

ISBN: 978-84-1091-017-1 (PDF)

DOI: <https://doi.org/10.14201/0AQ0373693702>

Gendered Technology: The Social and Legal Background of Translation and Interpreting Technologies

El género de la tecnología: los marcos sociales y jurídicos de las tecnologías de la traducción y la interpretación

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ABSTRACT: Translation and interpreting technologies are advancing at an unprecedented pace. Despite such developments impacting fundamental social rights, the legal frameworks have paid little attention to their implications. Based on the challenges posed to the idea of technology and legal frameworks being gendered in the peer review process of an editorial project on gendered technology in translation and interpreting, this contribution addresses social beliefs that hamper the equitable progress of translation and interpreting technologies. The claims are: (a) that technology is not gendered, (b) that the law is universal and unbiased, (c) that sex and gender are distinct, the former being biological and binary and only the latter being socially constructed, (d) that there is no empirical basis for claiming that gendered language impacts on equal opportunities for women and men, and (e) that there is no need for technology to be developed taking social justice issues into account.

KEYWORDS: gender; technology; translation technology; interpreting technology; legal frameworks; gendered language.

RESUMEN: Las tecnologías de la traducción y la interpretación (TTI) avanzan a un ritmo sin precedentes. A pesar de que estos avances repercuten en los derechos sociales fundamentales, los marcos jurídicos han prestado escasa atención a sus implicaciones. Sobre la base del proceso de revisión por pares de un proyecto editorial sobre el género en TTI, esta contribución aborda creencias sociales que obstaculizan el progreso equitativo de estas tecnologías, a saber: (a) que la tecnología no está marcada por el

género, (b) que la ley es universal e imparcial, (c) que el sexo y el género son distintos, el primero es biológico y binario, y solo el segundo se construye socialmente, (d) que no hay base empírica para afirmar que el lenguaje sexista repercute en la igualdad de oportunidades para mujeres y hombres, y (e) que no es necesario que la tecnología se desarrolle teniendo en cuenta cuestiones de justicia social.

PALABRAS CLAVE: género; tecnología; tecnología de la traducción; tecnología de la interpretación; marcos jurídicos; usos lingüísticos con perspectiva de género.

1. GENDERED TECHNOLOGY IN TRANSLATION AND INTERPRETING

This contribution addresses six claims raised in the peer review process of the editorial project *Gendered Technology in Translation and Interpreting* (Monzó-Nebot and Tasa-Fuster 2024a). The claims questioned the relevance or empirical bases of the book's main tenets:

- a. That technology design and development is gendered;
- b. That the law is biased and burdens the development of equitable societies by enshrining patriarchal and monolingual values in the legal frameworks;
- c. That exploring the impacts of technology requires an intersectional approach that accounts for the social implications of language, sex, and gender identities;
- d. That the spread of gendered language through language technology reinforces social beliefs that normalize discrimination against women;
- e. That for democracy to be sustainable, technology design, development, and implementation need to be mindful of their impacts on social inequalities.

The following sections briefly address the challenges to those claims encountered in the peer review process.

2. GENDERED TECHNOLOGY

It is nowadays safe to assume that most individuals have experienced holding a smartphone in their hands. However, handling them with one hand may be easier for some, as smartphones have been made to fit the average male hand, posing ergonomic challenges for women (Criado Perez 2019). Although larger screens may enhance text clarity, size is limited by the ergonomic capabilities of the average male hand, becoming unfit for the hands of women. Women's and men's average physiques are different, in size and shape. And smartphones are not alone in whose dimensions they cater to. The dimensional preferences of technology encompass virtual reality headsets, gaming consoles, and power tools, predominantly tailored to male proportions (e.g., Bylund and Burström 2006; Felhofer et al. 2012; Stanney et al. 2020). Also, biometric authentication systems have been designed and developed with men's features in mind, and are less efficient for women (Kloppenburger and van der Ploeg 2018). Similarly, health monitoring

devices are more accurate for men because they are based on research developed and tested taking men as universal, disregarding women's biological specificities (Fine et al. 2021; Charpignon et al. 2023). Furthermore, virtual assistants and chatbots reinforce gender stereotypes both in their responses to users and by adopting female personae to provide assistance while male personae are preferred to show expertise (Strengers and Kennedy 2020).

Those placed at an advantage by technology occupy the majority of positions in technology, in both development and management (UN Women 2023), contributing to while at the same time benefiting from the so-called *dude culture* of technology development, where women and individuals outside the heterosexual and cisgender norm face impediments (Miller et al. 2021; Saxena 2023). The world is co-constituted by individuals in meaning-making processes that depend on their experiences (Monzó-Nebot 2024). When the experiences and needs of those who do not conform to the cisgender, heterosexual, male identity are out of sight, the bias in outcomes and outputs cannot be considered accidental. Technology is biased as binary and male, underwriting the gender bias enshrined in cultural beliefs—societies are biased to interpret technology as rational and rationality as male (Giustini 2024).

3. GENDERED LAW

Legal systems have historically reflected and reinforced patriarchal structures and gender biases. Women have been considered property (Hirschon 1984), and inheritance laws have traditionally favored male heirs over female heirs, perpetuating gender-based wealth disparities (Paul and Rai 2021). In criminal law, behaviors associated with women, such as prostitution, are targeted, perpetuating stigmatization and marginalization of individuals engaged in sex work while often ignoring the underlying systemic issues driving such activities (Théry 2016). Victim-blaming and stereotypes about gender roles keep influencing legal proceedings, leading to underreporting and inadequate justice for survivors (Cusack 2014). In employment law, persistent disparities in wages between men and women, despite equal qualifications and performance, reflect systemic discrimination (Organisation for Economic Co-operation and Development (OECD) 2022). In the area of human rights law, restrictions on women's access to reproductive healthcare and autonomy over their bodies reflect patriarchal control and disregard for women's rights, and inadequate legal protections and responses to gender-based violence perpetuate a culture of impunity and fail to hold perpetrators accountable (Working Group on the issue of discrimination against women in law and in practice 2017). The removal of women's voices from law-making positions has resulted in the disregard of women's perspectives in legislation, regulations, and adjudication.

An example is the Refugee Convention (United Nations 1951). Recognizing refugee status to those persecuted on the grounds of race, religion, or political beliefs, and demanding that an asylum seeker must have left their country to apply for refugee status, the Convention neglected the particularities of crimes targeting women, including forced marriage, female genital mutilation, foot-binding, the self-immolation of widows, and

«ordinary» domestic violence against women. Believing that one is not inferior to men may qualify as a political belief and allow for international protection in some courts, but the practice is far from widespread (Webber 2012). Even though some laws may have been indeed developed to purposefully limit the rights of women, the UN Convention may have resulted from the neglect of their perspectives rather than a will to exclude women. Whatever the intentions, the results burden women by ignoring their needs.

When comparing the three distinct approaches to technology regulation (European, US, and Chinese), different beneficiaries emerge, showing how the law is also a product of social biases. Democratic systems seek accountability as a means for the people to vest the ruling institutions with a legitimacy that can ensure content and social stability. However, even in democratic systems, the law seeks to strike a balance between legitimacy and privileges, still serving the dominant groups. Accordingly, only the issues causing social unrest trigger regulations that can ensure a level playing field for all. As Tasa-Fuster (2024) argues, gender- and language-based discrimination issues in technology do not seem to muster enough discontent in societies, which may explain why the law has only inadequately addressed them. A reigning techno-optimism, the blind faith in capitalism and technology, may hinder the possibilities for the voices of those disadvantaged by technology design, development, and implementation to be heard (Vallor 2016) and, consequently, to be protected.

4. THE INTERSECTION OF GENDER AND SEX

Social discrimination is related to social status (Ridgeway 2014). Since status depends on multiple variables, any observation of discrimination includes an intersectional component. Even though gender and sexual identities can be defined separately, they are interrelated. When addressing language technology, it becomes relevant to consider that gay men are overrepresented in professions socially represented as female, while lesbian women are overrepresented in professions socially represented as male (Badgett and King 1997; Gorsuch 2019). Analogously, in the labor market in general, gay men are paid less than similarly educated straight men, whereas lesbian women are paid more than similarly educated straight women (Drydakis 2021).

Myths contribute to the consideration of gender and sexual identities as relatively unrelated. Sex is widely considered to be based on purely biological factors. However, the features taken to justify the distinction and the resulting categories are social constructions (Fausto-Sterling 2000). Furthermore, gender is widely considered to be dictated by sex, while sex is considered to be independent from social conditions. Nevertheless, advances in the field of epigenetics have identified how sexual features can be dictated by gender (Cortes et al. 2019). As a result, a definition of gender that matches our current knowledge rather than the dominant social constructions (and biases) may be:

gender represents the socially accepted treatment of individuals based on their socially assigned sex, influencing their affordances, the power and resources they are able to accumulate. [...] We are limited by who we are perceived to be. (Monzó-Nebot and Tasa-Fuster 2024b, 7)

5. THE EFFECTS OF GENDERED LANGUAGE

Despite abundant research that confirms the effects of gender exclusionary language on gender discrimination (see a summary in Monzó-Nebot 2021), the social and a great part of the academic discourse on gendered language still frames the issue as a harmless grammar feature, and insists that masculine forms are to be considered universal. When that claim has been experimentally tested, however, even reminders as to how masculine forms were supposed to be interpreted have not managed to overcome the gendered representations triggered by grammatical gender (Gygax et al. 2012).

The general advocacy for how masculine forms should work oversees how they have been shown to work. At the same time, such advocacy stresses how the empirical bases of the effects of gender exclusionary and gender-fair language are not the issue. The empowerment of women is resulting in backlash effects (Reidy et al. 2023; Wemrell 2023). Even in Western countries considered as model regarding gender equality, women's killings have been on the rise. While the effectivity of measures that can contribute to a level playing field for women keeps being questioned, those occupying higher positions in social hierarchies continue to reap the profits of a system that coordinates dynamics and resources to their benefit.

6. THE OUGHTS OF TECHNOLOGY DEVELOPMENT

A key question posed in the review process of *Gendered Technology in Translation and Interpreting* is whether technology should contribute to gender equality or social justice. The answer depends on our goals: Does our society want inequality to continue? Some individuals seem to be shielded even from major catastrophes developing at a global scale (McKenna 1992). A lack of will to believe in the available data seems to underlie a denial of how many of our actions—those with any social significance—are political in nature because they reproduce or contest a specific way of understanding society and relationships, particularly hierarchies.

Regarding language technology, the socially, psychologically, and neurologically conditioning of humans to behave in ways that ensure social acceptance and cooperation must be considered (Berger and Luckmann 1966; Stallen and Sanfey 2015). Language technologies represent some identities more and better than others. In so doing they spread cultural beliefs that justify the status quo. Individuals, believing that what they perceive as frequent is what is accepted, behave in conformant ways: they accept and cooperate with what is represented as normal, and challenge what defies normalcy.

Given the unprecedented amplifying potential of language technologies, their design, development, and implementation hold significant influence over the opportunities which are made available to different identities, including gender, sexual, and language identities. Based on their social effects, technology design, development, and implementation cannot be apolitical, and neither can regulation, policing, or adjudication. Equally, translating, interpreting, and choosing any language(s) in any situation(s) are vested with social and political implications.

7. WHAT HAPPENS WHEN A *DUDE CULTURE* MEETS FEMINIZED PROFESSIONS?

Translation and interpreting are socially represented as feminine and subordinate (Chamberlain 1988; Simon 1996, 1; Bassnett 2005, 86), and they are predominantly performed by women (Pöchhacker 2004, 174; Gouadec 2007, 88). Conversely, the field of technology is predominantly male, and even if more and more women start a career in science, technology, engineering, and mathematics (STEM), the leaky pipeline keeps discouraging women as they move up to higher positions (Pell 1996; Speer 2023). STEM has been called a *dude culture* where cis heterosexual men are favored and can avoid all the difficulties imposed on other gender and sexual identities (Miller et al. 2021; Saxena 2023). The convergence of translation and interpreting with technology offers an interesting ground to explore what happens when a *dude culture* meets feminized professions, a convergence that may continue to emerge in societies increasingly shaped by technology.

So far, machine translation has been shown to exacerbate the gender bias present in the training corpora (Savoldi et al. 2021), partly because of the rationale behind its algorithm (Vanmassenhove et al. 2019). Machine translation cultures reproduce patriarchal, binary hierarchies (García González 2024; Ghosh and Chatterjee 2024; Rico Pérez and Martínez Pleguezuelos 2024; Vanmassenhove 2024), impacting the opportunities offered to women (Đorđević 2024). In the area of interpreting technology, remote interpreting has similarly neglected its effects on gender hierarchies (Arzik-Erzurumlu 2024; Monzó-Nebot 2024), while at the same time offering opportunities to explore the gender bias in interpreting practice (Crezee and Lai 2024) and interpreting studies (Giustini 2024). Translation and interpreting technology are at the center of a fight between democracy and capitalist patriarchy, and they can drive or hinder an ethical resistance to injustice.

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