AI Discourse in Policing
Criticisms of Algorithms

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Abstract

This article addresses the function of the term *Artificial Intelligence* (*AI)* in policymaking discourse and how it serves to establish normative conventions for apprehending the consequences of algorithmic technologies. These normative conventions, reflected in the discourses of algorithmic bias and transparency, privilege certain means of evaluating the significance of algorithms for human experience over others. In this way, the use of the term *AI* involves what Jacques Rancière identifies as a capacity to "indistinguish phenomena," or to attribute a common cause to diverse events, circumstances, and social concerns. By doing so, *AI* policy discourse associates disparate social phenomena with the notion of *AI*, while also selectively associating the term with particular approaches to criticism and intervention. Such selective *AI* discourse effectively operates to police which criticisms of algorithmic technologies are viewed as legitimate for legal interventions or technical reforms. Against this tendency, this article proposes an approach to disputing the partiality of *AI* policy discourse by devising alternative designs and uses for algorithmic technologies. In particular, following Arturo Escobar's notion of autonomous design, this approach uses the identification of interests and concerns derived from personal or communal experiences as a point of departure for questioning whether the standing meaning of *AI* adequately addresses these concerns. Rather than denouncing the generous meaning of the term *AI*, we examine how *AI* policy discourse deploys certain approaches to algorithm criticism and reveal how it might account for or delegitimize other approaches to criticism derived from particular community interests.

Keywords

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Introduction

As scandals of opaque proprietary algorithms, algorithmic biases, and targeted political messages on social media accumulate, the significance of the terms *algorithm*, *machine learning*, and *artificial intelligence (AI)*, along with the technologies attached to them, seem to have accrued a great variety of anxieties and political implications. As some theorists of algorithms have noted, it is perhaps better to acknowledge the diversity of meanings denoted by these terms than to specify or police how they should be used.[1] However, while critical scholars of algorithms are able to identify how what we call *AI* is, in fact, constituted by diverse material infrastructures,[2] regimes of human labor,[3] and political imaginaries,[4] what has yet to be acknowledged is how the generous meaning of the term can be leveraged by policymakers to circumscribe how algorithmic technologies should be audited and regulated.

In its current usage by the emerging generation of policy advisors, auditors, and ethics committees tasked with evaluating the ethical implications and epistemic validity of algorithms, *AI* refers to any algorithmic technology that automatically configures information or resources in relation to people. Given the generality of the term, the particularities of these relations are often obscured when proposing interventions and developments on the order of *AI* policy, which is tasked with regulating any social, political, or personal relation that involves *AI*, however the term is defined. In this way, the notion of *AI* itself licenses a discourse that not only stresses the pervasive influence of new technology in modern society, but also argues that a specialized regulatory discourse is required to confront this very influence. As such, in this article we are interested in the extent to which this specialized discourse operates to marginalize interests, interpretations, and interventions that do not explicitly center their language around the specialized notion of *AI*.

Theories and discourses of artificial intelligence have a long history of interpreting phenomena through the specialized concepts and terminology of computer science. Fundamentally, the function of the Turing Test was to forward a definition of *intelligence* that would characterize both human and computational intelligence in a similar manner, whereby a computational system was deemed intelligent insofar as it simulated human interlocution.[5] While artificial intelligence scholars later disputed the theoretical conflation of human and computational intelligence,[6] Philip Agre, a scholar of the sociology of artificial intelligence,

has argued that the field of artificial intelligence in fact depends on language that blurs the distinction between technical terms and non-technical phenomena, for example with the *plan* of an algorithm and that of a person.[7] Agre holds that by adopting terminology and language that associate computer science with non-computational phenomena, *AI* discourse establishes its authority to produce knowledge about non-computational processes, thus effectively extending its epistemic reach.

While use of the term *AI* has changed considerably over the past five years, as well as garnered widespread attention to the social consequences of algorithms, the term continues to be used from the broad vantage point of a unified discourse all while accounting for diverse modes of governance, interaction, and automation. Whereas Agre demonstrates how a specialized *AI* discourse licenses artificial intelligence as a computer science to extend its epistemic authority across disciplines, here we identify how an emerging *AI* policy discourse enables a *humanitarian or ethical science* of artificial intelligence to extend the scope of its legislative authority. Thus, our concern here is not with whether *AI* designates true intelligence or whether or not certain phenomena should be called *AI*, but rather with how the notion of *AI* itself confers upon policymaking discourse the license to create a particular regime of algorithm interpretation, criticism, and intervention.

In order to understand these functions of the term *AI*, the discourse they provide for, and how we may develop a less partial regime of *AI* policy intervention, it is helpful to turn to the analysis of concepts commonly deployed for what Jacques Rancière calls their capacity "to indistinguish things,"[8] or in other words for their ability to attribute a common cause to various phenomena and social concerns. To this end, I read Rancière's work on the term *democracy* and a collection of essays on notions of *the people* to address some of the functions of these indistinguishing terms,[9] as well as the implications of analyzing them as such. What makes Rancière's reading of *democracy* useful for an understanding of *AI* is that both terms are used by policy advisors to designate a pervasive and distinctly modern phenomenon that accounts for disparate social issues and demands a new generation of specialists to confront them. Like both *democracy* and *the people*, the term *AI* can be deployed by policymakers and policy advisors to designate a concept that has an extensive meaning, while also delimiting precisely how this meaning should be apprehended and understood. For example, Rancière demonstrates how policymakers selectively associate

democracy with certain social phenomena by virtue of the fact that the term can be broadly construed. This understanding of the term *democracy* encourages us to also distinguish the broader term *AI* from the policies that associate it with particular phenomena and modes of criticism, and therefore to salvage the many diverse possibilities for understanding *AI* from attempts to capture its meaning and associations more definitively. Following Rancière, we can identify how the use and function of the term *AI* can serve to establish a normative discourse about algorithmic technologies that licenses certain evaluations and reforms of these technologies as opposed to others.

This is not to claim that the vast array of algorithmic technologies suggested by the term *AI* do not refer to new methods for allocating resources and distributing information, to more advanced forms of structuring sensible experience, or to altogether new modes of governance that demand specialized discourses for analyzing and confronting them. Rather, following Rancière and others, I argue that the extensive meaning of the term *AI* is leveraged by policymakers to shape a discourse which operates to regulate public apprehensions and criticisms of diverse algorithmic technologies. For instance, two of the traits commonly linked to *AI* in policy reports are its tendency to inherit *bias* and its fundamental *opacity*.[10] I contend that the *AI* discourse of algorithm policymakers, ethics committees, and auditors finds in these traits a justification for reforming algorithms according to their technical implementation details, and in this way eschews more holistic considerations of the effects of algorithms on human experience and society. In marked contrast to the rise of critical algorithm studies a half-decade ago,[11] algorithmic bias and opacity no longer represent theoretical critiques of algorithms as they have become established heuristics for evaluating the ethicality of *AI*. While academic research proposes to develop new tools for evaluating algorithmic systems according to their bias and opacity,[12] the producers of these systems can now take these traits as an opportunity to defend their claims to beneficence and neutrality. It is therefore imperative to confront these properties not as definitive traits of *AI*, but rather as particular consequences of the relationships between algorithmic technologies and their technological, social, and political dependencies, which for their part cannot be exhaustively addressed from the vantage point of a specialized *AI* policy discourse alone.

Following Rancière, our task is not to dispute the generality of the term *AI* in policy discourse, but to contest its partiality: to identify the phenomena and practices that the term is selectively associated with, to interrogate the discourses that license these associations, and to pose other possible associations. To this end, this inquiry into the term *AI* is based on a philosophy of radical empiricism, as elaborated by William James,[13] as well as the work of Gilles Deleuze and his reading of David Hume.[14] The import of radical empiricism here helps us to identify how the stability of *AI* as a concept operates to account for a multiplicity of phenomena, relations, and contexts that involve algorithms, along with the innumerable ways of experiencing and interpreting algorithmic technologies, all while simultaneously permitting a selective policymaking discourse to focus on some of these associations and experiences in a way that tends to preclude others. In line with a radical empiricist perspective, we celebrate the capacity of the term *AI* to refer to diverse phenomena and experiences with algorithms and unite them into a common discourse, but we take issue with the use of the term insofar as it selectively associates a set of phenomena and impedes the identification of other associations and possible interventions. As we will see, the ability of the term *AI* to indistinguish phenomena can be leveraged either to police how algorithmic technologies should be interpreted and evaluated, or to dispute the epistemic authority of these policies and reveal their partiality.

Reflecting on this function of the term *AI*, I conclude by proposing a new approach to designing algorithmic systems that is less concerned with the technical implementation details of algorithms than with their capacity to realize alternative configurations of power and responsibility, along with the aesthetic sensibilities that support them. Following Arturo Escobar's notion of "autonomous design," [15] I argue for a shift from discourses that attempt to reform current algorithmic systems toward a design practice that reimagines their basic presuppositions. Instead of critiquing or reforming *AI* from the perspective of specialized conventions for policymaking intervention, we should rather seek to demonstrate how *AI* reflects a particular worldview that privileges certain concerns over others, and how the designs of algorithmic systems are themselves consistent with this worldview. Furthermore, we should seek to illustrate the possibility and importance of alternative concerns by designing experimental algorithmic systems.

Indistinguishing Phenomena as *AI*

For Jacques Rancière, the term *democracy* is used to designate a political ideal that defines itself in contradistinction to governance by totalitarian or tyrannical regimes.[16] This lends the term a generous breadth, licensing it to account for a diverse array of events and circumstances that might appear otherwise ungrouped, from civil disobedience to the popularity of artificial insemination. Moreover, through "indistinguishing" these phenomena,[17] the function of the term *democracy* is to make disparate phenomena and events appear as manifestations of democracy itself, as opposed to consequences of contemporary economic or technological relations, which themselves establish particular relationships among people and resources. Here the term *democracy* serves a strategic political function by obscuring the social changes wrought by new technologies and economic pressures and representing them as the singular fault of "democratic man," the valueless and insatiable abomination of modern society.[18]

Readers of Rancière will note that the function of the term *democracy* reflects that of the *police*, which for Rancière is not a force of repression, but a configuration of sensible experience through which certain phenomena can be apprehended and accounted for and others obscured.[19] Likewise, the term *democracy* is used to conceptualize the existing state of affairs according to certain causes and phenomena while precluding the apprehension of others. In order to challenge this policing of sensible experience, Rancière's project in *Hatred of Democracy* is to identify how the deployment of the term *democracy* depends on a series of basic premises and relations, some of which are strategically concealed.[20] The task of addressing the use of the term *democracy* is to demonstrate its composition by premises that, once composed in a certain manner, privilege certain interpretations of modern society that justify certain political agendas.

The term *AI* operates in this way when it is deployed to represent a diverse array of problems as manifestations of *AI* as such. This is exhibited most prominently by policy advisors that propose to confront *AI* on the order of "bias" and "transparency."[21] The discourse of *AI* bias concerns the fact that *AI* systems 'learn' from existing human prejudices, which also problematizes the lack of minority participation in developing *AI* technologies.[22] Meanwhile, *AI* transparency discourse draws attention to the opacities of intellectual property law and the difficulty of representing complex and dynamic *AI* systems intuitively.[23] However, insofar as these

concerns express problems with the design and use of *AI as such*, they neglect to interrogate the various circumstances that underlie the design of algorithmic technologies to specific ends. This includes, for example, how algorithmic systems are designed to substantiate social categories like criminal and non-criminal, to enforce allocations of resources or information according to these categories, and to facilitate corresponding subjectivations. [24] These functions of algorithmic systems are not only unaccounted for by bias and transparency discourses, but are also marginalized by these discourses' appeals to reforming the technical implementation details of algorithms and to developing a generalizable *AI* policy.

Along with stressing the pervasiveness of *AI* across differing contexts and disciplines, *AI* policy discourse problematizes the establishment of *AI* as a coherent and stable concept that policy can be developed around: "[t]hat artificial intelligence lacks a stable, consensus definition or instantiation complicates efforts to develop an appropriate policy infrastructure."[25] Rather than admitting this instability and reflecting on the contextual differences it might reveal, *AI* policy discourse seeks to further stabilize the term, even if this lends it an ambiguous breadth: "AI is an umbrella term, comprised by many different techniques" and "general features."[26] Stabilizing the extensive meaning of *AI* in this way licenses policymaking discourse to propose key implications of *AI* that should apply across its domains of application, and to develop "ideal governance systems for global *AI* dynamics."[27] The demand for a stable definition of *AI* is also supported by appeals to establishing *AI* regulatory bodies at the global level in order to compensate for local differences in a unified policy framework.[28] Here, differences between contexts and localities are treated as challenges to policymaking that a more coherent definition of *AI* should help to resolve.

Indeed, a new statistical analysis of the terms *artificial intelligence* and *AI* has proposed to confront their "definitional ambiguity" in policymaking discourse so as to better inform legal and regulatory interventions.[29] The study quantifies differences between the ways that *AI* practitioners and policymakers respectively define *AI* and associate the term with particular social issues. It concludes that, despite significant definitional variations, practitioners mainly define *AI* according to its technical functionalities while policymakers define *AI* more broadly as systems that think like humans, otherwise they issue recommendations

without providing a definition of *AI* at all. The authors recommend that *AI* policy discourse attempt to incorporate more technical descriptions into its definitions, to demonstrate the relevance of such definitions to popular social concerns, and to ensure that these definitions remain subject to policy implementation and oversight. Therefore, we can see that while the study represents a constructive effort to balance the extensive scope of policymaking discourse with an attention to concrete technologies, it effectively replicates the *AI* policymaking discourse itself: it strives to associate *AI* with widespread social concerns while simultaneously appealing to a concrete, unified, and stable definition of *AI* that informs an overarching policy discourse for managing these concerns.

The appeal to stabilizing the concept of *AI* and its central implications reflects the pattern described by radical empiricists such as William James, namely of when percepts are experienced according to a common end or intended object.[30] *AI* policy discourse establishes a concept *AI*, by which we can relate experiences with algorithms to known consequences of *AI*. To be sure, this is also the means by which Rancière's opponents identify *democracy* as the common cause for otherwise ungrouped social phenomena. By presupposing a common end for all of the contexts that deploy algorithmic technologies, AI policy discourse presents them as reflecting a coherent concept of *AI* and its implications, thus indistinguishing the many ways in which algorithmic technologies relate differently to distinct social relations and contexts. For instance, we might consider the difference between algorithms designed to detect criminally-suspicious gestures on CCTV camera footage and those used to recognize faces in the same footage:[31] the fact that both techniques involve *AI* reveals little about the social assumptions that their designs are premised upon. Both suspicious behavior and facial recognition technology use algorithms to identify correspondences between reference images and real-time footage. However, what counts as a suspicious behavior is more context-dependent than what counts as a face, and suspicious behavior detection may need to be more or less sensitive depending on the conditions of its usage: for example, an abstract similarity between behaviors may be preferred to one-to-one correspondence between them. These empirical differences are marginalized the more that the generic *AI* problems such as bias and opacity can be identified in them, a problem for which *AI* discourse provides an increasingly selective and generalized approach to criticism.

Such a generalized discourse of algorithm criticism is instrumental in controlling the extent to which the developers of algorithmic systems need to respond to criticisms and calls for accountability. For example, in Los Angeles, multiple predictive policing systems of the Los Angeles Police Department have been criticized by grassroots and non-governmental organizations and academics for perpetuating socio-economic disparities, extending digital surveillance and data collection, and justifying these interventions with dubious anthropological and statistical presuppositions. [32] However, by adhering to a normative discourse of algorithm criticism, which mainly appeals to transparency and the detection of statistical biases, the Police Commission and Inspector General are able to circumvent more substantive concerns about the role of algorithmic systems in legitimating certain configurations of power. The particular problems and non-technical concerns expressed by critics of predictive policing systems [33] – their promotion of police vigilance in targeted areas and their entanglement with profit-extracting logics of gentrification and incarceration, for example – can thus be overshadowed by the generalized problems of *algorithms* or *AI* as such,[34] which can then be reformed or addressed by experts without confronting the sociopolitical issues that underlie them. In this way, appeals to developing policy around the term *AI* often amount to perfecting a universalist discourse for how to confront the technical problems of *AI* as such. In this way, *AI* policymaking discourse licenses certain interpretations and apprehensions of *AI*'s consequences as opposed to others.

Following Rancière's critique of the use of the term *democracy*,[35] we should identify, on the one hand, how diverse problems and phenomena that appear to be manifestations of *AI* are in fact informed by other social, political, or economic circumstances, and on the other hand how a generic conceptualization of *AI* is selectively associated with certain apprehensions and critiques of their consequences. In doing so, we may acknowledge how the term *AI* operates in policymaking to license a universalist discourse about a technology that is considerably heterogeneous in its applications, uses, and effects, and how this discourse polices criticisms and interpretations of algorithmic systems to determine which are legitimate for applied interventions such as oversight and regulation. What is at stake here is our capacity to acknowledge interpretations of algorithmic technologies, their consequences, their applications, and even their failures that do not adhere to the normative discourses of *AI* policy, such as algorithmic bias and transparency.

To this end, we must address the experiences and grievances that people express about algorithmic technologies in their diverse particularity. This would not be to discount a technical understanding of algorithms and how they are designed toward certain ends, but rather to admit accounts of experience into our evaluation of situated algorithmic technologies, perhaps working toward what Ned Rossiter and Soenke Zehle call an "aesthetics of algorithmic experience."[36] Such work can be informed by phenomenological accounts of algorithmic systems which investigate their consequences from the vantage of human apprehension,[37] as well as by theories of distributive agency that identify how people play an active role in using, responding to, and resisting algorithmic technologies.[38] Moreover, theories of *algorithmic subjectivation* can contribute to an understanding of algorithmic technologies as informing an individual's means of self-representation and self-understanding, thus shaping their experiences of algorithms as much as their selves.[39] But above all, such a project would need to concede that no analysis of the consequences of algorithms for human experience can account for them all – in other words that it is insufficient to document and collate the experiences that people have with an algorithm in order to gain a complete understanding of it, as if *AI* were a phenomenal aggregate of human experiences with it. Rather, what algorithms are is always contingent on the diverse consequences that they have for individuals, which cannot be exhaustively known in advance of their incidence. In spite of this, the definition and understanding of what *AI is* is increasingly defined by policy experts and algorithm auditors that strive to identify precisely what consequences *AI* will have in advance of their knowing them.

This line of reasoning reflects Henri Bergson's argument that by reducing an object of investigation to "elements already known" or "elements common both to it and other objects," we deprive ourselves of the capacity to interrogate the object without the artifice of preconceived ideas about it.[40] We derive a very different understanding of algorithms and their consequences depending on whether we approach them through *already known* information about their implementation details and methods for evaluating their biases, or according to *emerging interpretations* and direct experiences of people who live and work through them. Normative discourses of algorithm critique are concerned predominantly with refining statistical approaches to evaluating algorithms, and less so with accounting for new experiences of them as they arise. Even where such experiences are accounted for, we must

acknowledge that their theoretical collation and synthesis does not equate to a definitive account of how people relate to algorithmic systems in all circumstances. It is for this reason that, as demands for an account of these lived experiences grow, we must be especially sensitive to the new problems and singular grievances that these experiences raise, as well as how, on the contrary, they can be articulated within policymaking discourse to license the use of already established auditing techniques and policy responses for confronting *AI* issues.

Policing Criticisms of Algorithms

Beyond merely developing a more comprehensive definition of *AI*, *AI* policy discourse is substantiated through the incorporation of humanitarian agendas to confront the adverse consequences of *AI* for human lives: "artificial intelligence and related technologies … have the potential to impact basic rights and liberties in profound ways."[41] In doing so, this discourse must presuppose that its appeals to algorithm analysis and intervention are tacitly endorsed by the people who are affected by algorithmic systems. And yet, supposedly explicit endorsement is not required here because it can be argued that the people affected by *AI* technologies are manipulated by them to such a degree that they are unable to critically interrogate the impact and scope of their manipulation. This is reflected, for example, in *AI* policy discourse's persistent usage of the "black box" metaphor,[42] which signifies the impenetrability of *AI* technologies to human apprehension despite their pervasive influence. It therefore becomes the self-ascribed prerogative of *AI* regulatory bodies and policy advisors not only to design the interventions that will regulate algorithmic technologies, but also to raise awareness about how *AI* affects human lives, thus shaping the discourse by which *AI* and its social implications are understood.

We find in this normative *AI* discourse an increasingly refined approach to algorithm criticism that distinguishes what counts as a valid or otherwise obtuse evaluation of algorithms and their consequences. The discourses of "algorithmic bias" are most effective here, as they meticulously delineate where bias comes from in the data processing pipeline, who is responsible for such biases, and, most importantly, who is not.[43] In identifying what counts as a valid interpretation of the consequences of *AI*, we witness patterns of discursive inclusion and exclusion that are similar to those at play in the word *democracy*,[44] as well

as in the meaning of *the people*.[45] In both cases, terms that purport to designate an all-inclusive equality or totality are used to justify its limits. It is in this fashion that normative *AI* discourse purports to develop solutions to managing all algorithmic technologies – on behalf of all people affected by them – but in fact elaborates very specific approaches to intervention that effectively exclude participation by those very people who are represented by the discourse.

In "We, The People," Judith Butler questions the presuppositions of parliamentary forms of governance, revealing in them a fundamental tension.[46] Whereas parliamentary power presupposes endorsement by *the people* and is thereby licensed by popular sovereignty, we cannot presuppose that popular sovereignty is exhaustively captured in the electoral process: the sovereignty of *the people* is not absolutely transferred to elected representatives, and some bases of popular sovereignty remain untranslatable into votes that determine electoral representation. There is therefore an "extra-parliamentary power" or excess that continually threatens parliamentary claims to power. Because of this, we might identify strategies by which parliamentary power obscures the excess that threatens its own legitimacy or delegitimizes criticisms thereof.

For attendees of public Police Commission hearings in Los Angeles, these strategies of delegitimization are evidenced in the audits that police experts conduct on their algorithmic systems and present to public audiences in response to testimonials about the harms of algorithmic technologies. In these cases, individuals affected by algorithmic systems have expressed concerns that are not acknowledged in the stable *AI* discourse of law enforcement specialists.[47] For example, public concerns are expressed about the ways algorithmic technologies automate, extend, or justify harmful police interventions and law enforcement practices. However, in response law enforcement officials stress the utility of algorithmic solutions for solving complex problems, describe algorithmic systems in opposition to human prejudice and fallibility, and appeal to practical consideration of these tensions.[48] This pragmatism amounts to a strategic disavowal of the grievances expressed by citizens insofar as it appeals to normative notions of algorithmic bias and opacity, thus treating the grievances as intractably myopic. The reforms that confront algorithms on the order of bias and opacity do not admit any kind of language that might adequately respond to these grievances, which effectively

delegitimates their content as well as their mode of presentation (i.e. comparatively personal and qualitative).

For Rancière, strategies of delegitimization come in the form of word games that seek to establish dominant interpretations of phenomena and their relations.[49] When the term *democracy* is interpreted simplistically to mean a generic "equality of conditions" that gives all people equal authority in all circumstances, consequences of democracy can then be attributed to any circumstance where a demand for equal authority causes problems, irrespective of other possible causes.[50] Much more significantly, Rancière identifies within this word play a cunning that is not arbitrarily exercised by anyone in particular, but which is rather progressively refined by those in power to secure their claim to power. This claim to power is supported by the notion that modern societies "are made of so many delicately interlocking cogs," and that they therefore require competent individuals to govern their "fragile equilibria."[51]

Rancière argues that taking such competency as a criterion for choosing who should govern is a great danger, insofar as it licenses those in power to iteratively develop strategies for securing their claim to power on the basis of their own competency. This is exhibited in the language of police audits that take competency in analyzing algorithmic systems as the grounds for critiquing them. What is being developed here is not a more robust or democratic understanding of algorithmic technologies and their social impacts, but rather the authority to police this very understanding, thus dictating its appropriate modes of apprehension, critique, and intervention. Accordingly, Rancière cautions that if our society is indeed developing a Marxian "collective intelligence" that collectivizes and disseminates knowledge about technics, then this knowledge is no longer concerned with leveraging technology to facilitate a more productive and equitable society in the Marxian sense, but rather with developing more robust strategies for securing a claim to power on the exclusionary basis of a specialized competency.[52] In other words, we should acknowledge that the tendency of technical innovation is not necessarily to open access to knowledge about technology and collectivize its use, but rather to increasingly justify its regulation by authorities who dictate the parameters of what constitutes a competent intervention.

Rancière's thesis is important for understanding the function of the term *AI* in shaping a policy discourse around algorithm criticism, evaluation, and intervention. Far from pointing to a concrete technology, *AI* discourse

expresses a complex and feral force that can be wrangled by none other than competent specialists. This is exhibited, for example, in a policy research paper that articulates *AI* as being implicated in "wicked problems" like terrorism and poverty, as well as "super wicked problems" like climate change, and which argues that we should prioritize these broader implications to "more manageable" problems like algorithmic accountability and automation. [53] Like the construal of democracy as a condition of modern society and its ails, *AI* denotes a phenomenon that is modern, unavoidable, and beyond the scope of existing theoretical considerations, and for this reason must be reckoned with by a new generation of specialists. This implication is also reflected in Elon Musk's outspokenness on the dangers of *AI*, which he characterizes as a force that must be carefully studied and controlled. [54] The language of *AI* spokespersons such as Musk is then cited within *AI* policy discourse in order to support the argument that *AI* poses a legitimate threat to human society that must be regulated by specialized policymakers. [55]

Missing in both circumstances, however, is any indication of the ways in which algorithmic technologies are designed for application to existing social and political contexts in order to establish specific relationships between people that extend particular configurations of power, responsibility, and governance. For example, although Musk may draw our attention to the *AI* of intelligent personal assistants or psychometrics, underlying the designs of these technologies are particular use cases, such as purchasing products or determining political preferences, that require precise configurations of algorithms, configurations which in turn enforce certain liberties and social categories. Moreover, the consequences of these technologies are presented as exclusively technical problems that depend on advanced technical specialists to solve them – far from admitting that a more accessible and holistic regime of competency might balance technical expertise with an awareness of local social concerns. In this sense AI policy discourse seeks to establish normative principles for algorithm criticism that further marginalize the personal and experiential accounts of individuals that interact with algorithms. It is argued, by Musk and others, that *AI* is so ubiquitous, pervasive, and influential in its effects that we cannot rely on laypeople to manage their consequences, let alone to autonomously develop the expertise to be aware of them. Although this argument is cast in a humanitarian light, it further reinforces the disempowerment of individuals affected by algorithms by taking their ignorance for granted,

conveniently justifying the need for new algorithm policymakers, policy advisors, and specialists all the more.

In this way, *AI* policy discourse depends on the presupposition of 'a people' that are at once threatened by algorithmic systems and unable to adequately manage them. Supposedly, these people are both the justification for algorithmic technologies to exert their influence, as well as the ignorant body that is incapable of reckoning with these technologies on its own behalf. For instance, the notion that *AI* inherits people's biases services this formulation by reminding us that *AI* is made more harmful by the people that are affected by it.[56] Just so, in "The Populism That Is Not to Be Found," Rancière argues that the racism normally attributed to populist movements operates to obscure the mechanisms by which state power makes racism profitable for populists in the first place, for instance through immigration policy.[57] In both scenarios, underscoring the faults of human prejudice obscures social and political power relations that not only leverage these prejudices, but often have reason to produce or intensify them. The function of the term *AI* is to articulate a generalized understanding of algorithms and their consequences that overshadows the social and political dimensions of their design.

Toward the Autonomous Design of *AI*

Like *democracy* for Rancière, the term *AI* can be used to express a ubiquitous and distinctly modern phenomenon that permeates existing social and political configurations of power and, in doing so, manifests an array of problems that can only be addressed by a new generation of specialists. Moreover, by using the terms *democracy* and *AI*, policy advisors privilege certain ways of interpreting their meanings, which effectively undermines the relevance of certain human experiences for criticism. Indeed, this interpretative play is afforded by the fact that the terms *democracy* and *AI* tend to refer less to concrete objects or technologies than to a variety of emergent events and phenomena that can be attributed to preconceived concepts. However, I argue that this very play presents an opportunity for intervening not only into the meaning of these terms, but also into the configurations of power and responsibility that police their modes of interpretation and criticism. If *AI* policy discourse operates to define a certain image of *AI* that reflects certain interpretations of algorithmic technologies and their consequences, what would more widespread participation in defining the image of *AI* look like?

Where *AI* policy discourse develops normative methods for evaluating algorithmic technologies that it applies to various contexts, a more egalitarian approach to defining *AI* would concern the elaboration of new contexts and uses for algorithms. The purpose of this approach would be to demonstrate that the standing notion of *AI* presupposes, takes for granted, and anticipates certain configurations of power and responsibility as opposed to others. To conceptualize alternative contexts for the design and use of *AI* is therefore to participate in what Arturo Escobar calls ontological design, or the organization of relationships between people, technologies, and environments that articulate new ways of being in the world.[58] In a certain sense, design is already ontological insofar as it always concerns the intentional organization of these relations, but Escobar has his sights on traditions in critical and speculative design that stress the function of design to illustrate unconventional possibilities and alternatives,[59] as well as on adversarial design,[60] which enlists participatory and collaborative design practices to cultivate community concerns and political sensibilities. Through speculation and engaged response to political concerns, ontological design demonstrates the ontological politics underlying any normative claim about which objects, concepts, and phenomena exist in the world. To intervene into the meaning of *AI* through ontological design is to engage in political ontology,[61] or the pluralistic contention for alternative ways of thinking what *AI* can be.

Escobar additionally extends the notion of ontological design to account for the importance of design in autonomous politics.[62] Through what Escobar calls autonomous design, autonomous political movements elaborate alternative ways of being and, moreover, encourage the proliferation of these alternatives by designing community relations and alternative means of political organization. Central to this process is the articulation of a communal body through the process of learning and design, whereby a community defines itself according to its intentional practices of developing new relations between people, technologies, and environments. The Detroit Community Technology Project and its Equitable Internet Initiative are an exemplary instance of this process, one which cultivates community engagement through teaching about and implementing internet network infrastructure.[63] Here the very process of developing technical expertise involves the identification of problems and possibilities that express community concerns – those which might be distinguished from problems attributed to the community from the outside, such as racism attributed to *the people*.[64] Similarly, The Stop LAPD Spying

Coalition is a grassroots organization that begins with an understanding of community concerns in their particular contexts before organizing to raise awareness about law enforcement surveillance technology.[65] By inviting technical experts into conversation with community concerns, the Stop LAPD Spying Coalition develops a situated and integrative form of technical expertise that can stand up to exclusionary and authoritative appeals to specialized technical competence.

In parallel with these grassroots initiatives, the function of autonomous design for intervening into the meaning of *AI* is to translate communal problems and concerns into new conceptualizations of *AI*. For the Stop LAPD Spying Coalition, for example, providing individuals with access to information about the data that police have collected on them or addressing how new surveillance technologies impact neighborhoods are greater community concerns than determining who has relatives in a gang.[66] Through autonomous design, we imagine and explore the technical capabilities that would enable these concerns to be addressed more thoughtfully, thus deriving a conceptualization of *AI* that would support the community, rather than one that must be regulated by a third party in order to prevent its harms. Where these concerns remain unaccounted for by *AI* policy discourse, they become vivid in their expression through alternative *AI* designs, applications, and aesthetics. This might remain a purely speculative project, concerned with imagining, envisioning, and artistically demonstrating what *AI* can be, or this speculative practice can provide a foundation for experimenting with uses of algorithmic technologies in practice. Altogether, by experimenting with how technical solutions relate to community needs, autonomous design aims to cultivate a sensibility for the politics of algorithmic technologies, enjoining technical expertise with a holistic competency in community affairs.

Unlike sustainable development, which encourages the design of artifacts or social relations that fulfill society's infrastructural needs economically and efficiently, autonomous design concerns the articulation of new communal bodies and political initiatives that draw these needs into question.[67] In this way, I argue that autonomous design enables us to depart from the purview of *AI* policy discourse, as well as from what I call algorithmic reformism. Like sustainable development, algorithmic reformism responds to the needs identified by *AI* policy discourse, such as impartiality and transparency, by developing economical solutions to improving algorithmic technologies. For instance, algorithmic reformism

includes efforts to increase participation by minorities in the design and development of *AI* technology, [68] and to confront the more glaring problematics of *AI,* such as bias and opacity.[69] But rather than responding to individual or community concerns about algorithmic systems, algorithmic reformism proposes context-independent solutions intended to make algorithms more equitable across domains of application.[70] For example, a recent article co-authored by Jeffrey Brantingham, the founder of the Los Angeles predictive policing system PredPol, directly responds to critiques of algorithmic bias and opacity by proposing a new algorithmic system for sharing crime information transparently between neighborhood residents and private companies.[71] Despite intentions to combat bias and opacity, such research serves to further obscure the ways in which algorithmic technologies enforce certain social codes of criminality, subjectivations, and stratifications of wealth, irrespective of bias or opacity.

To counteract this tendency toward algorithmic reformism, we must acknowledge that *AI* policy discourse represents the term *AI* with what Gilles Deleuze, in his reading of Hume, calls vividness.[72] Following Hume, Deleuze maintains that a person will prioritize their more immediate, personal interests before the general interests of society, which can be protected by the general rules of a governing authority. Whereas the personal interests are vivid because they are associated with repeated personal experiences and perceptions, the general rules only appear to be relevant to daily life in an unfamiliar or abstract way. Notwithstanding, ideas that are not supported by repeated personal experiences can be made vivid through their repetition in *language*.[73] Through the repetition of the term *AI* in connection with various social issues, *AI* policy discourse supplies the term with a vividness that its general rules do not have on their own. This enables the general rules of *AI* policies to appear as if they address a more intimate, vivid object of thought, irrespective of the target and scope of their interventions.

Herein lies a tension between particular and general interests, which recalls Judith Butler's distinction between popular sovereignty and parliamentary power,[74] and which finds an earlier precedent in Hume's reflections on revolution. According to Hume, the people are authorized to dispute the general rules maintained by a governing authority insofar as they see reflected in them not the general interests of society but the partial interests of those in power.[75] Here the function of autonomous design is first to reveal the extent to which the general rules of *AI* policy discourse

articulate partial interests, and second to dispute this partiality by articulating an alternative, vivid image of it that is grounded above all in the formulation of community interests. This entails a reconceptualization of *AI* by a community – be it an existing community or one articulated in response to concerns about particular algorithmic technologies – according to its real and lived experiences with these technologies. Following the radical empiricist philosophy of William James, I hold that the idea of *AI* can operate as a "practical substitute" for knowing the many lived experiences, technical implementation details, and possible consequences of algorithmic technologies in their total variety.[76] However, we must also acknowledge when these practical substitutes allow us to "save ourselves the trouble of experimenting on the real experiences which they severally mean," [77] or to develop conceptualizations of *AI* that do not admit unprescribed, unprecedented, and unpredictable confrontations with lived experiences and criticisms of algorithmic technologies. The autonomous design of *AI* is a return to these lived experiences, not in order to valorize them in their immediacy, locality, *or reality*, but to seriously consider the interests and concerns that they entail as a new point of departure for intervention.

The autonomous design of *AI* may or may not engage directly with existing *AI* discourses, policies, or already implemented algorithmic technologies. It might experiment with approaches that have already been implemented in practice, or it might concern designs that are speculative. It can be practiced by an existing community, or it can be the practice that motivates a community to identify itself and its form. Approaches in critical, speculative, and adversarial design are all relevant here,[78] as well as artistic, creative, and computational practices that position aspects of *AI* in new contexts. Such a project would certainly benefit from the support of experts in algorithm design, data science, and even *AI* policymaking, but it would not center this expertise as the means of identifying whether a certain regime of *AI* is ethical, or whether its critiques are relevant. In any case, practical or speculative, the object of these interventions is to forward designs of *AI* that are driven by community concerns, and in so being, come up against the general interests ascertained by *AI* policymaking discourse, and the general problems privileged by the term *AI* itself.

Conclusion

Both critiques of the terms *AI* and *democracy* take issue with their capacity or tendency to indistinguish phenomena, and to privilege certain means of interpreting the events and circumstances to which they refer. Notably, however, Rancière draws attention to the use of the term *democracy* not in order to argue that democracy is a fiction, but in order to defend a principle of *equality* underlying this very term. For Rancière any mention of *democracy* must appeal to an ideal of equality in the first instance, despite the fact that the term is used to justify certain political agendas and their regimes of inequality. Acknowledging this, we should not denounce the use of the term *AI* as deceptive without recognizing in this term a principle that it appeals to, and yet conceals.

I would like to conclude by suggesting that underlying the use of the term *AI* is an appeal to *intelligence*. Descriptions of *AI* attribute its inevitability to the necessity of responding to modern problems with intelligent solutions. The use of the term *AI* characterizes a particular kind of intelligence, which is deemed necessary for confronting the complexity of modern society, but which at the same time must be controlled, seeing as *AI* introduces problems of its own. Accordingly, the function of *AI* policy discourse is to specify these problems definitively, and in doing so to imbue artificial intelligence with a critical intelligence of its consequences and how to mitigate them. Absent from this discourse is an account of intelligence that is not premised on algorithms and calculated critique but on the experiences and insights of people that interact and live with algorithms.

What kind of computer literacy would it be that starts not from an evaluation of algorithmic bias or transparency, but from experience with algorithms in their diverse regimes of application? Should not the push to teach students how to code be met with an appeal to designing computational systems according to personal interests and concerns? An intelligence of modern concerns, and of the ways that algorithmic technologies are designed to confront these concerns, is the intelligence that the term *AI* can either promise or preclude.

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