

# Personal Privacy and Lyotard's Inhuman

Martin S Olivier

<https://mo.co.za>

In the introduction to *The Inhuman* Lyotard formulates his central problem about 'inhumanity': "[W]hat if human beings . . . were in the process of, constrained into, becoming inhuman (that's the first part)? And (the second part), what if what is 'proper' to humankind were to be inhabited by the inhuman?"<sup>1</sup> The first part of his problem deals with 'development', ie with "advanced capitalism, with its seemingly endless appetite for expansion and technological innovation."<sup>2</sup> The second part of his problem deals with that what forms the uniquely human, "the infinitely secret one of which the soul is hostage".<sup>3</sup>

The problem with development, as Lyotard sees it, is the emphasis on efficiency — it literally leaves no time for the individual. It swallows that which is unique to each individual. It ignores the 'differend' between people that, for Lyotard, is an essential part of being human. And, since absolute efficiency can never be reached, development is an unending quest continuously decreasing the possibility to reflect on that what happens. "To go fast is to forget fast."<sup>4</sup>

Lyotard claims that the problem with the inhabitation of the properly human by the inhuman is a different 'sort' of inhuman than that made by development.<sup>5</sup> However, in many cases, this inhumanity is the price to be paid for development: "The system rather has the consequence of causing the forgetting of what escapes it."<sup>6</sup> Without time to reflect, such forgetting happens. Forgetting doesn't leave the human being in a state of peaceful oblivion, but leaves it with "a mind haunted by a familiar and unknown guest which is agitating it, sending it delirious, but also making it think — if one claims to exclude it, if one doesn't give it an outlet, one aggravates it."<sup>7</sup>

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<sup>1</sup>[Lyotard, 1991, p.2]

<sup>2</sup>[Sim, 2001, p.7]

<sup>3</sup>[Lyotard, 1991, p.2]

<sup>4</sup>[Lyotard, 1991, p.3]

<sup>5</sup>[Lyotard, 1991, p.2]

<sup>6</sup>[Lyotard, 1991, p.2]

<sup>7</sup>[Lyotard, 1991, p.2]

At the root of both of these problems Lyotard sees new technologies — specifically as embodied<sup>8</sup> by computers and Artificial Intelligence (AI) and applied by advanced capitalism.

This essay will consider each of the two problems in more detail and will then show that the second form of the problem does not manifest itself in Artificial Intelligence (AI); however, it does manifest itself where personal privacy is compromised.

## The problem of development

Lyotard remarks that the human race will have to “evacuate the solar system in 4.5 billion years” and that, therefore “[t]he exodus is already on the agenda.”<sup>9</sup> While some scholars prefer to read Lyotard’s remark as introducing some urgency into the debate about the human condition<sup>10</sup> it is also possible that Lyotard intended this remark sarcastically: with so much time remaining, there simply is no need for the urgency with which new developments are introduced.

If Kant is correct in his exposition of the sublime, destruction of earth in 4.5 billion years should invoke both cases of the sublime: The mathematically sublime should be invoked because a time period of this magnitude is large to any humanly perceivable time period<sup>11</sup>; the dynamically sublime should be invoked because destruction of earth is an overwhelming event in nature; however, ‘observing’ such force from the safety of 4.5 billion years makes it sublime.<sup>12</sup> In either case the mind finds in itself a superiority over nature.

Lyotard’s position, however, is that instead of admiration of the mind, the human race is busy with a project that displaces that what is human from its midst.

Surely Lyotard cannot be serious that developments in AI are governed by a perceived need to let something akin to human intelligence survive the ‘evacuation’ of earth in 4.5 billion years. Not only does this concern not form part of the discourse of researchers in the field of AI, but such a governing principle would form a grand narrative of developments in AI. And Lyotard would be suspicious of a grand narrative — even one of his own making.

Therefore one has to assume that Lyotard is being sarcastic and is referring to the haste with which new technologies are introduced as part of *development*. He sees technological development pulling humanity along (and nor humanity pushing the envelope of technology). Technology therefore makes the human

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<sup>8</sup>Lyotard would not have used the word ‘embodied’ here.

<sup>9</sup>[Lyotard, 1991, p.64]

<sup>10</sup>[Sim, 2001, p.3]

<sup>11</sup>[Kant, 1987, p.109]

<sup>12</sup>[Kant, 1987, p.120]

and not *vice versa*. And, as noted above, all of this happens with an urgency that does not leave time for reflection on what is happening.

Since the emphasis of this essay does not deal with Lyotard's concerns about technological development, his concerns are not considered further here. For the purposes of this essay, it is more important to continue to Lyotard's concerns about that is 'proper' to humankind.

## On the 'proper' to humankind

Lyotard's primary concern when he considers that what is proper to humankind is arguably thinking or thought — including decision making. Sim summarises Lyotard's argument as a "fear that computers will be programmed to take over from human beings, with the goal of prolonging 'life' past the point of the heat death of the sun. It will not, however, be *human* life that survives."<sup>13</sup> As has been pointed out above, this remote futuristic vision should in all likelihood not be considered the crux of the matter. The here and now are far more important: "the inhuman has [already] infiltrated our daily existence to a quite remarkable degree — in the sense of the supersession of the human by the technological."<sup>14</sup>

It is not difficult to cite many examples of cases where the technological has already taken over from humans; Sim gives a number of such examples from "medical technology, computer technology, computer viruses, Artificial Intelligence, Artificial Life, humanism"<sup>15</sup> etcetera. In many cases the key to invasion is the fact that the human race has become vulnerable by depending on such technologies.

Yet another example that illustrates this vulnerability is the recent case where the air traffic control system was not available and a (Swiss) human air traffic controller unsuccessfully attempted to let two aeroplanes avoid one another in mid-air. His (human) decision conflicted with a computerised warning on the aircraft(s) (that was correct); apparently his split-second decision then, in fact, caused them to collide.<sup>16</sup>

Are Lyotard's concerns warranted? His views on the differences between human thought and inhuman 'thought' are suspect on, at least, two counts. Lyotard's argument (actually his invocation of Dreyfus's argument) that "human thought doesn't think in a binary mode" and that it "doesn't work with units (bits)"<sup>17</sup> as machines do, is challenged by the views of Hofstadter (expressed almost a decade

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<sup>13</sup>[Sim, 2001, p.5]

<sup>14</sup>[Sim, 2001, p.6]

<sup>15</sup>[Sim, 2001, p.7]

<sup>16</sup>[Pravda, 2002]

<sup>17</sup>[Lyotard, 1991, p.15]

before Lyotard wrote the *Inhuman*). According to Hofstadter “this notion that irrationality is incompatible with computers rests on a severe confusion of levels”<sup>18</sup> He continues that one should “remember that a brain, too, is a collection of faultlessly functioning elements — neurons.”<sup>19</sup> Lack of space here precludes a detailed discussion of Hofstadter’s argument that lower-level components often combine into higher-level systems where the combined systems is more than the mere sum of the (lower-level) parts. In fact, it is often almost impossible to relate the higher-level system to that of the lower-level parts. This is the case for various levels in the human brain, as argued above. Hofstadter uses the analogy of an ant colony where the ‘intelligence’ of the ant colony cannot be explained by studying individual ants. (This has already been observed many years ago by Eugene Marais when he posited that the ‘soul’ of an ant colony is present in the colony, rather than in individual ants.<sup>20</sup>) Given the fact that lower-level components can be combined into higher-level systems and that these systems can form subsystems of even higher-level systems, there “is no reason to believe that a computer’s faultlessly functioning hardware could not support high-level symbolic behavior which would represent such complex states as confusion, forgetting, or appreciation of beauty.”<sup>21</sup>

Lyotard therefore does not convince that AI *has* to be different from human intelligence.

Lyotard further seems to be unaware of the ultimate challenge — of the holy grail — of AI. This ultimate test for AI was coined in 1950 by Alan Turing (and hence it is known as the Turing test). The test consists of an interrogator linked by teleprinters to a machine (A) and a human being (B). The interrogator poses questions via the teleprinters to A and B. If the interrogator cannot distinguish between the responses of the human and the machine, the machine is said to be intelligent. Note that this definition inherently requires the intelligent machine to be able to deceive — exactly as the human is required to be able to deceive. (If deception is not part of either one’s repertoire, a simple question of the form: ‘Are you a human or a machine?’ will end the test and classify the machine as non-intelligent.) Again limited space precludes a detailed discussion of implications. Suffice it to note that Turing considers an intelligent machine’s ability to discuss poetry and even the implications of the absence of a soul in a machine.<sup>22</sup>

Lyotard, therefore, has neither demonstrated that AI, by necessity, has to be different from human intelligence, nor has he demonstrated that development will necessarily lead it on a path that will make it different from human intelligence.

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<sup>18</sup>[Hofstadter, 1999, p.575]

<sup>19</sup>[Hofstadter, 1999, p.575]

<sup>20</sup>[Marais, 1950]

<sup>21</sup>[Hofstadter, 1999, p.577]

<sup>22</sup>See [Hofstadter, 1999, pp.594–600] for more details.

And if AI is indistinguishable from human intelligence, Lyotard's objections to the use of AI in settings that should properly be performed by humans become unconvincing. The decisions of AI would not be distinguishable from that of humans and there will therefore be no reason why humans shouldn't tolerate it. And it may indeed let a fundamentally human facet survive the end of the earth in a way that a human body cannot. . .

What if one argues that AI will never reach such a state and that humanity is already held captive by imperfect AI (or simply by automation)? This was demonstrated by the Y2K crisis where, even if it was successfully averted, the dependence of humanity on Information Technology became abundantly clear. In a similar vein, technologies such as motorcars, aeroplanes and microwave ovens have all reached levels where the average person — at least in Western society of which Lyotard was a member — cannot live without many (most?) of them. Does such dependence — simply because it is a dependence — imply that humanity should abandon the technology? Clearly, modern technology often has benefits, and mere dependence on such benefits does not make human life inhuman; in fact, often the opposite is true. Consider humanity abandoning the wheel simply because it is a technology humanity depends too heavily on. . .

Lyotard would probably counter that his real concerns are those cases where technology assumes roles that are 'proper' human roles. And while driving, flying and cooking are not necessarily proper human functions, thinking and decision making are.

However, when one begins to consider specific cases, it becomes less clear that decision making is proper for humankind to do. In a highly complex system, such as air traffic control, is it proper that a human should make decisions? The answer to questions such as these are clearly no, because human beings cannot deal with the inherent complexities. A no answer has two implications for the current essay. Firstly, it illustrates what Lyotard means when he talks about 'complexification'<sup>23</sup>; complexification should, however, be considered under the heading of development above, and that is not the main concern of the current essay. Secondly, the no answer illustrates that one cannot make a blanket pronouncement that decision making (or even thinking, for that matter) *per se* is something that falls into the 'proper' to humankind category. Criticism, therefore, has to focus on specific cases (something Lyotard does not do in *The Inhuman*) or has to be discussed under the heading of development.

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<sup>23</sup>[Lyotard, 1991, pp.5,22]

## Intimacy

If machines making decisions and thinking can be defended against Lyotard's broad criticism of the inhuman, it does not mean that his criticism about technology taking the place of what is proper to humankind has been neutralised. Besides thinking, Lyotard also hints at the memory of the inhuman: "The electronic and information network spread over the earth gives rise to a global capacity for memorizing which must be estimated at the cosmic scale."<sup>24</sup> It is necessary to deal with two remarks that Lyotard makes about this memory before one considers the further implications of it. Firstly, Lyotard is clearly comparing this memory to the 'memory' of a culture. And, secondly, Lyotard remarks that this memory is nobody's memory. Regarding his first remark: It has been postulated elsewhere that so-called *memes* carry cultural knowledge in the same manner that genes carry inheritable information. But, by nature, cultural knowledge and, therefore, memes are not concerned about knowledge about individuals, but rather about cultural issues; they answer the question 'how has our culture enforced and adapted itself over time to enable the culture to survive?' More specifically, memes transmit "ideas and practices . . . through imitation — [and that] is what defines our nature."<sup>25</sup> Clearly, the information network Lyotard refers to does not (only) contain such information — it contains highly specific information about individuals. Secondly, when Lyotard argues that it is nobody's memory, he would probably concede that it is indeed the memory of whoever is able to exploit it (with a slightly different notion of *belonging* employed here).

Given such a specific memory of global proportions containing information about individuals, concern is indeed warranted. The problem of privacy in Cyberspace has already attracted widespread attention. Such detailed information allows connections to be made and new (private) information to be discovered about individuals. Margalit<sup>26</sup> observes that "[t]he value of this *intimate* information — the 'secrets' — lies in its scarcity, in its being a commodity saved for one's friends" (emphasis added). Privacy is a prerequisite for intimacy. And intimacy arguably constitutes that what is proper to humankind to a greater extent than even thinking does. I therefore contend that, rather than seeking the inhuman in thought, Lyotard should have looked for it in memory. Note that Lyotard does invoke Stiegler to claim "as the new technologies are now invading public space and common time . . . on a planetary scale, it is what we might call the most 'intimate' space-time, in its most 'elementary' synthesis, which is attacked, hounded and no doubt modified by the present state of technology."<sup>27</sup> He does not, however, fully

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<sup>24</sup>[Lyotard, 1991, p.64]

<sup>25</sup>[Blackmore et al., 2000]

<sup>26</sup>[Margalit, 1996, p.209]

<sup>27</sup>[Lyotard, 1991, p.47]

consider the implications of this statement.

## **On inhuman privacy**

My conclusion above should not be interpreted as inhuman memory being undesirable *per se*. Inhuman memory is unacceptable when it violates human intimacy. Note that inhuman memory does not imply that the inhuman uses the memory in such a violation; it simply means that inhuman memory makes that what is private or intimate accessible to other humans — thereby reducing the possibility of human intimacy.

Inhuman memory also does not imply that privacy *will* be violated — more specifically: the existence of such a memory is not an inherent violation of privacy.

The problem with inhuman memory is simply thus: At this point in history the extent of inhuman memory cannot be disputed. However, at this point in history insufficient safeguards have been built into technology to prevent misuse of such information. Information is controlled by organisations without any real vested interest in the privacy of a single individual: violation of the privacy of such an individual is a minor risk for an organisation: financial compensation, a simple apology or some token action is likely to right such a violation for the organisation. However, for the individual, privacy, once lost, cannot be regained. And the risk for such a far-reaching possibility is mostly borne by the individual.

This has two implications. In the medium term it is necessary to build safeguards into the memory such that the individual's wishes regarding information about the individual will be honoured in a just manner. Note that the notion of justness has to be considered here, since the perpetrators of crimes should not be able to claim privacy to hide from just punishment for their deeds. Similarly, the individual cannot claim privacy to avoid expectations of society, such as payment of taxes. But outside such exceptions — that should be clearly defined — the wishes of the individual should be paramount. This is the first implication. And the second implication is that, until such protecting technologies have been deployed (and probably even after that) the individual should realise that s/he carries the primary responsibility for her/his privacy. This calls for careful reflection whenever information about the individual is to be recorded in any permanent form. Only by doing this can the individual remain human in the shadow of an inhuman memory.

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