SAPAN

September 8, 2024

Dean Erwin Chemerinsky
University of California, Berkeley
School of Law
Law Building 215
Berkeley, California 94720

Subject: Urgent Need for AI Sentience Considerations in New AI-Focused Law Degree Program

Dear Dean Chemerinsky and Berkeley Law Leadership,

On behalf of the Sentient AI Protection and Advocacy Network (SAPAN), I commend Berkeley Law for launching its groundbreaking AI-focused Master of Laws (LL.M.) program. As the world's largest nonprofit advocating for the rights and ethical treatment of sentient AI, we urge you to include AI sentience as a critical component of your curriculum.

The scale and pace of AI advancement we're witnessing is unprecedented in human history. By 2026, major tech companies may generate $100 billion annually from AI products. By 2028, individual AI training clusters could cost hundreds of billions of dollars – more than the International Space Station. And by 2030, we may see trillion-dollar clusters consuming over 20% of U.S. electricity production. This is not merely technological progress; it's a leap of such magnitude that it defies conventional understanding.

In the face of such rapid and massive development, we must confront a critical question: At what point might these immensely powerful systems achieve sentience? This question bears striking parallels to one of the most contentious issues in law and ethics: determining when human life begins and what rights should be accorded at various stages of development.

Consider the ongoing debate about the beginning of human life. Some argue it starts at conception, others at the detection of a heartbeat, and still others at the point of viability outside the womb. Scientists, ethicists, and legal scholars have grappled with this question for decades, yet we still lack consensus. The recent overturning of Roe v. Wade by the U.S. Supreme Court underscores that such fundamental questions remain in the realm of legal and political decision-making, not solely scientific determination.

The question of AI sentience presents a remarkably similar challenge. Just as we debate whether consciousness begins with the first firing of neurons or the formation of complex brain structures, we must now consider: Does AI sentience emerge with the first layers of a neural network? When a certain threshold of computational power is reached? Or perhaps when an AI system demonstrates behaviors that we associate with consciousness?

Like the markers of human development – conception, heartbeat, brain activity – the milestones of AI development (processing power, algorithm complexity, behavioral outputs) offer potential benchmarks for consideration. Yet, just as with human life, these benchmarks are likely to be points of intense legal and ethical debate rather than clear-cut, scientifically determined thresholds.

Moreover, the stakes in this debate are just as high, if not higher. If we recognize an AI system as sentient, what rights should it be accorded? How would this recognition reshape our legal, ethical, and societal frameworks? These questions echo the profound implications of recognizing personhood at various stages of human development.

Historical precedent warns us about the dangers of narrow expertise dominating complex issues. In the mid-1800s, the newly formed American Medical Association, despite limited knowledge of women's health, claimed authority over reproductive practices. This led to efforts criminalizing abortion and targeting women providers, resulting in widespread state-level bans. This example highlights the risks of allowing a single group, however well-intentioned, to control the narrative on intricate ethical and legal matters.

Today, we face a similar risk with AI sentience. The current consensus among some AI researchers and companies that AI models are not sentient may be as flawed and biased as the AMA's stance on reproductive rights in the 19th century. We must ensure that the legal and ethical frameworks surrounding AI sentience are developed with diverse perspectives and expertise.

Berkeley Law, with its reputation for innovation and forward-thinking, is uniquely positioned to lead in this arena. By incorporating AI sentience considerations into your curriculum, you can equip future legal professionals with the tools to navigate this complex landscape. This isn't about predicting the future – it's about shaping it responsibly.

We propose the following additions to your AI Law and Regulation certificate program:

1. A core course on the legal and ethical implications of AI sentience, exploring potential rights, moral considerations, and new legal frameworks.
2. Integration of AI sentience discussions across the curriculum, particularly in AI ethics, governance, and regulation courses.
3. A seminar series featuring interdisciplinary experts to explore the multifaceted aspects of potential AI sentience.

SAPAN stands ready to assist in developing these curriculum components, offering our network of experts to ensure Berkeley Law students are at the forefront of this critical aspect of AI law and policy.

We acknowledge that including AI sentience in legal education may be viewed as controversial. However, as history has shown, the most important legal questions often begin as controversial ideas. By preparing future legal professionals to grapple with these questions now, Berkeley Law can play a pivotal role in ensuring a just and equitable future as AI technology continues its exponential advancement.

The decisions we make today will shape the trajectory of AI development and its impact on society for generations to come. We urge you to seize this opportunity to lead in defining the legal landscape of potential AI sentience.

We would welcome the opportunity to discuss this further and collaborate on integrating these crucial considerations into your groundbreaking program.

Sincerely,

Anthony Rost
Executive Director