

## Introitus: What Descartes Did Not Get

Mireille Hildebrandt\*

### Abstract

This introduction briefly explains ‘what Descartes did not get’, arguing that there is no *cogito* without a *cogitas*. It reminds the reader of some of the prophetic insights that were shared in *Profiling the European Citizen*, whose 10-year anniversary was the trigger for this work of science and art.

**Keywords:** prestidigitator, *cogitas*, feedback, profiling

Entering the hardcopy of this book is a tactile experience, a rush on the senses of touch, vision and possibly smell. Colour, graphics and the brush of unusual paper against one’s digits (Latin for fingers) may disrupt the expectations of the academic reader. This is what information does, according to Shannon and Wiener, two of the founding fathers of information theory (Hildebrandt 2016, 16-18). Information surprises by providing input we did not anticipate, it forces us to reconfigure the maps we made to navigate our world(s). The unexpected is also what draws our attention, that scarce good, so in vogue amongst ad tech companies. Maybe, this is where hardcopy books will keep their edge over the flux of online temptations.

Computing systems have redistributed the playing field of everyday life, politics, business and art. They are game changers and we know it. We now have machines that learn from experience; inductive engines that adapt to minuscule perturbations in the data we feed them. They are far better at many things than previous machines, that could only apply the rules we gave them, stuck in the treadmill of a deductive engine.

We should, however, not be fooled by our digital companions and their masters, the new prestidigitators. As John Dewey (2008, 87) reported in his *Freedom and Culture* in the ominous year 1939, we should remember that:

*the patter of the prestidigitator enables him to do things that are not noticed by those whom he is engaged in fooling.*

A prestidigitator is a magician, paid to fool those who enjoy being tricked into expected surprises. A successful magician knows how to anticipate their audience, how to hold the attention of those seated in front of them and how to lure their public into awe and addiction. A good audience knows it is fooled and goes back to work in awe but without illusions.

What Descartes and the previous masters of artificial intelligence did not get was how others shape who and what we are. How anticipation, experience and feedback rule whatever is alive. We are not because we think (*cogito ergo sum*); we are because we are being addressed by others who ‘think us’ – one way or another (*cogitas ergo sum*) (Schreurs et al. 2008). Being profiled by machines means being addressed by machines, one way or another. This will impact who we are, as we are forced to anticipate how we are being profiled, with what consequences.

In 2008, *Profiling the European Citizen* brought together computer scientists, lawyers, philosophers and social scientists. They contributed with text and replies, sharing insights across disciplinary borders. On what profiling does, how it works and how we may need to protect against its assumptions, misreadings and manipulative potential. Today, in 2018, *BEING PROFILED* does the same thing, differently. Based on 10 years of incredibly rapid developments in machine learning, now applied in numerous real-world applications. We hope the reader will be inspired, informed and invigorated on the cusp of science, technology, law and philosophy – ready to enjoy magic without succumbing to it.

Mireille Hildebrandt

December 2018, Brussels

\*Mireille Hildebrandt is a Research Professor on ‘Interfacing Law and Technology’ at the Faculty of Law and Criminology of Vrije Universiteit Brussel. She also holds the Chair of ‘Smart Technologies, Data Protection and the Rule of Law’ at the Science Faculty of Radboud University, Nijmegen.

### References

Dewey, John. 2008. ‘Freedom and Culture’. In *The Later Works of John Dewey, 1925 – 1953*, Vol. 13: 1938-1939, Experience and Education, Freedom and Culture, Theory of Valuation, and Essays edited by Jo Ann Boydston, 63-188. Carbondale: Southern Illinois University Press.

Hildebrandt, Mireille. 2016. 'Law as Information in the Era of Data-Driven Agency'. *The Modern Law Review* 79 (1): 1–30. doi:10.1111/1468-2230.12165.

Schreurs, Wim, Mireille Hildebrandt, Els Kindt, and Michaël Vanfleteren. 2008. "Cogitas Ergo Sum: The Role of Data Protection Law and Non-Discrimination Law in Group Profiling in the Private Sphere." In *Profiling the European Citizen: Cross-Disciplinary Perspectives*, edited by M. Hildebrandt and S. Gutwirth, 242-270. Dordrecht: Springer.