Abstract

What allows us to make ‘statements of sameness’ such as “this case is the same as that case” or “this case is similar to that case”? In her thesis, ‘Machine learning/Informational fundamental rights. Makings of sameness and difference’, Katja de Vries juxtaposes the modes of production of ‘statements of sameness’ as generated in, firstly, a set of European informational fundamental rights, and, secondly, in a set of machine learning (ML) algorithms as applied to human behavior and characteristics. De Vries rearticulates the production of sameness in both ‘networks’ as ‘Baroque’, that is, as being engaged in a way of perception-building that is thoroughly constructivist. However, the mode of production in the network ‘fundamental rights’ is not merely governed by a Baroque way of doing; it also obeys to a ‘governmentality of proportionality’-way of doing. This is a particular way of creating power equalities between individuals and the State.

De Vries proposes three conceptual interventions based on her re-articulation of the networks ‘fundamental rights’ and ‘ML algorithms’ in terms of the Baroque,

The first conceptual intervention is in the debates surrounding the legal ‘regulation’ of ML technologies. De Vries argues that the ‘governmentality of proportionality’-way of doing, which is pivotal for the network ‘fundamental rights’, should be allowed to ‘contaminate’ the makings of ML. This is a good complement to more ‘external’ approaches that try to ‘translate’ legal norms into the design of ML algorithms.

The second conceptual intervention regards the methodological question how to study different types of makings – should the stress be on the impossibility to speak in other terms than those of the modern technological age (‘making’, ‘production’, ‘engineering’, etc.), or on the particularities of the different makings? De Vries argues that, for a philosopher, alternating between the two approaches allows for the most empirical experience.
Finally, the third conceptual intervention is in the reading of some of the canonical texts on identity and difference from Western philosophy. De Vries argues that in Leibniz’s writings the beginning of a new understanding of identity (identity through repetition, that is, identity created in the face of difference) emerges. ‘Making’, and ‘making of sameness and difference’ in particular, can then be understood as a way of relating to a ‘casuistic’ world, that is, a world that does not comprise any ‘subjects’ or ‘objects’ but only contains co-existing ‘set-ups’, whose unpredictable and differential emergences and trajectories have to be ‘tamed’ through additional set-ups that construe samenesses and differences amongst them. A Baroque way of relating to such casuistic world also entails that probability and time play a role in the making of samenesses and differences. All of this makes Leibniz crucial for the understanding of our (information-)technological age.