Politics and subjects in civil society's turn to AI

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The title of my presentation is 'Politics and subjects in civil society's turn to AI'. As indicated by this title, my concern is to centre the fate of politics and of the subject in the broader discussion of the utility and benefits of AI for civil society. By 'politics' I mean the processes by which competing, partisan groups reconcile their differences and reach decisions.[2] By 'the subject' I mean the individual who forms the unit of analysis and standpoint in the social sciences and humanities.[3] My presentation today draws extensively on Mark Andrejevic's work on the logics and consequences of automation, informed by Rosi Braidotti's posthumanism.[4]

Why am I concerned with the fate of politics and of the subject in civil society's turn to AI? My concern for the subject stems from datafication,[5] from the seemingly inevitable reduction of the individual to a data point.[6] I fear the demise of politics in disenchantment with the antagonism between left and right and in the prioritisation of technocratic solutions. PayPal founder Peter Thiel has said: "*The task in this world where politics has become so broken and so dysfunctional is to find a way to escape from it.*"[7] Unsurprisingly, his escape routes fetishize technological possibilities.

To highlight and discuss these concerns, I would like to use a specific example - a Brazilian organisation called Operação Serenata de Amor, which translates into Operation Love Serenade in English, and which I am going to refer to by the acronym OSA.[8] OSA has developed an open-source AI robot called Rosie, which scrutinises receipts submitted for reimbursement by Brazilian members of parliament for fraud. Brazilian law mandates the disclosure of these receipts by the concerned governmental authority, but the large number of

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[2] This understanding of 'politics' is informed by Chantal Mouffe, *On the Political* (Routledge 2005).
[3] This understanding of the 'the subject' is informed by Rosi Braidotti, *The Posthuman* (Polity Press 2013); Gayatri Chakravorty Spivak, 'Can the Subaltern Speak' in Cary Nelson and Lawrence Grossberg (eds), *Marxism and the Interpretation of Culture* (Macmillan Education 1988).
[4] Mark Andrejevic, *Automated Media* (Routledge 2020); Braidotti (n 3).
[5] Andrew Murray, 'Almost Human: Law and Human Agency in the Time of Artificial Intelligence' (Sixth Annual T.M.C. Asser Lecture, Hague, 26 November 2020) <https://www.asser.nl/annual-lecture/annual-tmc-asser-lecture-2020/> accessed 9 December 2020.
[6] 'The subject' is already, generally, reducible to the European man: Braidotti (n 3) 13–6; Spivak (n 3) 271–2. The operational mechanics of AI go further still, in seeming to demand the elimination of all subjectivity, to make the former subject completely knowable and transparent to the algorithm: Andrejevic (n 4) ch 1. To be clear, this involves the irrelevance of subjectivity rather than its elimination.
[7] Quoted in Andrejevic (n 4) 12.
[8] The details for this example are drawn from 'Operação Serenata de Amor' <https://serenata.ai> accessed 9 December 2020; Paulo Savaget, Tulio Chiarini and Steve Evans, 'Empowering Political Participation Through Artificial Intelligence' (2019) 46 Science and Public Policy 369, 5–6.

receipts – 20,000 every month – makes manual scrutiny of all receipts impossible. Enter Rosie. Rosie examines the receipts which are too small to merit investigation by the government and flags suspicions for further investigation. So far, she has identified 8,276 suspicious reimbursements involving 735 different congresspeople and 3.6 million BRL. Of these, 629 reimbursements have been reported to Congress, implicating 216 different congresspeople and over 378 thousand BRL. All of this has been built on a crowdfunded corpus of approximately 130 thousand BRL.[9] Rosie's code is open source: OSA has 10 full-time staff and hundreds of collaborators and volunteers from all over the world. All of OSA's findings are also freely available online, as is the underlying data.

OSA and Rosie provide a solution to a significant problem and the solution they provide is elegant, effective, transparent, democratic and cheap. This is not, strictly speaking, an example of citizen involvement in policy formulation. But OSA and Rosie are, in so many ways, such a perfect illustration of the potential of AI for civil society and for citizen participation in governance, that I hope you will excuse this minor conflation.

Before I turn to my concerns, I want to be very careful to emphasise that the following remarks are not intended by way of criticism. I think OSA's work is marvellous and creative and demonstrates an admirable commitment to civic and democratic values. I have neither the ability to emulate OSA's work, nor the creativity to devise an alternative, and so I undeniably lack the legitimacy to criticise. However, the concerns I am going to discuss are not criticisms of OSA's work but concerns about the underlying logic of the Rosie solution, which also seems to represent the bounded imaginary of civil society's conceptualisation of the uses of AI. It is in relation to this broader logic of civil society's turn to AI that these concerns apply.

A first concern that can be summarily set aside is the well-acknowledged question of biases and operational safeguards. Bias is inevitable and endless. There is no end state of perfect fairness: fairness, like equality, can only be a guiding principle and never an end state.[10] And these biases operate at many different levels. For instance, in the context of corruption, it is necessary to be conscious of biases not only in the detection of corruption, but also in assessment of detected cases. Accusations and assessments of corruption operate differently in relation to subalterns and elites.[11] Thus, the elimination of bias and the operationalisation of fairness demands a constant evolutive reflexivity. It is not clear that this continuing indeterminacy can be reconciled even with machine learning processes.

Notwithstanding the significance of this concern, I am going to set it aside for now, largely on account of its well-recognised nature. The bias *in* AI is well-established; for present purposes it may be more interesting to consider the bias *of* AI – i.e., the biases and logics implicated in the turn to AI.[12] This is the core of my second concern – the bias of AI and the logic at work in existing imaginaries of civil society uses of AI.

The logic of Rosie suggests an abandonment of efforts to tackle corruption as a social and political problem. The objective is not to prevent corruption. It is to make corruption unconcealable and thereby to eliminate it. The ends may be the same or at least similar, but the

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[9] The figure stated on the OSA website is approximately 25 thousand USD, which has been converted into BRL as per the exchange rate on 9 December 2020 to facilitate comparison.
[10] Jacques Rancière, *On the Shores of Politics* (Verso 2007) 63–92.
[11] Anand Teltumbde, *Republic of Caste: Thinking Equality in the Time of Neoliberal Hindutva* (Navayana 2018) 358–63.
[12] This formulation is drawn from Andrejevic (n 4) 147.

means are very different. The difference at play here is the difference between political and technocratic solutions. The logic of Rosie suggests the rejection of the idea of corruption as a socio-political problem to be solved and prevented, in favour of an idea of corruption as an unavoidable but undesirable social fact to be eliminated. There is a shift from prevention and intervention at the causal level, to blanket pre-emption and a disregarding of causal and contextual factors.

One aspect of this shift from politics to technocracy, from prevention to pre-emption, which demands special consideration, is the availability of the data sets that are necessary for this model. In this particular example, a comprehensive data set is available, and similar data sets may be available for scaling Rosie up to auditing government expenditure more broadly. But comparable data sets may not be available for other social and political problems, and the compilation of those data sets may represent a significant intrusion upon individual liberties. If the unavailability of the data set translates into the impossibility of this particular application of AI, that is obviously fine. But there is a significant risk that the shift in logic from prevention to pre-emption, from politics to technocracy, embodies a 'cascading logic of automation', in which the perceived preferability of pre-emptive technological solutions demands the availability of these data sets, regardless of rights-based concerns.[13]

The prioritisation of technology over politics in the Rosie model is also reflected in the implied attitude towards the objects of regulation – the MPs. In the absence of a technocratic solution, the regulation of this corruption would work on the logic of deterrence. The idea would be that the fear of being caught would drive compliance with the law, and in this way the requirements of the norm would be internalised. Rosie is unconcerned with inducing compliance: the locus of operation shifts from the MP to the MP's environment; the operation shifts from inducing compliance to making non-compliance impossible.[14] Implicit in this shift is the assumption of the inalterability of the MP's inherent corruption, and the denial of the subjectivity of the MP. The environment displaces the MP as the object of regulation.

This a brief introduction to my concerns regarding the fate of politics and of subjects in civil society's turn to AI. Let me try and explain these concerns further through a parable.

I recently realised that over the remainder of my life I will be able to read, at most, 3,000 books, both fiction and non-fiction. I quite like reading and this alarmed me. If we take this concern seriously,[15] there are several solutions I could pursue. One set of solutions might relate to increasing the 3,000 number by reading more or more efficiently. A second set of solutions might focus on getting the most out of the 3,000 books I can read – for instance, by prioritising commentaries and summaries to maximise breadth, or by prioritising key original texts to maximise depth. A third solution might draw on an idea proposed by Nicholas Negroponte, the founding director of MIT's Medial Lab – popping a pill that allows me to know Shakespeare.[16]

This third solution seems rather problematic to me. It seems to deny the nature and meaning of the act of reading and reduces a process of learning and growth to an end state of knowledge.

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[13] ibid 10, 77.

[14] In Foucauldian terms, the shift here may be characterised as one from disciplinary surveillance to environmental surveillance: ibid 87.

[15] It is far from clear that this is a problem that should be taken seriously. The impossible idea of maximising reading, reducing a fundamentally qualitative experience to a meaningless quantitative metric, only makes sense in the utilitarian fetishization of efficiency that characterises neoliberalism.

[16] Quoted in Andrejevic (n 4) 37.

It seems to miss the point. My problem concerns limitations on my ability to read. This solution reinterprets my problem as the related but very different problem of maximising knowledge and resolves that problem in a way which, ironically, exacerbates my original problem of maximising reading and denies my subjective interests.

My objective in introducing this absurd example is to highlight the similarities between the Rosie solution and the Shakespeare pill. Both address a problem by reducing it to a different problem. The Rosie solution focusses on the possibility of corruption rather than its causes; the Shakespeare pill focusses on an end goal of reading rather than the process of reading. Both disregard the human factor. The Rosie solution is unconcerned with the subjective compliance of the corrupt politician and the Shakespeare pill is unconcerned with the subjective preferences of the reader.

In both cases, the revolutionary effectiveness of the technological solution not only obscures the underlying problem, it justifies this elision. It is in this sense that I am concerned about the fate of politics and of the subject in civil society's turn to AI. I am concerned that technological possibilities will deny underlying politics and subjectivities. I am concerned that technocracy will replace policy.

Let me try and push this analysis a few steps further, to try and understand why and how civil society's turn to AI, insofar as Rosie is emblematic of the broader possibilities, entails these risks to politics and subjects.

I think that the answer, or at least one part of the answer, lies in limited imagination. Rosie's innovation lies in being better than humans at doing what humans were previously doing. The pre-Rosie response to this particular corruption problem was scrutiny of expense claims, which ran up against the limitations of human capacity. Rosie does not change this response; she simply makes it more effective and efficient. The human version of this response – expense claim scrutiny as the answer to corruption – was limited by human capacity and so was forced to engage with the problem on a political level. Every expense claim cannot be scrutinised, and so expense claim scrutiny cannot be the only strategy. Instead, some part of the response must engage with corruption at a political level and with MPs as idiosyncratic subjects in whom compliance must be cultivated. But with Rosie, every expense claim can be scrutinised, and cheap, effective and exhaustive expense claim scrutiny can become the sole focus of anti-corruption efforts in this context, triggering the concern for politics and for subjects that we have discussed.

In effect, this restricted logic of AI as improvement of human functioning makes the mistake of assuming a stable interaction between inert technology and static socio-political contexts. The socio-political context in which technology is deployed is contingent and shifting. As we just discussed, the expense claim scrutiny strategy of corruption prevention was itself flawed and dismissive of the significance of politics and subjects, whose relevance was maintained only by the limitations of human capacity. In highlighting the contingency of human capacity as a limitation upon the expense claim scrutiny strategy, and in demonstrating the possibility of an exhaustive version of this strategy which displaces politics and subjects entirely, Rosie demonstrates agency.

To summarise this line of thought, technology does not only change what *can* be done, it inevitably changes what *should* be done. Rosie does not only facilitate expense claim scrutiny, she engineers a shift in the policy for responding to this form of corruption. But this does not

seem to be very widely acknowledged including, for instance, in the EU's recent White Paper on AI, released earlier this year.[17]

There are two aspects of this shift from 'can' to 'should' that I want to discuss further. First, the shift is not a problem in itself. It is a problem only if it goes unnoticed and unanalysed. The foregoing analysis draws attention to a possibly unrecognised displacement of politics and subjects which is of concern to me, but this need not be a universal opinion. Perhaps we need to confront the unfortunate possibility that Peter Thiel is right and politics is irredeemable. Perhaps subjectivity is overrated. The key point is not to fossilise a particular state of affairs, or to mythologise a particular conception of politics or subjectivity, but to be conscious and considered in changing the state of affairs. Civil society's turn to AI should not be an unreflexive turn.

Second, acknowledging the shift from *'can'* to *'should'* unveils glorious disruptive possibilities. Recognising the possibility of using technology to change socio-political contexts opens the door to deploying the potential of AI in radical and creative ways. Rosie need not be restricted to outperforming humans at the only tasks that humans could devise. She could be better deployed to perform tasks that humans cannot do, or even to devise different ways of addressing corruption.[18] This conceptualisation of the radical potential in civil society's turn to AI is illustrated in Braidotti's articulation of posthuman nomadic ethics:[19]

> *"...the conditions for renewed political and ethical agency cannot be drawn from the immediate context or the current state of the terrain. They have to be generated affirmatively and creatively by efforts geared to creating possible futures, by mobilizing resources and visions that have been left untapped and by actualizing them in daily practices of interconnection with others. This project requires more visionary power or prophetic energy, qualities which are neither especially in fashion in academic circles, nor highly valued scientifically in these times of coercive pursuit of globalized 'excellence'."*

With that, let me start concluding this presentation.

First, I want to emphasise that I have no claims to expertise on AI or civil society. The remarks I have presented reflect the perspective of an outsider, and possibly one who is ill-informed or simply naive. As such, I hope my arguments will be taken in the intended spirit – as highlighting factors to consider in civil society's turn to AI rather than criticism of civil society's turn to AI.

Second, I'd like to summarise my argument briefly. I have used the example of OSA and Rosie as an illustrative model of civil society's turn to AI, and in this model, I have highlighted the seemingly unrecognised displacement of politics and subjects. Rosie induces a shift from preventing the political phenomenon of corruption by addressing its underlying causes, to pre-empting it and rendering it unconcealable. This is shift from politics to technocracy. She shifts

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[17] European Commission, 'White Paper on Artificial Intelligence - A European Approach to Excellence and Trust, COM(2020) 65 Final' <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:65:FIN> accessed 3 December 2020.
[18] The HumAInism project is a fascinating example here, deploying AI to design a new social contract: 'HumAInism' <https://humainism.ai> accessed 9 December 2020.
[19] Braidotti (n 3) 191.

focus from instilling compliance in the objects of regulation – the MPs – to making non-compliance impossible. This is a denial of the subjectivity of the MPs.

I have explained this displacement by reference to a flaw in this model of civil society's turn to AI – restricting the potential of AI to enhanced performance of human tasks. This is flawed because it fails to recognise the inevitability of the technology changing the socio-political context. Expense claims scrutiny as a human strategy against corruption was a flawed strategy but failed to displace politics and subjects precisely because of human limitations. Eliminating those limitations facilitated the unintended displacement of politics and subjects altogether.

This led me, finally, to two key takeaways for civil society's turn to AI. First: the necessity of recognising and considering the ways in which the use of AI may change the socio-political context. Second: leveraging this possibility of change to think more radically and disruptively about the potential inherent in civil society's turn to AI.