



Human Law, Human Lawyers and the Emerging AI Faith

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RESEARCH



ABSTRACT

The advent of AI has generated remarkable interest in the legal sector. A new ‘faith’ in the transformative power of AI has emerged among law practitioners. According to this new religion, AI would significantly improve the law and the legal profession thanks to automation and the ensuing gains. This development has a messianic taste insofar as it would support lawyers to deal with increasingly complex legal frameworks and a rising demand of legal services. Should lawyers embrace this new faith and allow themselves to be guided by the algorithmic power in the development of their practise? As for all new faiths emerging in times of crisis, this paper argues, caution is needed. The implications of the AI religion in the legal sector are far-reaching and shake the very understanding of *human* law and *human* lawyers. A critical perspective should be embraced by individual operators, firms and regulators when reflecting on the potential of AI for the legal sector.

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1. INTRODUCTION

The law and legal professionals are currently experiencing a profound rethinking entailed by the advancement of legal artificial intelligence (AI) and data-driven automation (DDA). As history teaches us, in moments of crisis new gods and religions surface (1). Likewise, a novel faith in the transformative force of AI has emerged among legal professionals (2, 3, 4, 5, 6). These developments (AI and DDA) are creating new narratives and beliefs in the power of technology and its impact on law and the legal profession.

With the emergence of AI systems, so has come the expectation that they may transform the law and the legal profession. AI and DDA are still developing, yet the hype among lawyers is high, and not completely unfounded. AI and data-driven automation are both quantitatively and qualitatively noteworthy. Numerous scholars and professionals (2, 3, 4, 5, 6) argue that it is just a matter of time until the technology overtakes the legal profession. Now that AI has come, nothing will be the same for the law and lawyers. AI and DDA are mushrooming, beginning to colonise all aspects of the legal world, but there are real concerns about the quality of these tools. A telling example involves a US lawyer who used ChatGPT to draft briefs for a case. The judge hearing the case later discovered that the briefs included citations that did not exist and that had been forged by ChatGPT (7).

It is evident that, while AI may be transformative, we must be cautious. The promised new land of artificial law and artificial lawyers may not be as proximate (or as promising) as one might think. Currently, the legal sector is floating somewhere between tradition and automation.

This offers us the opportunity to go back to first principles. What distinguishes *human* law and *human* lawyers from AI law and AI lawyers? What does AI promise to bring to the legal sector and what may it take away? Reflecting on these issues is crucial to ensure the adequacy of prospective public policy developments on the development of the legal sector, and to ensure that we avoid lapsing into uncritical acceptance of the novel faith in AI.

This paper explores these questions and provides reflections on the future of the law and lawyers in the AI era. It firstly illustrates the main scholarly theories about human law and human lawyers, before exploring recent developments in the legal sector of the 21st century. It closes with remarks on the implications of the novel AI religion for human law and human lawyers.

2. THE HUMAN

Human law and human lawyers mirror and adapt to collective human activities and consciousness. As such, they are mutable and dynamic, reflecting historical path dependencies and legal traditions, as well as societal evolutions such as globalisation, civil rights movements, and the advancement of neoliberalism in the markets. This demonstrates the twofold nature of both human law and human lawyers: as tools of stability, regulatory ‘standardisation’ and order, but also as means of transformation within society. Considering the multi-layered nature of human law and human lawyers, it is questionable whether AI-driven law could reproduce these functions and features. The complexity of human law and human lawyers emerges both from theoretical studies and empirical observations.

2.1. LAW

Three main schools of thought dominate when it comes to defining what law is: a first focusing on bindingness and validity (9, 10, 11, 12); a second focusing on functions (13, 14, 15, 16); and a third focusing on its systemic dimension (17, 18, 19, 20).

A first stream of theories on the law offers an *internal perspective*, focussing on what makes the law valid, and why society accepts this validity. In turn, such validity gives the law authority and bindingness over individuals. There is no consensus on the ultimate source of authority of the law; yet scholars agree that the law is a form of public authority. Natural law theorists, from Aquinas (8) onward, argue that law’s binding character comes from its relationship with morality, whilst positivists dispensed with this depth, arguing that law is an axiomatic fact rooted in the authority of the rule giver. For instance, Hobbes posited that law is defined by Leviathan’s ruling over the masses, whether king or parliament (9); and he was followed by JL Austin two centuries later, who argued that law is ‘rule[s] laid down for the guidance of an

intelligent being by an intelligent being having power over him' (10). Fast-forwarding to the 20th century, the main theories on the validity of the law have a positivist taste: Kelsen's *Gründnorm* theory (11) submits that any valid law derives from a hierarchy of laws rooted in one 'ultimate law' (i.e., the 'Gründnorm'), while Hart advanced the so-called rule of recognition that defines the test for legal validity as the master meta-rule underlying any legal system (12).

A second approach to defining what law is concentrates on its *external* dimension, or the way in which the law functions and the roles it fulfils. Within these theories, much of the focus is on how legal texts are interpreted, and how law's addressees are to understand its commands and requirements. The various theories assess and propose different reconstructions of law's functions. For instance, law has been described as a social system which:

holds out the prospect of resolving conflicts (and at the same time makes it possible to seek out and withstand conflicts), for it contains a preliminary decision (however unclear it may be in the individual case) about who has to learn from disappointment and who does not (13).

Others suggest that the law's functions are, among others, to permit and place limits on public and private power, or to provide procedures by which individuals can order their conduct (14). Law has also been defined as a form of engineering which 'makes things' that will help advisees to achieve their objectives (15). Other authors, such as Krygier, conceptualise the law as the embodiment of legal culture and thus as a vehicle for the transmission of legal concepts and ideas (16).

Finally, scholars have conceived the law from a *systemic* perspective. Here, the focus is on what law's role is within the ensemble of institutions and open-ended structures that form a part of, shape, and react to society. These schools of thought highlight the nature of the law as a tool of societal consolidation or mobilisation. For example, law can be thought of as an institution or a discursive realm defined, shaped and bounded by legal standards, rules, ethics and norms within which actions proper to the law materialise (17). Habermas conceived the law as the institutional embodiment of an historical sequence of 'rationality structures' (18). Along similar lines, Nonet and Selznick defined law as multidimensional, blending social, political, and institutional aspects as variables that depend on social context (19). They understand these dimensions as facets of a system of interrelated elements which can only adopt a limited number of evolutionary configurations. Finally, for Teubner, the key idea, central to the neo-evolutionary theories, is the 'self-reference of legal structures' (20), which are both open and closed. The dynamics of the law entail changes that occur internally to the law, but are also affected by external stimuli which, in turn, influence the external environment.

The recurring theme is that the law has an inherent authoritative value, which demands compliance from the public while guiding public behaviour and individual conducts. Moreover, law is reactive to societal changes and values. What the explored theories share is a view of law as the product of human actors and institutions.

In addition to these theories, recent developments on the ground make the nature of the law and the lawyers' profession increasingly complex. The theoretical and empirical explorations offer the conceptual tools to best contextualise and critically reflect on the gains and the losses of the novel AI religion.

2.2. LAWYERS

As with the law, the image of the lawyer has also been extensively studied. By 'lawyer' this paper refers to the concept of a legal professional authorised as such. There are three main areas of study of the legal profession in socio-legal scholarship: the ethics; the skills; and the functions of lawyers, all of which are reflected in the regulation of the legal profession (21).

First, *ethics* has a central place in the work of a lawyer. A strong ethical foundation for the conduct of lawyers ensures that the latter abide by principles and values that ensure public trust (22). By contrast, unethical behaviours can affect public confidence in the legal practitioner, the legal profession as a whole and, ultimately, the entire legal system. On this point, in *Bolton v Law Society* (23), the England and Wales Court of Appeal observed that 'It is essential that solicitors can be "trusted to the ends of the earth"'. Webb has advocated for entrenching an ethics of responsibility in the legal profession, constructed on, among others, a democratic

premise, a strong commitment to moral agency, the ability of transgressing unjust laws, and a legal education that pays attention to self-esteem, emotional intelligence, integrity and altruism (22). With the objective of protecting and enhancing trust, bar associations across the world have adopted codes of conduct and ethical guidelines to govern the legal profession in their respective jurisdictions (21).

Second, authors have focussed on the *skills* that characterise legal professionals. Morgan (24) remarks that lawyers have a specific way of thinking as part of their work, which is guided by the legal method and reasoning. This approach to decoding legal matters requires knowledge of the law, including its institutions and enforcement procedures. Part of a lawyer's job is the ability to think strategically in light of the applicable rules, actors and context, with the view to managing other parties' expectations to find common ground (25). Finally, lawyers engage in several interpersonal dynamics with their clients, as well as with other public and private actors, and thus rely on communication and persuasion (26). Drawing on Llewellyn's work, Wizner noted that it is seldom the case that these skills can be at odds with compassion, idealism and concern for truth and justice (27).

Thirdly, scholars have reflected on *the role and function performed by lawyers in society*. Hussey Freeland (17) submits that the existence of the lawyer is the materialisation of the courts' power and contributes towards the making of the law. In her words:

'[t]he professional acts of the lawyer enact the discourse of the law, in a sense forming it, presenting and re-presenting it as a stage-actor performs a play: the text of the play comes to life through her actions before the audience (...)'.

That role is subject to specific duties, such as that of confidentiality and loyalty towards clients (28). This fundamental and necessary role is reflected in the fact that most democratic jurisdictions recognise the right to a lawyer.

To summarise, human lawyers' unique role in society is the direct result of the combination of ethical, technical and functional features. Ultimately, lawyers are the precursor to the exercise of courts' powers to issue authoritative decisions. In so doing, they are expected to abide by ethical standards and practise 'legal skills'.

In short, human law and human lawyers reflect the intricacies of human nature and societies. But beyond theoretical enquiries, it is also necessary to explore recent developments taking place on the ground and concerning both human law and human lawyers.

2.3. HUMAN LAW AND HUMAN LAWYERS OF THE 21ST CENTURY

While socio-legal scholarship offers useful insights, there are several dynamics that are currently shaping the nature of the law and lawyers in the 21st century. These transformations are the result of various forces, such as the markets, globalisation and constitutional dynamics.

Over the course of the last fifty years, the law *has proliferated to extraordinary levels*. As early as 1989, Sthuthers asked '(h)ow can we keep up' with the expansion of the law, and argued that realistically '(n)o-one can be aware of all the statues that govern our lives' (29). The expansion of legal frameworks can be observed in most fields of law, at both the national and international levels. With proliferation comes complexity. Regulatory frameworks have become detailed and byzantine. Legislators in a multitude of jurisdictions have sought to provide extensive guidance to courts through express rules while reducing scope for judicial discretion. The plethora and entanglements of frameworks also entails overlaps between regulatory regimes and thus challenges in the enforcement of the law.

Two other dynamics affect the law of the 21st century. Because of the proliferation of legal frameworks, the *law now covers technical and scientific disciplines*, such as engineering, chemistry, medicine and so on. Examples are rules on on chemical products or medical procedures. Finally, the law has become more *transnational and globalised*. The existing interconnections and dependencies in the global arena have meant that legal frameworks must incorporate rules on transnational issues and cooperation (e.g., the EU AI Act or the UK data protection framework after Brexit) (24).

Lawyers have adapted to the features of the law of the 21st century. Because of the expansion of regulatory *frameworks, the demand for legal work has increased* (24). Accordingly, the legal

market has transformed to adapt to this need. Lawyers are now not the only workers providing legal services. A form of externalisation of the legal profession is occurring through the work of professionals who are not qualified as lawyers but who can provide quasi-legal services (28), while the growing intersection between law and scientific matters has given rise to a demand for interdisciplinarity among lawyers (24).

Therefore, how does the AI impact human law and human lawyers? How would the AI promises and the progressive emergence of artificial law and artificial lawyers transform the legal sector as we know it?

3. THE ADVENT OF THE ARTIFICIAL IN THE LEGAL SECTOR

AI and DDA tools deployed in the legal sector are replacing some of the tasks traditionally carried out by lawyers. In certain ways, they are overtaking the powers of legal professionals to contribute towards the materialisation of the law. But AI and DDA tools are not only participating in the making of the law as lawyers would. Through their codes and data, they embed and produce law. They are fundamentally artificial law, born out of the interaction between data and code; they merge both artificial law and a (proto-)artificial lawyer.

This combination becomes evident when examining the legal applications of AI and DDA. The latter are employed to review documents, manage workflows, automate and enhance aspects of legal work (such as contract analysis, due diligence, litigation and regulatory compliance), generate insights and recommendations (5). By using techniques such as machine learning and natural language processing, AI and DDA can classify documents and extrapolate information; they can also offer summaries of legal text, retrieve legal sources and draft legal texts (30). These are all tasks traditionally performed by human lawyers. Although a certain degree of automation has already emerged, currently these operations are not fully automated and require a significant degree of supervision. In recent months, law firms have expanded their databases and started training legal models to enhance the automation of these legal tasks (31). Document analysis, contract intelligence and document deliveries are among the most common deployments of AI in the legal sector (5).

Due to the potential of these technologies, the AI faith pervades the legal sector. Once fully deployed in the legal sector, AI and DDA could enhance the profession, it is argued (32). As an exemplary technophile, Susskind has suggested that when it comes to AI in the legal profession '(w)e are still in the foothills', but AI systems would, in due course, 'outperform humans' (33). There are several reports on the gains of legal AI, especially authored by the creators of AI tools (34). With the spreading of these narratives, the belief in the transformative power of AI and its promises is pervading the legal sector. The hype for this new faith is high, although it has been reported that currently only a handful of legal departments are getting actual value from the deployment of AI (5).

For those who advocate for the embrace of AI in the legal sector, the AI faith is based on a series of claims. First, that AI will enhance the efficiency of the legal profession by way of automation (2, 3, 4, 5, 6). The computational speed of AI will diminish delays in the management of matters and allow quick answers to legal questions from clients through, for instance, chatbots. Second, and consequently, those speed and efficiency gains will contribute towards reduced costs for clients (5). Third, and finally, the time and cost reductions will reveal the democratising potential of AI by – it is alleged – reducing barriers (including financial burdens) for individuals to access to justice. According to the apostles of this new faith, artificial law and artificial lawyers would be automated, speedier, more efficient and democratising (35).

The consequences of the advent of artificial law and artificial lawyers are still to be determined. From the current no-man's land between the traditional and artificial legal profession, the future looks more controversial than the one just presented. While AI's potential for achieving its touted outcomes should be acknowledged, policy makers should be cautious. The novel AI faith should not be blindly embraced, as it may transform law and lawyers as we know them to a questionable and potentially undesirable extent. Several critical observations can be made.

To begin with, AI law stretches the boundaries of the law in all three of its fundamental dimensions: authority, functions and as a system. First, the authority of AI tools is 'mixed'. Human law is a form of exercise of public power deriving its authority from the constitutional

authors and procedures followed for its adoption. By contrast, artificial law in the form described relies on a mixed authority. It is a blend of law, data, algorithms and the data scientist involved in programming it. To accept the validity of artificial law, societies and constitutional actors such as courts must accept the mixed, techno-legal authority of AI tools. The acceptance is unlikely to be unanimous and will depend on the local legal traditions and the more or less technophile attitude of individual jurisdictions.

Second, artificial law challenges our current understanding of human law. As discussed, human law performs various functions, ranging from providing guidance on the allocation of and imposition of limits to public and private powers, to the protection of legal entitlements. These matters are constitutional in nature, require contextual assessments and sit at the intersection between law and politics. But could artificial law, for instance, realistically set the boundaries of exercises of power? And if so, how acceptable would it be for an AI tool to perform such delicate political tasks? The point is that it is unclear whether artificial law is apt to reproduce all human law's functions. A further crucial element that allows the law to achieve its functions is its interpretation by qualified professionals, and especially courts which act upon guarantees of competence and judicial independence. Yet the 'black box' problem (36) persists and is not easily solvable in a legal context. Artificial law resulting from the interaction between law, code and data may not always be easily explainable and thus interpretable. Artificial law is thus likely to be opaque and inaccessible to the public.¹ Laws that are not easily accessible engender a significant knowledge divide. Such a knowledge gap affects the ability of non-experts to get hold of and understand the law and its implications, while making it harder for lawyers to 'keep up'. A law that is not easily accessible may also provoke defiance and contestation. This is because inaccessible laws signal a form of misalignment from common, shared values with the objectives pursued by the law, a situation which in turn may undermine public trust and in last instance compliance with the law (38).

The black box problem and the potential disconnect between the public and the law are issues linked to that of the authority of artificial law explored above. The law finds authority in its constitutional authors and the procedures followed for its adoption. Courts exercise a crucial role in ensuring that the rules for the validity of laws are respected, especially through judicial review. (38) In systems where judicial review is possible, it is unclear what parameters would be used to scrutinise artificial law. The mixed authority of artificial law goes beyond the legal realm, and there are no established parameters of validity to be used in scrutinising data and algorithms. Should the authority of artificial law develop new conceptual tools for contestation, or would human law lead the assessment?

This is not a frivolous question, particularly as the advancement of artificial law is subtly establishing the authority of algorithms as source of law. The mixed authority of artificial law needs to come under the spotlight, and recent jurisprudence on judicial review of automated decision-making has already highlighted the challenges in using human law categories in the realm of artificial law (39). Critical reflection is necessary to capture and address the implications of the emergence of artificial law. Two broad approaches to the review of artificial law could be envisaged: the use of new 'artificial' conceptual tools for scrutinising artificial law, or, alternatively, reliance on traditional, human law. Until a satisfactory approach is identified, the authority of artificial law is likely to proceed largely uncontested and unchallenged, potentially leading to abuses of power.

Third, human law is a reactive system that progressively adapts to and shapes society and its values. It may be argued that generative AI displays a form of adaptation and reactivity. For instance, large language models such as ChatGPT adapt their outputs depending on the prompts they are exposed to. What is more, they learn from the interactions they have with their users (40). Another example of adaptable AI technology is machine learning, which learns from the data it is used to train it to draw new patterns and rules. At the same time, it has also been extensively reported that it can generate false outputs (e.g., non-existent legal authorities) and thus 'misinterpret' reality and human knowledge (7). Beyond generative AI, other AI systems used in legal contexts may also provide adaptability and flexibility; the questions would be 'to what', 'for what purposes' and 'for whom'. Human values such as empathy, equality and

¹ The accessibility of the law is a requirement of the rule of law. See Bingham (37).

inclusiveness may not be engaged, thus widening the gap between humans and the law. The ability of these systems to reproduce the same feature of human law is doubtful.

The rupture between artificial lawyers and human lawyers is equally deep. AI tools could replicate part of the skills exercised by lawyers, such as document review and preliminary contract drafting, but will struggle to cohere to the ethical standards or to ‘think’ as a lawyers; they could at most statistically predict likely sequences of words through generative AI models. Yet it may be argued that legal reasoning and thus ‘thinking like a lawyer’ are essential elements of the legal profession (25).

While some tools are used to predict cases’ outcomes, they do not think; rather, they conduct statistical assessments of the likelihood of outcomes. In so doing, they do not consider contextual factors that may determine cases’ outcomes. The gap between human and artificial legal professionals is even more evident when assessing the ethical and functional aspects of the legal profession. The challenges linked to ethics for legal professionals are further exacerbated when considering the nature of AI tools, which would rely on data and code to solve complex ethical questions demanding, among others, empathy and humanness. As mentioned above, it is dubious whether AI tools could be infused with human values, including ethical considerations. The presence of a human in the loop could potentially correct this absence; yet the interplay between human and artificial lawyers would still be subject to the power of algorithms and to the advancement of non-human values. The implications of this new model are yet to be explored. AI tools would also appear to lack the function of lawyers as ‘officers of the court’ – unless courts identify AI tools as their officers. Local legal traditions and levels of technophilia in different legal orders will play a pivotal role for this evolution to occur. Last but importantly, the substitution of human lawyers with artificial lawyers would raise questions of liability for damages such AI tools may cause to clients.

Moving beyond the theoretical dimension, artificial law also appears at odds with the recent dynamics empirically observed in the legal sector. Against the complex background of the law of the 21st century, difficulties of lawyers to ‘keep up’ with the law become tangible. The growing volume of legal work is one of the main reasons for the push towards AI-driven solutions in the legal sector under the promise of increased efficiency. While AI tools certainly appear to help in alleviating the rising demand for legal services, artificial law would encounter severe challenges in addressing the interpretation of various complex legal frameworks, and solving demands of interdisciplinarity and transnationality. Instead, AI and DDA seem to add a layer of complexity to the already inscrutable and inaccessible law.

To give but one example, as part of their duties, lawyers must provide their clients with clear, non-misleading information (41). Yet artificial law, being the product of algorithms and data, is affected by the ‘black box’ problem (36). How AI tools have reached a specific legal conclusion is not always transparent and explainable, and this undermines the transparency and openness of artificial law (42). The human dimension of the relationship between lawyers and clients has been traditionally necessary to establish trust, mutual understanding and empathy. Clients must be assured that their lawyers fully understand their problems and will try to solve them, while also explaining the consequences of the law for their interests and rights. But this trust dynamic could be seriously undermined by the presence of AI tools in the legal sector: AI systems may not be able to offer the same levels of empathy to their clients, and, above all, are often lacking explainability features (43). In addition, AI systems such as neural networks may learn on their own and acquire features that were not envisaged in the initial stage of the AI design – the so-called ‘hallucinations’. As a result, artificial law may be unpredictable, with significant risks of errors and potential damages to clients.

All in all, the novel AI faith risks making the legal profession more complex and guided by the demands of technology, rather than those of clients and human law. One may argue that these problems would be solved with the improvement of AI tools. Advocates of the ‘AI faith’ suggest this would be the case (2, 3, 4, 5, 6). But, if a more accurate and adaptable legal AI were to emerge, lawyers and regulators would be faced with another concern, which is the future of the legal profession. If automation in the legal sector reaches more than satisfactory levels, one may wonder whether we need human law and lawyers, after all. Hence, a long-term consequence of this new legal ‘AI religion’ could be substitution of human lawyers with artificial lawyers, and, ultimately, a loss of confidence in human law and human lawyers. In turn, this could lead to a transformation of public perception and trust regarding human law and the

legal profession. These developments require careful consideration because they are liable to shake not only the public trust but also the authority and, ultimately, the legitimacy of the law, its officials and entire legal orders.

The above reflections do not seek to understate the positive potential of AI. Rather, they aim to stimulate a critical approach to the future of the law and lawyers, and to invite law firms and regulators to engage in careful reflections on the legal sector they want to create through the use of AI and DDA. The new emerging faith in AI and its transformative power for the legal sector should be embraced with caution, without letting the hype take over.

4. CONCLUSIONS

The legal sector has been exposed to the algorithmic power of AI and DDA tools. A new faith in the potential of these technologies as a transformative force for the field has accordingly emerged. This paper advanced critical reflections on this new religion and provided a set of conceptual and analytical tools to analyse the implications of the advancement of artificial law and lawyers. After reflecting on the concepts of human law and human lawyers, it surveyed the transformations of the legal profession and laws of the 21st century. It identified a series of constitutive features of human law (authority, functions and its reactive dimension) and characteristics of human lawyers (reliance on ethical standards, the exercise of specific skills and the performance of a peculiar function in society). It then discussed recent developments in the legal sector that have made the law more complex, transnational and interdisciplinary. The legal profession has adapted to those transformations.

Against this background, the paper has reflected on the implications of the new faith in AI in the legal domain. How would a legal sector dominated by artificial law and artificial lawyers look? This paper observed that artificial law and lawyers would significantly stretch the boundaries of human law and lawyers as currently conceived; all the core aspects of the law and the legal profession would be challenged by the advent of artificial law and artificial lawyers. Accordingly, law firms and regulators are invited to approach with cautiousness these transformations, and embrace these changes with a critical spirit. Is the advancement of artificial law and lawyers really geared to overturn the current legal domain? As Cedric Price asked in 1966: ‘Technology is the answer, but what was the question?’ (44) Currently, the questions that AI is trying to answer in the legal sector are unclear.

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COMPETING INTERESTS

The author has no competing interests to declare.

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REFERENCES

1. **Weidenfeld U.** Religion gives orientation in times of crisis. [Internet]. Resilience [Cited on 2024 September 14]. Available from: <https://www.resilience-ri.eu/religion-gives-orientation-in-times-of-crisis/>.
2. **Clough, J.** *Winning the AI race* [Internet]. 2024 July 3 [cited 2024 September 14]. Available from: <https://reform.uk/comment/winning-the-ai-race/>.
3. **Susskind R.** *Tomorrow's Lawyers*. Oxford: Oxford University Press; 2023.
4. **Thomson Reuters.** *How AI is transforming the legal profession* [Internet]. 2023. [Cited 2024 September 14] Available from: <https://legal.thomsonreuters.com/blog/how-ai-is-transforming-the-legal-profession/>.

5. **Deloitte.** *The Future of legal work?* [Internet]. 2024. [Cited 2024 September 14] Available from: https://www.deloitte.com/global/en/services/legal/research/the-future-of-legal-work.html?id=gx:2ps:3gl:4deloitte_legal:5:6legal:20240711::dlgenaipgoog&gad_source=1&gbraid=0AAAAA-By6CwwYEXpW8ebrX0UQVfSrY9s&gclid=CjwKCAjwnqK1BhBvEiwAi7o0XwFzUryft49qKGdm_JUFxkhgT7BApEWHPQIbYNOrmbOn6bn3uqPJARoCG3wQAvD_BwE.
6. **Hunter D.** The death of the legal profession and the future of law. *UNSW Law Journal*; 2020; 43(4): 1199–1225. <https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2020/11/Hunter.pdf>.
7. **Legg L, McNamara V.** *AI is creating fake legal cases and making its way into real courtrooms, with disastrous results* [Internet]. *The Conversation*; 2024 [Cited 2024 September 14] <https://theconversation.com/ai-is-creating-fake-legal-cases-and-making-its-way-into-real-courtrooms-with-disastrous-results-225080>.
8. **Floyd S.** *Thomas Aquinas: moral philosophy* [Internet]. *Internet Encyclopedia of Philosophy* [Cited 2024 September 14]. Available from: <https://iep.utm.edu/thomasaquinas-moral-philosophy/>.
9. **Williams G.** *Thomas Hobbes: moral and political philosophy* [Internet]. *Internet Encyclopedia of Philosophy* [Cited 2024 September 14] Available from: <https://iep.utm.edu/hobmoral/#SH5a>.
10. **Austin, J.** *The province of jurisprudence determined*; 1832. <https://www.nlnrac.org/node/255>.
11. **Marmor A.** *Pure theory of law* [Internet]. *Stanford Encyclopedia of Philosophy*; 2021 [Cited 2024 September 14] Available from: <https://plato.stanford.edu/entries/lawphil-theory/>.
12. **Hart HLA.** *The Concept of Law*. Oxford: Oxford University Press; 1961.
13. **Luhmann N.** *Law as a social system*. Oxford: Oxford University Press; 2004. DOI: <https://doi.org/10.1093/oso/9780198262381.001.0001>
14. **Bingham T.** *The rule of law*. London: Penguin; 2011.
15. **Howarth D.** *Law as engineering*. Edward Elgar; 2023. pp. 1 and 6.
16. **Krygier M.** *Law as tradition*. *Law and Philosophy*. 1986; 5:237–262. DOI: <https://doi.org/10.1007/BF00190762>
17. **Hussey Freeland DM.** *What is a lawyer? A reconstruction of the lawyer as an officer of the court*. *St. Louis University Public Law Review*. 2012; 31(2):425–496. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2047974.
18. **Finlayson JG, Rees DH.** *Jürgen Habermas* [Internet]. *Stanford Encyclopedia of Philosophy*; 2023 [Cited 2024 September 14]. Available from <https://www.google.com/search?client=safari&rls=en&q=habermas+law+rationality+structures&ie=UTF-8&oe=UTF-8>.
19. **Nonet P, Selznick P, Kagan RA.** *Law and Society in Transition: Towards responsive law*. New York: Routledge; 1978.
20. **Teubner G.** *Substantive and reflexive elements in modern law*. *Law & Society Review*. 1983; 17(2):239–285. DOI: <https://doi.org/10.2307/3053348>
21. **Gillers S.** *Regulation of lawyers: problems of law and ethics*. New York: Wolters Kluwer; 2015.
22. **Cited in Webb J.** Being a lawyer/being a human being. *Legal Ethics*. 2015; 5(1). DOI: <https://doi.org/10.1080/1460728X.2002.11424163>
23. *Bolton v Law Society* [1993] EWCA Civ 32.
24. **Morgan TD.** The changing face of legal education: its impact on what it means to be a lawyer. *Akron L. Rev.* 2011; 45: 811–841.
25. **Mertz E.** *The language of law school: learning to “think like a lawyer”*. Oxford: Oxford University Press; 2007. DOI: <https://doi.org/10.1093/acprof:oso/9780195183108.001.0001>
26. **Ayouni M, Friehe T, Gabuthy Y.** Bayesian persuasion in lawyer-client communication. *International Review of Law and Economics*. 2024; 78: 106196. DOI: <https://doi.org/10.1016/j.irle.2024.106196>
27. **Wizner S.** Is learning to “think like a lawyer” enough? *Yale Law and Policy Review*. 1998; 17(1): 583–592. <https://www.jstor.org/stable/40239543>.
28. **DeMott DA.** The lawyer as agent. *Fordham L. Rev.* 1998; 67(2):301–325.
29. **Struthers S.** Proliferation of the law: how can we keep up? *LawNow*. 1988; 13(2):15–16. Available from: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/lanow13&div=20&id=&page=>.
30. **Pietropaoli I.** *Use of artificial intelligence in legal practice*. *British Institute of International and Comparative Law* [Internet]. 2023 October 16 [Cited 2024 September 14]. Available from: <https://www.biicl.org/blog/69/use-of-artificial-intelligence-in-legal-practice?cookieset=1&ts=1726427791>.
31. **Peters D.** *10 ways AI is changing law firm management* [Internet]. 2023 October 3 [Cited 2024 September 14]. Available from: <https://www.lawsociety.org.uk/topics/ai-and-lawtech/partner-content/10-ways-ai-is-changing-law-firm-management>.
32. **The Law Society.** Artificial intelligence (AI) and the legal profession; 2018. [Cited 2024 September 14] Available from: <https://www.lawsociety.org.uk/topics/research/ai-artificial-intelligence-and-the-legal-profession>.
33. **Bindman D.** *Susskind: AI could crack the problem of unmet legal need* [Internet]. *Legal Futures*; 2023 July 13 [Cited 2024 September 14]. Available from: <https://www.legalfutures.co.uk/latest-news/susskind-ai-could-crack-the-problem-of-unmet-legal-need>.

34. **Robin AI.** *Robin AI shakes up M&A contracts* [Internet]. 2024 June 13. [cited 2024 September 14]. Available from: <https://www.prnewswire.com/in/news-releases/robin-ai-shakes-up-ma-contracts-302171294.html>.
35. **American Bar Association.** *Task Force on Law and Artificial Intelligence* [Internet]. 2024 June 24 [cited 2024 September 14] Available from: <https://www.americanbar.org/news/abanews/aba-news-archives/2024/06/aba-task-force-law-and-ai-survey/#:~:text=The%20ABA%20Task%20Force%20on%20Law%20and%20Artificial%20Intelligence%20was,a%20responsible%20and%20trustworthy%20manner.>
36. **Blouin L.** *AI's mysterious 'black box' problem, explained* [Internet]. University of Michigan Dearborn; 2023 March 6 [updated 2024 September 14]. Available from: <https://umdearborn.edu/news/ais-mysterious-black-box-problem-explained#:~:text=It%20>.
37. **Bingham T.** *The rule of law*. London: Penguin; 2010.
38. **Black J, Murra A.** Regulating AI and machine learning. *European Journal of Law and Technology*. 2019; 10(3). <https://www.ejlt.org/index.php/ejlt/article/view/722>.
39. **Gentile G.** Artificial intelligence and the crises of judicial power: (not) cutting the Gordian Knot? In De Gregorio G, Pollicino O, Valcke P (Eds.) *Oxford Handbook on Digital Constitutionalism*. Oxford University Press; 2024. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4731231.
40. **Banh L, Strobel G.** Generative artificial intelligence. *Electronic Markets*. 2023; 33:63. DOI: <https://doi.org/10.1007/s12525-023-00680-1>
41. SRA code of conduct for solicitors, RELs and RFLs. [Internet] 2023 [cited 2024 September 14]. <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>.
42. **Busuioc M, Curtin D, Almada M.** Reclaiming transparency: contesting the logics of secrecy within the AI Act. *European Law Open*. 2023; 2(1):79–105. DOI: <https://doi.org/10.1017/elo.2022.47>
43. **Peters U.** Explainable AI lacks regulative reasons: why AI and human decision-making are not equally opaque. *AI and Ethics*. 2023; 3:963–974. DOI: <https://doi.org/10.1007/s43681-022-00217-w>
44. USC Architecture. *Technology Conversation: "Technology is the answer... but what was the question?"* [Internet] 2020 April 1. [cited 2024 September 14]. Available from: <https://arch.usc.edu/events/technology-is-the-answerbut-what-was-the-question>

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