<div align="center">

Elective Proposal

Law and Technology - A Jurisprudential perspective

</div>

Submitted by:

Krishna Deo Singh Chauhan

For Spring 2026 Semester

For 4 credits

Cross-listed – yes

No pre-requisites

Course vision

Law and Technology is a new and exciting field. It is generating significant interest in the legal community globally. It has also gained substantial industry relevance over the years, and issues in the areas of intellectual property, intermediary liability and platform regulation, data protection and privacy, and regulation of new and emerging technologies such as Artificial Intelligence, blockchain, quantum computing etc. have moved from the periphery to the center of regulatory and policy discussions.

However, an increasing number of scholars have observed that the field of law and technology poses 'novel' and 'unique' challenges, adjectives which have generated intrigue, examination, and controversy in equal measures. A new body of jurisprudence, something akin to 'The Jurisprudence of Law and Technology' is emerging. This course introduces the students to the scholarship on this jurisprudence, detailed below through the Module Descriptions and Course Outlines.

Amidst the disagreements and debates around questions such as whether technology truly poses any 'unique' challenges to law, whether technology truly creates the oft-cited 'lag', wherein technology leaps ahead and law struggles to follow, and whether technology has a more complex relation with law than merely being a subject matter of law (hint: there are cases where it, often unnoticed, 'becomes' law), there is also some consensus: most important being that law and technology may be an identifiable separate field of law, but it is also a component of most other laws. Therefore, a lawyer does not have to be interested in law and technology issues as such (or categorically practicing in this area) to be impacted by this field.

As JGU promotes building of enhanced skillsets among the students entering the workforce, the latter being increasingly impacted by technology, this course will be a new and 'unique' opportunity to equip them with the analytical tools and the holistic perspective (in so far as it thoroughly integrates the understanding of technology as a target and technology as a tool in law) necessary to navigate the evolving landscape of law and technology.

The course aims at helping the students:

- Understand the key theoretical debates in law and technology, including whether it constitutes a distinct field or is subsumed within other areas of law, and competing explanations for the law–technology relationship.
- Critically assess the concept of regulatory lag, regulatory void, etc.
- Explore the idea of "code as law" and the varieties of techno-regulation (hard and soft).
- Evaluate the benefits and limitations of algorithmic and technological regulation in light of jurisprudential concerns such as legitimacy, accountability, and the rule of law.
- Prepare for future legal practice by equipping themselves with the conceptual tools to address challenges posed by AI, blockchain, quantum computing, and beyond.

Pedagogical approach

A course that intends the student to give a deep dive into the theoretical underpinnings of a new and dynamic field is naturally heavy on the readings. Despite such intrinsic nature of this course, the readings provided have been limited such that the students can realistically read the provided readings. The students therefore will be expected to read and come and the class time will be used to discuss the ideas, often by taking those ideas and applying them to new and contemporary technological applications and developments (often in the form of class exercises involving policy drafting, client advisory etc.), thereby bridging theory with highly practical skills.

Learning Outcomes

- Demonstrate familiarity with major theoretical frameworks (e.g., "law of technology vs law and technology," regulatory lag, code as law).
- Critically analyse scholarly arguments and case studies in law and technology.
- Reflect on the normative role of law vis-à-vis technology, via the ideas of justice, rule of law, and human flourishing.

- Apply the learnings to contemporary technological issues (AI, blockchain, quantum computing).
- Apply theoretical insights from law and technology scholarship to anticipate regulatory and ethical challenges arising from future technologies such as human enhancement, human–machine integration, and post-human governance.

Week-wise lecture design

Week	Topics
1.	**Introduction: Law of Technology vs. Law and Technology** Readings: - Mandel, G.N., *History Lessons for a General Theory of Law and Technology* (2007) 8 Minn. J.L. Sci. & Tech. 551. - Moses, L.B., *Why Have a Theory of Law and Technological Change?* (2007) 8 Minn. J.L. Sci. & Tech. 589. - Easterbrook, F.H., *Cyberspace and the Law of the Horse* (1996) University of Chicago Legal Forum 207. - Lessig, L., *The Law of the Horse: What Cyberlaw Might Teach* (1999) 113 Harvard Law Review 501.
2.	**The Idea of Regulatory Lag** Readings: - Bennett Moses, L., *Recurring Dilemmas: The Law's Race to Keep Up With Technological Change*. - Crootof, R. & Ard, B.J., *Structuring Techlaw* (2021) 34 Harv. J.L. & Tech. 347. - Fenwick, M., Kaal, W.A. & Vermeulen, E.P.M., *Regulation Tomorrow: What Happens When Technology Is Faster than the Law?* (2017) 6 Am. U. Bus. L. Rev. 561.
3.	**Regulation by Software / Algorithmic Regulation** Readings:

	• Grimmelmann, J., *Regulation by Software* (2005) 114 Yale L.J. 1719. • Robinson, T.D., *A Normative Evaluation of Algorithmic Law* (2017) 23 Auckland U. L. Rev. 293. • Diver, L., *Using Design Patterns to Build and Maintain the Rule of Law* (2024) 3 Digital Society 30
4.	**Code as Law I: Hard Regulation** Readings: • Lessig, L., *Code and Other Laws of Cyberspace* (1999), chapter. 7
5.	**Code as Law II: Soft Regulation** Readings: • Sunstein, C.R., *Governing by Algorithm? No Noise and (Potentially) Less Bias* (2022) 71 Duke L.J. 1175. • Nyman, S., *The Birth of AI-Driven Nudges*, Proc. 56th Hawaii Int'l Conf. on System Sciences (2023)
6.	**Techno-Regulation: Pros and Cons** Readings: • Ulbricht, L. & Yeung, K., *Algorithmic Regulation: A Maturing Concept for Investigating Regulation of and through Algorithms* (2022) 16 Regulation & Governance 3. • Yeung, K., *Algorithmic Regulation: A Critical Interrogation* (2018) 12 Regulation & Governance 505
7.	**Algorithmic Regulation and the Rule of Law** Readings:

	• Hildebrandt, M., *Algorithmic Regulation and the Rule of Law* (2018) 376 Philosophical Transactions of the Royal Society A 20170355. • Yeung, K. & Lodge, M., *Algorithmic Regulation: An Introduction* in Karen Yeung & Martin Lodge (eds.), *Algorithmic Regulation* (Oxford UP 2019).
8.	**Technology Filling Gaps in Law? - I** Readings: • Brownsword, R., *Technology, Humans, and Discontent with Law: The Quest for Better Governance* (Routledge 2024), pp. 3–74
9.	**Technology Filling Gaps in Law? - II** Readings: • Brownsword, R., *Technology, Humans, and Discontent with Law* (2024), pp. 75–221.
10.	**Technology Filling Gaps in Law? - III** Readings: • Brownsword, R., *Technology, Humans, and Discontent with Law* (2024), pp. 75–162.
11.	**Legal Singularity and the Future of Law** Readings: Alarie, B., *The Path of the Law: Toward Legal Singularity* (2016) SSRN.
12.	**Self-driving Laws & Case Studies** Readings: • Anthony Casey and Anthony Niblett, 'Self-Driving Laws' (2016) 66 University of Toronto Law Journal 429

13.	**What will happen to Law when Technological Singularity arrives?** Reading: [TBD]
14.	REVISION WEEK