

RACE AFTER TECHNOLOGY

Abolitionist Tools for the New Jim Code

Ruha Benjamin

polity

2

Default Discrimination Is the Glitch Systemic?

GLITCH

- a minor problem
- a false or spurious electronic signal
- a brief or sudden interruption or irregularity
- may derive from Yiddish, glitsh – to slide, glide, “slippery place.”¹

When Princeton University media specialist Allison Bland was driving through Brooklyn, the Google Maps narrator directed her to “turn right on Malcolm Ten Boulevard,” verbally interpreting the X in the street name as a Roman numeral rather than as referring to the Black liberation leader who was assassinated in New York City in 1965 ([Figure 2.1](#)).

Social and legal codes, like their byte-size counterparts, are not neutral; nor are all codes created equal. They reflect particular perspectives and forms of social organization that allow some people to assert themselves – their assumptions, interests, and desires – over others. From the seemingly mundane to the extraordinary, technical systems offer a mirror to the wider terrain of struggle over the forces that govern our lives.



ALBLA

@alliebland

Following



Then Google Maps was like, "turn right on Malcolm Ten Boulevard" and I knew there were no black engineers working there

9:42 PM - 19 Nov 2013

3,656 Retweets 3,749 Likes



100



3.7K



3.7K



[Figure 2.1](#) Malcolm Ten

Source: Twitter @alliebland, November 19, 2013, 9:42 p.m.

Database design, in that way, is “an exercise in worldbuilding,” a normative process in which programmers are in a position to project their world views – a process that all too often reproduces the technology of race.² Computer systems are a part of the larger matrix of systemic racism. Just as legal codes are granted an allure of objectivity – “justice is (color)blind” goes the fiction – there is enormous mystique around computer codes, which hides the human biases involved in technical design.

The Google Maps glitch is better understood as a form of displacement or digital gentrification mirroring the widespread dislocation underway in urban areas across the United States. In this case, the cultural norms and practices of programmers – who are drawn from a narrow racial, gender, and classed demographic – are coded into technical systems that, literally, tell people where to go. These seemingly innocent directions, in turn, reflect and reproduce racialized commands that instruct people where they belong in the larger social order.³

Ironically, this problem of misrecognition actually reflects a solution to a difficult coding challenge. A computer’s ability to parse Roman numerals, interpreting an “X” as “ten,” was a hard-won design

achievement.⁴ That is, from a strictly technical standpoint, “Malcolm Ten Boulevard” would garner cheers. This illustrates how innovations reflect the priorities and concerns of those who frame the problems to be solved, and how such solutions may reinforce forms of social dismissal, regardless of the intentions of individual programmers.

While most observers are willing to concede that technology can be faulty, acknowledging the periodic breakdowns and “glitches” that arise, we must be willing to dig deeper.⁵ A narrow investment in technical innovation necessarily displaces a broader set of social interests. This is more than a glitch. It is a form of exclusion and subordination built into the ways in which priorities are established and solutions defined in the tech industry. As Andrew Russell and Lee Vinsel contend, “[t]o take the place of progress, ‘innovation,’ a smaller, and morally neutral, concept arose. Innovation provided a way to celebrate the accomplishments of a high-tech age without expecting too much from them in the way of moral and social improvement.”⁶ For this reason, it is important to question “innovation” as a straightforward social good and to look again at what is hidden by an idealistic vision of technology. How is technology already raced?

This chapter probes the relationship between glitch and design, which we might be tempted to associate with competing conceptions of racism. If we think of racism as something of the past or requiring a particular visibility to exist, we can miss how the New Jim Code operates and what seeming glitches reveal about the structure of racism. Glitches are generally considered a fleeting interruption of an otherwise benign system, not an enduring and constitutive feature of social life. But what if we understand glitches instead to be a slippery place (with reference to the possible Yiddish origin of the word) between fleeting and durable, micro-interactions and macro-structures, individual hate and institutional indifference? Perhaps in that case glitches are not spurious, but rather a kind of signal of how the system operates. Not an aberration but a form of evidence, illuminating underlying flaws in a corrupted system.

Default Discrimination

At a recent workshop sponsored by a grassroots organization called Stop LAPD Spying, the facilitator explained that community members with whom she works might not know what algorithms are, but they know what it feels like to be watched. Feelings and stories of being surveilled are a form of “evidence,” she insisted, and community testimony is data.⁷ As part of producing those data, the organizers interviewed people about their experiences with surveillance and their views on predictive policing. They are asked, for example: “What do you think the predictions are based on?” One person, referring to the neighborhood I grew up in, responded:

Because they over-patrol certain areas – if you’re only looking on Crenshaw and you only pulling Black people over then it’s only gonna make it look like, you know, whoever you pulled over or whoever you searched or whoever you criminalized that’s gonna be where you found something.⁸

Comments like this remind us that people who are most directly impacted by the New Jim Code have a keen sense of the default discrimination facilitated by these technologies. As a form of social technology, institutional racism, past and present, is the precondition for the carceral technologies that underpin the US penal system. At every stage of the process – from policing, sentencing, and imprisonment to parole – automated risk assessments are employed to determine people’s likelihood of committing a crime.⁹ They determine the risk profile of neighborhoods in order to concentrate police surveillance, or the risk profile of individuals in order to determine whether or for how long to release people on parole.

In a recent study of the recidivism risk scores assigned to thousands of people arrested in Broward County, Florida, ProPublica investigators found that the score was remarkably unreliable in forecasting violent crime. They also uncovered significant racial disparities:

In forecasting who would re-offend, the algorithm made mistakes with black and white defendants at roughly the same rate but in very different ways. The formula was particularly likely to falsely flag black defendants as future criminals, wrongly labeling them this way at almost twice the rate as white defendants. White defendants were mislabeled as low risk more often than black defendants.¹⁰

The algorithm generating the risk score builds upon already existing forms of racial domination and reinforces them precisely because the apparatus ignores how race shapes the “weather.” Literary scholar Christina Sharpe describes the weather as “the total climate; and the climate is antiblack.”¹¹ For example, the survey given to prospective parolees to forecast the likelihood that they will recidivate includes questions about their criminal history, education and employment history, financial history, and neighborhood characteristics (among many other factors). As all these variables are structured by racial domination – from job market discrimination to ghettoization – the survey measures the extent to which an individual’s life chances have been impacted by racism without ever asking an individual’s race.¹²

Likewise, predictive policing software will always be more likely to direct police to neighborhoods like the one I grew up in, because the data that this software is drawing from reflect ongoing surveillance priorities that target predominantly Black neighborhoods.¹³ Anti-Blackness is no glitch. The system is accurately rigged, we might say, because, unlike in natural weather forecasts, the weathermen are also the ones who make it rain.¹⁴

Even those who purportedly seek “fairness” in algorithmic decision-making are not usually willing to assert that the benchmark for whether an automated prediction is “unwarranted” is whether it strays from the proportion of a group in the larger population. That is, if a prediction matches the current crime rate, it is still unjust! Even so, many who are grappling with how to enact ethical practices in this arena still use the crime rate as the default measure of whether an algorithm is predicting fairly, when that very measure is a byproduct of ongoing regimes of selective policing and punishment.¹⁵

Default Discrimination

$$\frac{\delta A}{\delta t} = B + \frac{\eta D}{4} \nabla^2 A - \omega A + \theta \omega \delta$$

Figure 2.2 Patented PredPol Algorithm

Source: <http://www.predpol.com/technology>

Interestingly, the most commonly used algorithm in Los Angeles and elsewhere, called PredPol, is drawn directly from a model used to predict earthquake aftershocks ([Figure 2.2](#)). As author of *Carceral Capitalism*, Jackie Wang gives us this description: “In police departments that use PredPol, officers are given printouts of jurisdiction maps that are covered with red square boxes that indicate where crime is supposed to occur throughout the day ... The box is a kind of *temporary crime zone*.” She goes on to ask:

What is the attitude or mentality of the officers who are patrolling one of the boxes? When they enter one of the boxes, do they expect to stumble upon a crime taking place? How might the expectation of finding crime influence what the officers actually find? Will people who pass through these temporary crime zones while they are being patrolled by officers automatically be perceived as suspicious? Could merely passing through one of the red boxes constitute probable cause?¹⁶

Let me predict: yes. If we consider that institutional racism in this country is an ongoing unnatural disaster, then crime prediction algorithms should more accurately be called crime *production* algorithms. The danger with New Jim Code predictions is the way in which self-fulfilling prophecies enact what they predict, giving the allure of accuracy. As the man behind PredPol’s media strategy put it, “it sounds like fiction, but its more like science fact.”¹⁷

Predicting Glitches

One of the most iconic scenes from *The Matrix* film trilogy deals with the power of predictions and self-fulfilling prophecies. The main protagonist, Neo, goes to visit the Oracle, a software program depicted as a Black woman in her late sixties. Neo is trying to figure

out whether he is who others think he is – “the one” who is supposed to lead humanity in the war against the machines. As he tries to get a straight answer from the Oracle and to figure out whether she really has the gift of prophecy, she says, “I’d ask you to sit down, but you’re not going to anyway. *And don’t worry about the vase.*”

NEO: What vase? [Neo knocks a vase to the floor]

THE ORACLE: That vase.

NEO: I’m sorry.

THE ORACLE: I said don’t worry about it. I’ll get one of my kids to fix it.

NEO: How did you know?

THE ORACLE: What’s really going to bake your noodle later on is, *would you still have broken it if I hadn’t said anything.*¹⁸

This scene invites a question about real-life policing: Would cops still have warrants to knock down the doors in majority Black neighborhoods if predictive algorithms hadn’t said anything?

The Matrix offers a potent allegory for thinking about power, technology, and society. It is set in a dystopian future in which machines overrun the world, using the energy generated by human brains as a vital source of computing power. Most of humanity is held captive in battery-like pods, their minds experiencing an elaborate life-like simulation of the real world in order to pacify humans and maximize the amount of energy brains produce. The film follows a small band of freedom fighters who must convince Neo that the simulated life he was living is in fact a digital construction.

Early on in his initiation to this new reality, Neo experiences a fleeting moment of *déjà vu* when a black cat crosses his path – twice. Trinity, his protector and eventual love interest, grows alarmed and explains that this “glitch in the matrix” is not at all trivial but a sign that something about the program has been changed by the agents of the Matrix. The sensation of *déjà vu* is a warning sign that a confrontation is imminent and that they should prepare to fight.

The film's use of *déjà vu* is helpful for considering the relationship between seemingly trivial technical glitches and meaningful design decisions. The glitch in this context is not an insignificant "mistake" to be patched over, but rather serves as a signal of something foundational about the structure of the world meant to pacify humans. It draws attention to the construction and reconstruction of the program and functions as an indication that those seeking freedom should be ready to spring into action.

A decade before the *Matrix* first hit the big screen, Black feminist theorist Patricia Hill Collins conceptualized systemic forms of inequality in terms of a "matrix of domination" in which race, class, gender, and other axes of power operated together, "as sites of domination and as potential sites of resistance."¹⁹ This interlocking matrix operates at individual, group, and institutional levels, so that empowerment "involves rejecting the dimensions of knowledge, whether personal, cultural, or institutional, that perpetuate objectification and dehumanization."²⁰ Relating this dynamic to the question of how race "gets inside" technology, the Roman numeral glitch of Google Maps and others like it urge us to look again at the way our sociotechnical systems are constructed – by whom and to what ends.

Racist glitches – such as celebrity chef Paula Dean's admission that "yes, of course" she has used the N-word alongside her desire to host a "really southern plantation wedding" with all-Black servers;²¹ or a tape-recorded phone call in which former Los Angeles Clippers owner and real estate mogul Donald Sterling told a friend "[i]t bothers me a lot that you want to broadcast that you're associating with black people"²² – come and go, as provocative sound bites muffling a deeper social reckoning. In my second example, the scandal associated with Sterling's racist remarks stands in stark contrast with the hush and acceptance of a documented pattern of housing discrimination exercised over many years, wherein he refused to rent his properties to Black and Latinx tenants in Beverly Hills and to non-Korean tenants in LA's Koreatown.²³ In the midst of the suit brought by the Department of Justice, the Los Angeles chapter of the National Association for the Advancement of Colored People nevertheless honored Sterling with a lifetime achievement

award in 2009. Only once his tape-recorded remarks went public in 2014 did the organization back out of plans to award him this highest honor for a second time, forcing the chapter president to resign amid criticism.

Dragging individuals as objects of the public condemnation of racist speech has become a media ritual and pastime. Some may consider it a distraction from the more insidious, institutionalized forms of racism typified by Sterling's real estate practices. The déjà vu regularity of all those low-hanging N-words would suggest that stigmatizing individuals is not much of a deterrent and rarely addresses all that gives them license and durability.

But, as with Trinity's response to Neo in the *Matrix* regarding his path being crossed twice by a black cat, perhaps if we situated racist "glitches" in the larger complex of social meanings and structures, we too could approach them as a signal rather than as a distraction. Sterling's infamous phone call, in this case, would alert us to a deeper pattern of housing discrimination, with far-reaching consequences.

Reimagining Technology

It is easy to get caught off guard by new “killer apps” that are developed and marketed, sometimes as “reform.” It is vital, therefore, to experiment with speculative methods, so that analysts, artists, and activists alike may better anticipate and intervene in new racial formations that, like shiny new gadgets, may appear to be a kind of radical alternative but may very well entail their own logics of subjugation. Writer Arundhati Roy expresses this struggle over the future:

One particular imagination – a brittle, superficial pretense of tolerance and multiculturalism (that morphs into racism, rabid nationalism, ethnic chauvinism, or war-mongering Islamophobia at a moment’s notice) under the roof of a single overarching, very unplural economic ideology – began to dominate the discourse. It did so to such an extent that it ceased to be perceived as an ideology at all. It became the default position, the natural way to be ... From here it was a quick, easy step to “There is no alternative.”⁸⁸

But there are many alternatives beyond the default settings. In countering the overwhelming Whiteness of the future in most popular representations of Hollywood films and science fiction texts, we can point to Afrofuturist and Chicanofuturist visions that not only center on people of color, but grapple with racism and related axes of domination.⁸⁹ This work has a lot to teach us about reimagining the default settings – codes and environments – that we have inherited from prior regimes of racial control, and how we can appropriate and reimagine science and technology for liberatory ends.⁹⁰

Likewise, critical race studies has long urged scholars to take narrative seriously as a liberating tool, as when legal scholar Derrick Bell urges a radical assessment of reality through creative methods and racial reversals, insisting that “[t]o see things as they really are, you must *imagine* them for what they might be.”⁹¹



Figure 5.2 White-Collar Crime Risk Zones

Source: App created by Brian Clifton, Sam Lavigne, and Francis Tseng for *The New Inquiry Magazine*, Vol. 59, “Abolish,” March 2017

Take, for instance, a parody project that begins by subverting the anti-Black logics embedded in new high-tech approaches to crime prevention ([Figure 5.2](#)). Instead of using predictive policing techniques to forecast street crime, the White-Collar Early Warning System flips the script by creating a heat map that flags city blocks where financial crimes are likely to occur.

The system not only brings into view the hidden but no less deadly crimes of capitalism and the wealthy’s hoarding of resources, but includes an app that alerts users when they enter high-risk areas to encourage “citizen policing and awareness.” Taking it one step further, the development team is working on a facial recognition program meant to flag individuals who are likely perpetrators, and the training set used to design the algorithm includes the profile photos of 7,000 corporate executives downloaded from the popular

professional networking site LinkedIn. Not surprisingly, the “averaged” face of a criminal is White and male. In this sense, the narrative of what we consider to be a crime and of whom we consider to be a criminal is being challenged. But it remains to be seen whether such initiatives can help generate a different social order when it comes to criminalization. And creative exercises like this one are comical only if we ignore that all their features are drawn directly from actually existing proposals and practices “in the real world,” including the use of facial images to predict criminality – all, techniques that tend to target racialized groups.

By deliberately and inventively upsetting the techno status quo in this manner, analysts can better understand and expose the many forms of discrimination embedded in and enabled by technology. And the process of refashioning the relationship between race and technology may entail actual fashion. Hyphen-Labs, an international team of women of color who work at the intersection of technology, art, science, and futurism, experiments with a wide array of subversive designs – including earrings for recording police altercations, and visors and other clothing that prevent facial recognition.⁹² This work, as I see it, recasts what counts as technoscience and whom we think of as innovators.⁹³

If we take all its elements together, an emancipatory approach to technology entails an appreciation for the aesthetic dimensions of resisting the New Jim Code and a commitment to coupling our critique with creative alternatives that bring to life liberating and joyful ways of living in and organizing our world.⁹⁴

Notes

[1.](#) Sharpe 2014.

[2.](#) Twitter @fakerapper July 23, 2017 at 3:24 p.m.

[3.](#) Stahly-Butts continues: “It’s when we have Black and Brown folks, low-income folks, then all of sudden ‘safety’ means something else. And so, I think, calling the bluff. Actually, you know that for your child, you don’t think a cop makes them more safe. That’s