

# Programming is Law

## Can I be a feminist if I don't want to become a programmer?

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### Abstract

Our individual existence, our bodies, our minds, are embedded within and artificially augmented by technology; we interact with similarly extended others. These interdependencies pose urgent ethical and cognitive questions. When looking into these complex relations and ethical urgencies, claiming that the individual, society and technology are separated from one another, may feel counterintuitive. Separation however, does not imply causal isolation, or complete independence but instead that one system does not directly control the other, however eligible they may be to influence one another.

Social and individual existence is tied to digital technologies. Informed by patriarchal power structures, their design and investigation both extends and creates new forms of oppression and alienation. As such, they become feminist agendas. Rather than refraining from participation in the technological sphere, radicalised exclusivity can be used as an operable device to increase inclusivity – a conclusion derived from the text “Xenofeminism: A Politics for Alienation” by the group Laboria Cuboniks. In the recognition of one's own alienation, one can find identity and liberation; and by actively increasing alienation there isn't simply reconciliation with the exclusionary status quo but the freedom to construct a different world. With this focus, this paper examines the importance of acknowledging the social and political implications of programming, and the limitations of this acknowledgment within theory and the discursive spaces it happens within.

### Keywords

code, programming, feminism, Xenofeminism, exclusion, inclusion, alienation, technology, theory, art

### Introduction

Lawrence Lessig's quote “code is law” should probably read, “programming is law”, since code only knows a finite spectrum of possibilities (Lessing, 2006). In the case of binary code it's limited to two values, whereas within the process of programming it creates multiplicity, or at least seemingly infinite possibilities. Code builds the frame in which systems operate, their programming determining the actual value.

While every system has a code, its programming decides which particular value is chosen in order to actualise a particular situation. These terms are adopted from systems theory, its framework aiding in the exploration of the seemingly simple questions - how do certain processes function, and to what extent are they qualified to influence processes outside of their direct reign? How do we approach and not just simply acknowledge these technological processes and their social implications?

When talking about digital technology, the words ‘code’ and ‘programming’ have become increasingly common and are even treated colloquially. Given that these technologies significantly inform modern society, the question of who writes this law; who designs, implements, and enforces this set of rules which programming defines, becomes imperative. As Janning (2014) points out, it is programmers who seem to bring the social and technical world into contact with one another. They realise these relationships of otherwise separated systems by acting as translators, and by transforming elements from one world into elements qualified to exist in another. In order to communicate with the uncommunicative, they create masters and slaves, followers and leaders, parents and children. The languages they use are proof of this peculiar process; languages that aren't designed to optimise communication with computers, but instead to allow readability for the supervising, non-programming management (Janning, 2014).

Technological, social and psychological systems are characterised by a circular relation of focused and effective stimulation, offering an exchange of one's complexity for the construction of the other (Esposito, 1997). This relationship allows for the transfer of our human abilities to machines, in turn using machines to employ what's human.

Technological inventions such as the Internet, Artificial Intelligence, and crypto currencies, exemplify the magnitude of how technology informs social processes. Their structures shape fundamentally social operations such as communication, access to information, exchange of value, and even access to physical space. These technologies also inspire change in an even more intimate sphere, influenc-

ing the interior life and thoughts of the individual. The extent of this is undeniable, so much that “[m]an and machine have now become isomorphic and indifferent to each other, neither is other for the other” (Baudrillard, 1992). Sigmund Freud (1930) called the human in his work “Civilization and Its Discontents” a prosthesis god, and according to Freud, human creations through science and technology fulfill most fairytale wishes. Based on this, one has to wonder whose fairy tales these are, and how we create our own rather than simply living in other’s. Through the manipulation of the biological, animalistic physicality of humans, the operations of our brains and thoughts has migrated into prostheses, leading to humans becoming ‘ex-centric’ and ‘ex-orbitant’, as Jean Baudrillard (1989) has phrased it. However, this process doesn’t strip us of our humanity but leads to humans emerging even more as psychological and organic systems, and by distinguishing their minds from their bodies, a space for liberation opens (Wagner, 2017).

Expanding this thought, the programming – and not the code – of technology influences the bodies we live in, shaping the way we interact with one another, our general environment, and the images we construct about our identities. The consequences of this are two-fold. Since long-established patriarchal structures inform technological design and its application, they extend systems of oppression. And because the programming of technology has such large-scale consequences, it can be manipulated to serve liberation. Both of these sides qualify technology to be part of the realm of feminism. Accordingly, branches of feminist theory have emphasised how technologies configure identities and how the intertwining of gender and technology is becoming increasingly complex (Wajcman, 2010).

### The approach of Xenofeminism

One of the most intriguing recent publications that reflects upon the social implications of technology and the opportunities afforded by technological annexation is “Xenofeminism: A Politics for Alienation”, by the group Laboria Cuboniks. Within the Manifesto it states, “[t]here is nothing, we claim, that cannot be studied scientifically and manipulated technologically” (Laboria Cuboniks, 2014). Although the focus in their text is the liberation of oppression, the focus of this analysis will be on their recognition of technological manipulation as a means of liberation.

Xenofeminism as a neologism is primarily well chosen. The prefix ‘xeno’ comes from the ancient Greek term *xenos* (ξένος) and means stranger, alien or other. The additional positive side can be found as early as within the works of Sophocles, describing the *xenia* rituals, which initiate a foreigner as a friendly guest (Belfiore, 1993–1994). In Xenofeminism, the prefix includes both of these elements; the alien and the affirmation of being alien. As

Laboria Cuboniks (2014) formulates, “[i]t is through, and not despite, our alienated condition that we can free ourselves from the muck of immediacy. Freedom is not a given — and it’s certainly not given by anything ‘natural’.” However, it might be questioned if the use of the term feminism, and its subsequent reference to ‘female’, is in support of binary genders and therefore not fully consistent with the advocacy of gender abolition by Xenofeminism. Yet I can sympathise with the need to use a heuristic crutch and the recognition of the importance of alienation in the use of the prefix most certainly outweighs this linguistic technicality. Similarly relying on this very crutch, my use of the term feminism is meant to describe a movement desiring to change unjust oppression based upon but not limited to gender.

Alienation is of course not only discussed in the title but even more so within the actual text of Laboria Cuboniks. As a concept for the formation and the dismantling of the self, alienation dates back to Marx, identifying it within desire, as desiring is inwardly directed to something outside the self – the alien (Marx, 1844). Within the Xenofeminist Manifesto alienation is being utilised as a mechanism to achieve inclusivity by radicalised exclusivity. As Elena Esposito describes in 2004, the Self doesn’t discover identity in introspection, but legitimised idiosyncrasy, establishing the condition that everybody is distinguished from everyone else and identifying themselves with and by this very distinction. It’s precisely by this that identity is formed – not merely in the observation or localisation of the self – but in the difference to others, in the recognition of one’s own alienation to echo Xenofeminism. This relation to others can lead to an inclusionary process facilitated by radicalised alienation. Regarding the individual level, the formation of a sustainable identity is supported by recurrent external references and the experience of alienation. By accepting and enforcing being alien, the individual becomes more of an individual, not less. On the social level, the identification with alienating processes creates an inclusionary mechanism, a unifying affinity based on shared goals even when the underlying problems are disparate.

This inclusion is both threatened and facilitated by the programming of technology, as the Xenofeminists identify. On the one hand, modern technologies are not inherently beneficial due to their design and programming being informed by unequal and patriarchal structures, the infrastructures into which they emerge, and the imbalances of their access. Vice versa, programming can be adapted and technology appropriated in order to increase impartiality and to undermine these disciplinary power structures as a way to construct a more inclusionary world. In light of this, one possible strategy is to boycott technology, which is neither productive nor actually operational. Achievable only from a position of privilege, this refusal renders alienation as an entirely exclusionary mechanism, giving into its vigour rather than utilising it.

## The Conundrum

As Laboria Cuboniks (2014) writes, Xenofeminism “seeks to strategically deploy existing technologies to re-engineer the world.” When attempting to abolish systems of oppression, the importance of this statement cannot be stressed enough. In order to reconfigure an unjust society informed and shaped by unjust technologies, the very same technologies need to be manipulated. While it is tempting to withdraw into a local, less technologised reality in order to deal with global complexity and technological influences, it’s insufficient in terms of being subversive. Xenofeminism emphasises that contemporary technologies need to be appropriated and mobilised to serve the liberation of disparities of power, to create “freedom-to rather than simply freedom-from” (Laboria Cuboniks, 2014).

The question that remains is how the Xenofeminist device can actually be inserted into technological systems. Their Manifesto needs to be viewed within the systems it operates within, and is part of a theoretical system even if it says that it is “unsatisfied with analysis alone” (Laboria Cuboniks, 2014). The Xenofeminist idea was present before the collective published the text, operating within a niche of the art system and is detectable in works by groups such as gynepunk, VNS Matrix, and G-Hack. When Xenofeminism is applied as an artistic strategy, it unfolds an aesthetic force that activates the invisible within the perceivable, allowing for the experience of the alienation of inscrutable others, and this creates its own paradox by synchronously dissolving it: the observation of the unobservable.

The linguistic form of their Manifesto is necessarily part of a different system than the programming of technological systems, and so are the systems it succeeded to inspire. Theoretical work per definition tries to explain how things work and only occasionally attempts to create something operable. But how can the recognition of technology and its programming, as both the cause of oppression and the catalyst of liberation, be transformed into something operable? The irony that this conundrum also affects this paper isn’t lost on me, it also being a part of the theoretical realm. It’s not that here, theory is being thought of as unable to generate change, but stated that it doesn’t do so directly, but rather serves as a source of inspiration if and only if the structures of the systems it desires to inspire allow for it.

The actual entry points into technological systems are programmers, since they structure the very systems that are the cause of oppression and the catalyst for liberation. Although the cliché of the white male programmer in Silicon Valley is thrown around in lay discussions, programmers have experienced little sustained academic research interest. The reason for this might be the lack of sources, since company archives aren’t accessible and code isn’t readable or fully interpretable for most academics interest-

ed in their social implications. Academic reviews frequently argue that the programming of technological systems has historically not been an exclusively male domain; citing Ada Lovelace, that the first arithmetic calculations were frequently performed by women, the calculators themselves being called computers, and the so called ENIAC girls from 1946 (Abbate, 2012 or Barkley, 1996). Despite these citations, sustained academic interest into the research of contemporary programmer culture is lacking.

Within the field of computer engineering, the issue of homogeneity has been addressed through political instruments such as gender quotas and diversity trainings. These instruments ideally establish structures that would allow for systematic irritations from feminist ideas, but the structures themselves don’t generate change either. Within a broader social discussion the lack of equal representation of women in tech and leadership was triggered by instances such as the publication of an anti-diversity text, written by a Google engineer (Conger, 2017). As Erica Joy Baker states in an interview, this anti-diversity memo, claiming that biological causes explain the underrepresentation of women in technology, is not surprising but a commonly represented opinion within the company (Zomorodi, 2018).

In 2015, an African American software developer tweeted that Google’s photos service tagged photos of him and other African American friends as ‘gorillas’. Google declared itself appalled and apologetically removed the label while working on longer-term fixes (Simonite, 2018). As Baker says, this technology is “not built for every person in the world, because it’s not built by people representing every person in the world” (Zomorodi, 2018). As if proving this very statement, the image labelling software still returns no results for great apes and monkeys in 2018, so even more than two years later Google failed to develop a more sustainable fix to the original problem (Simonite, 2018). While such technologies, frequently described as a ‘black boxes’, may have the allure of having a will of their own that is beyond their creators understanding and control, they actually extend and outsource their creator’s subconscious. Through this, deeply ingrained biases are transferred into technologies, and become trapped within them, since these technologies can’t (yet) consciously overcome or suppress them. Reciprocally, these biases then become reintegrated into our psychological and social existence.

While technology companies invest billions of dollars to tailor their programming to adapt to social and psychological structures, to feed on and exploit deeply seeded human predispositions, the societal interest in their designers is appallingly disproportionate. This is accompanied by the lack of understanding that the general idea that an academic analysis or an artistic device can create targeted changes within the technological is flawed, even if that doesn’t mean it is beyond having any influence. So if it’s programmers, who bring the social and the technical world in touch with each other, shouldn’t society, theory, art and politics be more in touch with them?

As Jannig (2014) states, cultural scientists such as Friedrich Kittler, who said “[t]here is no software”, aim to overcome classical hermeneutics by materialising these hermeneutic discourses within computers, computational structures and their programming (Kittler, 1992). But these concepts won’t help us to manipulate technology and its programming; they also won’t aid in the transformation of the deeply ingrained biases within it.

The Xenofeminist Manifesto creates a proposal for the implementation of possible solutions and identifies technological annexation as a path towards liberation yet without the means to actually implement it. To ponder the relation of machines and humans, or the alliance or alienation between women and technology is very attractive. The idea of a techno-utopia, undermining oppressive and disciplinary power structures is historically a recurring theme fuelled by almost any profound technological innovation, whether it’s the steam engine, the Internet, Artificial Intelligence or crypto currencies. Their actual societal impact shall not be undermined, yet this endeavoured fundamental change won’t be carried out by cultural theorists. The studying, as Laboria Cuboniks (2014) points out, can be done scientifically; the technological manipulation however is within the realm of a different system. It’s the structure of the technological system that needs to be changed as a prerequisite to allow for the system itself to be changed, and it is within the system that the change needs to happen and not something that can be directed from the outside. So if the elements causing unjust oppression can most effectively be manipulated through technology, can I be a feminist if I don’t want to become a programmer?

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## Author Biography

Sophie-Carolin Wagner investigates elaborately, works passionately, quotes vigorously, writes peripatetically, communicates epistemologically, but not exclusively insightfully. She is a vegetarian artist and researcher; guilty of melancholy and refraining from social media, understanding the lack of subversiveness of her own actions. Publications include “Poetry: Challenging the improbabilities of communication” (2017) and “Establishing the continuously Unfinished: The Institution as an Artistic Medium” (2017).