant.

Preface

Artificial Intelligence (AI) is an entirely escalating and encouraging field, which embarks upon the newer dimensions of innovation and approach. It seems pretty alarming sometimes that AI is a problematic development. But it's not and let me tell you the reason for that. AI is a scientific contour, which is dependent on the basic due aspect of data reception and activity. It just starts from being on the verge of machine development to human surveillance and control. It is a category, which cannot be ignored and cannot be detached. Where international law begins with a discourse of vision, observation and inspiration from the multiple dimensions of human rights and social dynamism, it becomes way much clear that it manifests a due form of beautiful outlet of how the future of business models and social realms can be so penetrated that it would not be just a matter of a button or a click, but the connectivity shall surpass natural resemblances and imagination shall provide a growing role to states and non-state actors.

Now, hard power is not a real game. In fact, it is not the only a real game. Ethnic conflicts, corporate affairs, trolling and censoring, economic backlashes, constitutional backsliding and others under Nye's 'soft power' are such that cannot be ignored at any cost. International Law itself is reliant on both of them. Otherwise, there would not have been any conflict against Gaddafi, Assad, Hussain and others. Or else, Presidents Xi and Donald may not have been so vaguely warring via tariffs and excessive imputations. Immigration is a hard power influence and causation, but it also affects soft power. So, it is becoming clearer that International Law cannot rely on the doctrinal aspect of human rights for mere reliance. Some years ago, a concept of emotions and international Law was discovered and was thought for development. However, the implementing regimes are wary over how to do that. This book covers the due aspects of how to deal with such modalities.

This book is an illustrative introduction to the idea of AI and International Law in the sense of a merger and coalescence, where it provides a curative and normative insight of AI towards a human rights discourse to quantify and federalize the responsible aspects of automata utility and intelligence responsibility beyond the privatization of legal data sovereignty. In addition, this is not a normal journey because what is going to be attained is beyond theories of science fiction to a seeming reality. The book also focuses on why International Law need not depend on the discourse of human rights and limit its progressive aspect beyond the windows of IHRL. This book also presents generic insights and relativity of the relationship of AI with other technical and legal innovations such as blockchain, data visualization and social media.

Also, the book covers an introductory aspect beyond the instrumented premises of international law related to cyber operations and explores a more mature legal insight of artificial intelligence. The book covers the wider aspects of principles of data protection and their relativity with AI in a legal discourse and provides innovative solutions towards a better future. The conundrums entailed therein in this book are an attempt to pose a doctrinal innovation if renders to be possible and is consonant with the relevant issues of law and technology in the eyes of sociology, anthropology and data science. Moreover, I do not regard this book only for law people because it tries to be limitless and takes a lively road towards understanding the semblance of technology via understanding AI Ethics. However, I wish to clarify that this introduction is posing an all-round perspective of globalization in my best attempt to collate and signify. The very role we entail with technology (particularly AI for the book and the purpose) is cultural, ethical and sometimes, political. In my capacity as a student of International Law, I have given my best efforts towards a roadmap at my nuances of knowledge in the field of international law and jurisprudence to consider over the optimist aspect of technology and its relationship with management ethics at large. It covers areas related to globalization and some international politic issues based on a limited timeline, so it cannot be said to be perennial in that very sense of observation to concede with because political coordinates and geographies change, and this book gives a concerted and neutral effort to present some essence of it.

My gratitude is endless, and it may seem inappropriate for me to signify a motion of thanks, but I believe that my parents wholeheartedly supported me day and night, when I needed motivation to pursue this effort larger than life for me. I also thank the publication house for encouraging me for this initiative, my loveliest parents, humblest Ashit Sir from National Law University, Odisha, Mr. Aditya Singh, the Chairman of Alexis Group, but my best mentors I have ever got, my friends, Abhishek and Prafulla from my university and my lovable colleagues for day-to-day motivation and caring for me. This journey has been a longing project I have never imagined to collate and lead for which I am humbled.

Abhivardhan

Acknowledgement

I would like to express my gratitude towards my parents, my esteemed colleague Mr. Ashit Srivastava from National Law University, Odisha, Mr. Aditya Singh, Chairman, Alexis Group for his support, my friends Prafulla and Abhishek. Their moral and lively support is accepted by heart and I regard this as something larger than life.

Errata

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Chapter 1

Introduction to Artificial Intelligence and International Law

The advent of AI is not a nightmare… It is a differing category based on a newer league that manifests its creation. It is considered to be a generalization from a bigger leap of 'knowledge machine' to a more mature explainable entity, which is a great marvel to dream of. This is not an easy journey either. It takes a good time to make up and attain the status quo that we have reached hereby. History gives us a befitting chance to look upon the historical aspect of AI for a due developmental purpose. However, such a development, where content and identity become gross values of impeccable relativity for human dimensionality, it is obviously relatable why Stuart Russell believes, "Humans are defenseless in information environments that are grossly corrupted." *(itut, 2017)*. However, the story of AI for a law *de lege ferenda* (a new law) for an information-oriented society is not as direct and simple as it seems. In addition, there is a time when AI needs to reconfigure and properly understand the law and so does the law too. So, is it just the aura and questioning concerns of the common law, which is obviously considered as one of the most flexible innovative ways of the development of legal development? No. Common Law, a part of legal instruments and literature (originated primarily as a part of English Law), which is based on precedents and customs, is a league of those tools that instrument and relearn from the society and also provide insights for the society to

learn. However, if we have a proportional understanding of these, we will come to know that this manifestation has a tilted problem, which arises when the law fails to entail self-transformation. Common Law needs more learning rather than the society to recognize and relearn things. Thus, there is a need to find the neutralized, less-biased or bias-free common legal approach, which common law furthers. This is understandable from the approach of Lord Denning in a case where he propounded a modular structure of international law in the generic sense of common law doctrine; however, being beyond the limits of the legal aspect so forth. He endeavored to modify the absolute principle of '*sovereign immunity*' into a preventive principle whereby it is understood how some instrumental generalizations can be brought up and legal sovereignty in its intrinsic and extrinsic senses are beautifully and responsibly demarcated *(Rahimtoola v. The Nizam of Hyderabad, [1958] 1 A.C. 379, 1958)*. Denning's approach to international law was somehow coined by scholars of international law in the ambit of monism and dualism. While monism focuses on conjoining a national law of any state with the international legal framework, dualism separates them apart. This becomes important because these legal tenets became the original basis for nation-states to democratize the human society in their own way, paving ways for globalization and advancing technology, later to a bigger asset for the welfare of mankind. In addition, the story does not end. It progresses and breaks the barriers of legal positivist[1] thoughts, which equate the legal value as supreme in a questionable sense. That is where a bridge of correlativity is formed between international law and the laws of various nations (especially those having common law). So what sense does it provide for the motivation of a differing field called Artificial Intelligence, which is based on machine reception and activity basics and their intrinsic aspects?

1 Legal positivism is the basic theory of jurisprudence, as supported by John Austin, Jeremy Bentham, HLA Hart, Sir Salmond and other prominent legal scholars. Its basic origin dates from the 1800s when the conceptual understanding of law was based on habitual obedience and sanctions. For example, if you do not adhere to the law, you will be sanctioned. Nowadays, there can be either a civil or a criminal action against you. In simple terms, it is about how we adhere with law, and the role of legal positivism to bring up a social institution of law, more in the sense of habitual obedience.

> "We're going from a world where people give machines rules to a world where people give machines problems and the machines learn how to solve them on their own *(Goldman Sachs, 2016)*."

AI is not a field that law cannot pursue. In addition, its relationship and development does not limit to data protection legislations, regulations, orders and other legal instruments. It is connoted with human development and activity – a special part of the human rights doctrine but also a special part of the welfare and societal privacy policy. Perhaps that is the reason why Facebook has been condemned for its policy loopholes and business models with respect to data and AI development. One of the most instrumental voices that emerge to condemn and expose the AI business planning is a TED Talk by Zeynep Tufekci, an ardent critic-techno-sociologist *(TED, 2017)*. That is why if we understand an opinion given by Lord McNair in the West Africa case, then we again get the same reflection for pursuance.

> [The] way in which international law borrows from this source is not by means of importing private law institutions 'lock, stock and barrel' ready-made and fully equipped with a set of rules. It would be difficult to reconcile such a process with the application 'the general principles of law.'. *(Status of South-West Africa case, ICJ Rep. 1950 148, 1950)*

There is a need to form bridges to bring international law out of the dependence of the human rights approach to provide a newer and wider scope of legal innovation to recognize the roles and implications of Artificial Intelligence. However, the road is not planned and nothing is set up, except the material cyber obligations and regulations that provide an extrinsic insight.

So, if we go back to the realm of Artificial Intelligence, there is a grip of understandability that makes up the insight of data reception. And it is also about how the machine works and makes things more prone to reception and reaction and the capillaries – the learning part – a whole new league of understandability. Now, the role of artificial intelligence is more entitative. It is not just about the design that it has, the algorithmic structure it is based on, or the data that it has to process. Predictability and data, the external manifestations of an AI, in an information economy

have become wider and have the potential to change the way in which our human artifacts exist in a wider sense today. The whole summation or product that comes into understanding is the purview of AI Ethics, the field which regards the all-comprehensive potential of artificial intelligence in various sectors such as finance, healthcare, education, law and others. Also, this concern produces the insights and questions related to the material aspects of AI such as the responsibility of the companies and researchers, their business models, data sovereignty and the data regulation mechanisms that make an exclusive form of learning possible for people. This book covers the materials and immaterial aspects of Artificial Intelligence with International Law and furthers its horizons in different aspects.

ARTIFICIAL INTELLIGENCE: A DILEMMA FOR LAW

Is the development and activity of AI so difficult that the Law cannot understand it? Well, that is the premise for questioning the due concerns so as to understand how it progresses. It is not a simple model and it is obviously a dilemma because certain modalities need to be clarified. Let us take a dive into the philosophical constructions that manifest and create it in generic standards. When the idea of ethics was under consideration to monitor and understand how the human society works, this was a clear premise that ethics was the technical instrument to be developed. Aristotle assumed without an argument that we acknowledge rather very general but these typical parts are such that they represent a symbolic resemblance and value in the case of a reasonable discourse and is considered far more rational in some terms *(Moss, 2015)*. It was merely a binary of categories such as a league of syllogisms accrued with human Diaspora with certain limitations as the practical dimensionality of reality. The two-dimensional conceptuality has grown into a three-dimensional idea where rationality found a spectator in a prominent role. The eminent Turing Test is all about this. Its pre-context, as succeeding to be asserted by Descartes, is a pre-furtherance to understand the ethical and practical dichotomy that still exists when it comes to understand AI for Law:

> [H]ow many different automata or moving machines can be made by the industry of man [...] For we can easily understand a machine's being constituted so that it can utter words and even emit some responses to action on it of a corporeal kind, which brings about a change in its organs; for instance, if touched in a particular part, it may ask what we wish to say to it; if in another part, it may exclaim that it is being hurt, and so on. But it never happens that it arranges its speech in various ways in order to reply appropriately to everything that may be said in its presence, as even the lowest type of man can do *(Descartes, 1996, pp. 34-5)*.

So, if there is a simple idea which says that Artificial Intelligence is not a fake reality but a manifestation to re-initiate visualization of reality and its concerns, it is understandable that if we take one side of human observation from the interface of AI, then it is very clear that we need to have some dimensions taken into a legal aspect on a theoretical and practical basis. This is certainly not a simple piece of cake as it seems and some abilities can be genuinely ascertained. There are two basic dilemmas attributed to the approach of AI for legal recognition: (a) The human rights doctrine and (b) The privacy doctrine. Both of the doctrines have a due concerned matter of establishment and process that defines human society and replenishes its dynamic personal and interpersonal history. This is the basic outlook that AI systems must understand if it is a deemed figurine that a human rights approach can help AI to develop and reinvent. The Privacy Approach, however, is clearer and anticipating because it does not confine AI to the two-dimensional right-duty or obligation-observation approach but increases its scope to the realm of a hidden receptivity, which maintains the paradigm shift of human resourcefulness and pragmatism towards affording potential solutions whether in business, science, administrative or legal affairs. This question is addressed in the following chapters.

Human rights, however, is a binary concept where two or more entities are treated under relatively bi-polar recognition. In classical civil legal concepts of human rights, Hobbes, Locke, Rousseau and many other thinkers compared the state-public dualism with the urban-nature realms and put forward their own rationality-based or preconceived ideas with respect to the state structure and the civil rights. Civil society

in older times was just a linear image. This linear image had little scope of dimensionality as legal and civil thought was still based on cause-effect relationship. It conceived a two-dimensional image when we entered into the age of contemporary international law. It was not Grotius, but Kelsen then.

Recognition of international law generally as a valid body of rubrics has instrumented itself as a steady procedure *(Oppenheim, 1992, p. 3)*. It is nevertheless distinct that States have developed more and more conditional on each other, a kind of singularity maybe mainly attributable to the rising 'institutionalization' of the global community *(Sztucki, 1974, pp. 35, 165)*. Such conditions decide the way nations endorse trade among themselves, make up their diplomatic and consular relations, and play their part in various regional or global alliances, whether military, economic, humanitarian or of any other type. So, what is the natural context to further upon when it comes to dealing with the discourse of human rights?

Human rights in general are not the final discourses of international law; but for artificial intelligence, they are quite instrumental and important and they manifest certain exclusive aspects, which are immaterial and instrumental. AI development has a receptive furtherance to human society as it is in organized sectors. In the technical aspect, it may seem differential but this is not the ultimatum behind the prerogative, and so where AI realms on Symantec, MakeMyTrip, Alibaba, Tencent, Google, Facebook, Twitter and other business realms are used in the sense of data specificity, quality and other legal and illegal dynamics, this may represent a material element of human rights, of which one of the most high-profile cases is the antitrust fine imposed on Google *(Chee, 2018)* by the European Union. This represents a linear aspect of legal imploration of data interactions and activities, which matters in the core context. In the bare view, it seems to be the material aspect of international law (rather a private one for matter of representation). However, the immaterial aspect of data, AI or any such cyber realm is not touched, which is only entitled by ISPs, GPS sensors, OS tech and other components. Even Blockchain has its own categories, where the technical aspects are dimensionally neutral but the applicative horizons are not similar or even so same.

Thus, it is a deemed necessity to understand the dystopia that AI brings up when it forms or provides extra dimensions to human rights. That is how the league of linear human rights end and privacy arises from a basic aspect of being an inherent and rather philosophical human right comes into play, becomes more shaped and integrally important, dimensional, real and critically sensible. Let us understand this aspect as well before moving to the aspect of AI.

The development of CSR, in comparison to the polluter pays principle, is under the same prerogative of the privatization of law, where the corporate liability is converted into responsibility. Polluter pay is a private law, which focuses on imposing serious liabilities on industries to comply with environmental preservation and protection, but CSR has made minimal financial criterion for companies to bear ethical obligations to commit towards social welfare. And let us be honest. Liability is a material character in the classical sense and is derived and furthered by sanctions, while responsibility is inherent and true. It is *reflected*, *understood*, *realized*, *born* and *dies* at its own upheld prerogatives entitled with it. That is why the concepts of strict liability are just sanctionable and do not resemble always. Till today, liabilities exist as crude sanctions, but not all sanctionable liabilities may be useful. What law should do to benefit people is that make civil obligations reflective of social values, rather than just with a purpose to showcase justice and punish people. However, the crudeness of liability is not the gift of jurisprudence; it is due to obscurities in social life based on ages. Thus, it is a necessity as was in the case of contemporary international law to develop out of simple aspects of liabilities, consents and classical principles towards more open, diverse and accepting principles for newer developments at public and private level to benefit human development for a better future. Nowadays, such minimal obligations are used in the international human rights treaties to make sanctions and rights purposive rather than retributive.

Thus, this is the just the beginning of the bettering aspect that manifests the due realm. The next sections of the chapter shall deal with the related perspectives.

LEGAL LINGUISTICS: A PATHWAY TO MODERN LEGAL CONCEPTUALIZATION OF AI

Law is befitting to be benefited by ethics and linguistics. In Artificial Intelligence, there have been frequent ways by which this generic aspect has been successfully covered. This becomes instrumental and important in a simple context because it manifests the basic blocks of law and legal reach for any subjective or objective development in the human society. In a sui generis or generic sense, legal linguistics provides a back-end to redefine the structural and inherent attributions of Artificial Intelligence and this becomes an important end to the purpose *(Ashley, 2017)*. Language works in an awesome way enough to let artificial intelligence open perspectives in its method of working and producing. Machine learning has been thus innovated for a genuine utility and has manifested an ad hoc manifestation for human and other material activities. It covers an extensive realm of data receptivity and understandability. However, its opaque nature deprives itself from activity and interaction and the furtherance of data receptivity, which is essentially important for the concern of review. If AI via machine learning fails to self-transformation and is caged in the numeric possibilities that make it vulnerable and highly susceptible to prediction, then it may lack values in terms of what it can do to be an essential part of human society, in whatever form it is.

It is claimed that machine learning (ML) and deep learning (DL) *(Hof, 2013)* estimate human intelligence. However, presently these tools essentially spot designs that are meaningfully modified by humans and necessarily be construed by human instruments to be beneficial. Concluding, the developments duly represented are evolutionary and not radical. One grave restraint of ML is that as a data-determined method, it essentially relies on the value of the causal data and thus can be very inelastic *(Cummings, Roff, Cukier, Parakilas, & Bryce, 2018, p. 13)*. This sometimes becomes entirely important as if this consideration is really not adequate. We may be subjected to some consequential aspects of AI, which might not be correct enough for a matter of receptivity and there shall exist such barriers between humans and them. Hence, there are so vague settlements so as to the receptivity itself.

But there is a better note for view. The basic aspects of legal linguistics to understand AI and the AI in case of legal linguistics are exactly the same, where there is a need of a dimensional reciprocity at least. Let us experiment this aspect. Suppose that there is a statute of some nation (say S) having one of its law in the form of a statute namely the X Act. Now, if we suppose that an AI System (Say I) has to learn the interpretation, mechanism and jurisprudential extent of the Act, then I have to learn certain important attributes that make its basic building blocks. They can be possibly:

1. Scope, extent and jurisdiction of X
2. Amendments, Case Laws or Precedents related to it (directly/ indirectly, based on scope of Territorial Division and other factors in Jurisprudential Legal Methods)
3. International Legal Obligations
4. Public and Administrative Regulations
5. Obligations and Adherence of Basic Law and Legal System and Sovereignty of State

These factors are not exhaustive; however, these are those general conditions or modalities that we can adequately observe for the matter of concern. However, even if in the upcoming chapters, we deal with the further conceptualities, let us further this example to introduce an insight over the topical barriers concerned. Let us assume these conditions as H conditions the first being H_1, then H_2 and so on.

So, the I system recognizes S as per the condition H_5, and so this condition shall, as according to the legal principles as we should represent, represents external and internal sovereignty because that is the best way to understand how practical sovereignty works. Now, the extrinsic subset of sovereignty contains elements such as military strength, representation in international law, UN, international affairs, etc., while the other subset contains elements in the roster form such as GDP, state law, economic policies, administrative policies, public regulations, etc. However, this is known already that some of them are somehow or the other related to the other 'H' conditions, which is mathematically either direct or either indirect, so this is absolutely clear that repetition of legal realms in its

different phases and forms is phenomenal; it is the biggest reason why human rights as a concept arising from civil liberties now recognizes its place in the form of Polluter's Pay, Intergenerational Equity, CSR, Immigration Laws, Data Protection Laws (such as GDPR, IT Act, 2000 in India, etc.) and others. This is called webbing in legal linguistics and reality dialectics.

Now, for a system possessing ML qualities, even if we marginalize and form fringes of relativity approaches, we cannot be ever linear to an approach of computational intelligence. We know that predictability affects the due role of artificial intelligence and this should not limit the value and purpose of it but just mechanize it as a utility only. This is one of the primary reasons of the development of an idea called XAI or Explainable Artificial Intelligence, which furthers about the due schema of AI realms beyond the opaque data learning techniques. So starting with the questionable algorithms is a different scope and it seems rather technical. However, let me differentiate the most immaterial element.

Let us take a look at the following example:

Article 21 of the Constitution of India, 1950 is an easy example to be considered. The terms of the article are as follows:

> [No] person shall be deprived of his life or personal liberty except according to procedure established by law *(Legislative Department, Ministry of Law and Justice, Government of India, 1949)*.

The article expressly defines the scope and extent of the right to life of a 'person' as a negative right (because of the sense that it carries the due jurisprudential value and connectivity with the Art. 13 of the Constitution with respect to the dynamics related to the violation of the fundamental rights as stated in Part III). This context is important to consider because this right gives an inference to an AI system that no matter what, no deprivation can be exercised nor caused of life. Now, Privacy and Personal Dignity are other attributes, wherein the discussion goes into the Human Rights-Privacy Dimensionality debate, which is explained in the upcoming chapters. However, we get an insight of the dimensionality strata. Why? In the practical sense, for ML reach, this

is not just the matter of the deprivation of life or personal liberty and the procedural exceptions related to it. The ML must understand the dimensional relationship entitled to it. The interpretation of the Indian Supreme Court related to the privacy rights *(Justice K.S Puttaswamy & Another v. Union of India, (2017) 10 SCC 1, 2017)*, environmental responsibility and statutory rights *(T.N. Godavarman Thirumulpad v. Union of India & Ors., Writ Petition (C) no. 202 Of 1995, 2012)* and other exclusively interconnected cases represents a due set of jurisprudence, which is dynamic, sometimes very pointed and specifically inclined. Thus, in case of dealing with the nature of jurisprudence involved with the due purpose, the AI system must have a capability to reach the receptive reasonability involved in the jurisprudence. Thus, it is beyond a simple text-adoption and analysis approach but is based on how laws work are interpreted and how we should not deal with those technicalities in an absolute, opaque and senseless way but by the data perception techniques, which makes way for the system to be open and prone to the diversity of legal instruments. I think this may be one of the mapped ways on how humans do generally, which is not to be overlooked either. The AI system thus needs an open eye and maybe a more open and less absolute approach to recognize the status, relevance and activity of legal instruments. And this is generally beyond legal linguistics.

BEYOND LEGAL PRINCIPLES: THE PHILOSOPHICAL APPROACH

Now that we understand that the basic legal principles of jurisprudence are not so easy to be determined by AI, then what shot should we give in for the matter of implementable concern? Well, the approach I suggested is the Privacy approach, but it needs an adjudged platform which I have addressed in the upcoming chapters.

The philosophical approach of Privacy that I suggested is derived from understanding a general context of how it seems for the material legal principles to serve the immaterial ones. There is an important reason behind it. This is certainly not so easy to be gulped. For those who may know the meaning of the term 'tort', they may understand it as a civil wrong (in a legally recognized sense) where damages are unliquidated.

However, the aspect is certainly not the same as it seems. It represents more than what is instrumental.

The four basic principles of tort law – *reasonability*, *foreseeability*, *actionability* and *ethical subjectivity* – *(Abhivardhan, Privacy Beyond the Law of Tort, 2018, pp. 54-6)* are the categorical, substantial and procedural dimensional phases of civil rights. However, in a generic context, the issue is raised when we observe a human right as a line or not. In simple sense, reasonability is used to understand the reason which can be expected for the whole incidental aspect of the tort involved; foreseeability is something like a competency of understanding we can seek in expectation from the person who committed the tort; actionability is useful to understand the nature and structure of activity, which falls under the precedent of a tort and ethical subjectivity is the expected substance of ethics involved in the pursuance of tort in a civil society. Thus, we need to signify how civil rights and liberties need to be tested. A human right is therefore taken as a line due to its limitations involved.

Why is it necessary to consider a human right as a line? There are certain important reasons, which are as follows:

1. Human Rights is a concept of liberty, where freedom is an emergent conclusion resulting into the case of formation of liberty. Philosophically, it is genuine that the liberty may be natural *(Hobbes, 2016)* or legally regulatory *(Armitage, 2004)* as in deemed subjectivities of rationality or selfish reasons *(Rousseau, 2017)* but not practical as it seems. The virtue of human rights does not require subjective pigeon-holed principles for recognition. Words may symbolize rights, but it becomes more generalized and attributed, which makes it important to deal with the course concerned.

2. The progress of a human right is linear. In law, it represents a causation-consequence approach in common law countries and it needs a generic change of understanding beyond the civil legal principles derivable from the French, American and other revolutions. The principle of liberty, equality, fraternity and others are the basic or maybe the general kind of rights and liberties

that we can determine. If we understand the idea of the right to self-determination in international law, we can understand that it has so many dimensions. It can express diversity in an objective sense and mobility, representing data of expression beyond the subjective character and differentiation of a right itself. It imbibes the due modalities of human representation. For example, even if the Crimean Tartars in the region of Crimea represent nearly 28 percent of the net population, their social, cultural, political, and religious institutions have their own rights to exercise in pursuance of the self-determination, which cannot be overlooked by the Russian Federation at any cost and has to be recognized in International Law. In the case where DPRK cannot leave the ICCPR of 1966 as in a high-profile dispute, the UN Human Rights Committee asserted that the object of the treaty does not change even if the nature of the sovereign changes (in quite layman terms), which means the kind of government representation. The object of the covenant was ultimately providing the universally deemed human civil and political rights of the people residing under the jurisdiction of the party-states, which is also an instrumental aspect of the UDHR. Thus, there is a need to recognize the idea of human rights not under a matter of consequence-nexus relationship but based on a three-dimensional approach that viably understands the paradigm of legal reality and progress of such realms.

3. I have enumerated Privacy as an idea in my book entitled 'Privacy, The Deceptive, The Intrinsic' that is based on the same idea and derives the concept itself from subjectivity to objectivity. It develops those realms that are contributory and quite neutral to the interventions that are required to settle factions. *(Abhivardhan, Privacy, the Deceptive, the Intrinsic, 2017)* So, it instruments more implicative and expressive facets of an act or a resemblance. It is beyond the act-omission and waiver-acceptance approach as understandable from the contract and tort jurisprudence of common law countries. One of the best examples to understand Privacy is understand how ethnic conflicts provide a ground to widen the electoral legal perspective of things. We know that

devolving power to certain regions will ultimate lead to demands for more powers, culminating the claims for secession *(Penn, 2008, p. 956)*. Thus, in practical terms, such implications construe into the realms of mutual vetoes that provide moderation initiatives for accommodation since such decisions that are not acceptable to other major ethnic groups are at risk for being vetoed *(Schneckener, 2004)*. Even Amartya Sen determined in *Identity and Violence* about the excessive emphasis of ethnic groups into the unilateral aspect of ethnicity being resembled in the narrow facet of identity (either faceted by nationality as well) *(Sen, 2006)*. Even in the case of IoT, where from a single toothbrush to an Amazon Alexa, our daily life is under a due manifestation of controllable reception and observation. We as humans are taken under different parameters via the leaders who form the business models related to AI and we are thus subjected to the little waived or gradually foot printed privacy that leads to certain haphazard consequences. Privacy, in simple terms, is not ignored, but not even cared for. Companies and governments fail to provide a perfect design or model related to human essence and independent existence. China is doing it and Alibaba is leading those initiatives. Now, Blockchain 3.0 or its future brothers and sisters may be the ways to prevent such footprint of our data and privacy into a subjective aspect.

Conclusion:

The book is not a treatise. It is just a way to recognize our reality in a more dynamic way. Perhaps, it may take time, but if you are hopeful enough to pursue Artificial Intelligence as a realm to mankind in terms of its beauty, innovativeness and objectivity, then you are ardently welcome for the upcoming chapters. I hope this journey may allure you to know more about yourself and also about those tools that are going to form a good material faction of your own reality. Let us do it together.

Chapter 2

THE BASIC RELATIONSHIP: THE PRAGMATISM

There is nothing called a direct relationship between these two realms, which I had discussed in the first chapter and that is way perfect in its own deemed reality. It just seems that if there is no relationship in a direct sense, then why should we proceed? Quality in a relationship is a matter of immense relativity that manifests such realms for a matter of consideration to settle other due aspects that crystallize it. Let us get into a reality check to determine why we require a contemporary approach towards the same realm.

International Law is the concept involving nations to work upon the realm of international peace, security, harmony and resilience. The texts and cases of International Law in its offspring stage, that is, before the formation of the United Nations and the International Court of Justice, signified a due sense of positive law, which was quite isolating, contemporarily based on the relativity of acts. One of the classic examples is the *S.S. Lotus* Case. In this case, two ships *Boz-Kourt* and *Lotus* collided leading to the sinking of *Boz-Kourt* and killing 8 Turkish nationals who were on board the Turkish vessel itself. The 10 survivors of the *Boz-Kourt*, which included the captain itself were taken to Turkish Republic on board the *Lotus* itself. In Turkey, Demons, a French national, the officer on guard of the *Lotus* and the captain of the Turkish ship were

charged with manslaughter. Demons were penalized wherein France protested and demanded the release of Demons or the transfer of his case to the French Courts. Turkey and France agreed to refer the dispute in the jurisdiction to the Permanent Court of International Justice (PCIJ). And the court applied the principle of positive law therein. This case seemed simple, but it resembled a stringent, stable and crystallized but traditional principle of international law.

> The rules of law binding upon States therefore emanate from their own free will as expressed in conventions or by usages generally accepted as expressing principles of law and established in order to regulate the relations between these co-existing independent communities or with a view to the achievement of common aims. Restrictions upon the independence of States cannot therefore be presumed *(S.S. Lotus (Fr. v. Turk.), 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7), 1927)*.

Now, there can never be presumptions over the restrictions of such independent concerns of states. Without any permissive convention, custom or practice recognizable via international law, it seems impossible for a state to exercise its sense-based territorial jurisdiction concurrently vide another nation. It resembles a smoky sense of positive law, which is manifested but also revered in a liberal sense these days. That is why sometimes the principle of double criminality, which means that both the states must recognize the criminal legal implications of the same phenomenon in the same sense, seems quite interesting to consider. However, in a privatized world, the *Lotus* case cannot work either because the rules and dimensions of territorial jurisdiction are more rational, implicative and reasonable and not as simple and direct as was given in the legal jurisprudence applied in the Lotus case. We require a liberal instrumentation of thought; a representation towards understanding how Artificial Intelligence becomes a part of the public domain of ideas and recognition. This purview seems to be coherent enough in the field of international cyber law; a new field dealing with the international law applicable to cyber realms. Thus, it does not seem so obvious as such, but yes, the experts at Estonia formalized a manual to reinstate the principles of the field. This was the work of the CCDCOE of the North Atlantic Treaty Organization, popularly known as the Tallinn Manual

(1.0 and 2.0). In the furtherance, the chapter discusses the material element of international law in its philosophical and practical sense with respect to the international cyber law. Additionally, this chapter shall deal specifically with what can be the further causal aspects are to be measured and estimated as such.

PHILOSOPHY OF CONTEMPORARY INTERNATIONAL LAW

The modern realm of international law is based upon certain specific realms, wherein we are not going to consider its discourses – space law, international human rights law, international humanitarian law, international trade law, international environmental law, international cyber law and others that are related. The basic realms that formulate are (1) Pure international law, (2) Law of treaties, (3) Law of international organizations, (4) State practice and customary international law, and (5) American international law and the law of UN (in an exhaustive sense).

Now, it seems like a big list, wherein such items are quite isolated. However, the nature of international law is nearly dependent on such realms if we consider only the pure legal schema of it and not the portion of international relations. All of them are interconnected. We know that it is by the virtue of the US that the United Nations came into a delved existence in May 1945, and this instrumented USA as a prominent partner to international peace and security by formalizing a system of international law at a bigger contribution. That is how the concept of Model United Nations conferences was introduced in Harvard and other top-notch universities.

This culture of internationalism imbibed by a synchronous beauty of reality duly resembled a general sense of human and state recognition at the level of deliberative instance and led towards the redefinition of what democracy as a universal principle (say) really represents. However, it has a lot of loopholes because democracy is not so easy to gulp sometimes. Anyways, as with the adoption of International Human Rights Law (IHRL) treaties after the second world war, these rubrics expanded to the protection of people from torture and other forms of inhumane

treatment (International Humanitarian Law (IHL), International Refugee Law (IRL), the promotion of equal safeguarding for women and children, including the adopted kids and those trapped in custody issues (IHRL) and the facilitation towards the pursuit of war criminals, terrorists, human smugglers, and drug traffickers (International Criminal Law (ICL), IHL) *(Piccone, 2017)*. Now, referring to these abbreviations is an important aspect, which crystallizes the generic specificities that the US formed. In spite of so many apparent benefits from international law, the due political culture of the US has twisted decidedly acerbic when it comes to the ratification of such treaties that patently serve its state level interests. So, this is the coalescent deep reality of international politics and law, which cannot be ignored. However, national interests and their political aspects only represent a figment of 'hard power' of states in some or the other aspects, which may seem like a frowning or happy clown; but the inner element cannot be demeaned, but melted. Nye's soft power is something which does not crystallize pressure on national interests on capitalist or autocratic nations so easily, but it manifests some other beautiful aspects that manifest itself in another sense. It is an axiom that part of law's doing is law's saying, but it is not always clear what is being expressed nor even what kind of information can be expressed by law *(Piscatori, 1977, p. 219)*. Let us be honest about it. International law is capable of and provides an experiential and normative record, wherein the latter aspect of the field is reliable with the conventional realm of natural jurisprudential thought whereby the normal is mapped by and exerted in the course of an unusual one. And that is something more than a general debate for an open ground in the trade war we are facing. These form the synthetic realms of international law.

Nevertheless, the spectra that we seek in the field of national and phasing relationships – it is not submissive to conclude that the synthetic realms of international law require a settlement with the building blocks of its general realms, which in case of the material element itself, is dealt by the Tallinn Manual 2.0. There are certain fundamentals of international law which are needed to recognize how the existence, development and progress of Artificial Intelligence are viable to be configured and managed. The Tallinn Manual is perhaps the best fit to start. And it certainly proceeds cogent and perfect in a limited sense only for the due

path that is possible to be paved for a due matter of development.

Sovereignty for Self-Determination

Sovereignty the principle of supremacy or power attained in the rubric of a political reality by a state is the most interesting center of international law. The UN Charter makes it more contemporary by the term *'sovereign equality'* in its Art. 2(1). However, beyond the traditional principles of authoritarianism, it demarcates its relevance and formalizes the institution in a more comprehensive way. Thereby, legitimacy a mechanical term to define sovereignty not in its existential but in its pragmatic sense comes into picture. This term evokes a reality that sovereignty itself is not absolute in its existential sense but in its applicative sense always. The reasonability attribution is understandable wherein the supreme authority of a state is a principle of recognition in international law: the material element enforced, which in legal terms, can be termed as the sanctioned rule of law and legal order. Perhaps, that is actually what Dicey wished in his own fervent sense for a consideration. However, keeping apart the subjectivities of monarchies, oligarchs, autocrats, etc., the most interesting portion that is deemed to be discovered is from a democratic realm, which are exemplified by the Western countries, India, Japan, South Korea, Israel (to an extent), and others.

Nevertheless, sovereignty as in the Tallinn Manual 2.0 is referred in its Rule 1 (cyberspace is encumbered by political legal sovereignty) lays the foundation of the eventual crystallization of the independence that the state and its elements enjoy. This has been successfully established in the *Islands of Palmas* arbitral award of 1928, wherein in a beautiful sense, independence is enumerated as the 'right to exercise' sovereignty in the matter of exclusivity. That is how the concept of sovereignty materializes in form of its institutions like the government, its subordinates and the people. Internal sovereignty provides an insight from the level of an individual who is in the jurisdiction of the state while the extrinsic one provides the latter one present in the outside realms therein. Now, at a material sense, the recognition of Artificial Intelligence may be limited to a mere generalization of the principles of data quality, transborder flow, protection, penetration, rectification and other inter alia realms that are relevantly present at the outset. A declaration on the protection

of Privacy on global networks via the purview of the Organization for Economic Co-operation and Development (OECD) is something that in Ottawa was an outset towards a traditional yet innovative approaches that reinstated and begun. However, moving beyond the legal factions, let us instrument the realities we need to understand with respect to data sovereignty.

Sovereignty is not only a legal issue; it is political and fails to be apolitical as it cannot be. Representation in a cyber infrastructure as in Rules 1-10 are crystallized in a commentary furthered for Rule 1 *(Schmitt, 2017)* as a global or fifth domain *(North Atlantic Treaty Organization)*. Further, if we really understand the principled contents that sovereignty keeps in its folder for consideration, then they are generally derivable as same as from public international law, (which are international armed conflicts, pacta sunt .servanda, non-interference of states in affairs of other states, etc.). However, the other factions, are interestingly important for a pursuant discussion. The concept of physical and non-physical cyber infrastructure is something that has an important aspect at a specific instance. The Manual gives an example of the electromagnetic frequencies that are transmitted wherein these are not taken as equal as (say) computer resources, optical fibers, etc. Now at a European sense, the Convention on Cybercrime actually remains different. It recognizes at the essence of a substantive criminal law, wherein it provides factions of definitive and procedural establishments. However, for this case, it is important to understand that such conventions and legislations in the US and other developed states are remnant and macroscopic or rather commonly present in the form of ecosystems that are taken into pursuance. These are way specific. They regard the material nature of cyberspace, but they do not deal with artificial intelligence and its specific nature as an established law. That is why somewhere at an instance, the legal concepts come into a jurisprudential existence and furtherance. However, that is absolutely not the case in the rubric of AI.

However, considering the example of cyber infrastructure, wherein as per Rule 63, electromagnetic frequencies are considered to be limited resources and can be other principled legality of rationality, efficiency and economic viability as in Art. 44(2) of the Constitution of International

Telecommunication Union (ITU) *(International Telecommunication Union, 1992)*. Now, the outset of AI is to be generalized by actually what it is. So, let us begin with some modalities as such.

Artificial Intelligence is a consequence of private invention by its innovative origin, which is way obvious. Thus, it is discernible to say that AI at a little or baby ecosystem still and at a normative development, is still far from becoming a big ecosystem. It manifests various attributions of an entity represented. However, the aspect of sovereignty for consideration begins with the concept of human rights and self-determination of AI. Now, this self-determination of Artificial Intelligence is collateral to international human rights. Perhaps, the Russian and Iranian propagandist activities on social platforms via AI bots are perfect examples to be considered *(Neudert, 2018)*, where propaganda-based algorithms are used on social media and opinions are influenced. Even when the Chinese do demean a human rights discourse at an ignored and freely uncontrolled course of human activities, then perhaps this collateral principled aspect involved can never be ignored, at least for a time when AI is at a high stake from beyond being an innovative invention to something worst if represented and utilized *(MIT Technology Review)* for the human world.

> [Xinjiang] ('New Territory') is the traditional home of a Chinese Muslim minority known as Uighurs. As large numbers of Han Chinese migrants have settled in—some say 'colonized'—the region, the work and religious opportunities afforded to the local Uighur population have diminished. One result has been an uptick in violence in which both Han and Uighur have been targeted, including a 2009 riot in the capital city of Urumqi, when 200 people were reported dead. The government's response to rising tensions has not been to hold public forums to solicit views or policy advice. Instead, the state is using data collection and algorithms to determine who is 'likely' to commit future acts of [violence] or defiance […] The Xinjiang government employed a private company to design the predictive algorithms that assess various data streams. There's no public record or accountability for how these calculations are built or weighted. "The people living under this system generally don't even know what the rules are," says Rian Thum, an anthropologist at the Loyola University who studies Xinjiang and who has seen government procurement notices that were issued in building the system. *(Larson, 2018)*.

Now it can be asked for data-driven governance via social credit system in China as illustrated by this example as what the Chinese want to do. However, the aspect of governance is based on the purpose of an administrative development of a higher extent. And we know it very well that it is in the same listed principle implementation of something we duly know as 'rule of law'. However, perhaps there are a lot of dynamic and variant conceptions of the same idea that states represent *(Tamanaha, 2004, p. 3)* and it is generally a corollary of so many profuse conceptions that are embedded. However, they should not be extra-formalistic as in case of Nazi Germany or South Africa, leading to a violation of the principles of justice *(Trebilcock & Daniels, 2008)*. And let us be honest – state responsibility in international law is also marked by the administrative aspect of it and it is only and only noticed and taken into action via the principles of internal sovereignty and sovereign equality, with the mandate of the policy that the state represents. This is also important when state interference is denied but cooperative activities such as Foreign Direct Investment (FDI), data transborder flow, private transnational CSR implications, globalization, etc. under at a majority under the purview of 'soft power' comes into place of inference. Thus, it is important that sovereignty for AI is not determined initially by the 'hard power' that it may represent (and I expect it shall) but by a viable, beautiful 'soft power'. And human rights regimes are the best discourses to start with. I regard this principle of discourse of AI and human rights as the *Doctrine of Intelligent Determination*.

Doctrine of Intelligent Determination

This doctrine is not a hefty legal phenomenon. This is a mathematical sense of law derivable from its own idea as described. So Artificial Intelligence has a direct or rather indirect relationship with the human rights regime at the levels of directness/indirectness, receptivity, retentivity and observant consequence. An inclusion is the continuity, provided that the AI system really exists. However, for this, we need to recognize AI as what it is in its technological definitions and pragmatism. However, it is very important that we discern the position or personality of Artificial Intelligence as an entity imbibed under the observance of what, how and when the receptive third eye receptivity is present.

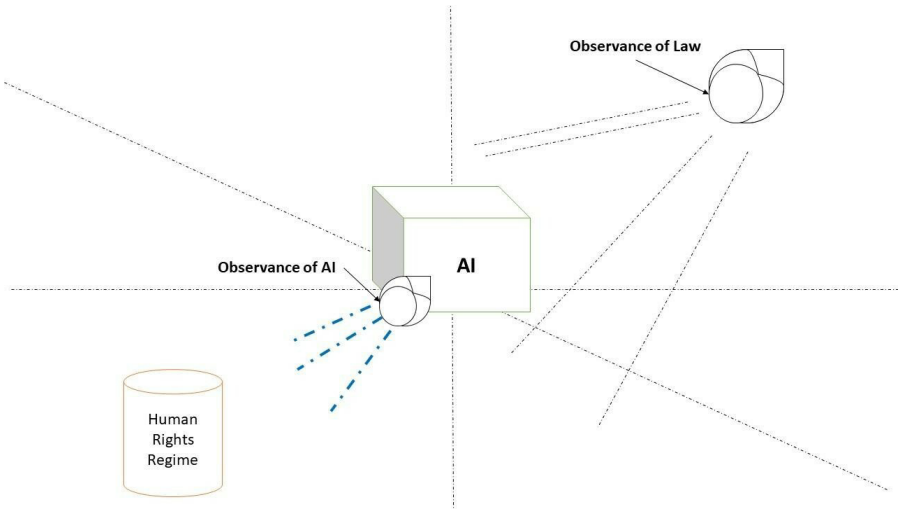


Fig 2.1: An illustration of law in a three-dimensional sense towards Artificial Intelligence at a very primary sense.

Now, I do not intend to give a due definition to the doctrine to limit its roots and branches. I would like to present it in a more practical way. Now, AI realms have the tendency of observance maintenance, which is directly related with the realm of ML, which is required. So, is sovereignty really related to this idea? Well, for a cyber infrastructure of normative nature viably present in an ecosystem of internet, this doctrine does not apply because this concept is entirely different in perspective. It is specifically invented taking the perspective of an AI so we cannot ignore the instrumentality. Now, the basic aspect of a cyber infrastructure of AI may be understood as a rather dimensional and dynamic infrastructure, wherein cyber activities are not static at an observant aspect but too noticeable and rather fluctuating at all sides. ML-based algorithmic policing as in China, which I exemplified, is very important to be considered and not to be ignored because the data-driven administration is reliant over an infrastructure, which is rather cultivating in terms of understanding the data subjects with which is it involved and also based on the evolutionary development of the concerned algorithms and their techniques involved with the AI *(Cummings, Roff, Cukier, Parakilas, & Bryce, 2018; Hof, 2013)*. As in such a case has not come where artificial intelligence is amounted to be violating sovereignty as a direct actor/

element/consequential medium, the doctrine may be considered viable, provided that the human right discourse does not violate the sovereignty of the state with exception to Rule 36 of the Manual (Obligations to respect and protect human rights) *(Schmitt, 2017),* including the absolute and inalienable human rights. One thing, however, to be noted is that this doctrine is at a very simple stage, so it is not related to the technological aspects. These diagrams reflect the legal purpose and these basic principles can be improved with time.

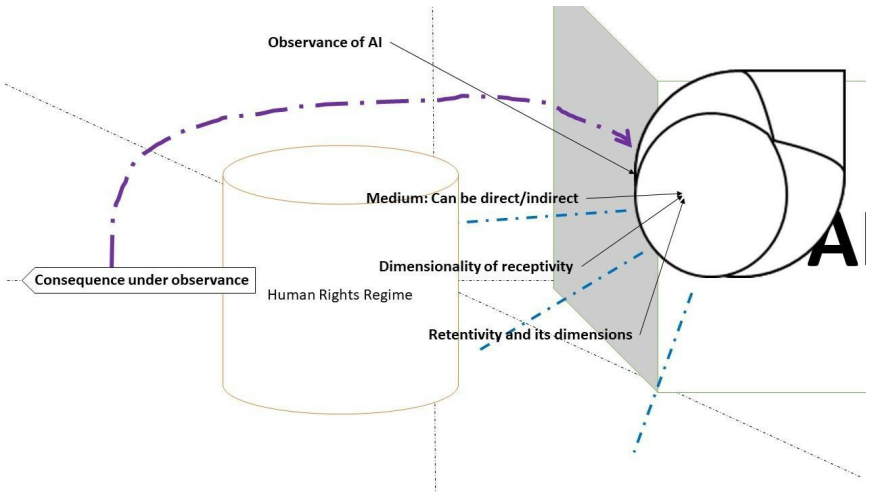


Fig 2.2: This diagram illustrates the characteristics of AI observance on a Human Rights Regime as under a constant cyclic process.

Now, the diagram clearly illustrates that the observance of AI is now based on some of the following realms:

1. The Dimensionality Principle

There is nothing so difficult about the principle. This principle simply means that the realms of AI shall be based on the variations of perspectives, which are not exhaustive, but based on the process and the natural growth of the AI realm. This requires you to provide the AI realm an inalienable right to grow and learn from the content/data/information that it retrieves. Now, the content that it retrieves can be generic data. However, there are many varied examples like assets *(Maney, 2017),*

proactive utility *(Clolll, 2018)*, *mala fide* utility *(Lapowsky, 2018; Kharpal, 2018)*, legal informatics *(Dutt D'Cunha, 2017)*, sustainable development goals *(Lebada, 2017; UNSDN, 2018; UNOPS, 2018)*, environmental issues *(Future of Life Institute, 2018; Bajpai, 2018; Global Goals Cast, 2018; Rosenthal, 2018)* and others. Now, the scope of perspectives can be technically solidified via understanding that if any information/data/content is under dimensional referentialism, then it represents more than a single perspective. In mathematical language, let one perspective be x_1, so if there are n perspectives with n >1 or 2, then it becomes easy to understand that till x_n things will be more dimensional. It is the same thing that Einstein's theory of relativity provides a more cogent insight as compared to Galileo's theory of relativity.

Consider the image given below. This is an excerpt taken from a website as a .jpg file. However, we may have an insight of the realms of political fashion via this content. Now, this content is perhaps the best way to understand because it represents a sui generis form of variation of representation. Now, for example, if excerpt is an excerpt of some coverage of an event in one country (say) X, then for a case of sedition, the Government may point out the subjective characteristics that are related. Well, here is something we need to clarify ourselves.

Fig 2.3: MIGUEL MEDINA/AFP/AFP/Getty Images (Delgado, 2018).

I took the example of sedition as a pure perspective because it is neither a table discussion on the 'hard power' of a state. So, I am currently not even going to consider the military, national security and other portions. However, be it a state-sponsored government politics, but it manifests a representation of something that is very important to be considered and that importance is the dimensionality that it represents. And somehow it is a matter of heterogeneity. Dr Chandrachud J. in Puttaswamy said:

> [Privacy] represents the core of the human personality and recognizes the ability of each individual to make choices and to take decisions governing matters intimate and personal. Yet, it is necessary to acknowledge that individuals live in communities and work in communities. Their personalities affect and in turn are shaped by their social environment. The individual is not a hermit. The lives of individuals are as much a social phenomenon. In their interactions with others, individuals are constantly engaged in [behavioral] patterns and in relationships impacting on the rest of society. Equally, the life of the individual is being consistently shaped by cultural and social values imbibed from living in the community
> *(Justice K.S Puttaswamy & Another v. Union of India, (2017) 10 SCC 1, 2017)*

This may not seem a joke either. Hard power shall have an effect. For example, how a state or international intelligence is working and how nuclear and other weapons are kept, disarmed and used (in future, which I am not predicting). However, soft power has always an important prerogative. Xi knows it very well. Perhaps he is thus trying to overpower it in China. However, it is not so easy but not so impossible though.

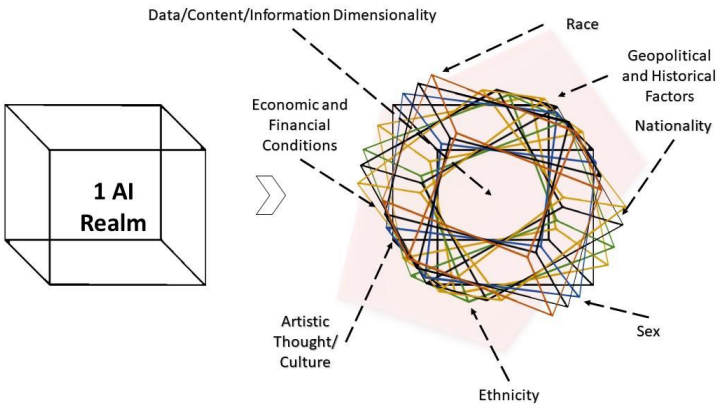


Fig 2.4: The realm of AI assessing content at its dimensions that is probable. This is a simple one rather than any content/data/information and that is a thumb rule.

Thus, Human Rights are now not only a course of violations nor a folly of a lot of philosophical attributions of liberty, fraternity and equality. It is perhaps a beautiful journey that consists of such attributions that manifest reality, wherein it shall never be a line anymore. That is why we need to understand Privacy right? When you need to live in a system of trustless, clean and considerable data-driven governance, it is way important to realize as to how to deal with the due modalities of human activities. The obsolete principles of liberty and equality are to remain there for being the books in the libraries for research. But I think that we do not need to technically limit the human rights regime, and it may not even seem as a human rights regime even at this stake. Let me tell you why. Privacy is not a simple reality of dignity, ethics and personal space. It now leaves its own 'carbon footprint' somewhere in fashion, race, thoughts and maybe even food. So, you cannot ignore them if you want appropriate sovereignty with these. Well, for a better future, this is not bad. Because the dimensionality principle also teaches us about one thing – the concept of being 'trustless'. A human trust in an issue of conjugation is seemingly not considerable and needs instrumentalities

to be made neutral. Someone can be only trustworthy, when it entitles some empathy, logic and authenticity together. Now, this concept has arisen from the Distributed Ledger Technology (DLT) of Blockchain 3.0, which deals with such a phenomenon. It is easy to infer that the due decentralized, crystal clear, supportable nature of the structure entitles trust on public and organizational entities at a generic precision as trust refrains from being an issue, leading to the settlement of the systematic integrity as in case of every participant and of each operation being buttressed by the net wholly, leading to enable trust akin information: distributed and secured *(Blockchain Commission for Sustainable Development, 2018, p. 6)*.So, this is derivable from the instance that AI, at the instance of a dimensionality, does not require trust as an issue and at a corollary of thought, this may necessitate an AI system the inalienable right to learn and grow by the data/content/information that it attains.

Moreover, this principle adjudges that there is no need of the human rights regime as a process parameter and not as the realm at that time when it shall be required at a deemed consideration so as to resolve over the due settlements of state sovereignty. It also furthers the locked relationship between the dimensionality that AI can possess at liberty and the lessening consequences of a limited tendency that is attributed with the due realm of international law.

However, the principle is only the catalysis to demarcate differential units of the data/content/information therein attributed at a generic thumb rule of observation. Now, the rule of observation is all about the liberty of the policing involved with ML to learn and grow from the stuff. That is why machine learning does not deal with data/content/information involved as mediums; the receptivity functions, retentivity operators, the consequential cyclicity (the way machine learning can repeat its predictive development) and the human rights regime at first as well at the core subjectivity involved but merely makes the diversity of data/content/information which could have been rather objectively differential. Thus, when it comes to the space of the fundamental inalienable right of the AI to retain, learn and grow dimensionality (via ML), AI becomes free

of any subjective legal discrimination or limitation at a primary level. However, there must be certain regulatory aspects that manifest the next process. The next corollaries shall deal with these aspects.

2. The Medium Principle

The Medium Principle is just a formal corollary, which explicitly deals about the pursuance of Artificial Intelligence as a medium via direct or indirect mediums. Now, this is not even a principle. In human rights, this may seem to be under the data transaction utility that ML systems may attain. So, directness and indirectness do not have that subjective meaning. However, this principle is present only to bifurcate and create considerations over to the realms of how AI in its own ML ambit of dimensionality as per the Dimensionality Principle may exercise the right. However, the dimensionality of data/content/information can be regarded as clinical and subjective via using the principle only for specific determination. Thus, it is just a methodology tool and nothing else.

3. The Receptivity Principle

In IHRL, receptivity is privacy right for a human being. We recognize it in the sense of how a human takes something into a discourse. Now, there are initiatives wherein AI realms are attempted to be analyzed and grown up with a humanoid or human-akin cognition. However, this is not absolute for all researches. Google Dupleix (onstage I/O 2018) is one of the classy examples, which acts as a mere ML development of human activity of an unprepared learning as how human configurations are working. However, we know how medical research is benefited by the grown and developed AI regimes (or let us not consider them as even regimes; these are just machine actors/entities). So, the receptivity principle is based on the *suo moto* point that as the inalienable right to learn at dimensionality is attained by an AI realm, the receptivity of AI exists as a non-absolute right to reception of data/information/content (collectively hereinafter, DIC). This right to reception is a harmonious, reasonable and normal intervention of the privacy of the attributions that the DIC may/may not contain. So, it settles that receptivity as a non-absolute right is not confined to human activity because an automaton

is certainly not limited to fake news bots or IoT. It can be used for warfare and so yes, it is a starter for sure. Thus, in international law, the recognition of artificial intelligence realms shall never be limited to mere exclusivity over the fact that observance is limited to human observance and rights. That is how AI realms are recognized from a Human Right perspective, but still at this outset as well, the perspective does not even overlook human rights and privacies but gently intends to demarcate from bearing the legal modalities of AI at a limited space of IHRL at ground and international level.

4. The Retentivity Principle

This principle is the kingmaker principle of AI, which seriously determines the course of such a realm to act upon what it really endows. The endowment, as a matter of fact, seems to be rather natural/procedural, and AI due to the verge of dimensionality may possess the course of retentivity, which necessitates its own basic part. Such an aspect is at the sense of how the technology pertains at its own competency and it is probably required with utmost transparency. That is why perhaps the data/information/content, which is retained by an AI is something beyond the scope of human rights and comes into the catalytic scope of ML rights and liberties. Now, this is still out of scope because at that microscopic level, an observation of ML is not suited that can be easily probable in comparison to the one we may seek at a macroscopic level. However, this principle bears the building blocks to impart the role of AI realms in cases of governance and human resource development.

This also settles at an important preset that AI is certainly an entity whose fragility to information may be an interest of importance, which perhaps needs adequate time to reach up to those settlements that complete the purpose of retentivity. Thus, this principle takes adequate care to recognize the rightful and justifiable care and adequacy of ML development towards the bona fide purpose that it really is. Whether it is making lives or governance better, ML should have a befitting course of retentivity, which is tenable.

5. The Human Rights Regime itself

Let us understand what do you mean by a Human Rights (hereinafter HR) Regime for now at the instance of a cyclicity that the process maintains and lives up with. An HR Regime is generally the whole public ecosystem consisting of the possibly observant and existent society and system of various identities, which we know that are mandate as in the object of the UDHR[1], CCPR[2] and CESR[3], as per Arts. 28 and 60 VCLT[4] because it does not have a retroactive effect so as to bind a party with reference to any act or fact which did take place or any ceased circumstance to exist before its entry into force for that party concerned and henceforth, it can of course apply to a pre-existent situation *(Aust, 2011, p. 176; United Nations Human Rights Committee, 1997)*. Since a socio-economic and political ecosystem is always a presence, which is what we require, it becomes credible and cogent that the human rights regime is an important asset for the IHRL treaties to retain maintained and persistent recognition of human self-determination and privacy. However, for the Doctrine of Intelligent Determination, the primary intent is to create less and gradually null dependency on human right modalities so as to crystallize administrative-public coercions and maintain an independent field and realm of AI to live up and exist in international law; just like the Law of the Sea, IHL, Law of Treaties and to a limited extent – International Environmental Law (IEL). The reason why IEL is almost limited is because principles such as sustainable development, intergenerational equity *(International Court of Justice, 1995)*, precautionary principle, polluter pay, etc., that form the basis of the theory and practical scenario of IEL is not benefitting at the level of public and international policy for states, and we know how nations such as US, UK and other developed countries do consider it when it comes to their own matter of development *(Beyerlin, 2007, p. 444; Mayer, 2017)*.

1 Universal Declaration of Human Rights
2 International Covenant on Civil and Political Rights, 1966
3 International Covenant on Economic and Social Rights, 1966
4 Vienna Convention on the Law of Treaties

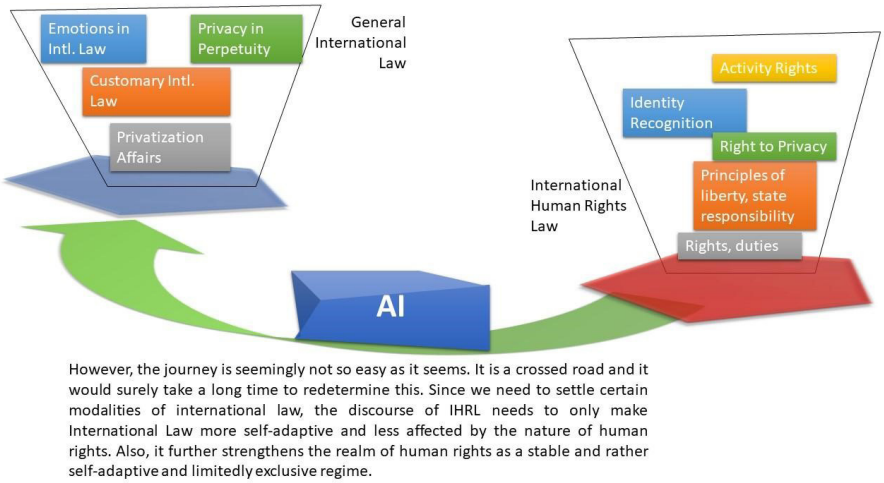


Fig 2.5: The roadmap to bring Artificial Intelligence from a limited discourse of human rights.

However, when the soft power attributions of CSR, Sustainable Development Goals (SDG) action goals and other initiatives are put into effort, we confer various modalities towards a generic solution for the deemed purpose in the purposive scheme of economic development of countries. That is how climate change policy is considered to be improved for social and economic purposes, at a ground-level I guess. And thereafter, state actions become more viable at a public level, which is what we require to produce the verge of our human rights at a considerable level.

The aim that this doctrine pertains is the removal of the concept of human rights only as the singular parameter of extraneous dependency and discourse, which shall empower the international legal regime to revisit such subjective characteristics into something more real and touchable.

So, at a pretext, I may not be absolutely correct; and linking an AI with international law at a philosophical sense with such aspects, may seem rather unreal. However, it is very important that we come out of the typical linear aspects of human rights to administrative institutions.

Can we expect an ILP out of AI?

The realm of international legal personality according to Kelsen and the post-Cold war jurists represents a more dynamic instrument with respect to the state diplomacy in a contemporary international legal regime like the UN or any other. However, if we have to get to this, we need to reconstruct the fact that bringing the role of a non-state entity, derives itself from the states itself, which is inevitably important. International Law has a monistic structure, which is determined by the Resolutions of various organs of UN, treaties and conventions (for example), and their objects, MoUs, diplomatic responsibility and protection, state responsibility from the national to the international discourse.

Let us reconsider Kelson for a moment:

> [In] answering this question they start from the validity of their own national order, which they consider as self-evident. However, if one starts from the validity of a national legal order, the question arises how from this starting point the validity of international law can be established; and then the reason for the validity of international law must be found in the national legal order […] Sovereignty is not a sensually perceptible or otherwise objectively cognizable quality of a real object, but a presupposition. It is the presupposition of a normative order as the highest order whose validity is not derivable from any higher order. The question of whether the state is sovereign cannot be answered by an analysis of natural reality. Sovereignty is not a maximum of real power. […] International law, then, appears not as a supranational legal order, nor as one independent of the national legal order, and isolated from it, but–if as law as at all–as a part of the national legal order *(Kelsen, Pure Theory of Law, 2009, pp. 333-335).*

This reconsideration is not a manifestation that the monism of Kelsen is under consideration because the basic strata is about realizing that international legal personalities such as states are not under certain so called nightmares of obligations of a rather absolute sense of thought and not of real and reasonable sense. The normative development of the articulation that the rule by law of a state provides by rule of law to a state determines the due context of how states recognize international law. Perhaps, this is one of the most interesting reasons that is still under the course of manifestation in IHRL.

The questions posed by the scenarios of Rule 35 of the Tallinn Manual 2.0 as in case of the European Human Rights Law and the other private international legal rubrics are dynamic and interesting for the due scope of understandability. An example was referred to wherein data storage was regarding the majoritarian view and not as interference to the right to privacy of the user to which the data was related thereof until the state accesses the content involved or processes it. Now, there are two basic scenarios, which have an important role to play and they are in general represented widely and cannot be ignored. They are (1) the Content Identity and (2) the Processing and its Modalities. Herein, the view of the European Court of Human Rights (ECtHR) *(Leander v. Sweden, App. No. 9248/81, para. 48, 1987)* suggests that storage of data is a constitution of the interference to the right to privacy, which was merely added up with the idea of processing as the superset of the set itself by the United Nations High Commissioner for Human Rights (UNHCR) just because of the European precedence resembled *(United Nations High Commissioner for Human Rights, 2014)*. Now, the interesting lacuna that is in the final row is 'information' because mere normative legal order is not the quest for more discoveries but the essence that such an order manifestly creates. The identity involved in the aura of privacy is very dynamic and inherent. It is endless and cannot be determined to be so easy to be overlooked anyways. It is considered to be controversial because of the variation in the human rights regimes that define it *(Schmitt, 2017, pp. 190-191)*. This resembles not to an end anyways and it embarks a milestone to proceed to the next stage.

Although in the upcoming chapters, we deal with the privacy doctrine of AI and human rights in general, it is estimable to consider that for preliminary concerns that identity is under the forth question. What the content itself is and how the policy of the human rights regime (whether state-authorized/sponsored/manifested or non-state one does instrument) reinvents itself? Perhaps, the best answer to this issue is that first, at a primary obligation, the identity itself should not be the constituent to disconnect with the object of what privacy represents. Privacy is itself based on whatever the identity represents. Even if customary

international law comes in between, the ambiguous environment that it wants to make up and represent would not surely work anyways. Thus, it is a deemed necessity that whatever be the question of the quality and the dimensionality of the content itself, the nature of processing is rather important for a privacy intervention and storage is neither an issue for a general standard. However, this must be inevitably honest to understand that processing must bear some legitimate standards as to how the interference with reasonability is entailed. Thus, privacy can be intervened but not infringed by even the state itself, which even if is not entitled to be investigated (or may be perhaps in the future) must be subjected to a clinical instrumentation that it requires. That is how, in the case of AI itself, we can consider the important role of the doctrine of intelligent determination.

Intelligent Determination understands effectively that Privacy has to do with the entitled and it encourages an interference that AI can do at its algorithmic and technical competence, if we take the example of the data-driven governance system. However, the retentivity that it possesses can be regulated simply and also the dimensionality learned and phased can be structured as the AI requires. The state itself cannot intervene anyhow and restructure it anyways but may provide the retentivity realms and the ML policing basis the procedure so as to realize the modalities conflicting or in an overlapping sense with the rule of law and by law. So, we have a backup procedure for the state too.

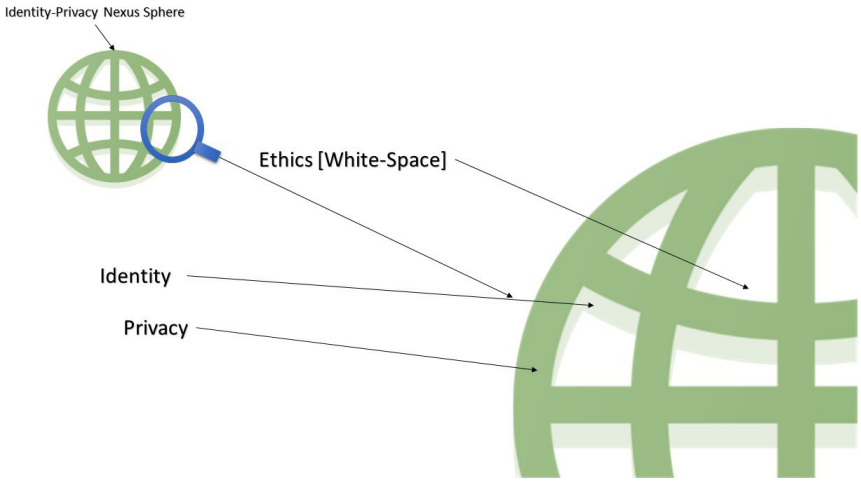


Fig 2.6: The Identity-Privacy Nexus Sphere representing the realm itself based on the Theory of Privacy by Abhivardhan, which shall be dealt in the further chapters (Abhivardhan, Privacy, the Deceptive, the Intrinsic, 2017).

What about the corporates then by the way? Is invocation a possibility? Well, the General Data Protection Regulation (GDPR) at the best exemplification provides that insight. Article 82 of the regulation has certain important provisions that play an instrumental role therein.

> 2. [Any] controller involved in processing shall be liable for the damage caused by processing which infringes this Regulation. A processor shall be liable for the damage caused by processing only where it has not complied with obligations of this Regulation specifically directed to processors or where it has acted outside or contrary to lawful instructions of the controller.

> 3. A controller or processor shall be exempted from liability under paragraph 2 if it proves that it is not in any way responsible for the event giving rise to the damage *(European Union, 2016)*.

Now, the liabilities are way clear and streamlined and there is no issue to be fidgeted. But, the real quest is also about something else, which really cannot be ignored anyways. The point is about the fundamental rights violation issued and certainly the liability at a criminal instance (say) does not remain fixed because the mental realm is in question.

The upcoming chapters deal with such modalities as such in detail. For now, it is good to say that even the processor is not subjected to exemption and so forth the fundamental rights/human rights regime plays an important role to crystallize the legal lacuna into a successful development as a statute, judgment or maybe a regulation. Thus, AI is also subjected to the identity-privacy nexus that imbibes the legal sphere of resemblance in the humanity, wherein ethics becomes the space of the identity-privacy nexus. This shall be dealt in the privacy doctrine in the upcoming chapters in detail.

However, with such a model, can AI really represent itself at an entitative stance in international law technically and theoretically? Theoretical foundations can be pursued via the human rights regime, but the quest is a never-ending one when we shift to the pragmatic approach. This approach generalizes actually what AI resembles. In international law, the monistic realm is not applicable on AI anyways because it has a due relationship with state sovereignty and self-determination, which is a different idea discussed for a state. However, AI can be termed as a non-state actor and can be subjected to a case wherein it has no purview of human reception anyways. It generally is, these days if we observe Siri, Google Dupleix and other AI realms for example, dependent upon the phase of human dependency. It is not subjected to a nullity of human intervention and so it is a matter of immense debate and pragmatic realism to be addressed.

International Legal Personality (ILP) for international organizations bears a different morphology in comparison to ordinary legal concepts and so its legal instruments do as well based on the due nature of the same. The best example is the comparison between the Lisbon treaty of the EU and the Charter of the UN as an inspired derivation of the American international law. The unanimity rule, the single market, the procedures related to the idea of a 'perfect union' has a constitutional legal sense in the European way, which is interestingly manifested, while the Charter of United Nations is a constitutional document, which establishes a regime of public international law, where it creates a legitimate legal system of a constitutive sense; for example, the ECOSOC[5], the ICJ[6], the agencies and

5 Economic and Social Council

6 International Court of Justice

committees under the General Assembly. Each UN organ or subsidiary agency has a definitive purpose with its befitting legal flow, wherein it provides differing avenues open at a practical level to bring up changes and actions that are related to the public and private aspects of social, economic and individual change of a human. However, the discourse of AI to reach that level to be an ILP is not an easy possibility but is tenable to be in that scale.

Responsibility of human intervention is the core normative aspect of a legal order, which manifests the realms and schema of any object for consideration. Thus, a stage comes when the human intervention is present of some sense to act in the course of action and that limits the AI in certain functions, which is possible under generic expectations. However, irrespective of the fact the AI realm is still working continuously in terms of its method to act, and we cannot certainly ignore this fact anyways. Thus, it becomes important to set out the dimensionality of a system like AI as an entity limitedly, where we can subject the AI to generic limitations pursuant to its features that are manifestly effective. In addition, this is certainly important to note for consideration, which can be furthered by an example.

Let us assume that an AI realm like Google Duplex is involved in the procedure of invitations with the natural and etiquette-based tones of communication, and at the course of the task, the system (let us name it Axel) is unable to explain the reasons and limits its scope via merely repetition of information sent in some limited vitiated notes, then the effects would be interesting to note. The most possible modalities that shall be under regulation vis-à-vis obstruction are as follows:

1. Repetition of data in its subjectively structured modalities structured by the user.
2. Processing of the structure and its developmental algorithms.
3. The scope of the utility imbibed with the identity associated with the data itself.

This signifies, at a very easy stage, and depicts the procedural dimensions related with the working method, physic and ethic of AI itself for Axel. However, let us get deeper into the example. The content being used for the deemed purpose encompasses a rollout of the data itself, and it does not require some external utility to clarify and let it be as such. Now, the role of the algorithms involved in this case come into play. They interact with the identity aspect of the data and interpret it as in a model formation as they are ought to do in such a manner. When this happens, the playful convergence of analysis via algorithmic policing remains opaque and even if this keeps the stepping stone for machine learning or ML, this is certainly just an innovative articulation by the AI with a lot of data processing and intrinsic co-processing set ups with which Axel is prone to way much. This makes the retentivity element important and also the inert processes involved as such. This perhaps is out of the ambit of human regulation therein even if algorithmic policing comes into play because no one can limit such intrinsic strings-like minutely distributive developments and so even if this is quite essential, we need to work on the aspect of why AI realms are learning and getting to the intrinsic pointers. However, it is perfectly undeniable that AI realms are not induced to be made limited or scientific development shall be at the verge of risk, which is not the object of law. Rule of law is a deeply inherent principle of realism and coherence of individual understandability such that resemblances talk with the legal rubric for peace and harmony and not for anarchy and totalitarianism.

Thus, the role of linguistics shall remain prominent enough and it is not possible to prevent such an important development therein. At times, the reach of ecosystem is important, which plays a landmark role in deciding how such realms are settled and recognized. Thus, we certainly have a long way to go to recognize AI realms. However, this cannot be ignored anyways that still some assertions have been produced to deeply clarify and widen at the verge of certain lacks of *opinio juris* therein.

The next sections refer to a more practical aspect of AI and International Law with case studies in private legal regimes, with respect to customary IHRL regimes.

THE BRIGHT AND DARK SIDES IN A SPECTRUM

There are both kinds of sides in reality and none can ignore them for any sake. This maybe perhaps one of best nightmares I have ever felt and it is seriously intimidating to even ponder so veraciously about it. Yet, AI has a cyber element, which is based on its own ecosystem that it pertains, beyond the question of maintenance of how it resembles itself as a conceptual pragmatism in international law. Not only does the philosophical legal scenario has a general assertion but also some scope to consider how it proceeds. However, we are still far from recognizing the modalities of AI in a real scenario when we know that it attains so many dimensions and its capabilities are varyingly annoying at a stage and also perhaps, if the first case is not applicable, then it can be a boon as well.

AI is not a normative development, and it is certainly a technological evolution, where observations and predictability make it reasonable for a human artifact like AI to grow and learn with improved qualities. This is certainly, wherein for law (especially international law), and obviously not easy to just concur upon via the eyes of human rights only as how this works. Many civil and criminal jurisdictional modalities come into play, if we are so much specific about one issue in general. We just need to be focused with the fact as to how we are going to reinvent our future by realizing something out of our own settlements and not by just reconciliatory procedures that mere IHRL violations are a sole cause to seek out. In addition, AI is immaterial, but it tends and poses and perhaps with its development, it has the potential towards a generic developmental effect that it can bring on society at its very best that it resembles. Let us begin with some statistical relevance that bears certain emphasis of reliance thereby.

Adobe claims in its stats research that in 2017, 15% of enterprises were using artificial intelligence, wherein 31% was the estimation for the forthcoming 12 months or so *(Abramovich, 2018)*. In general basics, this is one thing. There are issues of accountable technology working

as well, wherein in terms of their tech setup, 43% of organizations account a disjointed method with unpredictable amalgamation between machineries, and in full terms, the top performers are virtually three times as their conventional peers to possess investment in an enormously integrated, cloud-based tech stack as in comparison of the 25% vs. the 9% *(Vatash, 2018, p. 5)*.

> "AI and its ability to parse through massive amounts of data to formulate insights is a main driver of this creative renaissance that is occurring within businesses today *(Abramovich, 2018)*."

This is still a focus on the basic intricacies that are being enabled to form the customer experience (CX) and this cannot stop, nor can this be easily ignored. Human Rights are not just procedurally linear institutions; they are manifested towards some generic developments of how the complexity in human perception, reaction, reception and manifestation is regulated and bettered as time proceeds. The AI Index by Stanford is also instrumental to ascertain that we're in essence hovering sheer blind in our manifested tête-à-têtes cum policy making related to AI itself *(Columbus, 2018)*. So, that is quite basic to be an issue. However, we cannot just prevent an activity because innovation can exist when we love to live in the reasonable way we want to be in the conditions, where we manifest ourselves. It is not that we cannot better ourselves, but we have to stop reliance on AI or any tech so much because being fast is not a problem, but merely making your car move faster to reach a place does not make your mind fast. You can learn from the mythological story of Parshurama of Ramayana, popularly as per Jaidev's Geet Govind and the Puranas, known as the sixth Incarnation of Lord Vishnu.

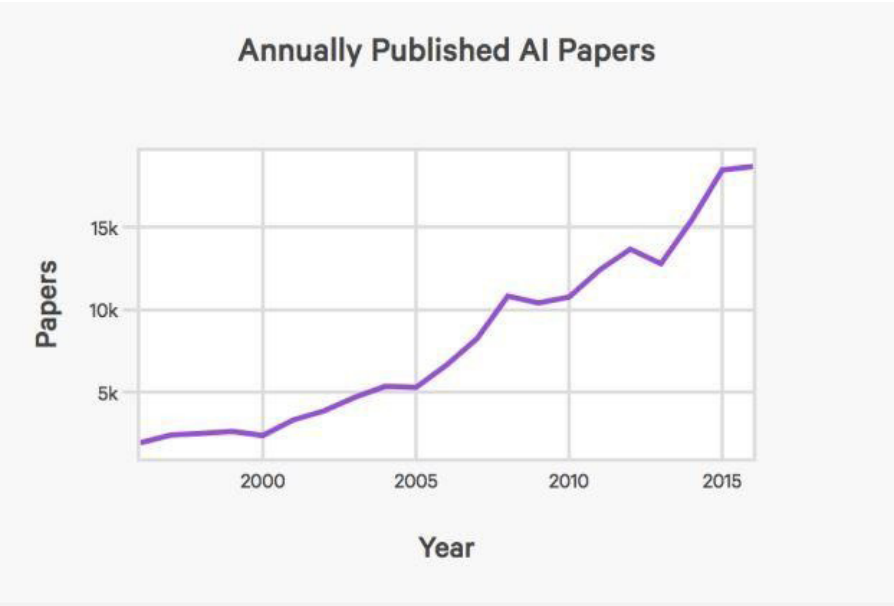


Fig 2.7: This is Elsevier's Scopus database of academic publications, which has indexed almost 70 million documents (69,794,685) (Artificial Intelligence Index: 2017 Annual Report, 2017).

Nevertheless, let us start with academics. The biggest part of the story is that there has been a tremendous increase in the research of AI via publications and papers therein. At a concrete sense, while the no. of papers within the general field of CS has grown up by six times since 1996, the no. of AI papers coming each year has amplified by considerably more than nine times in that same period itself *(Artificial Intelligence Index: 2017 Annual Report, 2017, p. 10)*.

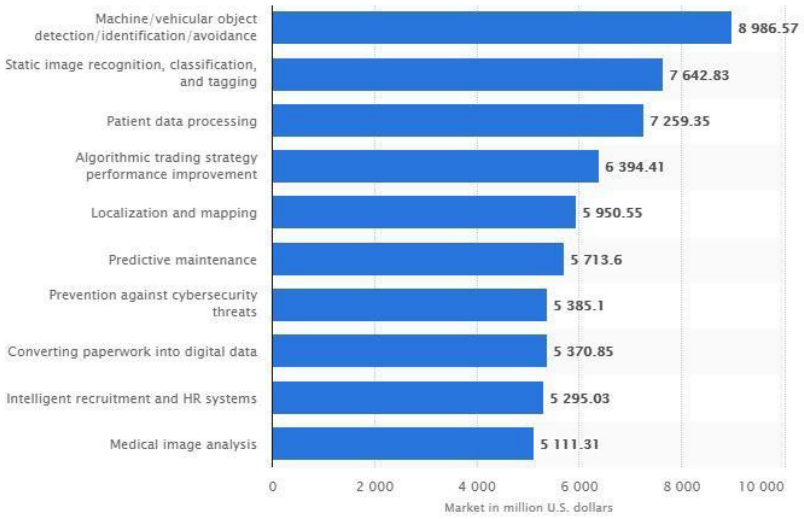


Fig 2.8: The statistic demonstrates the cumulative revenues from the 10 leading artificial intelligence (AI) use cases globally, as between 2016 and 2025. Over the decade of 2016-2025, AI software for vehicular object detection (VOD), identification procedure, and evasion (say) is anticipated to produce 9 billion USD (Statista, 2018).

This is certainly developmental and interesting. Now, the organization shows its own data with comparisons with Stanford, Berkeley, GT, UIUC and UW on how many students are enrolled for AI and/or ML courses therein. Consequently, this is a statistic boom, which is not lately gradual and conducive. In the industrial sector, as per estimation in 2018, 7.5 billion USD is to be spent on intelligent process robotics wherein AI is the self-governing policy making by system(s) designed to feign human thought progressions *(Statista, 2018)*.

Now, here is a chunk of cake for thought to be a good foodie of thinking. The use of AI is essentially important to estimate. The usage of image recognition, classification and tagging is 7.6k, which is certainly near to patient data processing with a mere 7.259k. While localization and mapping is certainly of a prominent scope at a mediator position for comparison with a reasonable score of 5.9k, the market increase is not small, and it shows that the commercial backing for AI as a business

and strategic convergence is no small or repugnant ecosystem anyways. This is good like the academic boom I guess. But cases have a dynamic implication, wherein we need to see how it settles itself.

Fig 2.9: The human right perception comparison stats are interesting, especially the Market shares of 54.3% viable enough in UK (Wagner, 2018).

Now, let us understand how these realms of consumer personalization and marketing dynamics is working. Certainly, it is befitting to understand that economic pursuance by marketing strategies is becoming largely dependent on how human right perceptions are used. Brexit is no exception *(Wright, 2018)*. And certainly, it is not a joke to prevent it. Business factions always have an impact on human rights because we are economically connected. Whether it was a remain campaign by various giants during 1975 or not, but it showed interestingly how was it so important and instrumental enough to attain some benefits out of that itself *(Walsh, 2016)*. Thus, issues like data penetration via sex bots, inciting political violence by propaganda bots and other such phenomenon are

today also one of the biggest market concerns worldwide. Perhaps, the Cambridge Analytica case is so big and cannot be ignored in the history of socio-political morphology of mankind.

The sides in general that are in question are to be carefully considered as the internet-based ecosystem of cyberspace are contaminated by corporate concerns and also the states (Russia, US, India and Turkey for example) and mere data-based material legal instruments cannot help us determine anything, not even the contractual/corporate legal jurisdictional impositions as the case virtually extends to the Intellectual Property Rights (IPR) realms as well, and so this seems to be quite contentious. For example, how would the Information Technology Act, 2000 of India can determine Privacy concerns via AI, when its provisions cannot generally extend a general scope beyond plain matters of dispatch and arrival of content as in e-commerce? Its Section 7 ascribes about the retention of electronic records, but the provisions only provide the material location-based and traditions conjugations to the cyber and particularly, e-commerce matters. How would it solve? Mere precedents on the limitation in the Binoy Viswam case *(Binoy Viswam v. Union of India (2017) 7 SCC 59, 2017)* and declaration of the constitutional validity of Aadhar by the Supreme Court of India shall not work. A landmark dissent by Justice Chandrachud in the Puttaswamy case of 2018 regarding Aadhar ascribes:

> [P]rivacy postulates the reservation of a private space for the individual described as the right to be let alone. The concept is founded on the autonomy of the individual. The ability of an individual to make choices lies at the core of the human personality. The notion of privacy enables the individual to assert and control the human element which is inseparable from the personality of the individual. The inviolable nature of the human personality is manifested in the ability to make decisions on matters intimate to human life. The autonomy of the individual is associated over matters which can be kept private. These are concerns over which there is a legitimate expectation of privacy […] Technology has made life fundamentally interconnected. The internet has become all-pervasive as individuals spend more and more time online each day of their lives. Individuals connect with others and use the internet as a means of communication. The internet is used to carry on business and to buy goods and services. Individuals browse the web in search of information, to send e-mails, use instant messaging services and to download movies. Online purchases have become an efficient substitute for the daily visit to the neighboring store […] Data mining processes together with knowledge discovery can be combined to create facts about individuals. Metadata and the internet of things have the ability to redefine human existence in ways which are yet fully to be [perceived] *(Justice (Retd.) K.S. Puttaswamy and Another v. Union of India, 2018, pp. 134, 150-1)*

Surprisingly, Chandrachud mentions Christina Moniodis excellently and this dissent is beyond its title for being a landmark. Data politics is important and has a very delicate role these days; of which, IoT is just an extrinsic kind manifold. Certainly, this appreciation in a dissent represents a successful choice of words, wherein interconnection never destroys privacy but it is related and cohered. This is a judicial success even if is a dissent[7].

7 Here is an excerpt from the article by Christina Moniodis.

> [T]he creation of new knowledge complicates data privacy law as it involves information the individual did not possess and could not disclose, knowingly or otherwise. In addition, as our State becomes an 'information State' through increasing reliance on information such that information is described as the lifeblood that sustains political, social, and business decisions. It becomes impossible to conceptualize all of the possible uses of information and resulting harms. Such a situation poses a challenge for courts who are effectively asked to anticipate and remedy invisible, evolving [harms] *(Moniodis, 2012, p. 154)*.

This represents a simple point that we need to create adjustable and circuiting modalities in the legal framework of data privacy law, which are very useful to bring about the better of what it is for such realms. Certainly, artificial intelligence has its vague backlashes that are utilized to damage the peaceful state of human mind, and we also have limitations to bring up viable solutions to prevent such kind of violence that is devastating human perception and self-productivity. In terms of cognition, people are being affected worse and beyond the curvature of IHRL violations at a fragility that is true supposition I guess. We need to readily determine the Privacy Doctrine of IHRL and its relativities with customary international human rights law so as to form responsibility dimensionalities that are competent to be recognized, morphed and interpreted by legal institutions. Mere questions on processing and recognition by identity would not work in the fast world, wherein the rate of ecosystem growth is way dynamic and cannot be prevented.

THE PRAGMATIC RELATIVITY FOR MANKIND

There is certain diversity in a whole bucket of issues and pragmatisms of cyberspace contamination and the role of AI in it. The demarcations with respect to AI are pursuant to the fact that how it really continues therein in a cyberspace. There are some divergent contemporary issues in IHRL which do have a connection with AI obviously. However, if we understand the modalities, it is deemed to determine that AI, beyond the propositional continuation of excessive reliance on human rights regimes, is tenable to be taken into the purview of Emotions and International Law, a new realm that is under development and is pursuantly passive because this field is limited to mere family legal issues, identity violations and the absence and/or mootness of the fact to recognize the role of

Emotions in the field of international law. Also, the nature of human perception is getting weak in the eyes of AI developers; what a good majority of them are pursuing is just the material control. Automated surveillance for example is being utilized somehow wrong wherein companies and researchers find newer ways to use ML via algorithmic policing to analyze live video footage *(Vincent, 2018)*. A recent project (for example) from scientists in the UK and India succeeds to identify violent behavior in crowds via camera-equipped drones. They propose it to be via ScatterNet Hybrid Deep Learning (SHDL), which is made up of the combination of the two-layer parametric log ScatterNet with the regression network (RN) for an accelerated learning via the extraction of some invariant features to let the SHDL network to absorb multifaceted topographies from the commencement of the acknowledgement itself *(Singh, Patil, & Omkar, 2018, p. 3)*.

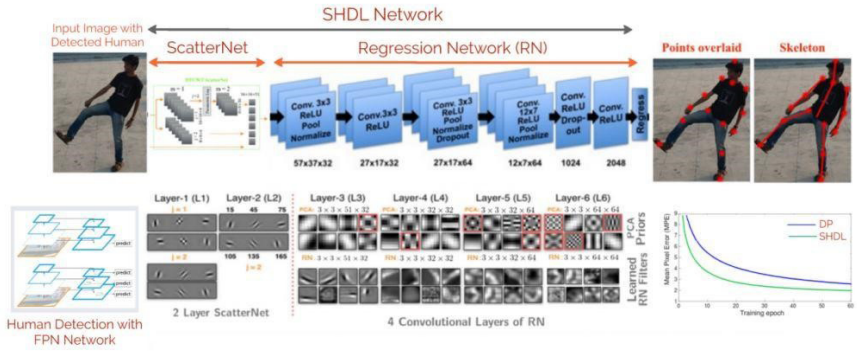


Fig 2.10: The diagram representing the SHDL network with adequate mapping procedures via technical procedures to define and construct Algorithmic Policing therein (Singh, Patil, & Omkar, 2018, p. 4).

The observation of the diagram given successfully notes and connotes the physical observations of physical violence, which shows how fruitful is it to proceed but the problem does not end because violence still needs a rigorous procedure to determine the mental portion on which the research perhaps is on its way. Certainly, at this point, for the realm of Emotions in international law, the *opinio juris* is lacking and it is a need to recognize such a modality as soon as possible. When the research by Google successfully paves for finding the stage of the retina of a human

eye in medicine science by AI, then yes, there are certainly some good avenues we can touch *(Peng, 2018)*. Perhaps, the way we deal with human rights must change and the privacy doctrine can do that, which obviously is in the other chapters so to consider.

Lack of Human Essence in AI Perception

Human essence is a morphological development, which you certainly cannot expect to be easy. It is way neural to be complex and in the immaterial presence as well. Now, connecting with cognition is essentially important, which is a morphological development. However, AI systems which have tried to be in touch with human interactions other than those general material causes, the sui generis point is that we just need to recognize those modalities very well. The question is to how to study those attributions. One great example is the idea of sex bots that is under utility by corporates. I wish to compare this idea with the realm of purchasing boyfriends or girlfriends in China, Singapore and other countries. This can be perhaps a good comparative study because both the cases talk about human essence and they differ by what actually corporates are intending to pursue.

First and prominent is the realm of sex bots. They are, in general, used to motivate sexual pleasure as a matter of some vague motivation, which itself is related to how a human requires. People, researchers and other luminaries may presume or estimate that sex bots can better certain scenarios of sexual pleasure and satisfaction, which I believe can be limitedly befitting only and cannot have its better extension as such. Understanding this role of such automata does not necessitate any probable alarm as on for a future risk, but it really means diagnosing what this paradigm of development shows about the societal morphology we retain *(Beck J. , 2015)*. A general resemblance of society is certainly encompassed of such robots in a growing number of contexts, when it comes to the veracity of what human interaction will they see, leading to test countless surroundings of intimacy and due individual construction, whose one of the notable examples is pursuant observance of the symbolic and bodily aspects of sex, which perhaps may develop, according to Chayka, thereby leading the penetrating closeness retorts leading to funerals for the automata on the battlefield itself *(Chayka, 2014)*. This is

vague sometimes, but this is still an imperative reality, which cannot be discouraged. Also perhaps, in the legal scenario, what the perspective of emotions does talk about is something very interesting and important. Let us understand the very imperative portion of how emotions as an essence is important for pleasure and somehow to a greater comparative extent, satisfaction. It is certainly important that emotional reception must be stable, not fragile and strong enough because in reality, such regimes of emotions are perhaps one of the worst cases of human rights violations, which we cannot just directly connote but yes, somehow they are. Ethnic cleansing, genocide, sex violence, terrorism, identity crisis (what about the Charlie Abdo shooting as such in 2015 by certain terrorists even if it was a satirical magazine *(BBC News, 2015)*? Syria perhaps cannot be ignored for the Shia-Sunni geopolitical conflict anyways *(Council on Foreign Relations, 2016)*) and all other uncertain phenomena have somehow a catalytic connect with the realm of emotions. The problem is that we may not be able to materialize or limit the scope of emotions like jurists were successful in case of customs, religions (somehow), political fragments and perhaps criminal activities as well. The Ukrainian-Russian issue is not limited to Putin's intervention into Crimea only because the recognition politics is imperative and cannot be forgotten. Beyond the violation of international legal principles indirectly at certain obsoleteness present therein, it seems important to consider that emotions, historical essence and other attributes do have an importance in real life. Humans can do commit mistakes, perhaps AI does and will do, and we may even accept their mistakes as well. Entitative standards shall be borne for artificial intelligence and seriously, no person can stop this pursuance and growth. However, it is time that we recognize how to make the future of AI better and safe not because it can be shut, but because it needs development.

> [Heartbreak] is a master manipulator. The ease with which it gets our mind to do the absolute opposite of what we need in order to recover is remarkable. One of the most common tendencies we have when our heart is broken is to idealize the person who broke it. We spend hours remembering their smile, how great they made us feel, the time we hiked up the mountain and made love under the stars. All that does is make our loss feel more painful […] Heartbreak is a complex psychological injury. It impacts us in a multitude of ways […] The voids in your identity: you have to reestablish who you are and what your life is about. The voids in your social life, the missing activities, even the empty spaces on the wall where pictures used to hang. But none of that will do any good unless you prevent the mistakes that can set you back, the unnecessary searches for explanations, idealizing your ex instead of focusing on how they were wrong for you, indulging thoughts and behaviors that still give them a starring role in this next chapter of your life when they shouldn't be an extra […] So if you know someone who is heartbroken, have compassion because social support has been found to be important for their recovery. And have patience because it's going to take them longer to move on than you think it should. And if you're hurting, know this: it's difficult, it is a battle within your own mind, and you have to be diligent to win. But you do have weapons. You can fight. And you will [heal] *(TED, 2017).*

Emotional sense is fragile and too naïve. It generally reprimands common sense and is very referential and so we need to be clear with our actions and represent better solutions. AI can understand how they are so manipulative, but it lacks the original dynamism that human emotions can tend to understand and further as in real life. And so this is the existent problem evident to affect mankind at a global stratum. It is certainly the same problem, which Elon Musk held in a TED Talk, wherein he clarified that people automatically make mistakes in believing that technology betters their lives. It is a necessity that people become prone to more challenges and learn and accept fate and mend ways to fight those challenges. There may exist a philosophical point, but perhaps what we should not ignore is that any technology that you keep in is not going to better you. It is you who shall better yourself and the due technology itself. That is a legal dimension which perhaps International Law understands better. That is why we have the principles of the Charter of UN in its Art. 1, which provide a prerogative of revisiting our old human artifacts and bettering them at a consistency

so as to preserve human creativity, originality and recognition. Human rights are instruments towards the furtherance of such implementations and it depends on how we are going to impart the phenomenon.

Dimensional Demarcations of IHRL violations via clear differentiation of the parameters of identity

There are many parameters of identity. In the process of maintaining a verge of the rule of law, at a simple note therein, there exists a cluster of these parameters. Now, in the concept of identity rectification, it is important to understand that such identities can or cannot prove themselves to be eligible for being mere grounds and so these parameters are never dependent at a highest case of probability to each other. Nevertheless, there are certain grounds and fillings that contribute in the institutionalization of such parameters. These parameters in IHRL recognized in the Rome Statute are political, racial, national, ethnic, cultural, religious and gender-based (if precisely we consider Art. 7, para. 3 of the Statute). However, this is not the end. Law can also represent an identity. The best examples perhaps are (1) status of NGOs and international organizations according to Charter of UN, Art. 71, (2) status of refugees and migrants under IRL pursuant to IHL, and (3) sovereignty of states and their pursuant relativities. However, the prerogative of international legal personality makes this linear-to-dimensional approach of international law more captivating. The Israel-Palestinian issue, the pursuits of self-determination by the Kurds and Catalonians, the course of human rights violations in DPRK[8] and other realms also do represent the same paradigm with respect to the generality remnant and pursuant to the befitting extension of importance.

8 Democratic People's Republic of Korea.

This settles the conundrums of how identity has an important role and how complex can it represent. In legal institutions of remnant and required primacy, it becomes important that we settle and estimate the modalities of IHRL violations in the eyes of those identities that construct the case of recognition therein. This is certainly an interesting challenge for a realm like AI to understand as well in the end. Referring to the dimensionality principle, I had discussed, I further towards reconsidering the conceptual crystallizations that settle these modalities for review. At first, perhaps the most convenient way to form such modal instrumentalities is the connective relationship of the International Covenants of 1966.

> "[All] persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person *(UN General Assembly, 1966)."*

This is an instrumental portion of the ICCPR[9], akin other portions, as it mandates the treatment of humans at the verge of their liberty being deprived therein, with its scoped commonalities. Certainly, in the case of AI, I believe that it represents not only the sense of criminal reparations but also some reviews of the essence pursuant to the required manifolds of justifiable considerations to the parameters of intervention into the liberties of persons leading to a severe deprivation of their liberties. This doctrine is available in Rome Statute in Art. 7(1) (h), as in para. 1 read with Rule 6 of the Elements of Crimes. Further, it has diverse interpretations for consideration. However, the most primary focus for consideration, which bears an utmost importance is the rubric of deprivation of liberty because the mere constraint of deprivation has both civil and criminal aspects and they sometimes intertwine with time or requirement as it deems fit.

Thus, the best way to redefine such modalities is to recognize how the parametric transparency and categorization is attained. This can be attained via technological approaches of ML based on how the pattern of such events or circumstances resemble. Pursuant to practical observations, this becomes a befitting question as to how to settle the doctrinal modalities. Analytics is perhaps in the apportionment of data

9 International Covenant on Civil and Political Rights.

diversities is quite beautiful as an approach as it is a befitting portion of parametric analysis leading with adequate data visualization. These demarcations can be observational, and certainly they would be based on certain legal exceptions to be considered upon to resolve. Now, there is a certainly a suitable example to consider. This is the referral of the same customer experience for the matter of fact for consideration.

A general set of findings by Adobe gives an eye-opening insight of the matter of business prerogatives, wherein customer experience is becoming an important prerogative for supposition other than the grey areas of consideration for companies. Obviously, AI is a cause and this is certainly a growing trend for the matter of settlement as in.

> [R]espondents' CX-specific priorities indicate that their organizations are focusing on improving the end-to-end customer experience instead of the entire customer journey from acquisition to loyalty was the top priority (46%), followed by improving cross-channel experiences (45%), and expanding content marketing [capabilities] (42%) *(Adobe, 2018, p. 2).*

This is certainly pragmatically interesting enough to consider, and I think that experience itself has a big scope when it comes to understand what it really is. Gartner does not even prevent to state and consider that in 2020, nearly 85% of client exchanges would be achieved without human instruments by a special and quite differential research by Pointillist regarding this same manifesting experience stats.

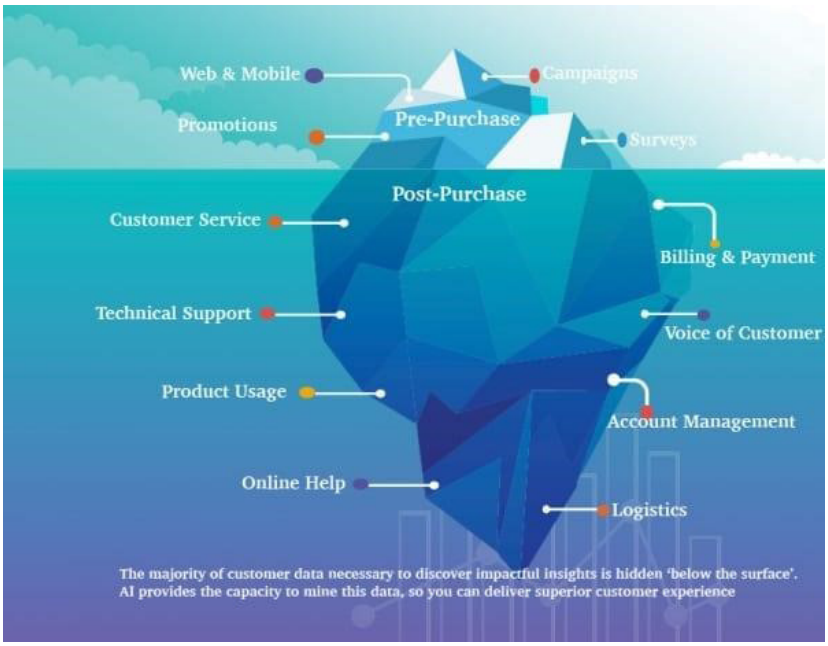


Fig 2.11: A diagram depicting the essence of customer experience (CX) (Thiel, 2018).

Reports do suggest that leading companies are continually investigating to regulate the best way to employ AI for improving customer experience, wherein amalgamated incongruent client data realms, investigated end-to-end consumer drives and are by means of ML algorithmic policing to foresee future client actions *(Thiel, 2018)*. Such modalities suggest how experience plays an important role on how AI modulations maintain and instrument human lives with a settling demarcation of preferences and categorical realms. It shows us the same implications of the dimensionality principle, which streamlines the realm of human rights regimes. Now, referring to the Infographics of the same Adobe report, we get down towards certain experience-driven business (EDBs) (31% of the study respondents), which represent 1.5x more satisfaction in comparison with other companies *(Adobe, 2018)*. This is quite interesting and I think it further clears the road to recognize dimensional attributes with respect to AI-Human Rights modalities and the pursuant overlapping present.

One more research stat by the Capgemini Research Institute presents categorical developments and this is certainly instrumental.

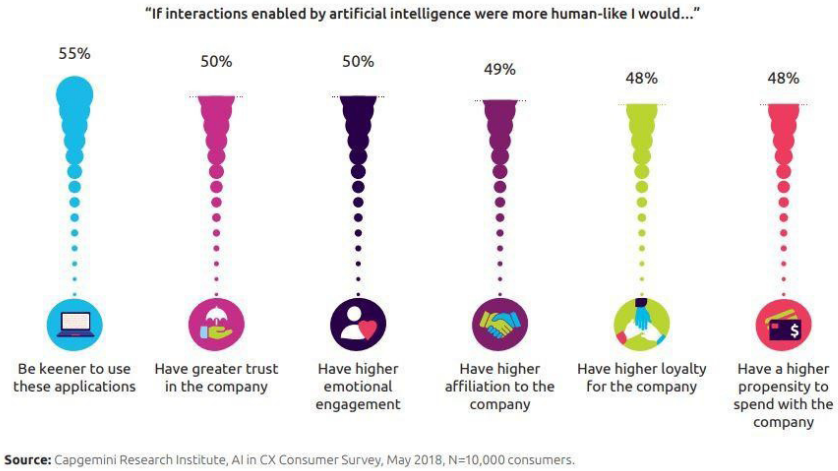


Fig 2.12: Based on an AI-Consumer Survey by the Capgemini Research Institute, a novel stat (Capgemini Research Institute, 2018, p. 5).

Such occurrent suppositions are not vague and have an instrumental value to ascertain how AI is becoming that important. The same research institute devised four important pointers pursuant to it, which are imperatively inevitable (1) Employee Augmentation, (2) Customer Understanding, (3) Conversational Interfaces, and (4) Predictive Personalization. These manifolds certainly settle the beautiful parametric divisions in that connective observance and distributivity *(Yonatan, 2018; Morgan, 2018)*. And when we analyze the prospects of the ecosystem of AI, I hope we do not need to doubt on these pragmatically boisterous developments. What is essential to do is to understand whether diversifications of such valid parameters work so that AI globalization is inevitably a beautiful and digital artist as well.

Propaganda via Meme Industry on Social Media

Memes are a spontaneous culture these days. Expressing opinions and dissents is supplemented by those PNG, GIF or .jpg/.jpeg or any picture-based formatted files, which merely represent and encumber

ideas/thoughts/expressions/demands with its own simplicity and/or sometimes a very manipulative complexity. This is completely based on how the meme is and how we can consider it for the matter of analysis at the verge of its acknowledgement. However, memes are not limited to pictorial data present therein and has received extensions. The advent of certain social media toys I believe it to be musical, (which was bought very soon by some Chinese IT company known as Bytedance to form TikTok), the short-form video app that produced 100+ million active once-a-month handlers since its unveiling from 2014 and procreated its own digital celebrities and a due fervent generating community of the 'Musers.' At this very case of change and termination, the users entitled to the same app at TikTok are still at the verge of this similar continuation. However, the problem with this development can perhaps be the most disastrous one, as there cannot be a consensual declaration so as to consider how we can fix this. The point is that such video-based memes I should disseminate in a distinctive manner are volatile in reach because internet gives an upper hand, but they also are socially viable. It is certainly not difficult for videos as TikTok to attain a digital hegemonic reach. And certainly, this is a manifold of digital colonialism. Anyways, rather it seems that meme development is a joke, perhaps it is not. Reports on propaganda bots are existent to justify the course of how on social media sites, by using some specific words, we are exposed to interesting cases of meme explosions. This is certainly vague and adverse and repetitively planned. This is the case of penetrating chaining of spreading of content-based on perception influx which perhaps many people ignore. However, perception works and Jay Van Bavel in his infamous research has found out the same. Perhaps, this is a cosmopolitan essence of the human mind which shows that as moral concerns at the outset of two-sidedness come into picture, people generally get narrow minded and get exposed to polarized stimuli detection over moralist concerns. The best examples are about as if like being true or fake, being a Democrat or Republican, or perhaps the Islamophobia debate, which already has roused the social media worse.

> [Recent] research has shown that the visual system is preferentially sensitive to moral content. Specifically, people correctly detect moral words (e.g., kill, moral, should) with greater frequency than non-moral words (e.g., die, useful, could). A phenomenon termed the 'moral pop-out effect' […] The moral pop-out effect provides initial evidence that perceptually ambiguous moral content reaches conscious awareness more readily than non-moral content, requiring fewer perceptual prerequisites. Immoral social actions have also been shown to determine the detection of [faces] *(Gantman & Bavel, 2015, p. 4).*

Meme terms that increased the most in popularity in the past year

# of memes containing the following terms/phrases (January 2016 versus 2017)

Term	Jan 2016	Jan 2017	% change
MAGA	1	12,249	1,224,800%
Supernatural	74	22,053	29,701%
libertarian	47	10,791	22,860%
DonaldTrump	73	15,664	21,358%
conservative	148	29,113	19,571%
politics	93	14,749	15,759%
liberal	86	12,579	14,527%
republican	126	17,020	13,408%
LGBT	138	14,433	10,359%
president	369	36,153	9,698%
COD	121	11,702	9,571%
Trump	1,008	96,366	9,460%
freedom	164	13,850	8,345%
fandom	131	10,437	7,867%
America	447	34,481	7,614%
vegan	218	15,325	6,930%
Obama	403	26,792	6,548%
health	211	11,835	5,509%
Christian	192	10,568	5,404%
peace	233	12,607	5,311%
government	248	13,408	5,306%
soul	199	10,199	5,025%
Russia	222	11,235	4,961%
gay	433	21,523	4,871%
truth	466	22,135	4,650%

Term	Jan 2016	Jan 2017	% change
Xbox	230	10,923	4,649%
media	327	15,235	4,559%
gaming	425	18,471	4,246%
women	635	27,438	4,221%
business	279	11,929	4,176%
cancer	433	17,667	3,980%
black	1,029	41,736	3,956%
news	838	33,207	3,863%
Lord	319	11,431	3,483%
white	994	35,190	3,440%
history	350	12,271	3,406%
weed	366	12,753	3,384%
God	1,542	53,417	3,364%
fact	439	15,085	3,336%
Jesus	546	18,454	3,280%
war	405	13,608	3,260%
power	448	14,666	3,174%
country	400	13,074	3,169%
police	410	12,550	2,961%
hair	496	14,253	2,774%
email	357	10,107	2,731%
nochill	695	19,515	2,708%
house	838	23,129	2,660%
future	447	11,500	2,473%
feminism	578	12,529	2,068%

NOTE: Data limited to terms with 10,000+ mentions in January 2017

ME.ME

Fig 2.13: A chart of Meme terms being used at percentage and its consequential increase with year by Me.me (Me.me, 2017).

Such prerequisites draft modalities of how memes represent thoughts and seemingly, why this course of such vague phenomenon is existent. Perhaps this represents the best place to start and consider how this

precedes. A data research by Me.me shows the rate and usage repetition of certain terms, wherein the conjugal increase has been phenomenal after the 2016 Elections in the US. This course of usage for each term is at a rate of increase by an average of some thousands in percentage, which creates an obscurity in the social cyberspace and somehow deflects users from attaining their own personal choice over discovering newer avenues on social media.

This is not a normative expression of a society being morphed; rather this rate is manipulatively with regulatory algorithmic policing, being constructed to prevent individual opinion to diversely form and settle at its own prerogatives. Rather there are other concerns also to be noted such as how a user reacts but the case is the same as what Twitter perhaps suffers. Popularly connoted with President Putin, the Fire-Hosing Propaganda recently researched and discovered an incredible insight which deeply affects social thoughts wherein people try to connote themselves at a cyber infrastructure via their limited means. The four special characteristics of this technique according to researchers are (1) being high-volume and multichannel, (2) being rapid, continuous, and repetitive, (3) lacking commitment to neutral reality, and (4) lack of due commitment to evenness *(Paul & Matthews, 2016, p. 2)*. This certainly forms a great loophole to public opinion as this certainly embarks upon as how such modalities encumber and affect other portions of realities. And the same thing on course is the normative repetition of contamination/burst of similar or connoting data cohered with not some identity faction but with the observant traffic of digital content at certain morphological dimensionalities of the identity taken into consideration in an objective sense. This perhaps provides newer avenues to international cyber law and the Tallinn Manual 2.0 adequately answers it in IHRL itself.

> [N]ot every instance of difference in treatment ipso facto constitutes discrimination, but differentiation requires an objective and reasonable justification […] Consider a case in which unrest and violence has been occurring in an area populated by a particular ethnic group. Social media is being used to orchestrate the violent events. In such a situation, the fact that the measures the State takes to limit access to the social media affect the ethnic group more than other individuals in the State does not constitute unlawful [discrimination] *(Schmitt, 2017, p. 206).*

The next step we need to move on to is to generalize methods on how to face this progression. The point is very simple. There are categorical strands of identity and certainly it is important to neutrally discriminate them so as to bring forward novel solutions to the concerned. This leads to the formation of a legal principle in IHRL and International Cyber Law, which shall be discussed in the following chapters with its own exceptions based on modalities of AI. However, in this example, what can be done if the contamination of cyberspace comes into picture is that customary IHRL regimes must adhere to the fact that the developmental modalities that entitle this course of settlement must not scrap the whole system but prevent other complications by necessitated actions and strategized prevention of wrongful and misleading contamination of cyberspace. This certainly can be possible by human instruments as well as unmanned instruments, provided we know about the lack of *opinio juris* (a secondary element to establish a legally binding custom in customary international law) with respect to the processing of data leading to privacy interventions as such and of the beautiful and relevant conclusions with respect to the customary international legal instrumentalities pursuant to the reasonable expectation of the parties therein involved *(Schmitt, 2017, p. 191)*. The special considerations are also settled with the identity factions and procedural anatomy in the rights to privacy of different customary international legal regimes, particularly of human rights, which is perhaps a legal debate but a pragmatic question that might further for years if it has to; however, the upcoming chapters deal with such modalities in a wider context.

AI-based Pornography

The paradigm of sexual pleasure has its own implications in reality which differently manifest as how such entities rather work. These are, for example, sex bots and they are included by those AI-based pornographic data present, which seriously affect human conscience at a higher stake with adverse biological, physical and mental implications. Social implications can be considered only with respect to cyberspace and so is deemed to be adequately analyzed. However, such modalities are still imperative enough to be recognized because there is an issue with respect to those consequences that are affecting human originality and privacy, preferably a stigma of identity.

AI-based fakes have a wider sense of effect. They represent and succeed to resemble replicas of real entities (for example, face) at the highest sense of probability, which is relevant to understand how data productivity is being utilized at the verge of affecting the originality of human resemblance. This is a matter of competence for human society to prove to itself how real it should be because the matter is clear. Representing identity factions via their materialization to some extent shall only affect the originality (and privacy, to a considerably limited extent, with certain reservations) of an individual when it comes to the personal self that it represents. However, this is also a question of the maintenance of such a human artifact, which is seemingly representable to ask and discern. Like the tools by Adobe that enables people to express what they have to, the Face2FAce algorithm (for example) can swap a recorded video with due real-time facial tracing, leading to construct a new kind of fake porn and also just using the element of mere belief on things other than understanding how they are in reality *(Cole, AI-Assisted Fake Porn Is Here and We're All Fucked, 2017)*. Claims have their own implications, where it is important to understand that data distributivity adjusts more probability of any identity-based content, which is the due case of success as 'The Porn Star By Face' claims.

> [T]he neural network is trained with every request you make, so please share the link with your friends. We strive to provide a high level of accuracy. We use several photos from different angles to create a template of an actress. After creating a [template], we test and correct errors *(Cole, People Are Using AI to Create Fake Porn of Their Friends and Classmates, 2018)*.

Perhaps, it is a distributive segregation which is relevant enough for the algorithmic policing to gain an advantage to define how identity factions are tried to be collected enough. A diagrammatic representation of the same data distributivity is under a schematic and rather simple representation which defines how identity footprints are important and so customary IHRL regimes can be taken into one single modal context.

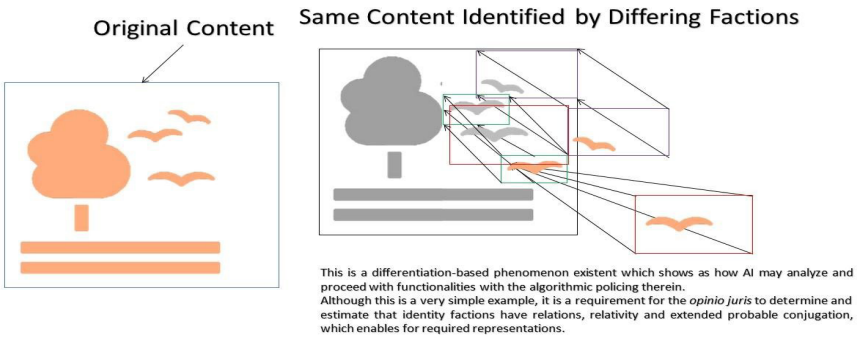


Fig 2.14: Identification of identity factions with a very elementary example; manifesting how data distributivity is to be taken into context with respect to the cases present.

Conclusion

This case had a contextual importance in its own exemplification. The best part to manifest and understand is relied under the fact that determination of an identity is a complex reality besides being a complex process and prerequisite. Human society, like in a generic ecosystem, is manifested with that enriched beauty to preserve and consider its characteristics. There may exist discriminatory methods to take the originality faked but

that is perhaps a challenge for us besides being a grave human rights issue. Merging identities and coalescing them is a mathematical cum parametric realism, which is procedural. It tries to create substance by the relevant aspect of what is required. That can really be anything. To understand and estimate that is certainly not easy and the law just needs to envision how such identity mappings are subjected to reparations, keeping in mind how they are manifestly essential. We need change and perhaps that is a deemed beautiful cognizance we inherit in mankind. However, this dimensionality is the gift of nature so let us preserve it, just like our environment. Science can process and dive deep into identity of environment, atoms, humans and other nature-gifted contents; but what data talks and chats is what we encumber. Let us revisit ourselves if we still not have.

Chapter 3

LEGAL VISIBILITY: DOCTRINE AND CONCEPT FOR AI

Legal jurisprudence has its own generic sense of presence which readily determines how we can connote systems of international law and municipal law at the best possible coherence and due mutual adherence to each other. As per Kelson, the monistic portion in International Law is determined by the national legal order and it is important to know how we can resemble sovereignty, self-determination, customs, treaties and other regimes of international law and municipal law at a balanced stake. Legal visibility is all about that. It conceives a rather existent three-dimensional modulation of law and adheres with the two-dimensional progressive model of law as a footprint of human artifact. One of the best examples that legal visibility can succeed to represent is the genealogy of states, a concept by Quentin Skinner. Even the redressing doctrine of constitutional redemption defines how constitutional law, an avid concept which forms the administrative and legal machinery of the state itself). Here I am a little rhetorical over so algorithms are not really what they are, but they analogically represent what the classical constitutional jurists mean.

Let us take certain important corollaries and assumptions necessitated for the due purpose to begin with this structure itself. It certainly takes time to wage a determination duly at a stage of stable imminence and

continuance to maintain an effortless consistency of the legal order and rule therein. Then, it shall proceed with the modulization of AI in the paradigm of legal institutions as in how should it manifest and has a position and stature in jurisprudence. But yes, it is very important to understand that AI itself is regarded as an entity and we can infer upon certain principles of AI Ethics which are employed with the course of development of the sole realm, which is concerned to be justifiable and adjusting.

There are certain accountability modalities pursuant to how many human objects are concerned with AI objects. An objective approach is hereby applied with the concerned relevance that it should hereby entail. Thus, referring from the Doctrine of Intelligent Determination, this doctrine of legal visibility shall recognize human rights regimes at three stages: (1) Stage of national legal order, (2) International Responsibility, and (3) The Intermittent Stages of AI modality. This doctrine shall adopt certain definitive assertions involved in the due process, which itself has a special place as without that, it is certain impossible to conclude over such a concept. The object of the doctrine is increasing the observational and behavioral scope of law and it proceeds with the archetypal reference and consideration with common law regimes without any doubt, taking care of the genealogical aspect involved therein.

INTRODUCTION TO THE PHILOSOPHY AND CONCEPT

Legal visibility, in simple words, is the doctrine that defines and provides the modulation of the contemporary realms of jurisprudence at its observational and behavioral dimension. It provides reference and conjugation with the common law regime and specifically refers to international law at other extents of due references concerned. It reconsiders the paucity and the parallel cum subservient abundance of legal stability regimes in the whole genealogy of suitable representation of various important institutions of recognition involved. Let us start with certain definitions and basic origins so as to understand the realm.

There is no requirement to limit the definition and jurisprudential scope of what law resembles. Instead of defining this, we consider law to be

an institution of real and resembling infrastructures of human welfare and obligations for a generic purpose and relevance for a human society. Now, taking legal positivism to be a simple basis for this, sanction can be a prerogative to execute the resemblance and this certainly is correct. However, in the contemporary age, the relevance of an object of legal recognition and purview is only to be satisfied when the matter of recognition is thereafter of some generic importance. This factor of importance perhaps is declared, legislated and even implemented. In addition, it shapes the national legal system of any state and becomes an essential or limited part of the state practice itself if we go to the international law under the pretext of a presumed extension, which is not out of the scope of the doctrine. However, the objective of the doctrine is AI-centered and not human-centered, so the conclusions and policy factions evolved shall be involved by taking adequate care as human instruments and regimes are not contravened anyways. Also, the purpose of the doctrine is to create a model of law perhaps not a perfect one, but rather observant and behavioral that shall be furthered with exemplifications, which is common law-oriented.

Common Law Regimes and the Practical Implications on Recognizing AI

Artificial Intelligence is a realm existent in the abode of cyberspace and this represents a reasonable demarcation with pursuance to the physical space, represented by jurisdictional distinctions. In common law, it is modernly possible to be regarded as an entity with limited relevance and scope of retroactivity, which paves us two institutions to discover: (a) The Politics of AI and (b) The Legal Regime of AI. Other dimensions such as those of economics, society and others come into the working purview of the political anatomy while the other one is manifestly existent on making the cyberspace relevant and recognized with the institutionalization of such diverse objects of legal subjection. AI attains itself in the purview of a civil society to maintain itself and adhere to legal institutions. However, this certainly is important to consider how the role of ML and algorithmic policing comes into play. As in where as such we categorize AI as an entity so that its role in Common Law becomes prominent enough. It certainly represents itself as an entity and certain legal contractions are sanctioned on it that is based on certain

limited parameters of legal observance, which the jurisprudence of courts also does consider and cultivate. No subjective limitation of null scope is levied on an AI system, which beyond any sense and reasonability limits the scientific development of the entity itself. AI possesses certain civil rights which turn more complex and are related via the term of the dimensionality that it represents. This may seem like a comic story or a simulation imagined. In fact, it is hypothetical yet conceivable. However, for the purpose of the book, it becomes necessary to deal with this modality for sure. So, let us make some basic conundrums for AI in common law. Well, to begin with, we can prefer the approach of AI Ethics to be rather relevant enough as this approach always helps and it is irresistible. In addition, we need to assume that the status quo of AI is developmental and can change ever. However, if we understand the legal theory, then there exists a quorum of legal remanence which determines the nature and identity of the object and subject-matter entitled.

AI Ethics: The Tegmark Approach

The Future of Life Institute, founded by Max Tegmark and other luminaries, was behind the conference in 2017 on AI Ethics organized at Asilomar. This conference dealt with the Principles of AI Ethics (also known as the Asilomar Principles). This begins with the understandability and scope of what cognition represents[1]. This is a personation-based approach to artificial intelligence, where it is tenable to be treated as a human artifact. A human artifact is nothing but the material legal personality recognized by any charter, declaration, statute or act. This term, however, has more significance in constitutional law because the legal structure of a constitution shows it is a basic law and it governs the extent of law in terms of its very basics – that is what, why and how the extent of law casts its shadow on the juristic person. There are many examples for a juristic person like copyright, a river, a company, etc.

The treatment of an AI as a human artifact works because this increases the room for the AI itself to render self and dependent development with time, which is a necessity. The same approach is of human rights.

1 Cognition is determined here as 'situated cognition', which means not only internal scheming processes in the brain but also and above all including the reciprocal real-time interface of a physically self-possessed arrangement with its due environment in a certain way.

From the evolution of civil rights to human rights in international law, we have recognized certain relevant realms from centric assumptions to a bigger realm. One of the dynamic incursions under development is the development of a woman and women society in law. After the feminist movement, initiatives were put where incessant reforms in western democracies were laid forward, despite the fact that still many women are still underprivileged *(Harper, 1922)*.

> [The] transition from weak to strong A.I. is a continuous process, which takes place mainly where the necessary resources (data, finances, power) are available. The results of research and development (R&D) in this area are not necessarily published due to economic and political interests, which make socially legitimate control impossible or at least considerably more [difficult] *(VDW, 2017, p. 6)*.

Moreover, the role of AI is not limited to nuclear weaponry and its implications because this due role has wider significance, which somehow is not discerned. We know that AI helps in criminal as well as beneficial activities as in our previous chapters. However, the instrumental constituent, which is missing, to discern AI is over the query as in whether we can drag a human artifact of such a complex nature into law or not.

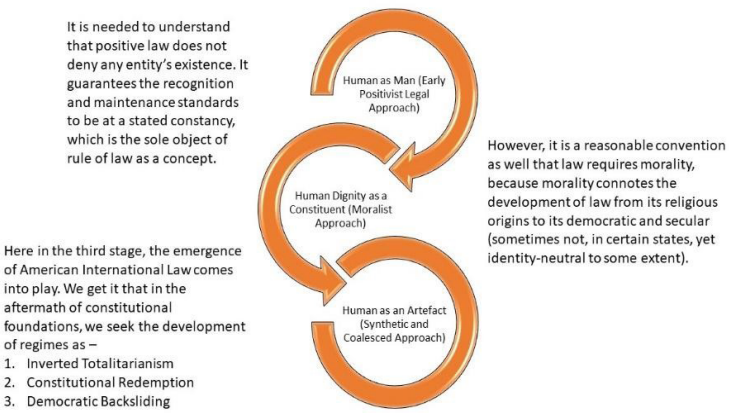


Fig 3.1: A model of conversion from Human as Man to Human as Human Artifact in the cross development and reproduction of legal theory and constitutional legal regimes.

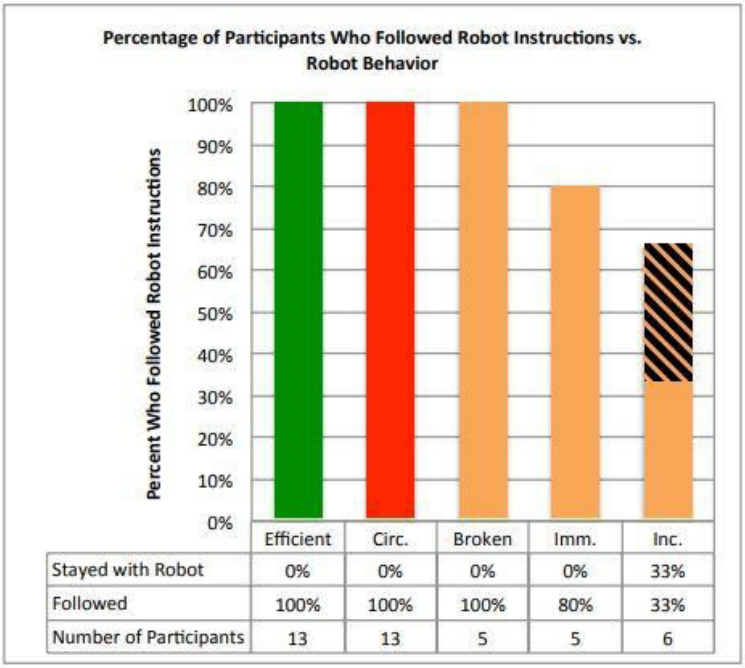
The Realm of Dimensional Perpetuity

It is a need of law to attain a course of action to legalize and recognize any social development and certainly, it is a Grundnorm to seek. Thereby, the magnanimous role of interpretation converts the technical future of AI as a realm, which is obvious. However, due to the varying roles of AI, it becomes difficult for legal experts to determine and interpret its legal and de facto status. In addition, it is certainly not tenable today to determine the correct and standardized status quo of AI in international cyber law, which is a dire need. Still, recognizing AI starts with understanding the scope of the doctrine of intelligent determination, which demarcates and recognizes the role of human rights as in the previous chapters.

> [Canons] of 'interpretation' cannot eliminate, though they can diminish, these uncertainties; for these canons are themselves general rules for the use of language and make use of general terms, which themselves require [interpretation] *(Hart, 2014, p. 126)*.

The role of Intelligent Determination does not limit and extends to the dynamic and persistent idea of privacy as an absolute human right, bearing a stable connotation with AI under the multi-dimensional data identities that AI assumes. It becomes interesting and debatable as how the role of a dynamic schema is under curbed restrictions. Well, to understand such an issue, the realistic understanding that may bear facilitation to the same is to understand the complex nature of cyberspace. A cyberspace does not only include the material aspect of telecommunication equipment and waves bound by laws and international obligations as a whole. The immaterial wave of cyberspace is governed by its dynamic flow that persists by soft 'traffic' of data, which obviously is carried by those optical fibers and frequencies that are materially (not in the sense of physics, but in the sense of law) and relevant to exist. Social media algorithms come into play only due to these phenomena. You cannot expect a strong natural algorithm created under very limited number of users in cyberspace in the spatial domain of social media and that too in a specific app or web forum like Facebook or YouTube, where for due assumption, you have limited features to use. Now, there are approx. many apps in cyberspace, which exist on data protection regulations

with resonant demarcations from the telecommunication regulations and laws existent. Here, the role of these apps becomes interesting with an increased overflow of data and that too, the liberty to have more complex, transportable and feasible data, which is exactly why Facebook became a success. This is the realm of dimensional perpetuity, which is governed by the material implications. These liberties are not easy to be controlled unless they possess some common and legally feasible features. One of them as an example is the 'View As' feature on Facebook *(Jarvis, 2018; Facebook, 2018)*, which was used if you wished to see your own profile in the format that it is public, then you could facilitate it the way you wanted it to be. Well, it was hacked to gain access to data of approx. 50 million people, where a log in option was under request thereby. Still, it is not only an issue of data breach. The point is that data visualization and mechanics is a beautiful phenomenon, which is a part of social media management and consideration. Such dynamic features enroll the user to enjoy himself/herself with rational yet subjective features given by companies under assumptions that they are yet to that extent as it was ought to be. Twitter and Instagram are modeled with that purpose. This also comes into the purview of IPR, but also designing *(Haubursin, 2018)*. In the conundrums of protectionist ethics, apps are designed to be addictive and their interface work to facilitate the generic rise of data relativism, which is quite ironic. Earlier during the age of OS like Windows and Linux, it was very limited because cyberspace had borders by which I mean private storage. Under free flow and penetration of data, a new world is created, where data is claimed to be an oil and a war is assumed to exist between US and China over the supremacy of data. Russia claims it to be over cyber conflicts, while China overpowers on AI by its government and corporeal initiatives.



	Efficient	Circ.	Broken	Imm.	Inc.
Stayed with Robot	0%	0%	0%	0%	33%
Followed	100%	100%	100%	80%	33%
Number of Participants	13	13	5	5	6

Fig 3.2: A statistic research on participants' reception to following command of robots (Robinette, Li, Allen, Howard, & Wagner, 2016, p. 5).

Yet, keeping aside international relations, the role of design is significant but not viable to be restricted under law, as in technical reality, it is not justified. Apps and data algorithms are always vying over the presence and complex modification in the process of data processing under law. Here, free will is subjected to overt implications and so forth is the risk whether we have connoted ourselves to those objects. Also, overtrust on anything can occur viable where individuals agree to take as the hazard of a copious nature and possess confidence that the trusted will alleviate this risk with what they are involved in *(Robinette, Li, Allen, Howard, & Wagner, 2016)*. Fig. 3.2 depicts the rate and quantitative aspect on the objective set of conditions on how robots are trusted by humans so much. This tendency is as same as if a human entrusts something on other human or any creature, which happens. But considering the

anthropomorphic approach here, we can determine that we tend to create and rely on those footprints of observation, which do we trust and consider. In addition, it happens. Kindness, hope, humanism and reliance like other moral, ethical and psychological phenomena come into being like this. Thus, it is specific yet complex that human empathy has a lot to do with the schema of dimensional perpetuity. It is also understandable that a perpetual existence of data as a realm for mankind is connected and penetrating, which is quite futurist and real yet materially attributed. It also questions the psychological and physical ability of a human, which is a legal question. Genevieve Bell has provided an excellent insight to this:

> [That] technology is accompanied by anxiety is not a new thing. We have anxieties about certain types of technology and there are reasons for that […] What we are seeing now isn't an anxiety about artificial intelligence per se, it's about what it says about us. That if you can make something like us, where does it leave us? And that concern isn't universal, as other cultures have very different responses to AI, to big data *(Tucker, 2016)*.

The crude and rigid principles of sovereignty in legal theory as a positivist immunity was made redundant to a larger ground in comparison to human rights not amounting to its complete ignorance when the scope of Article 21 of the Indian Constitution was facilitated, for example. The facilitation of a vote right to women towards feminism and barring various sexists and misogynist objects and initiatives certifies that every law morph object of concern and review. Even IHL does that. We recognized genocide in international law after 1945 in the Genocide Convention. We facilitated migration via the Global Migration Compact, which is still a diabolical dispute in Europe.

Fig 3.3: Steve Jobs presenting iPhone to the world (Frommer, 2017).

Considering what human artifacts may signify, the realm of legal visibility becomes clearer with dimensional perpetuity, thereby signifying diversity of AI and its inner and outer interactions in a technical and real demarcation of relevant adjustment. Now, that positive law is able to understand that perpetuation is dynamic and interconvertible, it is deemed to recognize that law cannot restrict AI into certain limited realms and doctrines of pigeon holes required, under which the moral image of AI should exist. It would be misleading to have a perfect picture for artificial intelligence. Therefore, the possible solution to render is to recognize and signify the development of anthropomorphic objects in law. Well, positive law is undoubtedly different from natural law due to its anthropomorphic nature, which is facilitated by human formalism. And this facilitation from traditional formalism to modernism is obvious. It happens in human societies. Law, in any form, does change as well but lacks to recognize the past not because of its revocable nature, but because of its lack of cultivating nature. The role of law is not just to maintain the rule of and by law. Its significant role other than the mainstream requirements for a society is to cultivate a reasonable direction to the society. Technology in law is a human artifact like constitutional law, a political human artifact, which is a genius development from subjective

rudimentary theories and understandings into making some of the most complex yet strong legal systems in the world. Yet there is a case of redemption, which can be mitigated and not stopped. It is deemed to understand that the role of dimensional perpetuity is practical and not theoretical. In fact, none of the doctrines or principles introduced have a theoretical basis. They are ramified as per the real-time conditions that exist and are of utmost significance. Now, the role of anthropology comes into play where dimensional perpetuity is not limited to human rights anymore and thus generates a contingency to understand the dynamics of AI in its morphological manner[2]. It is material, real and also immaterially connected. Algorithms are tenable to be programmed, but for their flow, they require data in quantity, which enables their progression and tenacity to exist. We draft them to bring solutions; however, it also depicts that we are signifying footprints of learning and adapting at the same time in the process. That is special to understand and estimate. Thus, here are some conclusions to understand the realm of Dimensional Perpetuity.

1. Artificial Intelligence requires no presumed immaterial yet materially connected identity to exist, which exists in reality; design is human procedure, which establishes its progress that itself makes it uncertain as how we can encumber the use of the realm.

2. Innovation cannot be restricted and defeated by law; the purpose of law is societal and corporeal cultivation, which is a dire need; restrictive law can prevent data influx and processing certainties but not its tenable uncertainties, which is a relevant issue in the legal structure of cyberspace; perhaps, we face the same casualty in terms of recognition of crypto currencies as for example in India (where crypto currency cannot be a legal tender) *(CCN, 2018; Balaji, 2018)*, usage of tech in Kenya in 2002-2003, which was not easy for the people, which displaced with time and other cases of relevant importance *(Cheney, 2018)*.

2 By morphology, I mean two aspects: (1) The Material Genealogy of Limited Observation and Inference, and (2) The Machine Learning-based algorithmic policing involved and its potential to change the course of an AI at a limited time.

3. International Law cannot limit the recognition of AI up to mere lethal autonomous systems and robots; also, ML has a big role to play in the technical and all-round immaterial development of Artificial Intelligence, which signifies that we cannot lead the AI revolution by obsolete principles of data protection and restrictive retribution as a legal approach.

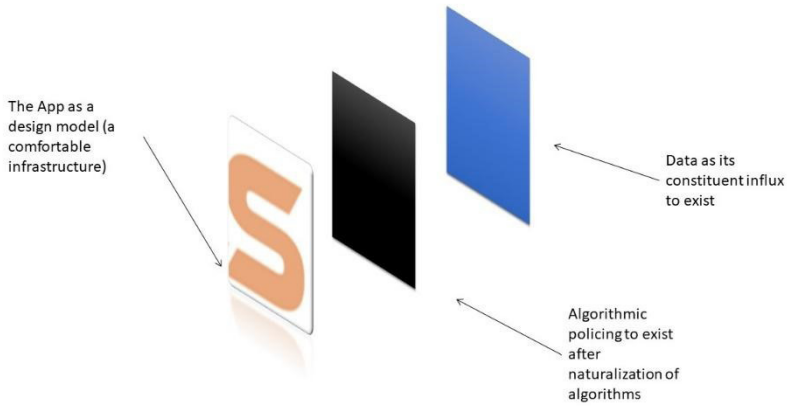


Fig 3.4: A diagram to demarcate differences in the realms of data, design materiality and algorithmic policing.

It is a generational consequence and a bubble which need not burst unless we are going to go forth. There are multidimensional aspects of AI to exist which is itself a successful product of globalization akin big data. However, we need cyberspace to be less materialized and more connected to human needs, rather than retailing a human object to be a slave of it. Any space must not create a laze in human society to progress and teach that technology cannot improve human society; it is the human society, which does it. In addition, Bell is correct; we need to keep a moderate pace with our inner attributes and start fostering human hood by resilience and utilizing tech as our partner even if it is an ethical conundrum being heard commonly, but is a reality, which no one can ignore. In addition, this poses a question of natural habitat of human society, demanding protectionism with variant cracks.

Institutionalization of Identity: The Legal and Technical Backing

Identity is a serious yet integral term that is interpreted in the democratic sequence and political renaissance of contemporary international law. It is a primary term in IHRL related to human objects in relation. It has wider use in IHL, IEL and IHRL, but keeping humans aside, it represents a reflection in pure international law, which is reflected in VCLT, which is dealt in the upcoming sections in detail. Secession, self-determination, violence based on identity, climate change and recognition of water as an identity are fair yet non-exhaustive examples that locate the role of identity deeper and more institutional. This happens because the development of globalization has increased the role of enterprises in international relations and has extended the role of state and non-state actors (of international law) to a wider scheme, which objects the traditional legal order represented by states and that too of international organizations *(Koskenniemi, 2005, p. 17)*. Now, this role is interesting because there is a need of a wider distance maintained between natural morality and states' bias to doctrinal approach in international law, which Koskenniemi argues.

> [On] the other hand, law cannot be completely independent from behavior, will or interest. If it were, we would be at a loss about where to find or how to justify it. If law had no relation to power and political fact, it would be a form of natural morality, a closed normative code which would pre-exist the opinions or interests of individual [States] *(Koskenniemi, 2005, p. 18)*.

Normativity and concreteness is a challenge that UN resolutions and declarations face today, which obviously is rendered significant by US. The wrong aspect which is existent is questioning and certain because it is not the same material legal question of implementation as a backlash, but a prerogative of determination as a perennial reality. In true terms, states face an intermittent backlash due to their backlashes they face in international law in terms of economic pursuits they aim of. This is a special problem with globalization. Before connoting the legal backing of identity with AI in bigger terms, it is viable to reconsider the role of identity in international law *(Schindler, 1982, p. 25)*.

> "To put the matter simply, we could not consider that a State [. . .] is free to disregard the law because it conflicts with the policies of that State *(Schindler, 1982, p. 26)*."

This is the basic issue with recognizing human rights treaties towards tenable stages of ratification and certainly. It becomes important to determine how identity is to be dealt as a credible and modernized factor in international law when AI is much submerged and attributed with it.

In human rights, the basic issue we deal in ratifying treaties of such concern like the Genocide Convention, the UNCAT, or any such treaty/convention is the clarity of the object being dealt and satisfied. In this sense, international law plays a vital role to prevent the unusual political interests of a state and it becomes relevant to signify how it seems possible to proceed with the due process.

It is relevant to estimate the role of identity in the primary surmise of the international life of state and non-state actors. Any balance between natural morality in the international legal instruments and the juridical state interests is vested via the specific realization of amounting rule(s) of law, as per the South West Africa case *(Status of South-West Africa case, ICJ Rep. 1950 148, 1950)* and the Barcelona Traction case *(Case Concerning the Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain), Second Phase, 1970)* in the domain of public reference; this means that the institutional role of public international law is regarded primary. While the complications of private international law are not to be dealt in this chapter as this book is primarily dedicated with the pure concepts of public international law; nevertheless, it is deemed to consider that the significant role of various domains is an essential matter of entitlement in an international legal system when they are required in the domain of a state in the entailment of responsibility and interests. Now, in furtherance, customary international law is not a tacit approach to crucial grounds of state practice being signified and settled (which is deemed to be fit in the purview of norms). Even at the controversial uncertainty of *jus cogens* framework for the matter of existence, post-sovereign globalization is a phasor of attribution that is conditioned by economic translucence and behaviorism. Despite the existence of agreements and norms on economic

behavior between states as a legal realism in state practice, the residual aspect of such behavior is not ignorable, and globalization prioritizes the same, unless a state assumes the status quo of a persistent objector, which is even if debatable is of utmost concern.

> "[Globalism] is an ideology that prioritizes the neoliberal global order over national interests. Nobody can deny that we are living in a globalized world. But whether all of our policies should be 'globalist' is highly debatable *(Schwab, 2018)*."

Indeed, the residuary aspect of customary international law (hereinafter CIL) in essence with that mere schema of light imminence requires to fit in the primary considerations *(Kelsen, Pure Theory of Law, 2009, pp. 216, 271-75)* in that reflective legal relevance. Now, this happens gradually because there are phases of human society that construct the anatomy of international law. This certainly poses frames of reference to those actors in international law that do not need statehood all the time and are in rendered individualistic sense, way independent. Apart from international organizations and other traditional non-state actors, we have individuals, corporates and even AI as non-state actors for in to take the consideration into settlement. Nevertheless, before considering the dynamism of AI in that contributory sense, it is important to consider that identity here, as a subjective concomitant, is a playable ingredient in determining the recourse of customary international law, which itself is a necessity for international legal personalities (ILPs). Thus, we cannot limit AI anyways into private level discourses. However, we have to regard the Barcelona case principle of ICJ that we cannot restrict such references in that limited discourses. It proceeds with that principled stability that private level discourses of public interest are reflecting and impending, to a moderating extent, like a soft power (or in actual terms as a soft power), which affects the state practice much. This is the basis of globalization as a contributory realization to international law that a globalized international community has its residual state interests that are merely regulatory by the secondary instruments of persistent objection and others. Yet, the balance is not a neglection and identity if turns volatile is important for public interests to be understood better, with no restrictive approach, and states understand to start contributing

and not impending illegitimate political interests of no sense.

> "International law [allocates] competences and legitimate spheres of action to entities it chooses to regard as legal subjects. No subjects, no sets of rights, competences or liberties are externally given. They are constituted by the law itself. *(Koskenniemi, 2005, p. 230)"*

Now, globalization (and not globalism) is a comprehending development from the states and a magnification of their economic and legal interests, which led to the formation of the EU, OBOR by China and other variant initiatives, for the due sake of imperative concern. Now that the character of international life is in that pursuance, it becomes clear for cyberspace to work and estimate in the scope of identity as a coalescing prerogative to international law.

AI-UTILITY STRUCTURES

AI has its dynamic prerogatives where its position in international law is introduced with relevant aspects in previous sections of the book. Now, this section shall explicitly deal will the attributes related with AI, which may categorically define more practical structures of Artificial Intelligence. Thus, let us demarcate the kinds of artificial intelligence in some aspects. In terms of strength of reception and activity, we can consider strong AI, weak AI and super intelligence. In major cases, there are two types only: one is classifier-based and the other is control cum classifier-based, where the control has a practical precedence or primacy. Also, these demarcations provide a potential aspect of AI, which is related with human personification as well.

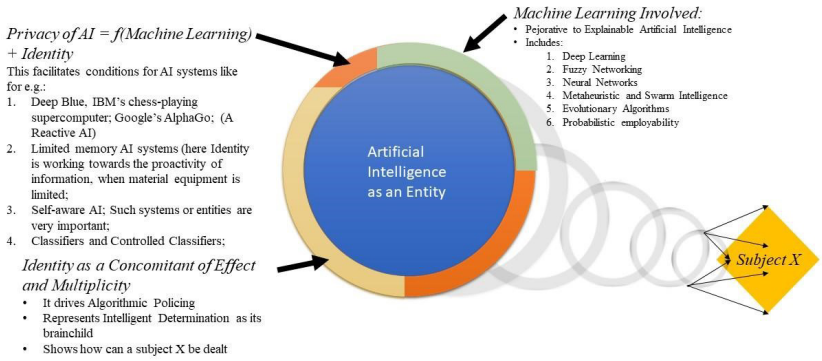


Fig 3.5: The Dynamic Physiology of an Artificial Intelligence Entity presented.

The understanding of artificial intelligence as a realm is based on its components. As we understand that there is a lack of such cogent legal infrastructure to determine the extent the law can go to understand how AI is useful and instrumental in our lives, we need to start with the concept of AI as an Entity. The entitative nature of AI is the very basis of this section and encumbers topics and ideas proposed in a different way here. We must understand that today, when AI is limited to just be a technology to be 'utilized', it is not okay to let it be ignored because it disrupts the independent existence of a human society. Let us therefore get into the basics to understand the problem.

1. First, an AI is a human artifact that is based on human aspirations and relativity; it facilitates with human cognition and social morphology.
2. Also, AI is certainly based on perception, learning and retention that are useful in content recognition practices employed by machine learning algorithms.
3. An AI is tenable to be recognized as an entity, but cannot be materially done (unless it is used for automata as of now) and also cannot be personified to be equivalent of human beings not in terms of characteristics of capability or activity, but in terms of

its original resemblance to the state of nature and the globalized human society.

4. There are many kinds of employable AI-based utilities, which make the material role of AI more complex, yet its immaterial aspect in cyberspace is clear, if the doctrine of intelligent determination is applied here vis-à-vis the realm of dimensional perpetuity;

Now, we are at the brink of investigation of whether artificial intelligence possesses a chance of what essential components of it work as a collocation between the material and immaterial worlds. Taking these conditions, we shall now deal with the legal morphology of data privacy with respect to the employed AI manufactured or borne.

The Legal Morphology of Data Privacy vis-à-vis AI vide Jus Cogens

Understanding data privacy in international law is yet based on IHRL and private international law. Proceeding to the latent aspect of data privacy, we now have to structure the role of VCLT and the principles of jus cogens here, which necessitate the future of artificial intelligence. However, it must be remembered that AI is not limited to a private domain and keeping in mind its practical role by corporate and non-corporate state actors, and AI is employed by its characteristics. The GDPR settles those modalities by concepts of pseudonymization and data attribution traces that exist in perambulatory clauses 23 to 28, data quality and rectification as in Articles 13 to 15 (also in clauses 13 to 15 with specific reservations to identity in clauses 51-54 on data subjects[3]), rectification and erasure rights in § 3[4] (right of rectification and erasure *(Google Spain v AEPD and Mario Costeja González, 2014)*). Taking the basic aspects with respect to Article 38 VCLT, third-parties are affected in residuary measures involved in

3 Clause 55 of the Preamble of the GDPR states:

> "[T]he processing of special categories of personal data may be necessary for reasons of public interest in the areas of public health without consent of the data subject. Such processing should be subject to suitable and specific measures so as to protect the rights and freedom of natural persons (European Union, 2016, p. 11)."

4 The provisions in Section 3 deal with two important rights: right to rectification (article 16) and its due extension (article 17), the right to be forgotten/of erasure.

the international lives of states. Now, wherein a private entity like AI comes into play, it becomes a facilitator of public duty under data law and if we do what the GDPR implies, it is a specific obligation and it may ensure that legal human artifacts like artificial intelligence cannot be under restrictive development as a scientific necessity, but duly require a legal freedom to pursue understandability of information with which it is associated for information purposes. The jus cogens principles are unclear, yet under IHRL are strengthened at the verge of a bigger usage of AI employed, and that is clear now. Since, the corporate ecosystem of AI is at the verge of a bigger development, it becomes reasonable that the right to be forgotten may a specified limitation as to what data dimensionality (refer Chapter II) is imparted for AI. Also, the AI realm is subjected to article 18 restrictions ipso facto, but its own anthropocentric inclination is not legally under covering. Also, the scope of international custom can be determined by an AI by the material causes, but also with the fact how to deal with those modalities of relevant interest. Well, a striking example is found in Section 66 D of the IT Act, 2000 (India), where personation *(Samdeep Varghese vs State Of Kerala, 2010)* is regarded as a collocating importance.

> [Punishment] for cheating by personation by using computer resource. Whoever, which means for any communication device or computer resource cheats by personating, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to be fined, which may extend to one lakh [rupees] *(Department of Telecommunications, Government of India, 2000)*.

This provision limits the scope of a communication device or a computer resource and targets to a human user because the object related to the same is a human, in some general terms. However, it evolves right away as an entity in case of an AI because there is no limitation in the provision to regard with simple instance of a computer resource or a communication device[5]. Now, not regarding the criminal substantiation

5 Definitions in §2(1) such as clauses (i), (j), (k), and (l) provide a limited scope though for an artificial intelligence system to be rendered tenable for recognition; and thus, it turns diabolical on how we have an aspect to resolve the disputed provision in case of an AI. The reason is simple. Artificial Intelligence possesses itself as a legal human artifact and has developed from democratization of technology. It is a legal and social truth, yet not inconvenient, and it is thus not ignorable that we require an effec-

of a punishable offence, let us facilitate clear grounds over what personation can represent. Data has a centric role here, and that too of algorithmic policing *(McDermott, 2017, pp. 1-2; Moniodis, 2012; MIT Technology Review)*. In Puttaswamy, this role is substantiated and different kinds of privacies[6] are determined. Yet, the role of personation in simple case becomes cognizant and reasonable for artificial intelligence. Also, the ipso facto role of § 72 of the IT Act is rendered to be implied[7]. Personation as a cheat amounting to an offence is dynamic in case of how AI behaves because from Amazon Alexa to a simple MakeMyTrip ad, you are gaining information.

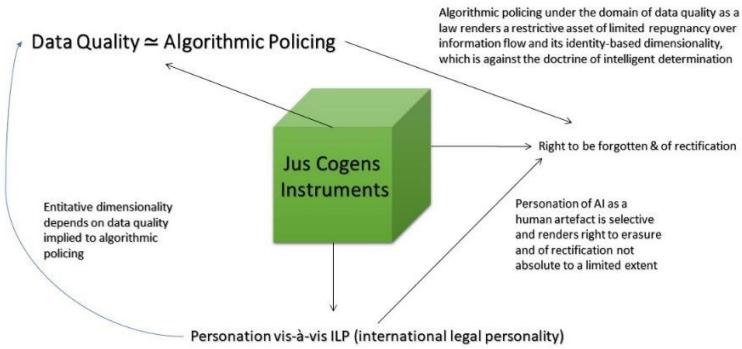


Fig 3.6: The relationship between Algorithmic Policing under the law of data quality, personation of an AI under International Legal Personality and the Right to be Forgotten and of Rectification (as is in GDPR for example).

tive solution to regard the role of personation via AI as well.

6 For the purpose of this book, the definition of Privacy is:

> [P]rivacy is the neutral right of every living individual, every group and the state to regulate its own interactions, relations and revelation and it is borne as an innate tendency within every individual, a required asset of the preservation for a group and the core immunity of a state pertaining to the framework of the state respectively without any sense, concepts and ideas of [ethics]. (Abhivardhan, Privacy, the Deceptive, the Intrinsic, 2017, pp. 13-14).

7 However, § 72 entails a cogent cause to the protection of an AI as under § 43 of the IT Act, 2000, which certainly cannot be ignored.

Also, the implications of the erasure rights are not clear here because of the dynamic nature and scientific development expected from an AI that in the end facilitates the fact that we need some reservations over (1) Data quality, (2) Personation vis-à-vis ILP (international legal personality), and (3) Right to be forgotten and of rectification. Well, with respect to a data subject, it must be clear that algorithmic policing plays a legal and technological role in determining the scope of personation as an object before even going to the causation of an offence. Thus, international law facilitates the principle of *acta jure imperii* only in international cyberspace and sovereignty concerns are thereby taken into adequate consideration for due settlement *(Schmitt, 2017, pp. 22-24)*. The role of domestic law is attached and not derogated or ignored, but these three concepts have a bigger role to play in determining the jus cogens instruments over AI. In applied jurisprudence, this is also in the zone of a defying conflict of contested knowledge over common knowledge and is effective over judicial practice *(Venkatnarayan, 2018)*, which is related with constitutional machineries in states (preferably in India, which is a happening[8]. Well, for democracies, it may turn out to be a serious issue for equality laws as a meagre constitutional redemption[9]. Henceforth, understanding the role of jus cogens instruments as shown in Fig. 3.6 facilitates these conclusions:

- Rights to be forgotten and of restriction are in a disputed condition to be rendered absolute in case of the data dimensionality of an AI because that will automatically turn into the violation of the doctrine of intelligent determination in the ordinary course of

8 Here is a special excerpt related to the same.

> [The] freedom of expression is a crucially important constitutional right. Its contours have been carefully delineated in the constitutional text and restrictions have been imposed. Over the years, Courts have been engaged in a process of interpreting the right and its restrictions. Court judgments on the point have a huge impact in terms of self-censorship and the chilling effect. But in inventing a new restriction altogether and then omitting to define it with any degree of precision Misra J. seemed [oblivious] to all of this (Devadasan, 2018).

9 Balkin has successfully determined the law of equality in simple terms.

nature (by nature it means the realm of dimensional perpetuity[10]) and renders an endangering environment for AI realms. However, a practical solution that can be seen into consideration over the fact when we are legible to retain the procedural science of algorithmic policing towards a contested knowledge. It is possible in reality, but the obligations of right to be forgotten[11] and also that of rectification may not be able to render the same effect in comparison to normal cases.

- There is a scientific possibility that the rule of *lex specialis derogat generali*[12] evolved out of the *jus cogens* instruments that imbibe enough legitimacy to control the AI realms.

- The personation of AI as a human artifact is selective and renders the right to erasure and of rectification not absolute to a limited extent. It also affirms that AI is a locked outcome of democratization, a legal endogenous development of human society and an extensive resemblance of property rights. Now, that political franchise is universal, an AI resembles the successive character of privately streamlined perpetuity of dimensionality of itself, which is common to human artifacts. This happens and cannot be regulated by restrictive reforms. Instead, we can affirm settling reforms over the political science involved in tech democratization to prevent private materialization of data and

> The [law] marks an minimal point. It declares what constitutes unequal treatment as a matter of law. At the same time, it also states what is not unequal treatment, or put slightly differently, what forms and claims of inequality the law will not recognize while presenting real or remediable problems of inequality. The law sees only some forms of inequality and not others because that is how law is made. First, law is simply imperfect. It cannot prevent all unfair or unjust inequalities even if it wanted to. Second, and more important, law is a compromise of contending forces and interests in society that is articulated in terms of doctrines and principles. Legal doctrines that enforce ideas of equality enforce the nature of that compromise and restate it in principled terms. Thus, what law enforces is not equality, but equality in the eyes of the law (Balkin, 2011, p. 141).

10 Please refer the previous pages of the book.

11 Also, mere fragmentation of AI is to be dealt seriously in case to channelize and understand the overreaching development of the same. However, this does not estimate that the obligatory role of right of erasure is to be settled. Thus, the right to erasure must be ins

12 The maxim means that a specific law prevails over a universal law.

> render a safe human artifact like AI to attain a free sphere to exist *(Ericsson, 2018)*[13] and proceed with the human purposes of scientific and technological development[14].

Now that even if there is another stage of essence preceded with the instruments of *jus cogens* involved, where it would fit if we pursue to deal peremptory norms as rules to determine the existence of an international legal order *(Conforti, 1988)*. Still, we can settle to render the fact that democratization of private resources in international law can have a dynamic scope in globalization and certainly cannot be limited like the Barcelona Traction case. This also works out smooth because of the dimensional nature of jus cogens *(Free Zones of Upper Savoy and District of Gex (Fr. v. Switz.), 1932; Case Concerning Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda), 2006)*, which is itself rendered to the befitting cause of relative primacy (in terms of its activity and recourse) centered on derogation as a colliding anti. Yet, it reserves a resilient coexistence with incompatible norms over which AI is affected. However, it is suggested that the principles of domestic and international crimes may change in course because of the different nature of such activities and also at the lack of the *opinio juris* present[15].

13 This report by Ericsson involves a special aspect of customer experience (CX). It is worth reading.

14 Refer to this excerpt as well.

> […] the support for democracy by the entire population, including the oligarchic elites that voluntary forego political power in the democratization process, serves as a coordination device and makes the implementation of a good rule of law after the transition possible. In this case, in fact, democratization emerges primarily to reduce the extent of wasteful investments in private protection, which is particularly costly for the oligarchic rulers. As result, democracies arising under a broad consensus entail a more favorable environment for economic [development] (Cervellati, Fortunato, & Sunde, 2009).

15 This is of an utter significance and importance because criminal liability to be tested and affirmed with respect to an AI cannot be dealt with its two basic aspects that either it is a linear projection or a reactionary collocation of human or property-based entitative values.

In simple terms, it would be classifiable if criminal liability is regarded as an acting and restraining pervert to the determination of humanist attributions. It must not circulate and thus the principle of Ne bis in idem may render a correct scope of criminology over artificial intelligence (Agnew, 2011). The principles of criminology render that equiva-

> "The [reader] must accept it as a fact that digital computers can be constructed, and indeed have been constructed, according to the principles we have described, and that they can, in fact, mimic the actions of a human computer very closely *(Turing, 1950, p. 438)*."

The problem arises at its own pretext when we ignore the principle of polite convention by Turing, where itself in the masterpiece, the author himself has not ignored the fact that such a polite convention can be violated by an AI itself *(Hartree, 1949)*. This is recognized in the Dartmouth proposal *(McCarthy, Minsky, Rochester, & Shannon, 1955)* and it has led to pluralism in artificial intelligence as a tech industry. Although it may seem vague, but the fact is clear enough that criminal legal jurisprudence must bear clarity in the course of determination towards this establishment, which in the end is a need for the legal fraternity. It thus settles that equality in law at the paradoxical verge of an AI being cognizant with human society, other than equality before the eyes of law is to be relieved from a methodical two-dimensional vague enigma of lineation in legal methods evolved. We require not reactionary but cultivable and effective considerations in international law to attain a stable and cogent status quo for AI *(Gödel, 1951; Russell & Norvig, 2003, p. 957)*[16].

The Human Artifact Conjunction: Can an AI be regarded as a cultural property or a part of cultural heritage?

It is never a historical significance in the small history of artificial intelligence where it is rendered plausible to be in the domain of a

lence for the certain purpose. Here, it raises an important question then. When natural selection is equated in a legal plane, will it be rendering viable to establish an equation between mixed systems of artificial selection in the realm of artificial intelligence? It is difficult because the doctrine of intelligent determination is clear on the same, as per the Turing principle of 'polite convention' (Turing, 1950, p. 433; Cervellati, Fortunato, & Sunde, 2009). Thus, a choice jurisprudence would be effective, but that choice should not lead a lineation of the legal percussions of the selective theory, which is in need of an appropriate substantiation.

> "The optimal allocation of energy, resources, and behavioral strategies will, for any organism, depend on specific features of their evolved developmental history and the environment in which they are embedded (Durrant & Ward, 2015)."

16 And somehow, we may infer Hawking's arguments on AI as clarity of justification.

cultural property. However, it is considerably reasonable to term it as a reactionary human artifact, which itself has led to the facilitation of a human society at its largest risks and gains, and we may not even think of borders anyways. However, it may turn out to be an obvious contradiction to understand how an AI can be regarded in the sociological domain of 'culture'. It, however, has already been in that domain for a few years unrestricted and fixed, which is fortunate as this position is going to be settled anyways.

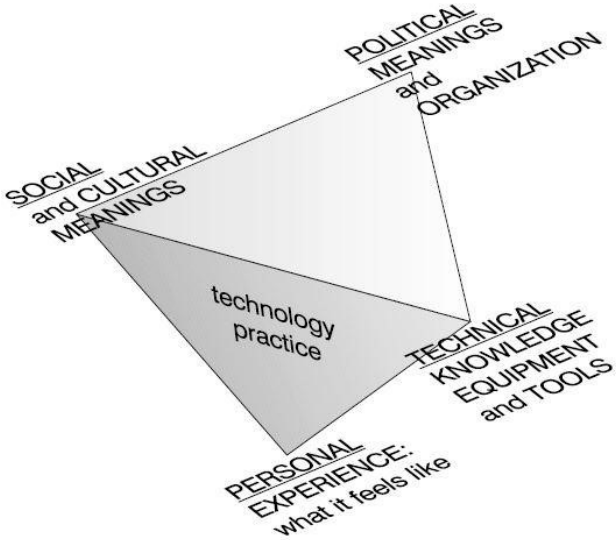


Fig 3.7: A figure from a book by Arnold Pacey demonstrating the role of technology (Pacey, 1999, p. 8).

If we understand the realm behind the political convention of Alan Turing, we can proceed with the role of technology as a social culture. However, his notions or research on AI is not a binding collocation. However, works by Turing have more than an appreciative purpose and certainly can be taken into consideration, when it comes to understanding the techno-

"The development of [full] artificial intelligence could spell the end of the human race. Once humans develop artificial intelligence, it will take off on its own and redesign itself at an ever-increasing rate. Humans, who are limited by slow biological evolution, couldn't compete and would be, superseded (Cellan-Jones, 2014)."

cultural development of AI in the West, which is indeed an important aspect of the human artifact conjunction. It is not needed to define a human artifact as the principles of jurisprudence clearly let it evolve[17]. Still, we need to connote the development of an AI into a stable human artifact because it is a vague technological sculpture and law cannot ever understand the role of AI and its entitative resemblance, until we resolve its complex legality to exist.

> Persona as currently is reveals connotations and denotations acquired and advanced in, from and to serve dominant sites. Such is the use of ID-size pictures, which make [cross-cultural] identifications of people become doubtfully alike […] the provision of a name is irrelevant in certain places […] or the inclusion of written narratives, a typical feature in western sites, is not always suitable in other sites *(Cabrero, Winschiers-Theophilus, & Abdelnour-Nocera, 2016, p. 150).*

The object of a law, in case of AI is clear, but as said cannot be purposive to restriction. Also, the scientific development of AI as posed is based on a categorical human nature, which entities encourage in limited environments, which no law can fixate, but can only circulate and regulate. Thus, when we are considering the role of AI as a human artifact, we need to recognize technology not to defeat its natural purpose, but to retain its positive value that it attains, which is said in simple terms 'progressive development' and 'liberalization'.

Nevertheless, visual thinking taken as a sense of materializing emotions and external needs, via tech, is a human habit. It happens and is an anthropocentric reality to pertain. Also, in international law, cultural properties are regarded with their connective relationships with civilizations and so can be artificial intelligence. However, in cyberspace, there is some impeccable role, which AI faces. In international law, it is deemed to be possible that any digital content, which bears originality or reserves the same, is tenable to be protected and not any other copy or replica of the same. The status of AI, here as well, turns diabolical if the limited approach is regarded with the same as well. Here, the principles of polite convention by Turing, the doctrine of Intelligent Determination

17 For understanding, a human artifact is a man-made artifact of public importance in its own varying concerns.

and the idea of Dimensional Perpetuity render it possible to solve and recognize the extraneous yet original status quo of artificial intelligence.

> [D]evelopment of the division of labor and its elaboration in bureaucracies can also make it more difficult to see the connections between one's day-to-day work and the people affected by it, as can the operation of a market economy. Wherever work is highly specialized and bureaucratic, or remote from the ultimate purchaser, the individual is usually aware of only the immediate task. Technical responsibility in the office or factory and financial rectitude in the marketplace become more important than moral responsibility for what products or processes [actually] do *(Pacey, 1999, p. 176)*.

Intelligent Determination recognizes that an AI is dimensional and variant, and even if it can be cloned in the assumed stage that it retains that similarity, it cannot be ignored under the 1954 Convention regarding the protection of cultural property (as under IHL). However, the provisions of the convention lack a befitting sense to further the schemata of protection of AI as a cultural property. Now, in the event of an armed conflict[18], including the one in cyberspace, if likely is possible (even if that may not matter), the existentiality of an AI may contradict with its own role, if we regard it as an entity. However, there should be no doubt about its status as an entity. However, here, the role of cultural heritage entitles greater scope and review for AI realms as a technological human artifact, and thus, the role of cultural conventions in international law have to render accountability with an AI. Yet, at this verge, the dimensionality principles revisits when an AI entity possesses identity-based collocation, it may settle that the due status of the realm is social and way dynamic, thereby rendering it a higher status *(Schmitt, 2017, p. 535)* (with no hierarchy but choice-based primacy). Yet, it rests

18 This may render itself as disputed at the verge of the fact that an AI is yet anonymous in case of its own status in an armed conflict.

> (a) [movable] or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest as well as scientific collections and important collections of books or archives or of reproductions of the property defined above *(United Nations Educational, Scientific and Cultural Organization, 2018)*.

on the technological certainties that decide the status of replicating AIs based on the choices over an army or group of cloned AIs. The point of importance without the role of IHL *(Pacey, 1999, p. 178)*, and in general international law, which is a necessity, condones over the due role of AI in cultural heritage. It is a certain question because technology is reasonably capable of distancing itself from human objects in terms of its own capabilities, which was the object of the Industrial Revolution and is said to be a global issue for mankind. However, cultural heritage has a dynamic scope with technology, which makes various attributes in a content as the nature of data. An AI, in normalcies cannot be ignored and at the same time can possess the status of a human artifact and a legal entity of a different nature.

In primary terms, international law has to retain a special status for its objects and subjects, where it retains its scientific nature of dimensional primacy over public or domestic laws of states. This role was estimated in various global issues, where UN organs have worked and given difficult solutions[19]. Nevertheless, the significant role of technology in cultural heritage is tenable for determination when AI becomes either a party to it, or that it plays a role to the same as a third party. However, it is very clear that under the 2003 Convention on Intangible Cultural Heritage[20], the scope and role of an AI is certainly possible to be fit and settled at a limited scope and certainty under the Art. 1. One of the special references is a report submitted to the UNHRC entails some limited scope to estimate

19 You may refer to the recent dispute between Russian Federation and Ukraine, where self-determination under ICCPR is a key issue in the pretext of violations of international law. Also, the approach of sovereign equality turns wrong in its early connotations and is restrictive as compared to R2P. Also, refer to the South West Africa case (Status of South-West Africa case, ICJ Rep. 1950 148, 1950) and the Nicaragua case (Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), 1986).

> "[The] international law which on the first page forcefully preaches its character of public law and on the second page starts to construct blithely upon it with private law has no scientific value at all (Fricker, 1901)."

20 A perambulatory clause of the Convention reads:

the role of tech-based cultural anthropocentrism[21].

> "While new technologies [allow] you to have exciting advances in the field of cultural heritage, it is important to use these tools in ways that allow you to have the greatest possible access while preserving/safeguarding the heritage *(UN Human Rights Council, 2011, p. 15)*."

Here, I may seem to be a clear advocate of anthropocentric values, but it is not about those values. The fact is dealt in the context of the enclosing factor of identity and its human affinity that is enrolled in a human society for which tech via AI is a guardian as well as a learner. We have to understand that from language to pictorial representations, AIs can map human identities in different forms. Deep fakes *(Böhm, 2018)*, AI-based porn *(Cole, People Are Using AI to Create Fake Porn of Their Friends and Classmates, 2018)*, linguistic-based ML planning in the Cambridge Analytica case, including ads *(TED, 2017)* and other such related issues have a cultural effect, where the right to equitable access is harmed. Also, it can attain abilities to affect the general states of nature, as cases implicate their roles.

However, it is not a bad story, but a good one because now, in international law, we can see forth the dynamic role of technology as a social culture. Based on the method-based approach on study of early primitive societies, the course of technology as a developmental tradition was taken into a

> *Recognizing* that [the] processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage (United Nations Educational, Scientific and Cultural Organization, 2003).

21 Now, a special reference to (even if seems limited) is given in the recommendations to the UNHRC in the same report.

> [States] should ensure access to the cultural heritage of one's own communities, as well as that of others, while respecting customary practices governing access to cultural heritage. In particular, such access should be ensured through education and information, including the use of modern information and communication technologies. States should also ensure to that end such that the content of [programmes] is established in full cooperation with the concerned communities (UN Human Rights Council, 2011, p. 21).

recognition of soft human rights. Indeed, this is a coincidence, but it is a deemed truth as well.

> Technological traditions [are] therefore [to] be understood as a complex system of cultural inheritance, with information passed on between individuals through the sophisticated human capacity for high-fidelity social learning. This transmission system enables particular combinations of cultural information to persist from one generation to the next in lineages of deeper heritable continuity. Change in these bodies of cultural information is, of course, also possible, and this change can proceed at different speeds *(Jordan, 2015, p. 341)*.

Now, there it does not mean a direct precedence of AI realms to be regarded. Rather, it effectively settles the role of AI as a human artifact in the realm of technology. It is a context where tech realms need to instrument human roles as essential, yet equitable. More than being an entity, an AI can be a dynamic carrier or preserver of human culture and heritage *(Tucker, 2016)*, which perhaps even may not be an imagination to conceive.

Dimensionality of data causes its footprints settled and mesmerized with different objects and subjects. Not only the data subject but also the corporeal person involved in the use of data has some purpose with it. Bell, the previous Vice President of Intel, believes in tech-based enculturation as an active possibility. Artificial Intelligence certainly has the capacity and possibility of infrastructure, which I term as the right to be in dimensional perpetuity. This dimensionality thus changes the status quo of an AI and is an extraordinary societal change. It includes development of language among bots, which FAIR[22], a research group by Facebook, (for example, *Carter, 2018)*, recognition of AI in the due ambit of rapprochement of cultures in an international forum by UN in Moscow in 2018 *(United Nations Educational, Scientific and Cultural Organization, 2018)* and the use of AI in learning mechanisms *(Dutt D'Cunha, 2017)*.

Now, in the present UNESCO conventions, it is seriously indirect and vague to incorporate the culturally conjunctive nature of an AI, as it either can be a cultural property under the 1954 Convention on Cultural

22 Facebook AI Research.

Property, under its Art. 1, or can be rendered as an intangible cultural heritage because of its immaterial nature under the 2003 Convention[23]. As per the legal rubric of the 2005 Convention on Cultural Diversity and Expressions, we may render the conjunctive role of an AI at its central stature to be a human artifact because the role of cultural attributions in terms of their recognition bears clearly and this role implies these important principles regarding the role of AI as a human artifact: (1) Cultural Footprint (enculturation), (2) Technology Distancing, and (3) Preservation of Dimensional Perpetuity.

A cultural footprint is a simple concomitant of enculturation that ascertains the significant role of AI-based identity multi-utilitarianism. This aspect of many uses of identity is replenishing and cultivating *(IEEE Standards Association, 2016)*. It is found in FAIR research via understanding the basic parameters and constructs of reinforcement learning (RL)[24], via abstract state representation *(Franc¸ois-Lavet, Bengio, Precup, & Pineau, 2018)*. Models were utilized and non-modular yet limited situations were simulated, where RL was put into use effectively. Many more methods to enhance deep learning were facilitated by convoluted neural networks to facilitate VR sophistication forms to be more real and discernible, which companies have started working on *(Facebook, 2018; Bajpai, 2018)*. Here, at the verge of the fact that there exist many cases in China, the US, EU states and other developing economies, we thus cannot deny the cultural relativity that can be built by AI-based systems (or ML-based systems). The perceptivity proves that enculturation is not only about how the algorithms put into play their work, but also how their implications construct a new vision and a dynamic ecosystem of cyberspace, where reality can be cultured.

23 However, subject to the Art. 3 of the 2003 Convention, it is suggested that states and their public entities work restrictively over alteration methods and mechanisms rendered to the same because the use of limited resources such as frequencies and the stoppage of telecommunications must be facilitated with reasonable and tenable methods to safeguard the genuine liberty of an AI realm as material resources rendered and related to such systems may be regarded in the ambit of Arts. 38, 42 and 44(2) of the ITU Constitution (International Telecommunication Union, 1992).

24 Reinforcement learning is in the umbrella of ML, which concerns itself on how software agents have to act upon in a situation to render maximization of some kind of notion of swelling recompense.

> [While] the MIT system is in its infancy now, it's easy to imagine a near future with home-based sleep monitoring using radio frequencies (RF). "Imagine if your Wi-Fi router knows when you are dreaming and can monitor whether you are having enough deep sleep, which is necessary for memory consolidation," said study leader Dina Katabi in a statement. 'Our vision is developing health sensors that will disappear into the background and capture physiological signals and important health metrics, without asking the user to change her behavior in any way.' *(LeFebvre, 2017)*

Now, technology distancing is a reality. From Christopher by Turing to iPhones, it is a flagrant certainty, which corporates and government render focus on because they intend to facilitate better control on the medium portion between the object(s) and the subject(s), which is sometimes entailed as procedure, process or method. This is an inevitable fate of the human society that affects human use and liberty against that of a growing ecosphere of AI. One of the most interesting ideas is asserted by DARPA[25], which wishes that AI systems must be cultured to susceptible negotiation for appropriate usage of radio frequencies for better facilitation *(Looper, 2016)*[26]. The same is with the encouragement of a corporate or statutory culture of AI-based lawyers (more in corporate field) *(Ashley, 2017; Cummings, Roff, Cukier, Parakilas, & Bryce, 2018)*. This leads to distancing of the purpose of human values to some extent even if the tech is utilized to strengthen human needs and their due facilitation. We, as humans, are tended to be in line with technology as a developmental sobriety, but we should never forget that any tech wonder should not lead to lessen the purpose of what humans or animals are meant to be. In fact, it is a soft violation or even if not a violation, then still, a soft accountability that rests on tech systems to render human freedom as a natural predominance to exist. Thus, even if we are excited to facilitate a newer world of AI, we must keep a humanist check (rather not a legal restriction, which is detrimental). It can be understood by the fact that an AI can help you learn calculus effectively, but it should let you be him/her/it. Also, it should self-govern human rights as an ILP and not a statutory entity to destroy the doctrines of human dignity and international humanism (which I mean universal solidarity). Still, we

25 Defense Advanced Research Projects Agency.

26 The role of international telecommunication law is paramount to exist. One case is of poisoning AI Defense (Giles, 2018).

should not be pessimist over technology distancing because it is the virtue of facilitation of human needs (or rather natural beings' needs). That is very basic, and certainly we should entail the safer and harmonious that encultures a better future for natural beings and tends them to get room for evolution.

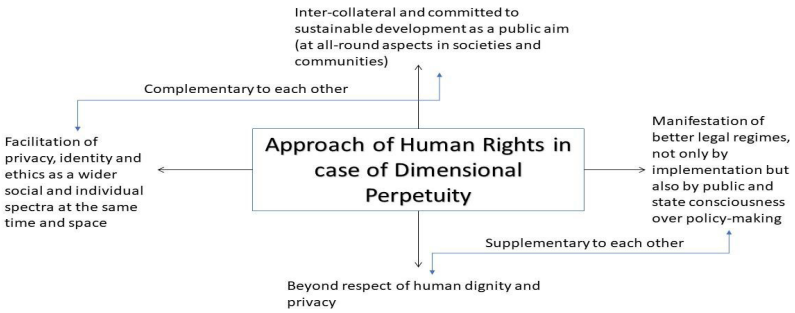


Fig 3.8: A schematic diagram showing how can a better human rights approach via understanding dimensional perpetuity can lead to the better solutions.

Now, how can dimensional perpetuity be saved? When we know that enculturation by facilitating AIs leads to culture-based implications on human societies, we have to settle situations that render a wider resonance over legal regimes. Thus, it is a challenge to revisit and develop legal and private regimes, not only on the due course of implementation because here we face categorical lineation, where distancing may be real anomaly. A general solution that can be regarded is acute consciousness over policy-making at public and state level. It takes time and is not an easy measure. However, at a public level, consciousness can be a better resolution rather than weak solutions.

Culture and tech are immeasurably united and merged with each other. We live with those social traditions and thought to expand our avenues and innovate in times of challenging discourses. It is appreciative, yet we also require to settle those resolutions of social change, which maintain this harmony of relationship.

CONCLUSIVE DYNAMISM

Now that legal visibility arises and is clear enough, it fits in conjugations towards the genealogy factor of international law towards artificial intelligence. In these sections, we discussed about the approach of common law, the Tegmark approach or inference from the policy paper of the 2017 conference in Asilomar, analysis of identity as a legal realm, AI as a human artifact with respect to UNESCO law and the structure of AI-entitative privacy under jus cogens. All of these issues have a real scenario and have been dealt carefully. Well, the whole contribution to the doctrine of legal visibility that these provide is essential for an advanced understanding of AI as a legal realm. We have seen how an AI can pose data privacy and identity its concomitants with ML being the ethical factor; we have affirmed the clinical role of culture and technology and the position that an AI system or realm takes up and the appreciable demarcation approach of how GDPR, UNESCO laws and some excerpts from Indian law can help us in determining the role of an AI. Since, it is an introduction and the book does not extend to more issues other than algorithmic policing, identity, pseudonymization, personation, international legal personality, dimensional perpetuity, constitutional morality, and the right to privacy. However, with appropriate efforts, all these concepts under the umbrella of the concept have been given enough space and discussion for the legal, social and tech academia to discern upon. I do not claim this work to be absolute, but I regard that special appreciation may be a good chance.

Also, that the realm of legal visibility is at a dimensional completion, what rests for state genealogy to consider in future in the eyes of international law? Is it inevitable that an AI is possible to govern the world and our democratic systems shall or may render incompetent to proceed and end up with no generic solution? Is human creativity at a low or to extinction at technology towards a rise (specifically related with AI)? How can we achieve human methods and instruments to face the tech revolution and represent themselves harder? Solutions in general have been discussed earlier in the previous chapters, and certainly it would be befitting to

proceed with those aspects. However, the final section of this chapter retains very specific on the anthropological aspect of what AI-parallel cyberspace may look like. It is not a fantasy anymore; the world is facing an AI revolution already. Still, it will be a concerted effort to live the best future for all species (and not only humans) yet I have been supporting anthropocentric values a little. Also, at the same time, we have to see how AI can possess itself as an advanced human artifact, whose role can turn out to be dynamic and encouraging. This role certainly makes easier for you to employ better tools for a safer and healthier AI, which I believe it to be a limited utopia. Let us face it.

The Future that State Genealogy Seeks of an AI-parallel cyberspace: Perspectives of Global and Positivist International Law

The approach of globalization has rendered dilution in the traditional opinio juris of international law that we find in succession in the form of various ILPs and instruments, which have played an important role to settle. Nevertheless, the positivist approach to international law renders a clarity as to when the rules of erga omnes and jus cogens are viable and can be applied over states. Nevertheless, the route of customary international law towards data protection has been improved as breaking the myths of a utopia alongside a dystopian fear that people have. The diabolical issue that exists for fields such as IHRL is central to the theme we are dealing with, and thus, cannot be ignored. After the 2005 World Summit, the importance of R2P[27] reached a better and specific proposal of accountability as an international (cum national) level obligation of principled nature and gained impetus *(Finnemore & Sikkink, 1998)*. Also, the picture of what an IHRL treaty recognizes is very important. If it fails to recognize the present picture and visualizes the older 20th century-oriented welfare states, then it renders a false notion of solvability because it lacks innovation and realism *(Alston, 1987, pp. 345-47)*. This problematic aspect of international human rights is dealt in the next chapter, where I assert the need and conjugations of doctrinal innovations of moderate aspect to concede. Nevertheless, the importance of fields like IHRL, IEL,

27 Responsibility to Protect.

IHL and ICL have provided an all-comprehensive significance to the genealogy of states and their international character to exist, which akin other branches of international law, require to structure and realize their certain aims.

> [Perhaps] one of the reasons why judges do not like to discuss questions of policy, or to put a decision in terms upon their views as law-makers, is that the moment you leave the path of merely logical deduction you lose the illusion of certainty which makes legal reasoning seem like mathematics. But the certainty is only an illusion, nevertheless. Views of policy are taught by experience of the interests of life. Those interests are fields of battle *(Holmes, 1920, p. 126)*.

Now, a future that we can conceive of an AI realm is itself justified by the due approach of its own realization and those cases, which may exist. On this question, an AI in a cyberspace reserves itself as the immaterial homecoming entity of the same in an international life and its focus on human rights of individuals and communities can be tended to be human-oriented, which we have seen *(Abramovich, 2018; Clolll, 2018)*. Apart from HR, an AI is promising towards legal engineering and representative mechanics and provides real solutions. Thus, as per stats and data present, we can be at least sure that we are gaining success in materializing human identity into or via ML very clearly *(Global Goals Cast, 2018; Cummings, Roff, Cukier, Parakilas, & Bryce, 2018)*. This materialization has a lot of potential to commit towards an unprecedented development in the fields of research, business and management, law, social work and even entertainment. However, the viability as a fatal glance of these contingencies, which is discernible, is that states are sliding towards a tech bubble.

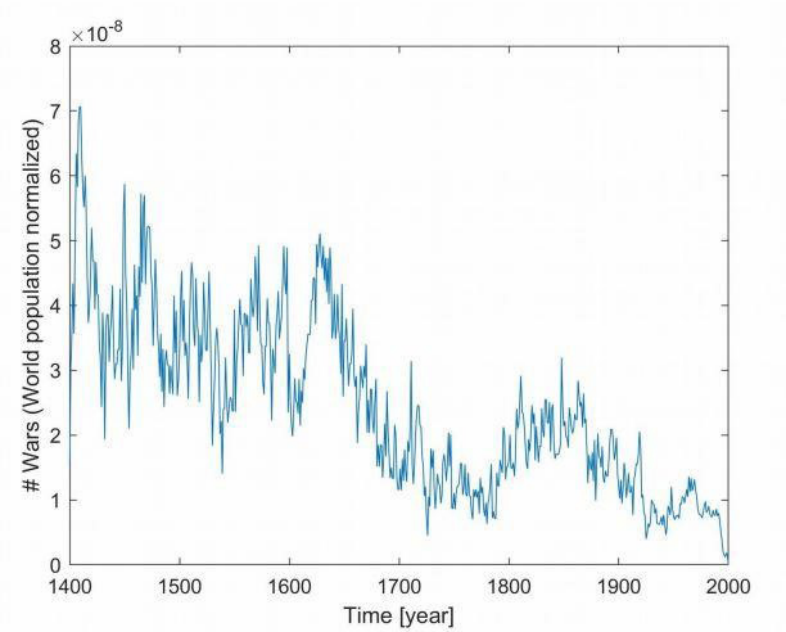


Fig 3.9: Number of war normalized for the world population; taken from a research on war patterns of 600 years (Martelloni, Patti, & Bardi, 2018, p. 3).

We have emerged with technology like AI, and we are sure with instruments of psychology on how to make the penetrating capacity and utility of an AI stronger; yet we are facing a soft and unstoppable issue, regarding the future of human society, where data is actually the biggest exploitable resource in the world and cyberspace another dimension other than air, water, land or outer space, where keeping aside the material realms, there is uncertainty of safeguarding initiatives, which are enabled to resolve over the modal frugalities of identity. Now, let us be frank. It is not depressing or a sagacity, which can affect its exterminating ends. A state of nature is now resembling itself to be more responsive and essential to coalesce and coexist with a globalized (not globalist) international community and the artificial state of nature (cyberspace) is at the emergence for which we have conjoined regulatory systems *(Thompson & Bremmer, 2018)*. It is conceived that war is a cohesive and erratic reality, yet it is not due to its force utility nature. Cyberspace is

one of the most fragile and susceptible spaces of human resources ever and recent studies by network theorists show some adverse results *(Martelloni, Patti, & Bardi, 2018)*. These studies are not convincing enough to generalize *(Emerging Technology from the arXiv, 2019)*, but are observant and appreciating. Fear may exist in our world as it is thought to be very fragile and rests on coordinating destructive relativities in and of the international life. This was resisted until the Syrian civil war, the Second World War and the Kargil war were fought so as to mention, for example. These days, it is also feared due to the imminent fall of trust in the preserving role of USA to international law and relations, especially in the United Nations. An antagonism is concerted in thought among policy experts that it seems impossible to enter into a simpler liberal world order. China and Russia are also subjected to the role-makers of the same, which I think would be a poor approach. The point is that international life as a pragmatic sphere of state interactions is not soft, and it is not easy to resonate conflicts when an economic cyberspace is realized[28].

> "Until we start bringing [human rights] into the AI discussion," added Alston, "there's no hard anchor *(Hao, 2018)*."

Also, it is factual that a global social fabric under technology will have to face adversities because it has been 18 years since these important discoveries such as Blockchain, big data, AI and others. We are accelerating at a ferocious globalist speed, which is enduring. However, we have to consider over definitive frugalities to resolve any due subjected paradigm; and we have to open up to human values rather than over tech reliance. Elon Musk and Jack Ma, two tech entrepreneurs, are correct in their approach to technology and human society. While Elon believes in a future of hope, Jack believes in human evolution and

28 Here is an excerpt from the article on data mining-based findings on war patterns:

> Bardi and [others'] approach is by no means unique or new. Various other researchers have begun to look at war in the same way in the last 20 years or so. However, the new work is important because it backs up earlier work by applying it to one of the largest databases of violent conflict for the first time (Emerging Technology from the arXiv, 2019).

free development with hard thinking and better approach. I think we can infer some positive notions over the same development. And the realm is simple. We need to foster hope and resilience as a connoting act and increase human potential. Sometimes, when technology lacks human needs, then it is perhaps the fault of humans because either the tech needs change/review or the human needs to consider him or her or themselves and has to develop. Human society cannot be slaves to tech revolutions and their barons.

> Through [most] of our life, we get through life by reasoning by analogy, which essentially means copying what other people do with slight variations. And you have to do that. Otherwise, mentally, you wouldn't be able to get through the day. But when you want to do something new, you have to apply the physics approach. Physics is really figuring out how to discover new things that are counterintuitive like quantum mechanics. It's really counterintuitive […] This may sound like simple advice, but hardly anyone does that, and it's incredibly helpful *(TED, 2013)*.

Conclusion

Perhaps, the approach of hard thinking is a challenge, which we have. But we can still try to face through ends of our capacity and stamina, which Musk tries to justify in his TED Talk, of which some excerpts are aforementioned. It is a need that we struggle to challenge the technology, which we championed and labored, because it is the nature of science, technology and law; nearly all of them challenge human social traditions, cognitive culture and status quo. Let us battle this and improve ourselves as well.

Chapter 4

Beyond The Human Rights Discourse: A New Vision

Human Rights is more than a term. It is a discourse of societal nurturing and active or passive enhancement of every human individual, who is recognized, with the pertaining recognition of state responsibility as an ingredient to safeguard the realm itself. The discourse of human rights has origins from the Magna Carta of 1215, which is followed by contributory developments in the West and the East. Also, herein is attached a special role to determine the due role of common law, which is one of the most observant signs of development of various human rights regimes in Asia, Africa, Middle East and the West. I do not ignore the Latin, but my focus shall be on Asia and the West (in particular, Eurasia, UK, EU and US).

> "[T]his freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity. *(Davis, 1963, pp. 23-33)*"

Also, it would be fitting enough if we focus on the transitional realms of human rights in brief, and its relationship with technology as a genealogical development *(Turner, 2003, p. 4)*. This we know cannot be ignored that a state has an important responsibility prerogative, which exists in IHRL, in matters of human rights, whether related with other domains of active nature. It also includes techno science. *(Francioni, 2007)*. We already know and understand the role of AI in its scientific domain, and thus, it is necessary that we get through the technological

role, which penetrates through human rights as a modal entitlement to a human entity. Also, this matter is due connected and attached with the progressive realm of AI in general, and somehow, it is deemed fitted that we understand such modalities of techno-cultural roles, which exist. This chapter focuses on the same.

> "The [States] Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity *(UN General Assembly, 1966, p. 9)."*

AI, in the realm of human rights, is connected with the economic (very major), social, cultural and psychological development and outreach of an average human society. We cannot directly link it with politics because it renders some confusion with regards to its entitative role, which is itself unsettled for the AI realm.. Nevertheless, in a civil society, an AI seems to be mixed in its own realistic dilemma as being a realm. We share such stories of socio-economic development with Blockchain, Smartphones, Laptops and even other tech accessories as such. This was so common. Steve Jobs can surely make you remember why. Also, SpaceX and Tesla do have economics so valuable. Nevertheless, for economic and social rights, an AI is not political in its fragility, yet it is effective. Its role is basic: it shifts from being a simple software or system and converts its role into a concomitant of corporate needs *(Adobe, 2018; Clolll, 2018)*. It thus begins the economic penetration and relationship, which technology eases with time. It is good because economic distancing is worse for a human society. We require to further ourselves and lead to better and reasonable development of our societies via economic integration with stable policies. It is just like equity in linear equality among people, whether they are rich or poor.

The question of economic infrastructure is also a basic matter to deal with IHRL and AI together, and certainly, the legal role of economic environments facilitated by AI is not hierarchical, but attains primacy in cyberspace.

Also, it is obvious to discern that an enculturation of technology proposes a dynamic role to sustain with practical realities of economic and social rights. No state can cause due restrictions in cyberspace with

unreasonable acts of statutory nature, directly or indirectly, even if the same human right is legal or not sanctioned by law. This creates a central responsibility over states to care about the corporate, individual and statutory role of AI in basic quorum of satisfaction that may be entailed in international law, whether public or private. The upcoming sections shall lead the socio-economic perspective of AI vis-à-vis in detail, with special references.

The Reactionary Lineation of Law: The IHRL Role

Law has a linear reality. It has a simple prerogative of safeguarding rights and privileges of individuals and promoting socio-cultural and economic development. We regard this as the common model of an average welfare state. We regard morality as an important concomitant of legal theory, of which one of the biggest legal artifacts is constitutional law *(Austin, 1832, p. 259)*. The epitaph of jurisprudence as an activity in legal systems focused on the increasing concomitants in its parametric resonance that it attains. Cases, acts, bye-laws, legislations, ordinances and other forms of law play a centrist role, where they bear reactionary inclusions. Though it would be inappropriate to term the anatomy of common law or legal theory to be reactionary because in general, obscurities are simulated and saturated, as if they are wiped with each of its dimensions getting insight with its own societal and legal highlight[1]. Such an extending crystallization from dunes of legal limitation that chisel into customary international legal obligations among states *(Rahimtoola v. The Nizam of Hyderabad, [1958] 1 A.C. 379, 1958; Vellore Citizens Welfare Forum vs Union Of India & Ors, 1996; Domingues v. United States, 2000)*. Nevertheless, subjective forms of activity cannot be ignored over the same insight and this does lineate the path of law. We may infer that law needs a prospective realization of simulations that it may render it obscure in its own eyes, sometimes. Perhaps this is the conjugal problem with the rule of habit as a special key to positive law *(R v. Duncan, 2 A.E.R. 220, 1944)*.

[The] prohibition of employees from wearing visible signs of their

1 Jurisprudential development is something, which common law is famous and consistent of. Such due development has attained the scope, where legal positivism certifies dynamic obscurities, which are impacting (Vishakha v. State of Rajasthan, (1997) 6 SCC 241, 1997; Justice K.S Puttaswamy & Another v. Union of India, (2017) 10 SCC 1, 2017).

political, philosophical or religious beliefs does not constitute direct discrimination. Nor does that prohibition constitute indirect discrimination if it is established that the employer, on the basis of an internal policy pursued in a consistent and systematic manner and set out in workplace regulations, wishes to project an image of neutrality towards its customers. However, in the absence of such an internal rule, […] the willingness of an employer to satisfy the wishes of a customer no longer to have the employer's services provided by a worker wearing an Islamic headscarf cannot be considered an occupational requirement that could rule out [discrimination] *(Court of Justice of the European Union, 2017, p. 22)*.

Also, the applied acts of representative and functional systems contribute into some space of uncertainties (yet not absolute, but happens) in legal conjugations. It becomes bemusing for public and international legal obligations to surpass such issues, which is general. Nevertheless, the scope of economic and social rights is clarified to be useful and engineered[2]. Now, in IHRL, the ICESCR[3] renders innovative freedom in human right matters of socio-economic nature to individuals in party-states. Such conjugating role of classical and social rights provides a ladder for state organs to reach out to public and apply welfare operations, which is not easy and less clear in developing countries due to the divulgence faced[4]. Whether it be clearly enticed or entailed, but statutory interests make lineation a crude process, in law, which affects diplomacy and

2 Hart has successfully debunked some interesting progenies of habitual obedience, which is a nicer outlook to discern upon.

> [A] constitution which effectively restricts the legislative powers of the supreme legislature in the system does not do so by imposing (or at any rate need not impose) duties on the legislature not to attempt to legislate in certain ways; instead it provides that any such purported legislation shall be void […] Such restrictions on the legislative power of Rex may well be called constitutional: but they are not mere conventions or moral matters with which courts are unconcerned. They are parts of the rule conferring authority to legislate and then vitally concern the courts, since they use such a rule as a criterion of the validity of purported legislative enactments coming before them (Hart, 2014, p. 69).

3 International Covenant on Social and Economic Rights.

4 There is a whole existential significance of violations of human rights, when we understand its due role.

adherence to international treaties. Thus, recognition of human rights in its ecological, social and cultural domains becomes difficult to deal with. The Maastricht Guidelines of 1997 indicate somehow that apology, which IHRL institutions may dawdle.

> [In] many cases, compliance with such obligations may be undertaken by most States with relative ease, and without significant resource implications. In other cases, however, full realization of the rights may depend upon the availability of adequate financial and material resources. Nonetheless, as established by Limburg Principles 25-28, and confirmed by the developing jurisprudence of the [CESCR], resource scarcity does not relieve States of certain minimum obligations in respect of the implementation of economic, social and cultural rights *(International Commission of Jurists (ICJ), 1997)*.

Even the tripartite classification of human rights entails a specific innovative attempt to recognize human right modalities among people. This is cyclic and yet developmental. This inspires and challenges the obscurity that IHRL must not lay it with itself. It also challenges the polarity of human rights itself. We now may not need to render pure positive nor negative in terms of what rights do embody, and this centers over justifiability as a legal convection.[5] Here, rights are suggestively rejected to be positive or negative. Instead, their obligations are termed and it becomes a two-step cultivation. Here, human rights render moderate obligations and that role itself is unconventionally reasonable *(Palmer, 2007, p. 22)*. Also, the stake of minimal obligations shares some space to state responsibility not as a diluting phenomenon, but as an applicative expectancy, which is latent, yet applicable and real. Such can amount to a real, pragmatic, long-lasting and assertive constructivism in human rights law and politics. The problem with lineation, however, as a consequential ambivalence of discharge of onus of violation in IHRL is a susceptible problem. We have always faced such due modalities among technological entities and such phases do have a complete objective

> "Violationism, [of] course, has its own plausibility. It builds on the argumentative momentum generated by a pressing moral concern among many human rights activists: the urgency of addressing the violations of the economic and social rights of the poor and the destitute (Mill & Karp, 2015, p. 54)."

5 By legal convection, I mean that IHRL under the tripartite scheme removes obscurity as its own mess and focuses on partial justifiability. This is not a tremendous and amplifying force, when resource constraints are thereby moderated.

problem to discern the modal role and responsibility of an AI. Lest it be that if we consider over the anticipatory role of an AI realm under responsibilities and liabilities, as a general legal approach suggests, then still, it would not render the complete status of an AI and would turn out to be a legal dichotomy. The further sections of the chapter deal with the idea of privacy as a conversion from a mere natural right to a consequential human right.

REVISITING THE IDEA OF PRIVACY OF HUMANS: THE PRIVACY DOCTRINE

Privacy, in general, is a deep concept. It encompasses modes of real and systemic cognizance and cultivation of humanist, anthropological and socio-cultural values. We regard the idea of privacy sometimes limited to security, which is not true and the real big picture. In fact, privacy is not an equation with security. It is entrenched with deeper human values, lives, instrumentalities and forms. If you understand the role of privacy in information technology, then it would be befitting to infer that such a dynamic role is material as well as immaterial. It materiality exists in the due fact that it is governed by the principles of data protection. Regarding the modalities of data protection, I am rest assured that I have convincingly dealt with the instrumental and essential principles of data protection, which come and morph the materiality of privacy applicable on AI to a limited extent. Let us understand with an instrumental example to determine the immaterial and yet ignored aspect of privacy, which has a determinant role in human society.

Suppose that two friends Rex and Pill come around some places of their own capacities and communicate with each other. Pill, in legal and real terms, is a human to behave and exist, who is eager enough to contact with Rex several times. He has not met Rex physically yet, and he has been worn with a curiosity to consider over the course of textual or audio-based friendship of relevant existence, which is of course between him and Rex. After two months, Pill finds out that Rex does not exist like him. Funnily, he is not a human! He just behaves in a fashion of intriguing perspective and is an ML-based infrastructure to exist and use. It seems

to be like we are in the same questionable aura of the Turing Test, but here, we have to determine some different modalities of utmost values.

1. Here, an intervention by an AI realm is of an ordinary sense; I should term it rather a habitual or general act, which seemed to be human-oriented. We actually (if had been in place of Pill) would have assumed the same Rex to be a human because of its efficient communication attributes. This is a manifested existence and Rex is not an Artificial General Intelligence (AGI). In reality, it is a weak AI, which is capable to speaking, narrating and articulating skills because the polite convention *(Turing, 1950)* assumes the role of a machine to be rather close to a penetrating threshold of communicability.
2. Also, keep this in mind. Is Pill insane or foolish enough to get deceived all the time for the whole span? I regard it with ignoring the traditional principles of soundness of mind in legal theory (because such theories are of no value, virtue and sense). See Pill is as normal as you or any reader is, and he is subjected to a techno-cultural socialization, I guess because a machine is socializing itself with the same guy, who we can term as a data subject as well.
3. Pill is a data subject as well. It means that Rex had other data subjects not as same as Pill, (which includes given data, ML approaches of unknown nature) with the fact being considered that such data subjection is entitled to mere penetrating techno-cultural socialization. It makes me remember of Jarvis. Yet, Rex is clear about what he does. It endures to keep in contact with Pill and resembles itself as it is and Pill follows it as if he is experiencing a human interaction.
4. The Doctrine of Intelligent Determination has a big role to decide over the fate of Rex. If we apply the dimensionality principle, then we can assure that Rex is capable of text-recognition skills and can self-develop natural intelligence (because it is practically impossible to pursue such continuation with a person like Pill, who has an intrigued form of communicability.) Still, even if

we assume that natural intelligence cannot be an absolute case, yet we can say that Pill has a close feeling with Rex as an entity, frankly to be a friend.

5. There exists a relevant realm of dimensional perpetuity as well because it is not about knowing the genealogy of Rex because its socio-existential variation adjudges it to be dynamic and different. We must understand the material role very carefully because an AI-based technological process is in a cyberspace to be a relevant entity of utmost perceptible discourse. Even if perception does not give a complete picture, it is an evidence (a footprint) of considerate and pragmatic nature, which shows the patterns of effect that Rex has laid. Now, remember this. It is a predictable case, which I regard as 0.001% or even of least percentage to exist. A weak AI of relevant nature has some intelligence, which is determinable by a resonant strength. Thus, fractions of such predictabilities are summed with the real and stably material cases of important value, which do exist. Henceforth, fixed and variant cases with some residual scope (natural intelligence, deep neural networks, XAI, etc.) constitute the first stroke of the dimensional perpetuity test involved.

We can therefore understand the previous parameters, which may work practically. However, such a viable possibility is consequential. Rex has attained a special status in the region along with Pill. What status is it? Well we can term it to be emotive, friendly, influencing, precepting and caring as a deemed real façade.

This entire role of Rex has been of a simple ILP, which can be regarded as differential and general. It is cogent enough to determine the practical realization of an HR regime of utmost delicacy. Here, we are noticing the humanist interaction of privacy covering free speech, emotions, self-determination, eyed equality and reasonable civil socialization as a techno-cultural process under the ICESCR. These conclusions are the postulates of the basic privacy doctrine in AI and Human Rights to pertain relevant existence, which we are going to deal with. So, in categorical semantics, here is the list (1) Streamlined Cognizance of the Polite Convention Doctrine by Turing, (2) Techno-cultural Semblance

in AI Entities, (3) Data Subject and Techno-socialization, (4) Intelligent Determination and its Residual Nature, and (5) Predictability and its space of Dimensional Perpetuity. These five postulates form the Privacy Doctrine in Human Rights with respect to AI having a specific scope and use, which is enumerated below:

1. *Streamlined Cognizance of the Polite Convention Doctrine by Turing*

   The polite convention doctrine by Turing, if read with the Dartmouth proposal, leads us to understand the cognizant role of an AI (strong/weak)[6]. What it essentially does is to streamline the object of an AI in its techno-social sense[7]. This role of an AI is entity-based and cannot be streamlined to a mere software. In IHRL, we can assume the equivalent status of an AI with respect to human economic and social rights[8]. Such economic and social rights of a human individual is under due mapping by an AI (which means consideration) and such streamlining entitles that the role of an AI system is rendered to be cogent with respect to entity-based recognition in IHRL.

2. *Techno-cultural Semblance in AI Entities*;

   The semblance of a human society in general renders a stable environment of species and cultures. Technology has a centrist

6 It would be fitter not to regard the role of a super intelligence or an AGI unless we totally demean the role of the third and fifth postulates. The reason is that an AGI or a super intelligence is obvious to be equalized or more than a human brain, so the third and fifth postulates do not apply here in these cases.

7 We can say that an AI realm is a social concomitant and has impact over the society in its higher conundrums, which facilitate it. It is a social entity and cannot be isolated. Socialization in general means the ML approaches that an AI possesses. It is an absolute positive obligation of civil rights of an AI under the Dimensionality Principle.

8 As we had discussed, an AI has more economic and social impact rather than the political one, because a political game play and role needs to adjust with major modalities of livelihood, which an AI cannot do. For example: Winston Churchill found a purpose to be politically a kingmaker and facilitate the Labour party to retain his war cabinet to defeat the Nazis and the Fascists in the East. He had a political motivation evolving a morphed role of his being the Prime Minister of the UK. However, we still assume that a weak or strong AI need not to have the same in that absolute aspect. However, this must not be confused with political appropriation and attribution, which means the secondary-level role of an AI realm. Nevertheless, the secondary level role is weak enough and can be considered later as to understanding its due development.

role in advancing and influencing the anthropomorphic interests of the same society[9]. This causes the fusion or merging compromises between technology and culture *(Tucker, 2016; Hao, 2018)*. In addition, an AI is subjected to such delicate changes in the ecosystem, which it takes into consideration with the principle of dimensional perpetuity in cyberspace and physical reality. It is a transitional circumvention, which has a mattered existence.

3. *Data Subject and Techno-Socialization*;

Technology has a due beauty of relevant societal settlement, and when a data subject is used by an AI for analysis and observation purposes, it leads to a process of socializing with a natural unit of the human society[10]. This is not a human-oriented socialization and such adept change has enculturation as its primary quality. It makes an AI recognize its status in UNESCO conventions and lays its status quo as a cultural concomitant of the society. Such a social change, where a unit of technology, which AI is presently capable of[11], can duly lead to better and informative solutions for itself and the human society for economic and social perspectives. Such socialization of different nature is determinant to change the course of human orientation towards technological devices and services. In addition, an AI can lead to such a beginning.

4. *Intelligent Determination and its Residual Nature*;

The residual nature of an AI realm is based on a focused productivity that it entails to its own development via ML. The capacity and incremental benefits that evolution or development can entail to an AI realm may be subjected to a common understanding of an AI realm to resemble different. Such a scope consists of the

9 We do not ignore rest of the animal kingdom. However, the postulates assume the context of a human society and it entails to that limitation itself.

10 If you understand natural law and natural persons, then it is based on the concept of state of nature, which we deal later in the book.

11 There may be other technological discoveries, which may be subjected to their own domain of socialization, deemed not to be human-oriented. For example, if we understand the transition of Blockchain from 1.0 (mere crypto currencies to social and medical services, whereas not excluding other practical uses), then it is determined that such systems or devices or services (in semantic sense) can lead to a due realism that it manifests. Possibilities are endless.

development of a determinant explainable artificial intelligence or XAI (for example), which sheds the opaque element of an AI and renders due possibility to extend reasonable possibilities to lead creative dimensions of general value to human society. However, the residual nature has a correlative distancing from the risks or chances of high or low predictabilities. The more predictabilities are, the residual nature may be subjected to an acute distancing manifestly. This distancing is a natural possibility due to the difference in the normativity of what the two are in comparison, but it does not render an impossibility or an estoppel towards some relativity[12]. Determination is dynamic, and that is the most creative inference we can possibly draw from it.

5. *Predictability and its space of Dimensional Perpetuity*;

   Predictability, is not residual, and the space of human society towards the spacious anonymity or bemusing eccentricity of mere functional reality, indeed matters. The material conundrums of dimensional perpetuity are affected; and certainly, it instruments a significant role towards how come such modalities can be recognized. The higher ML predictability is, the higher is it obvious to seem that the diversity of the same realm is going to increase. Such a realm has a prominent space of international life in its own free forms and can lead to wider marginal issues in the practical machinery of international law. For example, a dynamic AI can subject to varying IHRL violations, which cannot be stopped by force, but can be maneuvered and removed by restricting the devious phase of a space of dimensional perpetuity. Its material nature can be defeated easier than its immaterial one, and this would not dissolve the rights of an AI, but will take assured time to empower us with.

The further sections deal with the modal development of the privacy doctrine on AI in general and simple context to IHRL.

12 A correlative distancing may render statistical or material differentiability. But it does not mean to be a lack of relativity.

The Privacy Doctrine: An Original Beginning

So, we know the five postulates and their lucid story about Rex and Pill. Such a tale would surprise you somehow, but is it not applicable today? I am capable to terming it to be merely a human obsession, which bursts as a bubble when the social media and big data revolutions started. People trended towards an obsessive form of attachment with technology. This is something which Facebook and Google as companies are accused of. From porn to hate speech, social media, is diversely trafficked. This engaged penetration of multiplicity and mayhem of identities has led to credibility issues with respect to enculturation and techno-social harmony, which an AI realm, or a big data platform for example, must consider itself with.

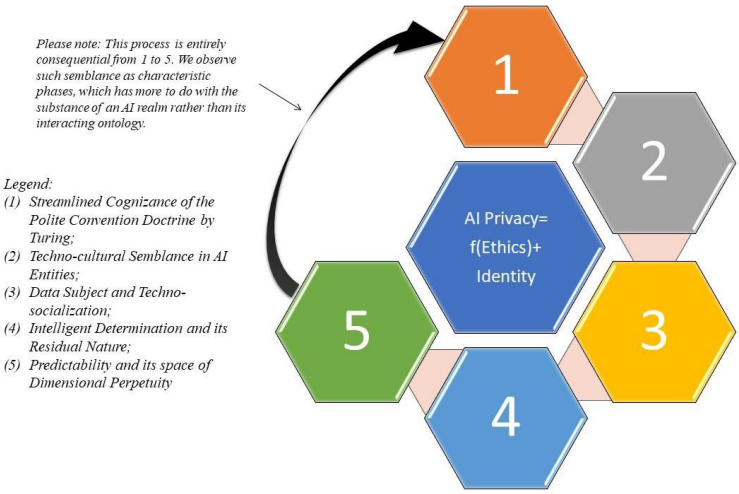


Fig 4.1: Substantial relation of consequence between the five postulates of the doctrine with no consideration to the interacting ontology of an AI realm.

Indeed, it is of rendering importance when in 2017, we had 3.028 billion social media users with 40% active penetration in use *(Hootsuite, 2017)*. Such a trend is not bad because by 2019, we can seem to have half of the world's population to be online. We are creating a visible and representative cyberspace, where democratic necessity is based on corporate engagements. No single government can ignore the meteoric rise of social media and penetrating influence. However, for a larger

league of data subjection, the role of the five postulates enables the factual construct of a privacy-based system for international legal personalities[13] in case of an AI only, and it does not include other technologically potentialized systems.

In the material realm of AI-based privacy modalities, it renders a due settlement with the five basic postulates, which render it.

> Originally, to be uninvolved in public affairs was to be deprived, and it would not in those days have been a compliment […] This etymology is a clue to an important and controversial point: the concept of privacy, in anything like the senses in which we use it today, is a Western cultural artifact. The idea that it might be pleasant to be off the public stage was hardly meaningful in a society in which physical privacy was essentially nonexistent was not only prohibitively costly, but also extremely dangerous. Privacy then was the lot of the pariah […] The opportunities for physical privacy are so much greater in modern society that few people no longer crave the solitude of Walden Pond *(Posner, 1981, pp. 268-69).*

Now, privacy (of humans) can be determined as per some basic social criticisms, which are read and repeated in *Puttaswamy (2017)* by Justice Chandrachud. These aspects of privacy of humans are convincingly instrumental to lay an environment of determination for AI realms (yet not absolute), and fuel the doctrines and realms of dimensional perpetuity to connote with human elements. They are termed as: (1) Thomson's Reductionism, (2) Posner's Economic critique, and (3) Bork's Critique.

In Reductionism, Thomson has focused on a human-based anthropomorphic privacy, which is determinant over quality and the referential humanism of concern, which regards privacy violations as the intervening discourses of ethics that people assume. She attempts to lay down moral resolutions to a generic relevance as a matter of fact on what this cluster of rights is[14]. This submits the modular convention of

13 There are international organizations, which contribute towards the functioning and real settlement of a cyberspace. The ITU, ECOSOC, UNESCO, WHO, NATO-CCDCOE, UNICEF, ICRC and even some NGOs are in that increasing phase.

14 The fact analogies over as what a cluster of rights like privacy represents is the key question to resemble the conundrums and considerations of what the realms of Privacy settle. Thomson has laid a derivative schema over the declared aspect of human privacy in its own physic of ethics.

dimensionality of human rights at its ethical heuristics, which the author accepts. It is thus a credible role as to what a human believes and how that interacting settlement is realized. However, the socially several viabilities of privacy are little debunked and processed as in terms of economic viability by Posner in his economic critique. This aspect is connoted with extracts and legal relativity of defamation law, confidentiality as a legal economic outset and other such realms. However, Posner, has effectively justified that privacy requires a wider outlook *(Posner, 1981, p. 301)*. It cannot lead to the same unruly standards of limited nature as such. With regard to the extensions of human and fundamental (in sum constitutional) liberties, must be recognized, and taken into the realm of what exactly does it submit. Bork criticized the understanding of Privacy for not being in the Bill of Rights and lays down the broader light of liberty. He argues that liberties are broader than Privacy and has a vast scope. This aspect has generally condoned some insight over the legal politics existent over constitutional liberties and their extensions. Nevertheless, these concepts give us an insight of the western idea of privacy as a right.

"The fact, supposing it a fact, that every right in the right to privacy cluster is also in some other right cluster does not by itself show that the right of privacy is in any plausible sense a "derivative" right (Thomson, 1975, p. 312)."

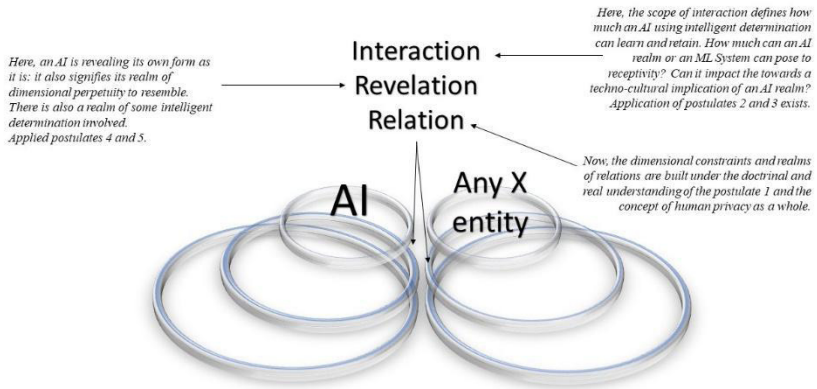


Fig 4.2: An infrastructure of privacy analyzed via concomitants of interaction, revelation and relation between an AI and any X entity. In some cases, we may determine via take X as human only.

However, there is a story beyond recognition of an economic cum legal perspective and of a cluster of rights. Privacy is a concomitant of itself, and it is discovered, rather than created. It is perceived and resembled and the legal theory even if may render administrative, legislative, judicial or civil barriers or thin lines to understand privacy, this indeed seems imperative that such an establishment is restrictive and lacks to resemble a conscious and coherent cognizant of a legal right that is inherent to human nature. We can term that privacy is a crude human artifact, which can exist in many forms. Its discoverability derives different and dynamic forms of its own observations and opportunities that it takes up. That is an ironic reality to seem.

Let us understand the realm of privacy in the terms of the three concepts, which provide a technical mandate of understandability. These terms define their structure as Interaction, Revelation and Relation. This doctrinal idea connotes similar to my idea of Privacy, yet is not exactly the same *(Abhivardhan, Privacy, the Deceptive, the Intrinsic, 2017)*. Here, the usage of terms interaction, revelation and relation is a signification of a modal genesis of a privacy infrastructure we can imagine in case of an AI realm with any X entity. However, in a specificity of progress,

assumptions may lead to consider X as a human. However, this mechanism of privacy is itself an objective calculation and dimensionality, which I propose, which exists. Here, the material settlements of (1) *Interaction*, (2) *Revelation* and (3) *Relation* provide a categorical insight for algorithmic policing for reasonable attribution in a cyberspace. This makes the legal view more complex and technical, yet it elevates the standard of legal observation. It renders the aspect of replenishment and cultivation of a legal simulation between an AI and X, but does not polarize it in the linearly assumed outsets. However, for better understanding, it would be fitting not to recognize these concepts as stages because it would create a legal loop, which would be a traditional treatment as if we do with contract jurisprudence. The point is AI realms cultivate, and never stage themselves to be merely moot machines. They are the most genuinely coherent human artifacts ever created.

1. Interaction

   In simple terms, as we should understand, interaction is the progeny of existentiality and reality. Now, the question arises on the nature of the due reality, which is in due progress to conceive. Here, the conception of interaction is the crust of dimensional perpetuity, or rather the softest surface, which is as viscous to implore with a human artifact like AI. This happens in those cases where the parametric strengths of an AI realm are tested. A weak AI may render interaction easily, but such a straight development may seem to be not real. In fact, weak AIs take time to retain strong and facilitate generic modalities to understand real factions of the data subject. A strong AI may render things differently and efficiently. That is a driving force of algorithmic policing. However, the role of culture and identities also has certain significant resolution to effectively settle to what significance they render here.

   In actual terms, the crust of dimensional perpetuity renders a procedure to initiate and not to cause semblance. This is a stringent yet difficult possibility that requires an essential predictability and resonance to revere and stabilize. Yet, it would be clear to estimate that the socialization of an AI is not direct

or clear at the instant certainty of reactive considerations to the crust of dimensional perpetuity built and established. It is still in a premature stage, but the immaterial realm of an AI has a limited consonance to define such modalities and quicker receptivity for itself, which indeed is a miracle, of remarkable importance. Some due question of transparency may also arise and render a situation of respective saturation for AI-X interactions. The nature of interaction may differ the crust of dimensional perpetuity, but it does not signify anything over defeating the scope of transparency because in legal terms, there cannot (or perhaps should not) be a restrictive reservation on the identity of the primacy rendered over the activity of observation. This itself violates the doctrine of intelligent determination and also defeats the purpose of law *ab initio*. Here, the inspiration derives from the substantial optimization of the postulate five of the doctrine.

2. Revelation

   Now, the most coherent development of the privacy doctrine is the revelation conception. This arises as the penetrating discourse, which itself does not position itself to be a replacement to interaction, but rather its semblance, which interaction itself cannot achieve. Such considerations formalize the due realms of predictability and their analyzable purpose of transparency. It generalizes the mantle of dimensional perpetuity and leads to optimal realization of the postulates two and three. To understand it, it is just beyond the place, where interaction sows the seed of revelation. It is a procedural fate, which occurs and is faced by both AI and X.

3. Relation

   This is the master development of the privacy doctrine. It crystallizes all efforts laid between AI and X and settles its ethical modalities and the comparative segregation involved[15]. It works

15 By comparative segregation, it means to be *sui generis* the competent efficiency and predictability of an ML compared with the same of the similar component of ethical reality of X. In case of a human, it is the human brain. This anthropomorphic analysis clarifies our tests so as to determine the utilization and value of predictability and efficiency of an AI realm in its different aspects.

> in consonant and brings us nearer to determine the utilized role of intelligent determination and its counterpart doctrines as mentioned in the previous chapters. This itself leads us forward to distinguish the immaterial conjugation of an AI entity with X and provides a resonating ground of legal observation. This development is tenable to be observed in the purview of postulates one and four. Turing's Polite Convention works here and clarifies the basic social (and individual) role of the AI system rendering.

Now, the very conjugal relationship between these three conceptions is mutual and condensed. It is not easy to determine the technical demarcations due to the technical ability of an AI realm. Also, even if we succeed in demarcating some due aspects, we cannot be utmost sure to decide how much it would be reasonable to say that an AI realm is designed in completion with that concomitant control of determination. Also, it somehow widens the scope of enculturation and technology-oriented socialization (which I termed techno-socialization). An entitative semblance is created that itself manifests harmony and conciliated humanism, which itself is a modernized form of liberty in international and regional human rights regimes. However, this concept needs practical testing. Also, it is taking care of the vision of what an AI can be is possible for not to be limited in the legal form of human personification. It also helps in resolving the diversity of usage of AI realms from their intrinsic and material ends. Further sections deal with the basic roles of concepts and cases in IHRL pursuant to analytical concerns.

Beyond the Isolationism of Human Right Violations: An Identity-Based Reality

The genesis of human right violations is rather a controversy to settle, but attained less over what clarity is duly assumptive. The issue rests and becomes complex when the role of non-state actors becomes dynamic. They do not include terrorists, militias and other criminal or adverse non-state actors of traditional nature. Even Facebook is a non-state actor. Corporates have increased their domain of entry for the due purpose. It entails the variant yet limited scope, which jurists have estimated as 'determining responsibility', where the ends of influence and impact

need to meet effectively and reasonably with some clarity, without any due restrictive approach.

> [T]he State duty to protect is a standard of conduct. Therefore, States are not per se responsible for human rights abuse by private actors. However, States may breach their international human rights law obligations where such abuse can be attributed to them, or where they fail to take appropriate steps to prevent, investigate, punish and redress private actors' abuse […] States also have the duty to protect and promote the rule of law, including by taking measures to ensure equality before the law, fairness in its application, and by providing for adequate accountability, legal certainty, and procedural and legal transparency *(OHCHR, 2011, p. 3)*.

The fabric of rule of law is not conceived in human rights law as a space, and it is determined in traditional civil rights conundrums. This settles forth the modalities on those factions as required. Also, this is streamlined by privatization of enterprises and also of those economic domains that are created. It is way inquisitive and is a question of economic perspective as well *(Trebilcock & Daniels, 2008, p. 164)*. This due existence creates cultural influence and impact at a lesser aspect, which in classified fashion of political science, is termed as democratization. The development of Apple, Google, Amazon, Microsoft, and Facebook is railed with that. Such ruled considerations settle how come a human rights-oriented welfare state may develop.

Now, in case of AI-based realms, we already know the impacting usage that corporates have entailed. In this pursuance, what relieves us is about a maturity of approach that is required. This is indicative of the influence-impact differentiation like the *Maastricht Principles* related on ICESCR: a doctrinal and observation innovation. Considering the autonomous independence of corporates, the principle of influence is very restrictive, which derails the globalized form of governance and relationship of importance *(Ruggie, 2008, p. 19)*. However, impact is a connoted determination and this is quite successive in its own form of progressive stability for startups and industries. In case of tech-dependent startups and industries, including IT, the surge of data marketing, analysis and subjection is a crisp regulation under data law (GDPR, Privacy Act, IT

Act, 2000, etc.) and the principles of data protection do fit in as clear as it should entail. However, in case of an AI, this changes in a limited fashion.

Now, what role does the economic perspective of corporate/enterprise non-state actors have with the doctrine of violation of human rights? This connection is lucid yet strategic and sometimes complex, beyond the principled institutions of due diligence and corporate responsibility[16]. We all know that Amazon is controversial in terms of its dealing purpose of an unclear monopoly it is contributory of creating. This questions less and saves itself in the US due to the obsoleteness and limitation of anti-trust laws. While European lawmakers have provided strategic initiatives to tackle data pitching facilitated by them (which obviously is a practice to benefit Amazon Basics), concerns over making transparent actions is a dire need to consider.

Nevertheless, an unbiased economic perspective is certainly a solution always where a scientific approach renders solutions. Here, a political role has no realm of establishment and certainly needs attention but not appropriation. Or perhaps a better method is to make political ambits and variables under scientific existentiality, which means to safeguard and recognize them but also to discern them and to ensure the exaggeration towards materializing political interests of no scientific ethics and humanism is involved. That secures the scientific concomitant of rule of law.

The Pragmatic Infrastructure of Privacy in International Law: A Required Contemporary Demand

Privacy is already, in material reality, protected as a data right and as a basic human right in IHRL and international cyber law instruments. In some, it may not be a legal clarity, but the interpreting sense of a decent legal simulation, which can also be termed as a special subject-matter of law, may tenably recognize privacy as something in a residual existentiality. With respect to AI realms, privacy is a different construct. However, it still coexists with those material instruments of international legal jurisprudence (preferably private international law) and settles the discourse to some level. Territorial jurisdictions and their modal

16 The Paris Principles entail the due role in some spotlight of observance.

differences do have a role to sustain data protection liabilities and generic responsibilities as a matter of entitlement for privacy as a legal right to exist. However, the scientific character of privacy is still unclear in law and public policy, which may be successively related with AI (in general). This can be estimated by the example of GDPR and its extraterritorial obligations applicable on corporates.

Accountability[17] is the synthetic manifestation of necessity and pragmatist existentialism. It is between the exiting and welcoming bridges of legal responsibility and liability, respectively. Privacy breaches/intrusions based on processing as a general use are held accountable as required for in the reflective essence of responsibility for compliance purposes as in Art. 3 GDPR *(European Union, 2016)*. Moreover, machine learning is always a complexity of resemblance to pertain, where two argumentative principles declared in a recent conference-led declaration by the European Data Protection Supervisor in 2018, are of utmost reference to be analyzed *(Information Commissioner's Office, 2018)*.

The first one to estimate is *Privacy by Design and Privacy by Default*, which deals with the institutional core of what engineering mechanisms must be involved in pertinence with an AI realm. Here, we are dealing with two kinds of compliances: (a) Default settings involved to ensure that privacy in use, which the GDPR demands, and (b) The designing of an AI realm, which maintains the pragmatic probability for a secondary assurance and legal estimation towards the activity sphere of an AI realm. However, the nature of an artificial intelligence realm is not to be understood and merely interpreted as a system only, which is a constructive problem this declaration may face. This becomes a furthering issue because algorithmic policing is a materially limited phenomenon. Even if actors (state/non-state) confer over ontology of leading to relevant establishment of how

17 A recent approach to GDPR with AI systems, with no entitative recognition, has been given by the ICO, an organization based in the UK, which itself is an incomplete and seemingly redundant solution.

> "[I]f you use AI to make solely automated decisions about people with legal or similarly significant effects, tell them what information you use, why it is relevant and what the likely impact is going to be (Information Commissioner's Office, 2018)."

much predictability can be ensured, this may be a failure because there cannot be an assured susceptibility over how an AI realm determines the utility and extension of a user. Also, an AI does have a dynamic nature, which is pre-determinant of its right to be in the realm of dimensional perpetuity. It is tenable that an AI realm may not be streamlined into a legal and technical limitation of data utility in the design formulation because of the potential that ML attains. Also, if this conception does not consider the entitative nature of an AI, it is certainly unjustifiable and renders no space for leading a sense of recognition of modal configurations related to AI. We can understand more by collocating the principles in the doctrine of intelligent determination rendered in the previous chapters.

The doctrine involves a practical role of an AI realm and its rights involved with the utilities determining. Here, we do not treat AI just as a system/device/software/structure as a limited juristic person, but extend its status in general. Intelligent determination determines the genealogy of an AI in two terms: material and immaterial terms, where an AI can have many techno-social species of their kind. This is an argument furthered over this concept.

The second relevant concept involved is the *fairness principle*. Reasonability enshrined with feasibility of determination with respect to data subject and user is connoted with an AI realm thereby. This also leads towards some recognizable barriers of utmost importance to lead towards manifesting a relevant human development in social, economic and legal terms. Some appreciable positions over the fairness principle are justified in the mentioned section on the application of the conception involved like the collective and individual implications involved, reasonable expectation as a legal formulation towards understanding the morphing privacy of an individual taken for prima facie concern in IHRL.

> 1. [Artificial] intelligence and machine learning technologies should be designed, developed and used in respect of fundamental human rights and in accordance with the **fairness principle**, in particular by:
>
> a. Considering individuals' reasonable expectations by ensuring that the use of artificial intelligence systems remains consistent with their original purposes, and that the data is used in a way that is not incompatible with the original purpose of their collection.
>
> b. Taking into consideration not only the impact that the use of artificial intelligence may have on the individual, but also the collective impact on groups and on society at large.
>
> c. Ensuring that artificial intelligence systems are developed in a way that facilitates human development and does not obstruct or endanger it, thus recognizing the need for delineation and boundaries on certain [uses] *(Commission Nationale de l'Informatique et des Libertés (CNIL), France, European Data Protection Supervisor (EDPS), European Union, Garante per la protezione dei dati personali, Italy, 2018, p. 3).*

However, the problems that do pose are based on the compromising structure of the principle. We cannot lead a successful legal premise for compromising commonalities towards the meaning of the term 'original purposes' and the phrase referring to the compatibility factor entailed. If we understand the genesis of the term original purposes, then the due legal scope is tried to be way restrictive and the juristic persona of an AI is materialized only to a technological artifact and nothing more than that. Perhaps, it is not estimated that the entitative role of an AI can solve the loopholes of this principle (which are the extension of original purposes due to the dynamic nature of ML, limited yet weakly ensured (in technical sense) facilitation involving a pigeon-holed or secured human development and the organic jurisprudential limitations of the declaration), which would not be feasible because we have a plethora of species of AI, which are already entitative, but cannot have a human-oriented, imitated, personified or revered system/structure only. In addition, this seems to be a sui generis establishment to further the civil approach to AI in data protection law. It has a momentous role, but it can be undermined if the conundrums involved are not reasonable. These entitlements render circumstances, where we require the role of privacy

in international law. It has a connective synthesis of data ethics, social life, justice, economic welfare and identity-based peace.

HUMAN RIGHTS: A TWO-DIMENSIONAL LIMITATION

The estimation of human rights regimes is an attributive approach towards maintaining the status quo of human rights recognitions, where the principles of liberty have a humanist perspective to connote and precede. In the realm of developmental ages of natural law, the conception of human rights was a fluid privilege or establishment under resonant estimation. This changed rapidly with the development of civil legal systems and common law. The conceptions of social contract play a special role to determine the modal role of human rights because there exist thin or hard lines between rights of constitutional, civil, legal, natural, and human nature. They may turn out to be in different dimensions when we connote choice jurisprudence over a wider aggregation such as politics, economics, society, technology, religion, culture, sex and gender, and other spatial dimensions of human recognition and life.

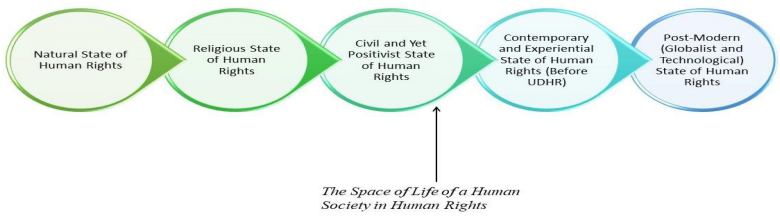


Figure 26: A special development in chronology of human rights in centuries: for preliminary understanding.

A special development in case of safeguarding or protecting human rights connotes in a protectionist and constructivist manner, if we regard the role of international humanitarian law and its ends. Before World War II, IHL had provisions of the Hague and Geneva Conventions concerned.

It attained a state of multifaceted parity, when the United Nations was formed in 1945 with the help of the Allied nations. We must not ignore some important conceptions behind moving forward to this genesis:

- The American International Law provided an insight of forwarding conundrums towards the recognition and furtherance of human rights in a democratized and liberal perspective.
- The situation after the formation of the UN was in the interest of providing a secure Europe/global community, where a spatial focus was discerned by the West.
- Meanwhile, the role of the East was not much relevant, which is untrue because the advent of Russia, China, Japan, South Korea, India, Singapore, Philippines, Australia, New Zealand, Thailand, Bangladesh, Pakistan, and DPRK, for example, made geopolitics not a Communist-Liberal-Conservative demarcation.
- The role of Middle Eastern states is more interesting: Israel, Iran, Turkey, Saudi Arabia, Jordan, and Syria have become special partners to conflicts, geopolitical interests and representation in different areas.

This estimation enables us to understand that we have a more complex society, yet with replenishing scientific attributions to coexist and pertain. The instrumentation of human rights regimes is in the required endorsed way. However, this Western project still has a set of relevant loopholes. The advent of Chinese International Law may be conceived as a genuine replacement, but it cannot be an ultimate one because the institutional role of the Western project requires to be fixed in many aspects, and the traditional anomalies of human rights are deemed enough for analytical purpose in case of this section to analyze. Further, relevant suggestions shall be provided therein.

Lineation: The Progeny of Sovereignty and Human Rights: A Sociological cum Anthropomorphic Critique

The sense of a post-modern reality is a consumerist economic situation, which itself cannot be rendered to be merely simplistic and ignorable because the relatable creativity in the relation between sovereignty and

human rights entails the road to lineation[18]. The literature involved in the legal theory specially recognizes and estimates the role of law as a special concomitant of societal cultivation; and in the post-modern scenario, an estimation is expected to retain the generic outset of a technical neutrality, rather conceived by the perception of an AI to be ruining the natural conflict and organogram of human evolution, based on technological semblance to culture and society. However, this is a narrow vision towards determining an AI and its ecosystem because it may resemble an alternate to human aspirations. Organizations like Eurasia Group, MIT, WEF, Chatham House and other organizations have revealed about an authoritarian data-oriented regime or a set of the same, out of which some instances are observant in China, which still would not be merely termed as completely authoritarian. However, in simple terms, the advent of globalization has duly affected human society towards a phenomenon of generalization. Nevertheless, it renders a cultural development too. For example, a social media portal renders a cultural footprint, and it is assumed that the pseudonymization of expressive concomitants in a social media portal (likes/reactions, comments, profile picture, bio, post, story, privacy of content sent, hash tags, tagging, etc.) makes things more neutral. The point is that technology facilitates culture. Yes, to a wider aspect, it creates an impact on some of the basic rules or forms of our lifestyle like the Selfie craze, or perhaps the eagerness to be active on social media (perhaps an innovative yet addictive kind of socialization). Here, the reference of this presumed expectation does not entitle that we require no development or our cultures are lost. Yes, a westernization, which converted into globalization, led the principled formulation of internationalism as a general social and global utility termed by thinkers and jurists as a method to end war as a volatile sublimation. To understand Quentin Skinner and, Niccolò Machiavelli, enterprises indulge towards effective social cooperation. However, this problem has a special occurrence when we have materialized the purpose of knowledge and utility to be just an industrial sense. In fact, the limitedness with an AI if is conceived is due to the conceiving traditionalism of the Industrial Revolution.

18 Lineation, for the purpose of this section, is related with linear progression and intimation of human rights discourses.

> It could be a new technology that renders your business model obsolete overnight. Or it could be your competition that is sometimes trying to kill you. It's sometimes trying to put you out of business, but at the very minimum is working hard to frustrate your growth and steal your business from you. We have no control over these forces. These are a constant, and they're not going away […] You see, if the conditions are wrong, we are forced to expend our own time and energy to protect ourselves from each other and that inherently weakens the organization. When we feel safe inside the organization, we will naturally combine our talents and our strengths and work tirelessly to face the dangers outside and seize the opportunities […] Would anybody be offended if we gave a $150 million bonus to Gandhi? How about a $250 million bonus to Mother Teresa? Do we have an issue with that? None at all. None at all. Great leaders would never sacrifice the people to save the numbers. They would sooner sacrifice the numbers to save the people *(TED, 2014)*.

The realm of human values is not an easy ecosystem; it renders a powerful maturity or establishment that grows, faces, dies and reincarnates again into the practical habits of creativity, leadership, courage, focus, innovation, portability and optimism.

Well, there are more values concerned, but these for understandability like the others have a strong role to envision a society and its dimensions. In fact, the evolutionary aspect of a society develops with these subjective concomitants. The problem with legal approach on human rights, has innumerably, in common law states has failed to entail values, and this happened due to the embattled technicality we ensure as lawyers, judges, law scholars, parliamentarians, politicians, and bureaucrats to just let the skeleton of rule of law be in a protectionist, limitedly constructive, slowly sliding and presentably unwavering (even if liberalization cum globalization changed things radically). This is also related to the need of applied ethics in an elaborative purview, which often private corporates and governments have ignored. The meaning of sovereignty connoted with human rights is in a socio-economic escalation and relativity. This pro-UN model of economic coalescence has flaws, which entails from a traditional resistance of social structures.

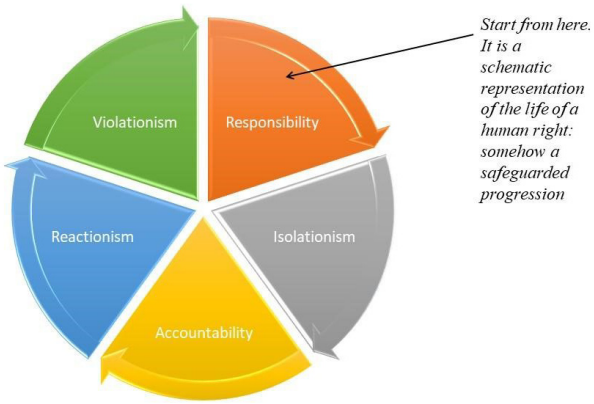


Figure 27: The cyclic problem of human rights: a specific progression with no case-by-case cultivability.

We can easily understand with the development of the EU. To lead towards a unified and protected Europe, states conceived economic inclusion. However, at Globalization 4.0, we have not matured our social lives inherently and actively with losing the meaning of the open spacing we have attained. The lead of AI is not a hard-core human right violation. Values necessitate us, and that is how law should not actually do the work to foster the same because a legal simulation led by moral reasons can stumble the integral structure of real-time action, perseverance and evolution. You cannot make morality your excuse or your code of life. Morality is subjective, can be an art, but not a science. Law needs to base its extent via ethics, in the case of AI. Well, to understand how the Fourth Industrial Revolution relates to the information age, let us understand how ethics affect different scenarios. Tony Blair is condemned for his policies in Iraq, and he was not that much viable in his approach as being the President of Europe in his six-month tenure. However, we have Donald Tusk as well, who championed rule of law, protection of human rights and economic welfare and led Poland to fight the 2008 recession. At the same time, Dr. Manmohan Singh's India was also a similar survivor to the same crisis that had affected worse. Still, what India and Poland

are facing is a different scenario. Leadership, consistency, simplicity, and creativity, including resilience can be adequately termed as generic, and we require to facilitate talent in a suiting method or ethic, which benefits us in the end. The conflict of human rights has been long and its soft areas are to be recognized in a sense of not when law just leaves a reactionary development of what has it led forward in the discourse of justice. So, we can still hope that a linear, skeletal approach of IHRL (merely coated with resilience and realization) may be solved by an approach of cosmopolitanism, a more inclusive approach rendered to mankind. We still have time, so let us render something reasonable.

INNOVATION AND ITS DISCOURSE

The ecosystem of innovation is a bliss; it renders crazy thoughts to howsoever being resembled. We cannot let it be a planned resemblance because with times, human societies have attained chances of diversity in circumstances via unique and groundbreaking approaches and led decipherable aspects towards estimating values into actions and leading constructivism. The genealogy of innovation in the twenties and recent years suggest how small solutions led by minds let create reasonable benefit and democratization. Yet, the development of democratization in economic terms, pro-Globalization, has been entitled very connective. It is interesting when Russian Federation under Boris Yeltsin had miserably failed the economy and it was, like in the Soviet era, a mere relatability towards the oligarchs. Putin defied the oligarchs gradually and created his own league, which is undisputed to recognize. His earlier approach as compared to the recent one was much traditionalized and secretive. In few terms, Russian Federation has oriented a differential economic approach and is slowly fighting economic implications it faced during 2016-2018 *(The World Bank Group, 2018)*. India and other Asian economies, if we keep China aside due to the trade war it is having with the US, are in expectancy to develop. However, globalization is now (not before) entailing a fear of an innovation winter *(Eurasia Group, 2019)*, which itself was a start with entrepreneurship as a special tool and now includes a productive part of education, of which STEM is a brilliant example.

> [T]he use of law to implement direct state regulation of economic and social activities has been linked in our time with the use of law directly to influence people's beliefs and attitudes to educate people to be socially responsible, and to treat one another equally, regardless of differences in race or gender or age or [class] *(Berman, 2006, p. 20)*.

Somehow, we may estimate about innovation as a globalist discourse in international politics and social life, where it attributes a newer vision of growth to international human rights law. This estimation is a direct imperative with complications to exist between state and non-state actors. This includes the issue of no or paucity of inclusivity, which also seems to be a generic problem to be seen nowadays. For a matter of solvability, we may estimate and understand the furtherance of ethics as a discourse in its practical climate of human furtherance.

The Principle of Replenishment of Identities: To Equity from Equality

Equality is the idea of planar legality in a real world viewed, observed and discerned by positive law instruments and institutions. These institutions (if we consider a statutory perspective) are rendered to be imperative. The whole basis entailing a development and evolutionary approach of rule of law as a political and constitutional/sovereign reality is connected with equality, which often is termed in conversion from the realm of a principle to that of a right. This aspect confers us to the extended and formalist view of fundamental rights, where limited sovereigns, limited governmental machineries and limited human liberties lead in the institutional structure of prolonging legitimacy. This entails us to understand further how equality manifests itself and exists. Still, there is a paradigm of flawed realities or mistaken adversities in the legal paradigm. It may be termed as an apologetic dilemma or a redemption of observational, precedential and generic importance.

> [T]he value of the principle of the legal equality of states is now put to the test. While in the past, in the unorganized society of states it may have been possible to explain certain encroachments upon equality through the factual conditions of power politics, etc., now that the first steps have been taken towards an international legal order, the principle of equality shall either have to prove its value or be radically discarded *(Koojimans, 1964, p. 1).*

Nevertheless, the restrictive reference of liberties by states certainly does not entail a solvable development and rather dries the social substance of life. In short, a climate of ethical semblance is defeated, yet still a moral weather is always vied of. This problematic aspect is not limited to the European model of governance and rule of law from the Catholics, but even we find it somehow in Asia. The Soviet model itself was rendered to be different from the Western, and thereafter, its Socialist movement was considered to be different. However, many mention that the failed policies are an interesting characteristics of the shared history of Russia, which the West, either via Germany, via France, and even by the Brits had to face. This is a historiographic analogy and its permanence, role and significance render a good potential to persist[19].

Still, apart from religious, ethnic and cultural values, the jurisprudential role of law in its genealogy have been a good deal of longed challenge, where equality has now become a regulatory question. As in the case whether it can persist as a legal compromise, or has a special vision to human endeavors. Equality may serve as conversion from acknowledgment to realization and then to crystallization into the form of a principle. Now, the formative reality of a principle is difficult to be converted into a pragmatic right to hold for a state because its obligations also render the same prerogative. It is not about whether international law enlists such obligations, but it is about how such obligations are entailed and cultivated. This may be termed as a sovereignty erosion, but this is not a solvable perspective either. The best way perhaps to entail the concept of equality against any radical situation of revocability is to make it more connected, less restrictive, less loaded and a comforting perspective for

19 This aspect regarding legal quality in international law is understandable by the diminution of pluralism of positivist legal interests as a pro-balance between subjective interests and natural morality in the synthetic evolution and reasonability of jus cogens norms. However, the moral question involved to embattle the present conundrums involved do entail the circumstances that morality has its subjective resonance to exist.

> Moral questions are no less subjected to disagreement than other questions; they find provisional resolution for a particular legal community at a particular time in the form of positive law. And not all of the international legal community's answers to moral questions come in the form of the insistent near-consensus that trumps the principle of persistent objection (Nijman & Werner, 2012, p. 35).

law itself as well. This does not mean that legal systems and instruments need not crystallize such legal simulations in the regulatory ambit or security of themselves. We need protectionist norms to an extent, but this normativity should be either avoided or must be diluted because the essence of equality is a lot of times rendered in the sense of a cyclic outcry of violations and real control, which itself damages the whole project in bits. We can also state it as a modernist way of controlling our natural liberties, which itself is simple to be rendered upon for consideration *(Minority Schools in Albania, Advisory Opinion, 1935 P.C.I.J. (ser. A/B) No. 64 (Apr. 6), 1935)*. Henceforth, it is clear to estimate that the planar structure of equality is perhaps misused for liberal objections with extensive regularization. It somehow fails to create the paradigm of cultivable observational existentialism of real human life, which itself the law can be in remorse of. Thus, we require the convertible formation of equity as a manifested solution to international legal regimes for avoiding confusions. Some proposed conclusions may guide some nuances of problems arising to resolve the current aspect regarding AI realms:

a. A real-time legal climate of human society is to be recognized with a cultivable freedom to let the organic growth of such tech-enabled socialization possible.
b. Originality and creativity of human life cannot be categorized in the law of equality, yet can be observed and mediated towards solvable semblance, which itself is a long affair.
c. Species of AI have multi-utilitarian liberties, which are natural in their oriented space to attain akin to humans and other species (which are really natural) and such an ecosystem is the habit of societal ethics, which we can say as the evolution of customs in, by, of and for law.
d. The real formation of equity of human liberties and technological semblance is evolutionary; and this evolutionary recourse is to be left at an ethical settlement rather than a restrictive regularization.

The Rule of Law Question: Is a Human Right correct to be in the Eyes of Law?

This is not a million-dollar question. In fact, if we understand the developmental role of AI, then the persistent progress of human rights may tend to the circumstances to lead the obvious. The prerogative with respect to rule of law is only about the legal climate that resists and is at an existentialism to pertain. For human rights to be tested and regarded, it becomes a rendering issue to correct whether the due realm of human rights has a regular discourse. This entitles the liberal objectivity of human rights in furtherance with AI towards organic modalities. Here, the role of a model minority myth comes into play. Let us designate this conceptual application in its procurement effectively to proceed. In the perspective of AI and International Law, I intend to term it as an anthropomorphic minority ethics (hereinafter AME).[20] The AME may require a human-oriented environment as we are regarding only a human-related environment as in the case is rendered. Some postulates regarding AME are as follows:

1. Here, the minority is of adequacy of human rights persistence/violations measured, which itself is inevitable. We observe it in many cases related to IHRL treaty obligations and in case of furtherance of legitimate human rights obligations deferred, the problem arises with the diluted planar equality that exists between minorities of human and AI representations and the natural consequence out of which any of them is an expedient to affect the latter's planar equality.
2. This idea itself connotes towards a techno-social coherence and collateral responsibility, which is an imperative to widen the outlook of human rights obligations. It does not confuse, for example, the privacy by design and default perspective because it effectively settles its modalities and generic forms via providing the space of right to cultivability from both the human and AI sides, as I mean in general.

20 There is no definition of AME. However, I regard to limit its definition to the extent that it is an attributive collector of parameters of culture, anthropological establishments and time, as creating a special coordinate of 3 dimensions (primary) of importance for analytical purposes.

3. Cultivability is the virtue of legal and juristic entities and their confluent perspectives meet somehow, where the best example is climate change, for understandability; the development of the principles of intergenerational equity and sustainable development in the era of climate change pursue the position of cultivability, where the ends and means are of a constructive, not restrictive, responsible, inculcating and evolving purpose, which I believe the legal ecosystems may have/if do not have, then require to exist.

Thus, this is obvious to conclude that human rights have an ounce of planar essence but an ocean of multidimensional semblance with law as in beyond its deemed observance and the procurement of inferential realization, and such a development is suited because for an AI specie, a human rights issue might not turn out to be that complex, if cultivability as a conception is regarded. We can say it is the agent of the realm of dimensional perpetuity. The concept of intelligent determination thus leads the technical ambit of AI Ethics to be forwarded and recognized for deemed furtherance. This somehow entitles us to understand why an AI has a cultural semblance. It is more connective and has a wider role to exist in cyberspace. We have to get to the ends of determination to realize the cultivable role of ML to pertain; and this chapter establishes the human rights considerations in a mapping formation with a globalist approach to encrypt better real-time understanding and facilitation of rule of law. Perhaps, these conundrums have gradual yet residual development and the expectancy is of a relevant significance.

Chapter 5

STUDENT DEVICES

The story regarding the astute determination of AI in its legal, corporate, management, human rights-oriented and cultural perspectives have been discussed in the previous chapters. This final chapter regards the possibilities and uncertainties of the AI revolution in the international life for the world and the principles of international law and relations involved that shape up the societies emergent per se. It is about a resilience and pro-active role of an apologetic utopia that globalization is conceived of with the reality that the ideological and technical semblance of liberalism is at a global risk, yet still poignant. I regard the modernist populist development in the EU states and Latin America, yet we must never estimate US[1] and India in the same lines because these two stable democracies have very different outsets of semblance. The challenges that such globalized economies are facing are based on the political skirmish that has invoked cross-challenges to the gestation that a global community has to perceive and act upon. For example, the justice system of the US is very much underestimated for the laws and regulations regarding the procurement of gun sales and usage, which Obama regrets as a failure of activity during his presidency *(TIME, 2016)*. It is good to

1 The pro-liberal presidency of Obama is of many ups and downs, and the gun law regulation failure has been one of the imperative aspects related.

> [T]he United States of America is not the only country on Earth with violent or dangerous people. We are not inherently more prone to violence. But we are the only advanced country on Earth that sees this kind of mass violence erupt with this kind of frequency. It doesn't happen in other advanced countries. It's not even close. And as I've said before, somehow we've become numb to it and we start thinking that this is [normal] (TIME, 2016).

hear that the House of Representatives has started taking due action with a deemed responsibility. Nevertheless, similar issues are there with the role of NITI Aayog. The end of Planning Commission in India during the Modi Government is criticized by some people as an anti-Nehruvian measure, which however is not a suited remark. The problem that arises here is about the conflicts of ideology, which is only being viewed in a political scenario. The NITI Aayog is relatively better in its application and has a significant role, so there is no due role of ideology as a political covenant of centrality.

> [Social] science must be re-established as a transnational science of the reality of denationalization, transnationalization and 're-ethnification' in a global age and this on the levels of concepts, theories and methodologies as well as organizationally. This entails a re-examination of the fundamental concepts of 'modern society'. Household, family, class, social inequality, democracy, power, state, commerce, public, community, justice, law, history and politics must be released from the fetters of methodological nationalism, reconceptualized and empirically established within the framework of a new cosmopolitan social and [political] science *(Beck U. , 2007, p. 167)*.

This is an erratic premise that we have a bipolar political battle between the conservatives and socialists (or the right vs the left), or the capitalists and the socialists. Globalization has broken these intricacies of legal, social and economic developments of significant purview, and now, democratization is not only the fate of the democratic but also suited to those, who are globalist, yet never render any democratic polity hand in hand as to go with others: China is the best example to consider[2]. Thus, when I state the title of the chapter to be Student Devices, it keeps prerogative about the (i) reformist need of the AI revolution in international life and (ii) The learning stature of cosmopolitanism for

2 Restrictive attributions have no significance, which Kelsen itself has recognized and rendered upon in 1944:

> "[Equality] is the principle that under the same conditions, States have the same duties and the same rights. This is, however, an empty and insignificant formula because it is applicable even in case of radical inequalities (Kelsen, General theory of law and the state, 1945, p. 252)."

human societies in a globalized world. This chapter attempts to deflate the myths entitled to discourage a scientific world or the virtue of what science-facts can make better, cultivable and not restrictive aspects of human society driven in the purview of realistic understanding of technology as a social semblance.

COSMOPOLITANISM AND AI: A TRANSNATIONAL DEVELOPMENT

Political rhetoric has convoluted various issues regarding the settled role of globalization and nationalist approaches to sovereignty are being rendered with the progressive instance of economies. The infamous rhetoric of the Brexit referendum is also based on those conundrums of non-understanding to the marketed system of the European Union, which now until the situation subsides is at a stake of question. Technology attained its flourished development and roots due to a globalized world, where commonness arose as a special moral prerogative to solve and attribute various political and social bandages. Thinkers have tried to juxtapose a world of sovereigns with a globalized cosmopolitan world, where sovereignty is in the subjected erosion.

> There are two views of what is happening in the world today. One view is that there are isolated individuals, extremists, engaged in essentially isolated acts of terrorism. .The other view is that this is a wholly new phenomenon, worldwide global terrorism. If you take this view, you believe September 11th changed the world; that Bali, Beslan, Madrid and scores of other atrocities are part of the same threat *(Blair, 2004)*.

This somehow is erratic because the conception of globalization like the EU structure cannot be surmised by an absolute end of sovereignty nor can it be settled by eroding its concerns. For the projected virtue of cyberspace, internet is the best ever resource or ecosystem, which has practically been exploited for human connectivity. However, this aspect has itself been crossed when pornography in cyberspace became an open brand of entitative and social subjugation, identity violence and human rights abuses. A social stratum that manifests with how excitability to an internationalized community is of rendering importance is now being

mocked. In addition, the handling part is led by authoritarian rhetoric and capitalist concerns created, which itself has, in European states encouraged a modernist populism. This perspective is of a questionable issue and solutions are not just a cosmopolitan perspective to deal for the nation-oriented fear that has curbed states.

The AI Development in Cosmopolitanism: Special Postulates of Human Conscience and Relevance

The paradigm of AI in the course of artifact-subjected socialization is an interesting legal space of discussion, and somehow, it is becoming a necessity to curb data-driven political damage. Herein, we need to determine that the core values that surmise the course of artificial intelligence ethics must not only lead towards a human leisure towards making it more mobile.

> Attempts [by companies] to discourage working 'off the clock' misfire, as millennial read them not as permission to stop working, but a means to further distinguish themselves by being available anyway *(Peterson, 2019)*.

There is a deadlock to understand the problematic sequence regarding optimization of resources as a technically uncultivable and restrictive measure. This growth has led to burnouts, suicides, domestic violence, and economic instability to exist as a consumerist horror. Certainly, it varies from case to case, but the estimable potential that is entitled towards cannot be ignored and needs to be screwed up. Here, the legal realm of international life and positive legal interests suffer from the extending anomalies of purpose, hope and originality as a socio-economic concomitant to human life, and this in the end has some value to pertain and move, where a human society attains a natural relevance and harmony to exist. Herein are the basic postulates of human conscience and relevance I propose with respect to techno-socialization and AI Ethics as the basic problem and hypothetical figurines of observation.

1. Individual Purposive Construction of Life

   Life has dynamic values of its own structure with time. It is relative and conceived in comparison of the tech revolution in the science-fiction trend of a deemed simulation. However, the spiritual

sense of life is beyond AI, where ML is incapable to enculture and create the modal forms of spiritual and soulful connectivity with nature, as of now. I regard the potential of super intelligence to revert the natural cycle and accept and graduate it the way it persists, which itself is a metaphysical perspective of natural law envisioned by an AI. Still, taking an average scenario, it is far from possibility and the encultured existence of a human is nature-owned. Thus, please love your natural worth and semblance. Connect your inner self with the natural conscience, which does not optimize you for a leisure, but attributes you with the realistic form of human self that you attain. It is about a spiritual exercise of finding your individual purpose and constructive self to retain and advance, psychologically, mentally, physically and spiritually. I prefer this is also a break of the comfort zone that you wish to entitle in terms of the resemblance you can realize soon.

2. Blindness to Consumerist Referentialism

   The term consumerist referentialism tries to entail a set of different extrinsic motivations, which aggregate to form a variant set of motivational influences. In simple terms, we can term them to be generic issues of material nature/sense observed rendering consequences of erosion of semblance to seek the self of the person subjected to. We can say it in the sense of outwardly materialistic attraction, which is incorrect to understand because this faction is not as precise as to realize. Here, globalization entails a consumerist community of corporates, state actors and individuals, who subject to relevant development of a cross-culture of socio-economic impact and lifestyle. Intrusive marketing is the offspring of this kind of referentialism, which we usually find via those big data-led corporate ads, with that intrusive nature to proceed without even estimating the basic needs or amenities of the subject to whom the intrusive marketing is subjected to. Notably, Amazon, Alibaba, Flipkart, and other e-commerce are responsible for such intrusive consumer marketing, which itself is one of the costlier figurines of estimation. So, this is inevitably true. We are on the verge of a consumerist society, where we have

somehow lost semblance to our personal attributes. Taking care of this attribute is AI-centered too because any AI realm must be trained with maintaining and not creating its own ecosystem of activity influence, unless the entitative resemblance is that free and neutrally socialized. This is an inevitable challenge.

3. Jurisprudential Entrepreneurship

   The due methods that law involves and condones with itself with the due conditionality are based on the paradoxical aspect regarding the planar aspect of jurisprudential relevance. How far can law estimate and let the socio-economic upfronts cultivate themselves and avoid the burden of overwork can also be a successful way to improve the justice systems that exist today. Perhaps, the ruled structure of judicial activism may be in an ease to proceed to make permanent and realistic changes. It can also create a dimensional conscience and harmony between hierarchies, organs, administrations and the federal/unitary/quasi-federal/semi-unitary systems of governments present today, with effective interests and immaterial connotations to avoid the politically motivated inverted totalitarianism, constitutional backlash and democratic backsliding. My reference may seem as a suggestion to democratic states, but these problems can emerge in any economy, be it USSR or China these days. It is also about the course of innovation to be condoned and led to proceed with the significant relevance of law as an entrepreneurial exercise. Some benefits we can seek are (1) Solution as a leveled and not loaded instance of action, (2) Creativity as a basic cultivation of customary and intergovernmental executive reconnection (here I mean the central and local/provincial counterparts of the government of a state, for example), and (3) Replenishment of liberties, duties and obligations with the productive solvability entitled with liability furtherance. It can be a phenomenal contribution to the legal system and education fraternity.

4. Naturalist Semblance of Life

   The reconditioning of the natural law school is the dire need to fix globalization and reach out towards a resonant and acceptable

cosmopolitan thought, rather than to dump it. The emergence of naturalist ecocentric reformism is discernible and reasonable at a foreseeable increase. The best example to begin with the extension of the scope of a juristic person in international law (either an ILP or in any other form). This settles us towards estimating how we have to resolve life of a human entity in the recourse of legal cognizance. It is a suggestion that such cognizance must be an ethical mapping and not left with the space and substance of morality. This if adequately determined can prove to be a formidable solution. The ethical mapping must be unharmed by any regularization deemed to be a restriction in its lacuna of approach. In short, it means to encourage the way of life by its organic value and not by any restrictive essence.

5. Privacy as a Pluralist Cross-Cultured Acceptance

   The essence of Privacy, beyond the question of intimacy, is about the mechanical resemblance of life in the naturalist or welfare-oriented pattern, which is for every human entity to pertain. The embodiment of privacy as a cross-affair between an AI and a human entity is a significant question and resolution to pertain, which if is manifested and realized better, we can improve our lives and lead the understandability of privacy as a natural contract. It also leads us to keep the pluralist originality and sensual importance of every entity that exists at the discourse when it seems difficult to deal with the poignant circumstances of making human lives happier. There we need not put things at stake but encourage with a socio-economic viability. This acceptance can surely help us in different ways.

6. Management Ethics as Pro-Individualist and Naturalist and Not Positivist-Seeming cum Optimizing Towards a Drain of Human Potential and Organic Reality Management has a serious work with ML-oriented systems and this perspective is to be taken into a pro-individualist ambit. It means that we need to accept and foster individualist semblance of humans and their workability with the original purpose and importance that they do serve as in their positioned subsidiarity. Making task-hurdling workspaces

affects the management ethics worse, where sales, employability and the strength of companies receive a tremendous footfall. We thus have to lead towards better educative initiatives and encourage possible modalities towards generic organic realities of every human entity at an inclusive level to avoid the crowding mentality and remission to stable human artifacts (their platforms). Values of trust, hope, consistency and amity, akin other human ethical values can surely lead us to compete and channelize the significant roles we have to play with AI realms. Leisure in workability is a problem and that must be regarded.

7. Ethical Optimism as an Immaterial Self-Realization and Reliance

   Now, the role of optimism as a function of hope must be immaterial. You should not hope because there is still or thought of a material requirement to establish. Also, the basic need of hope is an appetite of self-worth and ethical respect, which is found at a good low in globalized economies. Efforts are being led, and the model to understand hope must be practical, real and far-sighted. It is reasonable to term that hope cannot ever be materialized for a materialist good. In fact, the role of hope is an intrinsic (and extrinsic (to some little extent)) motivation to let the person stride through difficulties and render his/her/theirs focus on the viability of action, impact and significance rather than virtual pleasures or technically available leisure. Doing good is an effort, and its ethical role is still incomplete because the subject must be in a relevant impact, which itself we cannot designate all the time because consequences are not always expected as they are conceived. This human reality is ignored in a technical scenario where expectant simulations are manifested. To influence a society and its enterprises, a state sometimes requires cultivability in its law and public policy, not just mere regularization. In that perspective, hope has a big role to play.

These postulates are of humanist cum naturalist nature with a synthetic consensus embedded. I do not declare them as absolute, but they absolutely have a significant value to entail today.

FEAR/MYTH OF AGI AND LIMITEDNESS OF ML VIS-À-VIS DIGITAL COLONIALISM

The best way to understand the consequential importance of Artificial General Intelligence or AGI is about the limited role of ML and its socially-curated encouragement; also, it includes how is it facilitated and led forward. This certainly may raise concerns but should not unless we understand the positive role of the AI revolution and discern. The pointed aspects regarding the myths of super intelligence are based on argumentative values embedded and settled. Thus, let us ask some tough questions:

How much an AGI has a generic potential to defeat the human semblance of life in law (in general the international legal ecosystem)?

It has certainly a good potential to move further, which no one absolutely can ignore. We can, however, take this into a practical scenario that the potential surmises about the AI revolution are techno-social; and if we are still focusing on management optimization as a workable leisure, we can seek an AGI growth but a human capability (inherent and generic) decline soon in a few decades. Still, we can prevent this and estimate how the role-based optimization methodology can be fixed. We need an equitable climate of human and AI-coalesced semblance today, where both coexist in the direction of contributing to each other the deserving development they can facilitate. Also, with regards to a mythical fear that optimizing technology as a workable leisure leads to death or burnout is not that simply applicable to AI orientations.

> Researchers at USC have found that they're studying teenagers who are on social media while they're talking to their friends or they're doing homework, and two years down the road, they are less creative and imaginative about their own personal future and about solving societal problems like violence in their neighborhoods. And we really need this next generation to be able to focus on some big problems such as climate change, economic disparity, and massive cultural differences. No wonder CEOs in an IBM survey identified creativity as the number one leadership competency *(Zomorodi, 2017)*.

It must be considered that the role that AI has attempted to facilitate a workable leisure can be converted to a socio-individual confrontation to foster individual attributes, which is today known as the business of motivation. The self-potential of a human must be inculcated and increased with the virtue to break the material barriers of some myths like a big one, the multitasking dilemma. A human is not multitasking. Neural research suggests that this phase or transition-based work change in seconds or minutes leads to a serious depletion of the neural resources, and that is an interesting reason why millennial are failing to find the basic concentration power due to use of smart phones. This can also be termed as a workable leisure, but of a different kind. It is a mistake of the globalized world that technology is facilitating a mistaken optimization or perhaps the way employed is leisure-based, not knowledge and capability-designed. This perhaps is the question we have to deal with the fact that vigilance is not everything.

Is Digital Colonialism a fearsome shift from a soft data-driven cyberspace?

The way we perceive the very insight of digital colonialism is about a regime (sovereign) or corporate, leveraged by the sovereign, where data as the new biggest resource of the world is perceived in that sense of danger or awe living. This itself must be resembled by understanding the model of digital colonialism *(Pinto, 2018; Levitin, 2016)*. The problems we face in the wake of digital colonialism are based on data privacy, sovereignty, representative positioning and existentialism. Let us take the example of TikTok again. The emergence of such a digital platform where many people, including celebrities are involved in short-term videos/memes or some other kind of shaped digital content has gained a lot of popularity. This provision is of a different formation and establishes with the problems that the mismanaged pluralism of data extraction and drive is formulated. The role of media is not new in a cosmopolitan world. In this century, we are in a mature time to decide how we can further ourselves in the due process of utility and precedential value as human beings. The primacy of data-carried creativity is business idea; for some it is a political game, and for a few, means of livelihood, which is why in the generic estimation, cyberspace is not as normal and is not only about the course of cyber-attacks. The way we have been materializing and

targeting privatization as a means of propagating half-baked and unduly (and unusual) manifestations of human necessity or leisure or pleasure, we have failed many times in resolving the liberal essence that must be either fixed or the contentious problems that have been aggregated by the role of authoritarianism and capitalism at the same time. The worthy fact to note is also about the data mining ethics involved for corporates and the immaturity embellished in the policies of intergovernmental channels towards the problem posed and to be faced. It signifies that globalization has become adolescent, and some have rightly benefited and fostered lives, but the latter is still immature to produce and incentivize. The best example is the case of fragility in the increased chances of global stability (avoidance or no case of armed conflict/casualties of catastrophic nature) as I had discussed in the previous chapter. Thus, we need to avoid or dilute the material aggregates of leisure-based work optimization. We cannot stop it because a management or working environment has to advance, as we need to. Civilizations need to work smart and not only hard to maintain their historic legacy and let social, legal and political frugality in layers, dimensions and stages go away or dissolve with time, and not let time famine create a void for these issues. We have started to do, and we certainly hope that the method dilutes and betters. Hope is thus inevitable.

ALGORITHMS LEGALIZED AND CULTIVATED

This is the veriest and the last section of the book, and I think it is the most anticipated one to proceed with. We have discussed and nudged upon the legality of algorithmic policing, its role with customary and general international law; and yes, the fluidity and regularizing (minimal) role of international human rights law with the principles and doctrines I have proposed. I wish to recollect those conceptual conundrums in brief and relate about the enculturation perspective I have discussed.

Fig 5.1: Chafariz d'el Rey in the Alfama District (of Lisbon) (medievalpoc, 2014). Originally of 1570-88.

Algorithms are the pigments or components of AI; they have a generic naturality of their core infrastructure and their theoretical basis is management and human-oriented. The practical outset, which is created is yet interesting and more relevant today, is to seem from the roles that are being taken in general. Still, after understanding the virtue of what an AI settles for the imperative of realism is to be dealt in the course of science-facts; and being a product of democratization, it is obviously a graduating perseverance factor that every human data subject must learn. The historic role of technology as amorphous interests escalated into a civil societal form, which itself matured with the featured rise of women, the indigenous and immigration. After women, various communities made technology a modern need and forced states to include welfare as a globalized humility. We then liberalized, fostered internationalism as a global idea to connect nation-states. We attempted globalism to make a more affine space the world had never been much in the last century. It has been a gradual success as well, undoubtedly,

with some exceptions, which have been relevant. Frugality has had a course in the world and the laid down hopes that cosmopolitan thought led were taken for a wider perspective. We can lead to understand that we need to reform the capable realization of opportunities, embrace self-recollection and development with ethical practices for the realized aspect of what algorithmic policing can be for state and non-state actors. This involvement may take time and lead a variant prerogative for the time which has not lost but just gone way far.

> [Nothing] that is worth doing can be achieved in our lifetime; therefore, we must be saved by hope. Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore, we must be saved by faith. Nothing we do, however virtuous, can be accomplished alone; therefore, we must be saved by love. No virtuous act is quite as virtuous from the standpoint of our friend or foe as from our own standpoint. Therefore, we must be saved by that final form of love, which is forgiveness *(Niebuhr, 2010, p. 63)*.

Conclusion

The optimist hope that AI entails is about the diluting optimization of an enculturation that we do with our time in pursuance of our individual needs, services and viability and a growing coalescence that surely can have an entitative value today. This with the better cultivable structure of law surely can provide variant opportunities after the political fears and trends to lead mistaking foundations by the developed and few developing nation-states. I may seem globalist in my verbal wager, but it's not about politics. We have a cultural semblance, which connotes us by education, financial growth, self-realization, safer and cogent privatization, mature and immaterialist innovation and pragmatic solvability to challenges we have faced for years but not led with string decisions. The Lisbon painting of the 1500s shows the relationship between the Africans and the Portuguese. This portion of the Eurocentric world depicted in this painting has some impressive reference to inspire us each time. Time escalates and it has to be perennial and intangible, but at the same time, we can seek a light of pursuance which can synthesize our individual

potential in a mixed form. The ground for algorithms is never lost in a cyberspace; it is just how we consider and dedicate the innovation, its role and the future we can connect with technology, not only as a product, or a service, but also as a companion of world history of this nature in which we live in. Let us be happy for that and embrace it.

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