



PYSDENS SOLICITORS
PRESS RELEASE 241(4.1)
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(ENGLISH – SPANISH WIP)
<http://www.pysdens.com/>

Fourth Industrial Revolution (I4.0) Active and Passive **Characteristics of Technology.**



- 1. Introduction:** We suggest that, within the commercial and legal frameworks, most human activity takes place. We have published two books on the subject which assist people in assessing what they need to do to ensure they consider relevant issues when entering into agreements both domestically and internationally. Within the commercial and legal frameworks it is possible to isolate specific subjects in order to review these issues more carefully. In this regard we have identified various issues such as commerce; the law; technology; artificial intelligence; policy; the transfer of human characteristics into technology and artificial intelligence etc., and reviewed them in brief

both on their own and in conjunction for the purpose of considering the potential effects of I4.0 on society and how to manage it. It is very difficult to tell at present how disruptive I4.0 will be to the commercial and legal frameworks. Our concern is that issues such as terrorism; the financial crisis; the Middle East crisis and the immigration crisis as well as other crises are the result of events which have been permitted to take place. They appear to have resulted from the limitations of politicians in understanding and being ready to deal with world events as they unfold. It is not always easy to do. There is a relationship between the commercial and legal framework and the factor of time. We take the view that equilibrium should exist between the legal and commercial frameworks. However, we accept that there are events which may happen at a slow or rapid rate that may unsettle this necessary equilibrium from time to time if suitable changes are not made to cater for their effects. For example, it is apparent that the war in Iraq unsettled the Middle East further. There followed other unrest in the region and mass immigration has occurred to Europe facilitated by human trafficking. We are not intending to advance a political view in this regard. Mass immigration to Europe has put pressure on Europe. This is because dealing with mass immigration is costly and difficult to resolve. This, in turn, has hardened the opinions of European citizens and politicians in relation to how to deal with this immense problem. This is a widespread socio economic issue not yet being solved by legal means. How much bigger an issue may I4.0 be? If we do not understand how I4.0 will affect the world, the consequences could be dangerous, particularly if caused by a disaffected global population affected by the changes.

2. **Commercial Framework:** Within the commercial framework, commercial contracts take place between both commercial and non-commercial entities and both nationally and internationally. Within this framework the various commercial needs are represented. In our opinion, necessarily, the commercial and legal frameworks are related and should be held in balance or equilibrium i.e. in a way that is just and fair for the majority. Governments may or may not encourage science, technology and artificial intelligence. When encouraged, science, technology and artificial intelligence businesses advance and sell their products nationally and/or internationally. The stronger the encouragement by governments, the faster the development of industries and their commercial appetite. The part of the commercial framework that has a link with the legal framework is at a managerial level which is where the commercial needs are considered along with the commercial policy of a commercial entity. From here the directors of a firm look at the **legal framework** to seek any assistance required to advance the commercial needs.
3. **Legal Framework:** Within this framework the law that regulates the commercial framework exists. The law is created by different bodies in different countries. For example, in England and Wales, Parliament creates laws by enactment and case law is developed by the courts in the common law system. In England and Wales, the relevant ministerial department of science, technology and artificial intelligence will be in touch with decision makers of businesses in this area in general terms. This creates the link which begins the process by which the department will use information gathered to recommend to Parliament the direction to take in order to advance the areas of science, technology and artificial intelligence. Therefore, we suggest it is at this level where “*The Image of Technology*” develops reviewed under point 4 below.

4. **The Image of Technology:** We suggested in our previous press release 241(3) that *“technology is an incomplete image of human beings an image which is reflected by a broken mirror which exists in human beings. Words, concepts and our limited senses create an incomplete perception of ourselves and of the cosmos hence technology is an incomplete image of us.”* We would suggest that this proposed definition of technology includes **passive** and **active** humanness. For example, when a pistol is designed, it needs to be designed according to the **physical** shape of a human hand in order to fit. This is the physical characteristic of a pistol. Also a pistol is made for a **purpose** that is to injure or kill or assist the user in shot practice. Therefore this is the purpose of a pistol. When a pistol is not used, the two human characteristics i.e., physicality and purpose, are passive; at rest; not in use. When a pistol is used, the two human characteristics which it may be assisted to possess i.e., physical and purposive, become active. That is to say that the pistol becomes part of the human body and mind. We are not saying the pistol is “alive” but that it becomes active in the sense that the human properties transferred to the pistol have been used. We would suggest that this is the essence of technology: there are active and passive human characteristics involved: there is a degree of humanness in that when we use technology we transfer some of our humanness to that technology.
5. **Experiment:** Let us assume for a moment that a pistol was designed with a round barrel and the bullets were square so they would stick in the cylinder where the bullets are loaded. This pistol would create a serious risk of injury to any person pulling the trigger as the pistol could explode. Now let us imagine a pistol without a trigger and without the cylinder. This pistol would serve no purpose to the user. Therefore one has to ask if there has to be a human purpose and shape present in technology.
6. **Supply Chain:** In our press release number 31 of 2006 we advocated a definition of the supply chain in eight languages. We asserted that: *“In trying to bring a definition which would work within the two identified frameworks [commercial and legal framework] we would suggest that the supply network (supply chain) is the process by which parties are contractually interrelated in commerce with each other under different types of contractual relationships, not necessarily directly related, and regulated at the same time by the legal frame work composed by the law in its different forms, depending on the relevant jurisdiction.”* We are aware that technology has affected the supply chain as far as speed, diversity, flexibility and global participation etc. are concerned. This has assisted the rise of commercial globalization. In turn, this has left governments with a degree of difficulty in governing. This is because large scale commercial entities have gained profound and expanded decision making ability according to their commercial interests. Therefore control has been lost to a certain extent in terms of legal constraints. What is yet to be understood is how commercial globalisation concerning technology and artificial intelligence will operate.
7. **Policy:** Paragraph numbers two, three, four, five and six above, in our view, are important issues to consider when devising policy within the commercial and legal frameworks. The most basic of considerations relevant to I4.0 which need to be analysed before setting any commercial policy and law should be issues such as: what is it to be a human and what is

the purpose of being a human? What is nature and what is the purpose of nature? What is technology and artificial intelligence and what is their purpose and possible effects on humans and nature? What is the supply chain; its purpose; and how will supply be affected by science, technology and artificial intelligence? The list of questions may seem overly wide and rather basic but they must be asked. There is material written by scholars and practitioners concerning I4.0 where some of these questions are being grappled with but, are governments considering these?

- 8. Final Comment:** Commercial globalisation has served to reaffirm, in our opinion, which within the commercial and legal frameworks there should be equilibrium both within and between each framework. This is easier to talk about than to achieve of course. Justice is a changing human value. What is just today may not be just tomorrow. How fast the commercial framework will move in these areas of science, technology and artificial intelligence is important, as is, how the law will respond in order to keep the balance. In any modern democracy the time in which the governing body is in power, in this fast changing world, is perhaps too short to consider and pass suitable laws. Is it necessary to ensure that modern governments pay heed to civil servants in ministerial departments? Should it be ensured that these civil servants have qualifications in philosophy, social work, science, teaching, jurisprudence etc. in order to protect the population and their future? Any lack of balance in favour of developing industries in relation to I4.0 should be guarded against.

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13/11/17.