Can Artificial Intelligence Engage in the Practice of Law as the Art of Good and Justice?

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This article explores whether artificial intelligence (AI) can engage in the practice of law as an art of good and justice. It examines the historical and philosophical foundations of law as the art of promoting societal harmony and resolving moral dilemmas. The research employs critical and philosophical analysis methods integrating insights from legal scholars, ethicists, technologists, and policymakers. The study identifies AI's potential to streamline legal processes, enhance access to justice, and reduce bias in decision-making. However, it also highlights ethical challenges such as transparency, accountability, and the impact on the legal workforce. The article emphasises the importance of striking a balance between technological innovation and human values, advocating for proactive regulation and interdisciplinary cooperation to ensure the ethical development and implementation of AI in law. The results of the study highlight the transformative potential of AI in revolutionising legal practice, emphasising its capacity to streamline processes, improve access to justice, and mitigate bias. However, ethical considerations such as transparency, accountability, and the preservation of human judgment are crucial to ensuring that AI integration in law upholds fundamental principles of justice and fairness.

Keywords: artificial intelligence, good and justice, ethics, law as an art, pursuit of justice

INTRODUCTION

The intersection of artificial intelligence (AI)[1] and the field of law represents a complex relation where technology meets ethics, efficiency confronts equity, and innovation challenges tradition. This article analyses the relationship between AI and the legal realm, exploring how AI is revolutionising various aspects of the legal profession while raising essential ethical questions. As AI continues to advance, legal practitioners, scholars, and policymakers

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[1] In the context of this article, it is essential to clarify that the term 'AI' is used as technology possessing capabilities like those of humanas, such as reasoning, learning, planning, and creativity. For the purposes of this article, the term AI means 'artificial intelligence technology' or 'artificial intelligence system' and in no manner implies the attribution of subjectivity or autonomy to AI; rather, it solely denotes the emulation of certain human-like functions.

must embrace the results of integrating AI into the practice of law and welcome the evolving digital-legal reality.

One of the central issues in the philosophy of law is the concept of justice. Philosophers have long debated the nature of justice and its role in legal systems. This discussion is crucial in the context of AI regulation as it prompts us to consider how to ensure that AI technologies are governed in a just and equitable way. One way to ensure justice in AI regulation is through the inclusion of human rights principles. Another classical problem is the relationship between law and morality. This debate revolves around whether laws should be based on moral principles and, if so, to what extent. In the realm of AI governance, understanding this relationship is essential to formulate ethical guidelines and regulations that align with fundamental moral values and principles, such as fairness, transparency, and accountability.

AI's potential in the legal domain cannot be exaggerated. It has the capacity to streamline legal research, optimise decision-making processes, and improve access to justice. However, this progress also gives rise to concerns related to transparency, fairness, and the impact of AI on the traditional roles of legal professions.

What is novel in this article is exploration of whether AI technology can serve as a facilitator for the dissemination of good and justice in the society. What is known as a fact is that AI is reshaping the ways legal services are delivered. Nevertheless, the implementation of AI in the legal system must be approached cautiously, with awareness of ethical considerations, and a commitment to preserving fundamental principles of fairness and equal access to justice.

The object of research is to examine the interplay between law and AI, with a particular focus on the concept of law as a form of art aimed to foster good and justice. The article explores the historical and philosophical foundations of this concept, emphasising the idea that law serves as an instrument to implement justice. The goal of the research is to critically assess the possibilities of the engagement of AI with the complex art of law. By analysing the principles and ethical foundations of law, the article raises the dilemma of whether AI can effectively contribute to the pursuit of good and justice within the legal system. Integrating AI into the realm of law is examined both in terms of its advantages and the challenges it presents and its impact on the fundamental values upon which the legal system operates.

Regarding the methodology, this article provides a more conceptual and philosophical exploration. Nonetheless, the article does incorporate a variety of research approaches to support its arguments, and the author has chosen to analyse the topic using a number of methods. The philosophy of law employs various methods to analyse legal principles and concepts: the critical analysis method was used to examine the topic in a systematic, objective, and analytical way; the philosophical analysis method was chosen to explore the concept of law as a form of art aimed at promoting good and justice. It draws from historical philosophical traditions, such as Aristotle's ethics, to establish the connection between law, morality, and justice. Ethical considerations are broadly used in the context of AI's integration into the legal field. It discusses the ethical dilemmas and challenges posed by AI in relation to the pursuit of justice. The article takes an interdisciplinary approach, considering both legal and technological perspectives. It discusses the impact of AI on the legal profession.

There are very few scholarly works in Lithuania that address the aim and goal of this work, and the main authors who have written on the subject under consideration are Assoc. Prof. Dr Donatas Murauskas, Dr Johanas Baltrimas, and Dr Agnė Juškevičiūtė-Vilienė, all

from the Faculty of Law of Vilnius University. Therefore, the main focus in this work is on foreign scholarly literature. The foreign literature is the most extensive on the ethics of artificial intelligence,[2] not least in its analysis of the prospects for future regulation of this technology.[3]

THE ART OF GOOD AND JUSTICE IN LAW

Answering the question of what law is is not simple. Law is the art of good and justice (Lat. *ius es ars boni et aequi*) – the sentence, which raises a number of questions about the definition of law as a phenomenon, has been known since Roman times (Murauskas 2015). People seek knowledge about the law as such and its functioning in historical sources and draw wisdom from Roman jurists. It was namely they who defined law as the art of good and justice.[4] Actually, it may be easier to say what is right and what is not, yet this will also result in a superficial first impression. There are many ethical dilemmas that emerge every day when it comes to deciding what is right.

Why was law referred to as an art? The concept of law as the art of good and justice originated in ancient philosophical thought and has been a central principle of legal systems throughout history. From the ethical explorations of the ancient Greek philosopher and scholar Aristotle to modern theories of justice, the idea that law is a means of promoting social good and justice has persisted (Leyden 1967: 1–19). Let us delve into the historical and philosophical foundations of this concept. Law seeks to establish and maintain good and justice in society. The role of law in promoting social harmony and resolving moral dilemmas is of great importance. Aristotle's virtue ethics states that it is necessary to cultivate virtuous habits that lead to moral perfection (Upton 2009: 103–115). This principle spread widely in the field of law as passing the right laws and enforcing them was extremely important for the welfare of society. Aristotle's belief that law should promote virtuous behaviour and guide individuals toward the common good established the fundamental relationship between law and good. The natural law tradition further strengthened the connection between law and justice. Scholars such as the Italian philosopher and theologian Thomas Aquinas argue that laws should reflect a higher universal moral order based on natural human rights and ethical principles. Justice in laws must harmonise with natural moral laws, ensuring that good and justice are upheld even within legal systems. Aquinas proposes that virtue is foundational to law. The goal of law is to train individuals in virtue, and because virtues are at least interdependent with one another, morally vicious legislators cannot make truly good laws (Smith 2023).

Understood as the art of good and justice in legal philosophy, law encompasses broader societal objectives. For instance, Hobbes regards law through the prism of the social contract theory, where justice emerges from agreements aimed at ensuring peace and security within civil society. In contrast, Hume posits that justice stems from public utility, functioning as a mechanism to foster social cooperation and mutual benefit. Additionally, Rawls sees law as an instrument for achieving justice, particularly through his theory of justice as fairness, which underscores the importance of ensuring equal rights and opportunities for all members

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[2] The most significant contributions to this study include the works of Heilinger (2022), Waelen (2022), and Seger (2022), who provide important insights into the ethics of artificial intelligence.

[3] The most significant contributions to this study include the works of Fenwick et al. (2017) and Butenko and Larouche (2015), who provide important insights into the governance and regulatory aspects of artificial intelligence.

[4] Ulpian, a famous Roman scholar, derives *ius* (law) from *iustitia* (justice).

of society. Law, therefore, serves as a social construct that shapes human behaviour and inter-action. By codifying acceptable behaviour and regulating undesirable behaviour, law provides the basis for societal harmony. The principles of goodwill and justice apply to the creation of laws that promote mutual respect and cooperation between individuals.

Needless to say, ethical theories (Nakhnikian 1957) play a decisive role in making legal decisions and shaping the pursuit of good and justice in the legal system. They formulate and lie at the basis of moral principles, norms, and world interpretation provisions. Legal practice is influenced by various ethical systems. It is greatly influenced by deontological ethics, which is characterised by the observance of moral duties and principles. Legal professionals are often bound by codes of ethics that outline their responsibilities to clients, the court, and the public. Compliance with these responsibilities is essential because it preserves the integrity of the legal system and promotes justice. Lawyers and judges are tasked with applying virtues such as fairness, empathy, and prudence when interpreting the law and making decisions. This approach reflects the belief that individual moral development contributes to the overall moral structure of the legal system. The role of law in promoting social harmony and resolving moral dilemmas is particularly important.

Interestingly, moral dilemmas often arise when competing ethical principles collide. According to situationism, human behaviour co-varies with the situation. It follows, then, that not only morally bad or inappropriate behaviour but also morally good or appropriate human behaviour co-varies with the situation; good human behaviour is socially-sustained (Upton 2009: 103–115). However, law offers a systematic approach to these dilemmas by providing a systematic process for evaluating and reconciling conflicting interests. The art of law involves creating nuanced decisions that balance multiple perspectives and uphold justice when the morals are difficult.

ARTIFICIAL INTELLIGENCE IN THE LEGAL FIELD

Numerous areas of human activity, including the field of law, are experiencing the penetration of advanced AI, which is a broad umbrella term with no single meaning (Bell 2022). AI encompasses a range of technologies such as natural language processing, machine learning, and predictive analytics, creating opportunities and potential to transform legal processes, from contract review to case prediction. By using data-based scrutiny, preventing disinformation, and cyber-attacks and ensuring access to quality information, AI is involved in the change of legal reality.

AI has emerged as a transformative force in the legal field promising to change the common practice and enhance the pursuit of justice. Thanks to advances in natural language processing, machine learning, and data analytics, AI technologies can streamline and improve various aspects of legal operations ranging from automating routine tasks like contract review to predictive analysis of case outcomes. AI's potential to optimise efficiency and accuracy has significant implications for legal professionals and the justice system as a whole.

As AI continues to evolve, its integration into the legal system prompts critical consideration of the extent to which it can respond to the principles of art of goodness and justice. Thus, AI's capabilities and limitations need to be thoughtfully explored. While AI presents an excess of benefits and transformative possibilities, Ursula von der Leyen pointed out in her 2023 State of the Union address that '[…] we should not underestimate the very real threats [of AI]'. Significant challenges have severely invaded individuals' rights. When looking for answers about AI, it is important to answer the question of whether this technology

is controlled enough and its workings are well established and understood. Predicting what negative aspects the new technology may bring and, in Donald Rumsfeld's words the 'unknown unknowns',[5] is also necessary.

Some scientists believe that human intelligence is based on calculation (Piccinini 2020) so that what can be counted can be modelled and run as a computer program. This belief is the driving force behind the science of AI technology. There is hope that the human mind will one day be understood and quantified. Who would dare deny that the mind is a very powerful calculating machine? However, what gives rise to the stream of thoughts that the mind processes already exceed the limits of the mind itself as it is part of human nature. No computer has that!

The recent successes of AI research have initiated a discussion of how current AI systems differ from human intelligence. The key differences that have been highlighted include the ability to learn from small amounts of data and the use of structured representations (Griffiths 2020: 873–883) and that people still may retain the unique ability to make moral judgments (and perhaps other value judgments) (Davis 2019: 51–89).

Making a decision and taking actions leading to the implementation of the decision are not the same thing. Undoubtedly, everything that requires perception is available to humans. A computer can solve complex equations written in an abstract language and we might therefore think that a computer understands abstraction. 'Decision' is an abstract concept. In reality, however, all that a computer manipulates are just rules and symbols that we can express as sequences of electrical signals, just as a thought expressed in writing is not a thought itself but only its symbolic representation that can be manipulated. It is necessary to transfer to computers that part of actions which do not require any decisions and which can be unambiguously described by rules. The latter have been compiled by their intelligent creators thus this kind of action actually seems intelligent.

As a transformative technology that is characterised by high complexity, unpredictability, and autonomy in its decision making and learning capacities, AI has the potential to challenge traditional notions of legal personality, individual agency, and responsibility (European Parliament briefing 2019). In the field of AI, humanity has advanced very far: numerous fairly reliable systems have been created which help people solve a myriad of questions. However, none of these systems are smart or intelligent. To be precise, there is no consensus for intelligence (Silveira 2023). AI is created by humans and therefore it can only be as powerful as its intelligent creators empower it to be. As of today, the question of whether an AI could become a legal person is only theoretical (Solum 1992). AI cannot be interpreted as an entity with intellectual abilities; neither does it have independent subjectivity, i.e., the ability to acquire rights and responsibilities through one's actions nor making decisions independently.

The output provided by AI technology-based systems will depend on the input data and functions that have been pre-installed in the system (Casey et al. 2020). It may look like

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5   Press conference, Donald Rumsfeld, U.S. Secretary of Defence, NATO HQ, Brussels (6 June 2002), http://www.nato.int/docu/speech/2002/s020606g.htm ('The message is that there are no "knowns." There are things we know that we know. There are known unknowns. That is to say there are things that we now know we don't know. But there are also unknown unknowns. There are things we don't know we don't know. So when we do the best we can and we pull all this information together, and we then say well that's basically what we see as the situation, that is really only the known knowns and the known unknowns. And each year, we discover a few more of those unknown unknowns.').

the result of intellectual activity, yet it says nothing about the 'intelligence' and ability to 'think independently' of this system. Asking whether an algorithm is intelligence equals to asking whether a scalpel is a doctor (Gaubienė 2020). A machine running on algorithms is just a tool that requires human intelligence to operate it.

AI'S CONTRIBUTION TO GOOD AND JUSTICE

Understandably, it is necessary to evaluate the benefits of AI for the sake of good and justice. AI can improve legal research, increase access to court, and streamline legal procedures. It is also important to talk about the potential of AI in reducing bias in decision-making and promoting consistency in the application of law.

AI is a promising way to advance the pursuit of goodness and justice in law, as it has the potential to dramatically improve legal research and accessibility. AI algorithms can efficiently analyse large amounts of legal documents, statutes, and case law by allowing legal professionals to quickly identify relevant precedents and legal arguments. This option not only speeds up the research process but also contributes to fair dissemination of legal knowledge making essential legal information available to a larger number of individuals. By facilitating in-depth legal research and encouraging knowledge sharing, AI contributes to a more informed and empowered society that is better equipped to interact with the legal system.

The basic principle of justice is impartial and consistent application of law. AI can contribute to this art of good and justice by mitigating the biases that occur and ensuring fairer outcomes. Traditional legal decision-making can be affected by cognitive biases that can lead to differences in decisions. Once thoughtfully designed and programmed, AI can reduce the bias by making decisions based on objective data and predetermined criteria. In addition, the consistent application of legal principles of artificial intelligence in all cases would unify decisions, increase the predictability of results, and promote a sense of justice in the legal system.

Since the pursuit of justice often depends on timely resolution of legal issues, AI offers many opportunities to speed up legal processes and balance the goals of good and justice. Machine learning algorithms can predict case outcomes and offer insights into the likelihood of success of various legal strategies. This predictive capability enables legal practitioners to make informed decisions about case management and resolution, potentially reducing the financial burden on courts and litigants. In addition, the ability of AI technology to automate routine tasks such as document review and case analysis can free up legal professionals. These could focus on the more complex and more valuable aspects of their work which, in turn, would make judicial processes more efficient.

One of the cornerstones of the art of good and justice is to ensure that individuals have equal access to legal remedies and protections. AI can solve the problem of access to justice by providing innovative solutions that bridge the gap between legal services and marginalised populations. Virtual legal assistants powered by AI can offer legal guidance, document preparation, and basic legal information to individuals who would otherwise struggle to obtain legal representation. In addition, AI-based platforms can facilitate online dispute resolution by allowing parties to resolve conflicts more efficiently and cost-effectively. By embracing the power of AI, the legal system can break down barriers and create a more comprehensive approach to justice.

CHALLENGES AND ETHICAL CONSIDERATIONS

The integration of AI into law unquestionably raises ethical dilemmas. Concerns such as transparency and accountability, as well as the risk of bias in existing AI algorithms and the implications for fairness and justice arise. AI algorithms often act like 'black boxes' (Bathaee 2018), making it difficult to understand the rationale behind their decisions. This lack of transparency can undermine the principles of fairness and justice as it can be difficult for legal professionals and individuals to understand the basis of legal outcomes. Aiming to maintain trust in the legal system, it is critical to ensure that AI systems are developed transparently, their decisions are explained, and audit and accountability mechanisms are created. In terms of disclosing the algorithmic code, transparency, however, does not safeguard whether and under which conditions the algorithm was actually used in a respective decision-making system, or whether it 'behaved' as it was initially programmed (European Parliament briefing 2019). Implementing a 'right to explanation' (Kim 2022) for algorithmic decisions would entitle the users to receive an explanation regarding the process by which a decision involving them was made using AI assistance.

AI bias raises real ethical questions in the legal context. AI algorithms built on historical data can appear highly biased and lead to incorrect results. Given that the legal system strives to make unbiased decisions, the presence of algorithmic bias is a major challenge. This requires an active effort to identify, eliminate, and correct errors in AI models used in the legal field. Ethical considerations require guidelines and practices to ensure that AI systems do not endorse discriminatory patterns present in historical data (Ntoutsi 2020).

Considering that AI systems perform tasks that are traditionally performed by lawyers, there are concerns that some changes may also occur in the legal workforce market. In addition, relying on AI insights for legal decision-making prompts reflection on the value of human judgment, empathy, and contextual understanding in a legal context. Striking the right balance between AI assistance and human expertise is a huge challenge.

AI's contribution to the legal field often involves the processing of sensitive and confidential information. Privacy and data protection issues arise when AI systems analyse personal data to make legal predictions or recommendations. It is necessary to ensure that data processing complies with established legal and ethical standards. Protecting individuals' privacy rights is an essential aspect to ensure the ethical use of AI.

The possibility of courts using predictive algorithms to guide or even automate judicial decisions is real (Casey et al. 2020). Among the most important issues regarding the use of AI in law is the granting of the decision-making power to it. We must address the fundamental question of whether society will ever be willing to delegate fundamental rule-making powers and the validation of state legitimacy to entities that are not of human origin (Campbell 2020: 323–350). It would be unwise to rely entirely on the outcomes of AI-driven legal research, including the resultant decisions. When discussing AI decision-making, the issue of responsibility becomes of paramount importance. Therefore, it is crucial to define the relationship between the solutions offered by AI and the interaction of human care.

Ethical debates need to address AI decision-making autonomy and the potential consequences when AI 'is learning' ethics from data that may not conform to universally accepted moral principles.

Striking a balance between technological innovation and human values is central to addressing AI-related challenges and ethical considerations in law (Veress 2021: 161–168). The development and implementation of AI technologies should ensure the basic principles

of justice, fairness, and respect for human rights and their compliance. Interdisciplinary co-operation between legal scholars, ethicists, technologists, and policy makers is also becoming crucial in the complex field of AI. Lawmaking and regulatory design need to become more proactive, dynamic, and responsive. Designing a regulatory framework that ensures the safety of users and the public whilst facilitating the commercial use and consumer enjoyment of disruptive innovation is by no means easy (Butenko 2015). In such situations, regulatory authorities may frequently find it challenging to stay ahead of developments.

CONCLUSIONS

The integration of AI into the field of law presents both great opportunities and significant challenges. AI has the potential to revolutionise the legal profession by improving efficiency, elevating access to justice, and mitigating biases. However, the ethical considerations surrounding AI in law are of paramount importance. The issue of the bias cannot be understood ambiguously, as improper use of AI systems can lead to an even greater bias. Transparency, accountability, and the elimination of the bias must be at the forefront of AI development and implementation to preserve trust in the legal system. It is very important that AI technologies are developed in accordance with the basic principles of justice, fairness, and by ensuring human rights. AI ethics is an emerging area that needs to be observed and developed according to the latest technological innovations.

Issues of responsibility and the human element in legal practice become crucial. Striking the right balance between AI assistance and human expertise is a challenge that must be carefully guided.

Successful integration of AI systems into the legal area will require deliberate regulation and interdisciplinary cooperation. As we dive further into the age of AI, the harmonious symbiosis of AI and human values will be the key to achieving the art of good and justice in our evolving digital-legal reality.

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Ar gali dirbtinis intelektas užsiimti teisės praktika kaip gėrio ir teisingumo menu?

Santrauka

Šiame straipsnyje ieškoma atsakymo, ar galima pasitelkti dirbtinio intelekto (DI) technologiją dėl gėrio ir teisingumo. Teisės, kaip gėrio ir teisingumo meno, samprata kildinama iš Romos laikų. Pabrėžiama idėja, kad teisė yra priemonė, skatinanti moralinį elgesį ir bendrąjį gėrį. Straipsnyje nagrinėjami istoriniai ir filosofiniai teisės kaip teisingumo meno pagrindai skatinant visuomenės darną ir sprendžiant moralines dilemas. Tyrime taikomi kritinės ir filosofinės analizės metodai, integruojamos teisės mokslininkų, etikos specialistų, technologų ir politikos formuotojų įžvalgos. Atskleidžiamas DI potencialas racionalizuojant teisinius procesus, didinant teisingumo prieinamumą ir mažinant priimamų sprendimų šališkumą. Kartu atkreipiamas dėmesys į etinius iššūkius, tokius kaip skaidrumo, atskaitomybės nebuvimą ir įtaką teisininkų darbui. Kadangi nėra aišku, kaip DI sistemos pasiekia konkretų rezultatą, tai yra nesuderinama su teisingumo principu. Straipsnyje pabrėžiama, kaip svarbu rasti pusiausvyrą tarp technologinių inovacijų ir žmogiškųjų vertybių, pasisakoma už aktyvų reguliavimą ir tarpdisciplininį bendradarbiavimą siekiant užtikrinti etišką DI plėtrą ir diegimą teisėje. Tyrimų rezultatuose akcentuojamas transformacinis DI potencialas keičiant teisinę praktiką, pabrėžiamas jo gebėjimas racionalizuoti procesus, gerinti teisingumo prieinamumą ir mažinti šališkumą ir taip pasiekti filosofinį gėrio ir teisingumo potencialą. Tokie etiniai aspektai kaip skaidrumas, atskaitomybė ir žmogiškojo sprendimo išsaugojimas yra labai svarbūs užtikrinant, kad DI integracija į teisę atitiktų pagrindinius teisingumo ir sąžiningumo principus.

Raktažodžiai: dirbtinis intelektas, gėris ir teisingumas, etika, teisė kaip menas, teisingumo siekis