

The Importance of Being Human

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King Arthur was a sixth century medieval British knight/king whose exploits and those of his knights and his famous Round Table (where no-one had precedence) have become a reference point in contemporary Anglo-Saxon culture. These are epitomised in T.H. White's famous novel *The Once and Future King*.

At the end of T.H. White's tale¹, the king is broken; his queen imprisoned; his best friend banished; his son at war with him. He reflects on what had happened and dispatches young Tom of Warwick to go from the battle to live to preserve the precious idea of Camelot.²

Arthur says to Tom: "Thomas, my idea of those knights was a sort of candle like these ones here. I have carried it for many years with a hand to shield it from the wind. It has flickered often. I am giving you the candle now – you won't let it out?"

Tom says: "It will burn."

¹ *The Once and Future King* – T.H.White. First published in 1958 by William Collins & Sons & Co Ltd

² It is an exquisite detail that in his tale the young Thomas (who is knighted by King Arthur) bears a surcoat with the *Malory* coat of arms. Well out of time of course, but it is Sir Thomas *Malory* (c. 1415-18 – 14 March 1471) an English writer, who became the author or compiler of *Le Morte d'Arthur* which was a foundation of the great legend of which Sir Winston Churchill (*Sir Winston Churchill* - "A History of the English Speaking Peoples: the Birth of Britain" (1956)) writes: *In this account we prefer to believe that the story with which Geoffrey delighted the fiction-loving Europe of the twelfth century is not all fancy. It is all true or it ought to be; and more and better besides. And wherever men are fighting against barbarism, tyranny, and massacre, for freedom, law, and honour, let them remember that the fame of their deeds, even though they themselves be exterminated, may perhaps be celebrated as long as the world rolls round.*

The book finishes as follows:

“... The cannons of his adversary were thundering in the tattered morning when the Majesty of England drew himself up to meet the future with a peaceful heart.

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THE BEGINNING”

Thus, ends the book of the Once and Future King. The Beginning.

Today in many ways is your beginning. You are heading into a world which will be the age of intelligent machines. What I want to suggest to you is that in what could well be a momentous time in history, it is important that you carry the candle – the candle of humanity; that you shield it with your hands; that you preserve the things that make us human.

In March 2016, a computer (AlphaGo) first beat a human (the world grand champion Lee Sedol from South Korea) in a game of Go. Although it was mentioned in newspapers around the world, there were no fanfares. We may look back however, and think that this may have been a vastly significant day in the history of man-kind and woman-kind. Apparently, unlike chess, Go has many (some would say infinite) variable plays and was thought to be a bastion of human superiority over machines.

The computer played itself 6 million times to acquire the skills it needed to defeat the grand champion. Who among us has that sort of time and even if we did, would we remember all the various moves made and be able to re-assemble them? Interestingly, AlphaGo not only “remembered” past moves but was able to learn moves not made before.

You could reasonably say: “who cares?” You would be right of course. But the massive developments in Artificial Intelligence over the last few

years leave us with an uneasy feeling that very soon we will have machines which can think.³ Is it then just a short trip to our becoming slaves to the machines we have built?

Isaac Asimov as long ago as 1950 wrote his prescient novel about robots⁴. I imagine he never thought the sorts of ethical and moral problems he wrote about then would ever come to be reality. His laws of robotics may be required in the world we are venturing into⁵.

Does this mean we are witnessing the last days of humans? I think not. Yours will be the quest to grow **with** machines to achieve the magic possibility of a world relieved of drudgery; free to be what makes us unique among animals.

Yours will be a quest beset with challenges as many humans will be without the opportunity to pursue traditional employment, but with opportunities to do new and different and exciting things

Why should we not just give in? In some respects, humans have not distinguished themselves as masters of the planet. We have assumed that mantle but our report card would have to read that we have not done a great job. We have created fearful weapons which could destroy our planet home and all on it. Worse we have people in charge of those weapons who seriously would consider using them.

³ Norbert Wiener's book "Cybernetics" published in 1948 awoke the public to the possibility of artificially intelligent machines. For a comprehensive history see "Artificial Intelligence A Modern Approach (3rd edition) by Stuart J. Russell and Peter Norris copyright 2010, 2003, 1995 by Pearson Education Inc. Upper Saddle Road New Jersey 07458

⁴ "I Robot" (1950 New York Gnome press

⁵ The Three Laws, quoted as being from the "Handbook of Robotics, 56th Edition, 2058 A.D.", are:

1. A robot may not injure a human being or, through inaction, allow a human being to come to harm.
2. A robot must obey the orders given it by human beings except where such orders would conflict with the First Law.
3. A robot must protect its own existence as long as such protection does not conflict with the First or Second Laws.^[1]

A casual observer may reasonably say we do not deserve to be masters of anything. But I want to suggest to you that such an observation is unreasonably critical and pessimistic.

In the past we, as humans, have developed and relied on **knowledge** and **skills**. Our monopoly on knowledge may be moving to machines but our skills particularly **critical analysis**, **resilience** and **emotional intelligence** will remain for us⁶. The combination of our skills and our computers' "knowledge" will in my opinion, open new vistas for development to enhance the quality of human existence.

You (and I) will need flexibility, adaptability and communication and problem-solving skills. You will need to be able to work in a team and to work under pressure. You will be valued for your critical analytical skills, your creativity, your global-mindedness and your entrepreneurship and for your ability to marry technology to the tasks in hand. These are essential **human** skills.

You will need resilience not just at work – but as a life skill. You need to recognise that all of us fail from time to time. Failure is inevitable. It is the ability to learn and to learn quickly and honestly from failure that will distinguish the successful lawyers and business people from the others. You want to be one of those successful people!

And then there are: humanity, humanness, humaneness. As humans, we do exquisite things as often as we do horrible things. Love is something which has permeated the human race since its inception. Love means the ability to put someone else's interests ahead of our own even if that means we, ourselves, might be destroyed. It enables us to develop theories of government which seek to care for those who are

⁶ I claim no originality for these three distinguishing qualities. The former Vice-Chancellor of the University of Canberra, Stephen Parker (now lead partner in Education at KPMG used them (I imagine among other places) in an interview with Geraldine Doogue on Saturday Extra on Radio National on 2 September 2017.)

without power and strength or money – people who might seem to be unimportant.

We do protect the weak. We do believe, as Arthur did, that might **is** not right, and that might must be used **for** right.

It is possible for a computer to win a short story contest - as one did in the USA quite recently. But the quintessential human characteristic of compassion, of being able to put oneself in the position of another person and to empathise with his or her plight cannot be replicated in a machine – at least for the time being.

Our feelings are at the very centre of being a human. Machines will not cry. **We** cry when we are sad and when we are happy. We cry when we hold our new babies in our arms for the first time. We mourn those we love when they leave, or when they die. We do things that are of no benefit to us, just to help someone else. Ultimately, we will give our lives to save those we love and sometimes we will give our lives, even for an idea, such as democracy.

Extensive and learned works such as *Artificial Intelligence A Modern Approach (3rd edition)*⁷ are telling us that many of the things we do and think, can, or at least will be able to be, programmed into our intelligent machines.

I want to suggest to you that even if all I have put forward as human were to be incorporated into machines, we as a race will still survive and flourish. The candle of aspiration to goodness will be preserved.

This however, will only happen if you, as our new knights errant, take up the challenge. This does not require you to buy and learn to ride

⁷ Stuart J. Russell and Peter Norris copyright 2010, 2003, 1995 by Pearson Education Inc. Upper Saddle Road New Jersey 07458

battle horses – destriers⁸. You do not have to pull swords out of stones. Polishing armour is not going to be obligatory.

What it does require is for all of us – young, old or indifferent, to be human. We need to eschew the international obsession with electronic communication – except as a tool. We must avoid becoming like emergency doctors and nurses – always on call always springing to respond to every call, text or email.

We **can** talk directly to each other. We **can** have an all-encompassing, genuine and caring interest, in those we meet and in those who are our friends or in those we do business with. We **can** analyse and make critical appraisals. We **can** learn from our mistakes. We **can** survive setbacks and come back for more challenges. We **can** be part of and indeed the architects of a more inclusive society where individuals are valued for themselves not as numbers on some national spreadsheet.

I graduated from ANU in 1969. In a couple of years, I will have been involved in the practice of law for fifty years. I have been an employee solicitor. I started my own law firm in my mid-twenties – which now seems to have been an indecently young age. I was a partner in a small firm and a partner in large and national firms. For a short time, I practised at the independent Bar before becoming a judge for some twenty-two years. I have now found a new way to practise which, contrary to my expectations, I really enjoy, in (my version of) mediation. I guess I have been around the law for a long time.

So what have I learned from 50 years practising law in my own business and a barrister and as a judge? I have learned that technical knowledge is important but what gives one the critical competitive edge are the soft skills, the human skills. – resilience inter-personal communication empathy. These are the skills which are critical for your career

⁸ The **destrier** is the best-known **war horse** of the **medieval era**. It carried **knights** in battles, **tournaments**, and **jousts**. It was described by contemporary sources as the *Great Horse*, due to its significance.

advancement. These are skills which will protect you against constantly changing world and against Artificial Intelligence as a job competitor.

Another thing however, that all those years has shown me is that the most rewarding part of practice and business is the very human thing of dealing with and helping people. Over the years I embraced new technology which helped me to do my job better. You are facing an explosion of technology and it will help you do your chosen work better too, provided you are adaptable and provided you maintain your focus on the human beings you serve, without whom there would be no job.

Years ago, when I became a partner in what was then Phillips Fox it was before Windows existed. Apple had developed a new sort of computer which had a GUI (graphical user interface) dependent on this clicky, pointy thing called a “mouse”. People no longer had to be programmers to use a computer. We put one of these newfangled things on everyone’s desk on the same day. It was magic. We could send emails, draft documents, send those documents to someone else. We could access the internet. We could keep electronic diaries. Surely our life and practice would change forever. We even had seminars for our staff on what they might do with their extra leisure time when these machines had removed our menial tasks.

But let me tell you what happened. It is true that we became more efficient. We did finish tasks in less time. But we did not talk to each other as much. We dehumanised our intra-firm communication.

Did it mean we all went home early? No, not at all. What happened was that those who had finished early could then do more work and that meant in some cases we did not need as many employees. That situation has persisted until today. No longer do we worry about what we can do to fill out our leisure time. Our working days get longer and longer. Employees feel they must not go home before their boss does or there will be career consequences.

There is a new mantra: “We must lead a balanced life”. This is essentially the same thought as before. We need to work and have fun, to be a partner, a lover, a husband, a wife, a friend a father or mother, a volunteer, a good and involved citizen. The only trouble is that from my observations, we do not believe in the new mantra and we should. Some of our clients and our bosses might attend our funerals (before racing back to work) but those who will really miss us are our families and our friends. We must invest in them too.

We engage, particularly if we are lawyers, in unceasing debate and in differences of opinion, as we seek the truth and seek to advance the causes of those for whom we act. If we are in business, we seek by trade and skill to advance our causes or profit while generally listening to and understanding the needs of others.

I have been fortunate in my life so far to be able to do work and other things that I loved. I urge you not to live your lives under clouds of depression because you hate the jobs you are doing. If you have done your best at your work and you still do not get out of bed each morning **wanting** to go to work, you should seriously think of what you really want to do and where you want to do it.

The answers to those questions may not take you to the most profitable occupation you might undertake. The answers may cause you to re-evaluate your goals in life. But you may find that you will get out of bed looking forward to what the day will bring, not because it will be easy to do but because it will bring out the best in you.

It is commonly said these days that young people are likely to have five careers during their working lives. This is really daunting. When I began my career, the expectation was that I would move forward in an orderly progression and that if I worked hard and loyally for my employers, I would eventually find my way to the top of the tree.

The common prediction now is that that will not happen to you in that way. This means that you will live in an age of uncertainty. There will be

an uncertainty about your ultimate career – if there is such a thing in the future. There will be uncertainty about the paths which will take you through your working life. What is clear however, is that as you progress, there will be new and exciting opportunities created by progressive and adaptive employers and entrepreneurs.

Probably on multiple occasions you will be faced with choices about which of two paths open to you, you should follow.

What I can say from my own experience, is that if you have carefully evaluated what you should do, go ahead and do it with enthusiasm and conviction. Nothing will be gained from wondering what would have happened if you had taken the other path.⁹

One of the differences between us and intelligent machines is that we have the ability to choose something which does not necessarily accord with logic. We can factor in other things which may not be capable of quantitative assessment. We sometimes refer to this as a gut feeling. It is something visceral. We **feel** it. We need to learn to trust feelings. That is part of being a human being.

One the other things human beings do, is to make mistakes. One of the few things we can be certain about (apart from death and taxes) is that we will all continue to make mistakes. This should not cause us to be upset. But if we do not learn from our mistakes we will be less than the intelligent machines. As I mentioned earlier, AlphaGo the computer played itself six million times – effectively to make as many mistakes as it could and to learn from those mistakes.

Every human exchange we have, every court case we run, every business deal we do and every theory we explore will expose us to the risk of making mistakes – but also to the wonder of learning from them.

⁹ Yoda said, *"Do or do not, there is no try."*

Star Wars: Episode V - The Empire Strikes Back (1980 movie)

Thank you for listening to me today. Please celebrate your success as only humans can. Enjoy each other's company. Be with each other. Allow yourself to **feel** the love and appreciation of your friends and family for the great start you have made in life.

Remember always however, that you are part of a great quest. It is Arthur's quest to ensure that might is only used for right. Hold fast to that candle. Shield it from the wind with your hand and wait for the coming of *The Once and Future King*.

This is **your** beginning.