

Ruha Benjamin

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RACE AFTER  
TECHNOLOGY

Abolitionist Tools for the  
New Jim Code

polity

## Introduction

bias enters through the backdoor of design optimization in which the humans who create the algorithms are hidden from view.

### *Move Slower . . .*

Problem solving is at the heart of tech. An algorithm, after all, is a set of instructions, rules, and calculations designed to solve problems. Data for Black Lives co-founder Yeshimabeit Milner reminds us that “[t]he decision to make every Black life count as three-fifths of a person was embedded in the electoral college, an algorithm that continues to be the basis of our current democracy.”<sup>19</sup> Thus, even just deciding *what problem* needs solving requires a host of judgments; and yet we are expected to *pay no attention to the man behind the screen*.<sup>20</sup>

As danah boyd and M. C. Elish of the Data & Society Research Institute posit, “[t]he datasets and models used in these systems are not objective representations of reality. They are the culmination of particular tools, people, and power structures that foreground one way of seeing or judging over another.”<sup>21</sup> By pulling back the curtain and drawing attention to forms of coded inequity, not only do we become more aware of the social dimensions of technology but we can work together against the emergence of a digital caste system that relies on our naivety when it comes to the neutrality of technology. This problem extends beyond obvious forms of criminalization and surveillance.<sup>22</sup> It includes an elaborate social and technical apparatus that governs all areas of life.

The animating force of the New Jim Code is that tech designers encode judgments into technical systems but

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much deeper than a marketing scheme and takes us well beyond one institute in China. The fact is, despite its bad Nazi press, under one description or another eugenics has typically been espoused by those in the United States and Europe who consider themselves social progressives.

A story by Kathryn Paige Harden titled "Why Progressives Should Embrace the Genetics of Education," recently published in the *New York Times* (July 24, 2018), reported on a massive US-based study and implored those who "value social justice" to harness the genomic revolution. In a savvy slippage between genetic and environmental factors that would make the founders of eugenics proud, the author asserts that "knowing which genes are associated with educational success will help scientists understand how different environments also affect that success." But, as many critics have pointed out since, the problem is not a lack of knowledge!<sup>42</sup> One observer put it best: "I cannot imagine a subject on which we know more about than the environments under which children learn best. It has been the subject of study and discussion for well more than a century. Are we suddenly unsure that poverty has a negative effect on educational attainment?"<sup>43</sup>

It is not the facts that elude us, but a fierce commitment to justice that would make us distribute resources so that all students have access to a good educational environment. Demanding more data on subjects that we already know much about is, in my estimation, a perversion of knowledge. The *datafication of injustice* . . . in which the hunt for more and more data is a barrier to acting on what we already know. We need something like an academic equivalent of "I said what I said!"

## Coded Exposure

ethnicities.” The benefit for Zimbabwe is access to a suite of technologies that can be used by law enforcement and other public agencies, while positioning China to become “the world leader in artificial intelligence.”<sup>63</sup> *Transnational algorithmic diversity training par excellence!* Perhaps. Or, better, neocolonial extraction for the digital age in which the people whose faces populate the database have no rights vis-à-vis the data or systems that are built with their biometric input. Not only that. Since the biggest application of facial recognition is in the context of law enforcement and immigration control, Zimbabwe is helping Chinese officials to become more adept at criminalizing Black people within China and across the African diaspora.

Racist structures do not only marginalize but also forcibly center and surveil racialized groups that are “trapped between regimes of invisibility and spectacular hypervisibility,”<sup>64</sup> threatened by inclusion in science and technology as objects of inquiry. Inclusion is no straightforward good but is often a form of unwanted exposure. Jasmine Nichole Cobb’s insight that “invisibility is . . . part of the social condition of blackness in modernity as well as an important representational tactic for people of African descent” – what Rusert describes as that “dialectic of calculated visibility and strategic invisibility” – is relevant to countering the New Jim Code.<sup>65</sup>

The figure of Saartjie (“Sara”) Baartman illustrates the violent underside of being forcibly seen. Baartman, who was taken from South Africa to Europe in 1810, was publicly displayed for large audiences in London and Paris, photographed, studied, and eventually dissected in death by the leading scientist of the time, Georges



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Cuvier, and her skeleton, brain, and genitals were subsequently put on display until 1974. Baartman's horrific exposure in life and death illustrates the connection between visual and scientific technologies. While many people have heard some version of her story in scholarly texts and popular works, few know of Baartman's eventual repatriation to and burial in South Africa in 2002, through which the evidentiary politics surrounding her identity came to a climax. The protracted negotiations between South Africa and France for the return of Baartman's remains – her skeleton, brain, and genitals – were stalled by French claims that the remains had been lost and could not be identified among the museum's holdings. Consider that “Baartman was one of thousands from Europe's former colonial territories whose remains had been gathered in metropolitan museums.” In 2002, “once the French government [finally] agreed to return them, a dispute arose about the veracity of the physical remains offered by the French.”<sup>66</sup>

Despite this, the South African committee that negotiated her return declined to have the remains tested to verify whether they belonged to Baartman, or even whether the three sets of remains belonged to the same person. For the committee, to do so would amount to a replication of the violation, repeating once again the “great long insult” to which Baartman had been subjected during her life. Instead, on August 9, 2002, Baartman was given a ceremonial burial in Hankey, South Africa, near the place where she was born. This decision of not exposing Baartman's remains to scrutiny yet again was the South African committee's assertion and attempt to define a way of knowing differently, whereby it decided to accept without further DNA

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resting that the remains offered by France belonged to Baartman. This signaled an end to the invasive visibility to which Baartman was subjected during her lifetime and for 159 years after her death.

In "Baartman and the Private: How Can We Look at a Figure That Has Been Looked at Too Much," South African gender studies scholar Gabeba Baderoon explains how "dominated peoples have long crafted a way to exist and keep their histories outside of conventional archives." The politics of knowledge, in other words, is deeply entangled in a politics of the private and in who gets to lay claim to privacy and subjectivity. The assertion of "privacy" in this context is not the same as *privatizing* – an economic calculation "outside history," made for the purpose of maximizing profits; rather, in Baderoon's theory of the private, it draws attention to the "intimate, personal, closed, hidden, *coded*, secret, veiled, unknown, the apparently meaningless, the invisible, the ordinary, the in-between, the silent . . . the underside . . . unofficial . . . unpredictable, and unreliable in dominant views of history."<sup>67</sup>

What is privacy for already exposed people in the age of big data? For oppressed people, I think privacy is not only about protecting some things from view, but also about what is strategically exposed. This might look like Mamie Till-Mobley, mother of slain teenager Emmett Till, choosing to expose the mutilated body of her son because "I think everybody needs to know what happened." It could also look like the organization Stop LAPD Spying Coalition, exposing the lies of law enforcement officials who claim not to know about the very surveillance techniques that the organization records them using. Organizers participate in