Six signs you're probably a Luddite!

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Luddite. Such a pejorative word. But those Georgian-era factory workers understood that the wonders of the mechanised looms bringing more time for beer and skittles was not necessarily a good thing for them.

In this, the technology issue, and while somewhere in Silicon Valley nerds are trying to build SkyNet™ without the slightest sense of irony (if only they had enough semi-conductors), it is worth taking time to consider the benefits of the technology leaps of recent decades, days and minutes.

Why should a profession that sells knowledge in units of time embrace technology?

Neo-Luddites

Groups of northern English textile workers had been sporadically smashing up various bits of timesaving machines for at least 150 years before the groups coalesced during the Napoleonic wars under the name of a mythic apprentice named Ned Ludd. The group became particularly adept at smashing up spinning jennies in a series of riots between 1811 and 1816. Perhaps unfairly, these chaps who just really liked smashing stuff up became a by-word for anti-technology sentiment.

Technology, of course, has done many things to increase the aggregation of knowledge since the invention of moveable type, yet as this Google search of the word 'Luddites' shows, the byword for anti-technology has been on a steady rise since the 1950s:

At its most basic, technology is the application of conceptual knowledge for practical purposes or applications. Nothing bad about that in the abstract: depends on what the practical purpose is. The accepted but unstated part of the definition is that the application of that knowledge is for the purpose of making peoples' lives easier and/or better.

More precisely now, technology is a by-word for microchip-based advances in hardware and software, notwithstanding Cotman SC's technology talk in the Bar course that used to involve the wonders of the Nespresso machine.

Of course, mechanised looms did not mean the end of the world for the textile workers of northern England. They did not even create an appreciable increase in unemployment. This led to the development of the Luddite Fallacy: the thinking that technological improvement leads to long-term increases in unemployment.[1] More recently, however, it has become accepted by some economists that at the very least, the impacts of automation are unevenly spread.[2]

Slow thinking

Nobel Prize–winning psychologist Daniel Kahneman published his theory on system 1 and 2 thinking in 2011 before the full manifestation of the smartphone and social media side effects became evident. In *Thinking, Fast and Slow*[3] he distinguished between system 1 (fast, frequent, and instinctive) and system 2 (slow, deliberative, and requiring sustained concentration) methods of cognition.

Barristerial tasks are quintessential system 2 thinking: the digestion of large amounts of information. Anticipation of contrary arguments. Carefully crafted and persuasive submissions. Resolution of divergent authorities.

Around the same time as Kahneman's book, other publications that seem wonderfully naïve a decade on championed the benefits of system 1 thinking. Re-packaged as thin-slicing, the idea that deliberative decision-making is no more advantageous than going with your gut found its way into books clogging up the airport bookshops' non-fiction aisles. One of the more popular was Malcolm Gladwell's Blink: *The Power of Thinking Without Thinking*,[4] which argued that some guy correctly guessing the species of a bird from a distance was proof that we should deliberate less.

Technology harnesses and plays off this.

The research now emerging is that social media is somewhere between heroin and gambling on the dopamine addiction scale[5] and that coked-up meerkats have longer attention spans than a millennial in the presence of a smartphone.[6] In short, technology is the distilled essence of hyperactive system 1 thinking. The research is too deep and wide, and this article too shallow, to reconcile the various findings now coming to light about the effects of smart devices on the human brain, but what is emerging is that there are very few benefits for the way our brains work.

Use over time for: luddites
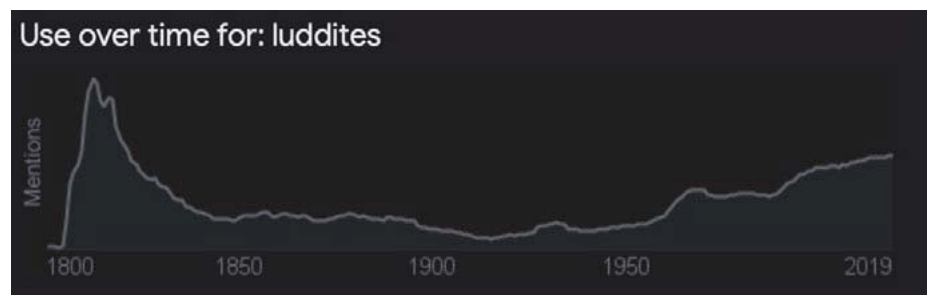
Why aren't more barristers Luddites?

A collective of introverts selling their time to 'slow think' hardly seems compatible with the thin-slicing, timesaving, socially connected environment we now live in. Does it not therefore follow that technology is anathema to our very profession? Did we not, at the very least, top out scannable text and CTRL + F?

It is even hard to argue that our lives are made particularly easier by its application. As observed by Advocatus in the last *Bar News*, emails are particularly tyrannical. Solicitors are increasingly able to focus on their system 1 thinking when compiling briefs (forward, forward, drag and drop, booyah! Two units!) and leave us to untangle documents and instructions and issues and paper jams.

So, while at one end we have artificial intelligence threatening the monopolistic power we hold over the ability to digest and present complicated facts applied to legal principles, at the other we have our instructors using technology to shift their tasks onto us.

Perhaps it is worth recognising that more accessible legal knowledge and computer-assisted processing of that knowledge might mean quicker and cheaper work that means cheaper and more accessible justice, but without a handle on where that progression ends we may find ourselves smashing up the servers of some LexisNexis chatbot in the dystopian future of 2025.

Realistically though, and unlike our Luddite forebears, the threat of this technology is unlikely to foment riots of men and women with sledgehammers in jabots. Everyone is too distracted by their phones.

Ultimately, the question might be how we enjoy this stimulating and exciting profession using timesaving technology while still making a living out of it.

We can put monkeys in space and crash Mini cars into Mars, but we still have not found a better way to charge for legal services than by selling our time. **BN**

Drawn from Life by an Officer

THE LEADER OF THE LUDDITES

Pub.d May 1812 by Messrs Walker and Knight, Sweetings Alley Royal Exchange.

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ENDNOTES

1   Although this fear of automation replacing human labour had been around since Aristotle's time: see Bhorat, Ziyaad (2022) 'Automation, slavery, and work in Aristotle's politics book I' 39(2) *Polis: The Journal for Ancient Greek and Roman Political Thought* 279–302.

2   Frey, Carl Benedikt & Osborne, Michael 'The future of employment: How susceptible are jobs to computerisation?' (2017) *Technological Forecasting and Social Change* 254–280.

3   Daniel Kahneman, *Thinking, Fast and Slow* (Penguin, 2012).

4   If there is one thing Gladwell is for once qualified to write about, it's thinking without thinking. Malcolm Gladwell, *Blink: The Power of Thinking Without Thinking* (Litte Brown, 2005).

5   Anne Lembke, *Dopamine Nation* (Headline, 2023).

6   Jeanette Skowronek, Andreas Seifert, Sven Lindberg, 'The mere presence of a smartphone reduces basal attention performance' (2023) 13 *Scientific Reports* 9363 [did not actually use meercats on cocaine as a control group].