

## Introduction

# Narratives, Frontier Technologies, and the Law (Part II): Towards a Feminist Turn in Law and Technology

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### Abstract

Part II of the symposium *Narratives, Frontier Technologies, and the Law* continues to explore how legal narratives shape the governance of emerging technologies. This issue gives particular attention to the ways in which gendered assumptions and androcentric perspectives inform both technological development and legal regulation. Featuring contributions exclusively from women academics, this volume demonstrates that the inclusion of diverse voices in law and technology is essential not only for identifying structural bias but also for enriching the field as a whole. Some articles advance explicit feminist critiques, while others explore broader legal questions beyond gender, illustrating the breadth and foundational importance of women's scholarship. Through analyses of artificial intelligence, genome editing, algorithmic moderation, and user-generated content in video games, the authors show that law is not merely reactive to technological innovation but also actively constructs and contests the narratives that define what is possible, permissible, and just. This symposium aims to clarify how foregrounding different perspectives can strengthen both legal scholarship and the regulatory responses to frontier technologies.

### 1. Framing Technological Futures

In the first decades of the twenty-first century, technological innovation has outpaced the most vivid imaginations of earlier generations. Artificial intelligence (AI) now shapes our daily communications and decisions; blockchain challenges traditional financial systems; biotechnology redraws the boundaries between human and machine.

These frontier technologies—innovations characterised by rapid evolution and profound social and economic impacts—test our technical abilities and challenge fundamental legal and ethical concepts. Yet, amid this storm of change, the ancient force of human storytelling continues to exert a subtle yet profound influence over the development of technology as well as society's reactions to emerging technologies.<sup>1</sup>

As a social practice, the law is, at its core, a tapestry of narratives.<sup>2</sup> Statutes, precedents, and constitutions are, in this sense, stories we tell about order, justice, and the limits of power. Likewise, technology is often introduced and understood as a story:

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<sup>1</sup> Marcos, "Narratives, Frontier Technologies, and the Law."

<sup>2</sup> See chapter 6 "How Law is Like Literature" in Dworkin, *A Matter of Principle*. See also Matasar, "Storytelling and Legal Scholarship"; Patterson, "Law's Pragmatism."



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from the Promethean myth of stolen fire to modern Silicon Valley's vision of 'disruption.' Narratives define what is thinkable, what is desirable, and, importantly, what is permissible.

Legal responses to new technologies are seldom, if ever, rational. Instead, they are shaped within the collective imagination through utopian promises and dystopian warnings (Mary Shelley's *Frankenstein*, George Orwell's *1984*, or Margaret Atwood's *The Handmaid's Tale*) as well as the lived experiences of affected communities. The stories we tell about technology influence the regulatory frameworks we develop, affecting everything from the language of statutes to judicial reasoning and public perception.

Yet every act of storytelling (legal or otherwise) raises a fundamental question: who gets to tell the story? The narratives that shape law and technology are never neutral; they reflect the perspectives, priorities, and positions of those empowered to speak. Historically, legal and technological storytelling has privileged certain voices, often centring male experiences as universal, while marginalising or erasing others.<sup>3</sup>

Inspired by Donna Haraway's provocations,<sup>4</sup> this introduction brings attention to the politics of narrative authorship—how the inclusion or exclusion of women and other marginalised groups profoundly shapes the stories we inherit, the rules we make, and the futures we imagine. The challenge is not only to examine what stories are told about frontier technologies but also to question whose stories are heard, whose are silenced, and how power circulates in the very act of narration.

## 2. Narratives as Drivers of Legal Change

Narratives serve a dual purpose in law: they are both objects and tools of legal reasoning. Legislators and judges use stories to justify decisions; lawyers employ narratives to persuade courts and the public; and citizens turn to stories to understand their legal rights and duties in an increasingly complex world.

These narratives shape public expectations, direct regulatory priorities, and even impact the design of liability frameworks. For instance, in data privacy regulation, the story of the 'omniscient algorithm' versus the 'empowered data subject' reflects the tension between approaches favouring statutory protections and those relying on industry self-regulation.<sup>5</sup>

Recognising the foundational role of narratives encourages an interdisciplinary approach to legal scholarship. Insights from literature, philosophy, sociology, and media studies highlight how technological narratives circulate, gain legitimacy, and influence legal regimes.

Additionally, empirical research into the reception and impact of technological narratives can deepen our understanding of legal design and regulatory adaptation. How do different communities perceive the risks and benefits of a new technology? Which stories resonate, and why? How do counternarratives from marginalised or dissenting voices challenge dominant legal paradigms?

## 3. Frontier Technologies as Legal Challenges

The rapid progress of frontier technologies poses unique challenges to legal systems, which are often slow to adapt.<sup>6</sup> Legal doctrines based on tangible property, clear causation, and human agency commonly struggle to comprehend the fluid, multi-layered nature of digital assets, decentralised networks, and autonomous agents.

Narratives can serve as mediating tools during these moments of conceptual rupture. They help lawyers, judges, and lawmakers bridge the gap between old and new paradigms by offering analogies, metaphors, and interpretative frameworks. For instance, the 'blockchain as trust machine' narrative has helped advocate for recognising decentralised ledgers in fields as diverse as finance, intellectual property, and voting systems.<sup>7</sup> The narrative of electric vehicles as inherently 'green' technology has

<sup>3</sup> Wajcman, *Feminism Confronts Technology*.

<sup>4</sup> See chapter 8 "A Cyborg Manifesto" in Haraway, *Simians, Cyborgs, and Women*.

<sup>5</sup> For a critical theory of privacy, see Cohen, "Turning Privacy Inside Out."

<sup>6</sup> Brownsword, *Law, Technology and Society*.

<sup>7</sup> Werbach, "Trust, but Verify." See also Guerra and Marcos, "Legal Remarks on the Overarching Complexities of Crypto Anti-Money Laundering Regulation."

influenced regulatory incentives and public policy on transportation and climate.<sup>8</sup> Similarly, the ‘AI as co-author’ narrative is beginning to influence debates around copyright and creativity.<sup>9</sup>

At the same time, the growth of competing narratives can lead to regulatory fragmentation and uncertainty. Different jurisdictions may adopt opposing legal approaches to the same technology depending on which narratives most strongly resonate with policymakers, courts, and the public. Therefore, the study of narratives is not merely academic; it is crucial to understanding and guiding the global governance of frontier technologies.

#### 4. Beyond Androcentric Storytelling

Narratives are not harmless. They can reinforce bias, sustain inequalities, and hide the experiences of marginalised groups. In big data, for instance, dominant stories about ‘objective’ or ‘neutral’ algorithms often conceal the reality of embedded systemic biases.<sup>10</sup> Law must remain critically aware of the power of narratives, not only as a means of progress but also as a potential source of harm.

Feminist legal theorists have long demonstrated that legal narratives are never neutral; they both reflect and reinforce existing power structures.<sup>11</sup> Dominant legal stories often centre on male experiences as universal, framing women’s and marginalised groups’ realities as deviations or exceptions.<sup>12</sup> This dominant approach sustains systemic exclusions by obscuring how laws are built upon androcentric assumptions about rationality, autonomy, and justice.

Feminist critiques warn that such narratives legitimise patriarchal norms while silencing alternative voices, reinforcing structural biases in areas ranging from criminal responsibility<sup>13</sup> to reproductive freedom.<sup>14</sup> The danger lies not only in what the law says, but also in whose stories it tells and whose it erases—perpetuating inequalities under the guise of objectivity.<sup>15</sup>

Theoretical perspectives, such as those advanced by Judith Butler, sharpen this critique. Butler’s work illustrates that gender and identity are not inherent or static, but continually constructed and enforced through discourse, performance, and institutional norms.<sup>16</sup> In this sense, the law’s claims to objectivity and universality are themselves performative acts—rituals that reinforce existing power relations by presenting particular perspectives as natural or neutral.<sup>17</sup>

Butler’s approach also exposes how narratives not only shape what is thinkable or sayable, but also determine whose experiences are rendered visible and whose are erased.<sup>18</sup> The insistence on neutrality, so often invoked in technological innovation and its regulation, serves to obscure the situated, gendered, and frequently exclusionary character of their underlying narratives.

A genuinely inclusive scholarship in law and technology must, therefore, interrogate not just the content of positive regulation but also its performative effects—asking who is authorised to speak, whose lives are made legible, and how the repeated performance of ‘neutral’ legal storytelling serves to entrench structural inequalities. In this light, the inclusion of women’s perspectives becomes essential, not merely as a corrective, but as a fundamental reorientation of the legal and technological narratives that shape our societies.

Recognising these dynamics underscores why the inclusion of women’s perspectives is essential to a more just and comprehensive legal scholarship. Their contributions offer another layer of analytical depth often absent from traditional, male-dominated accounts of narratives, frontier technologies, and the law.

Too often, women’s distinct experiences and contributions remain underrepresented in scholarship about law and technology. Addressing this imbalance is essential for developing genuinely inclusive and critical legal scholarship. Incorporating women’s

<sup>8</sup> Marcos, “Tech Won’t Save Us.”

<sup>9</sup> Gaon, *The Future of Copyright in the Age of Artificial Intelligence*. See also Marcos, “Can Large Language Models Apply the Law?”

<sup>10</sup> Noble, *Algorithms of Oppression*.

<sup>11</sup> MacKinnon, “Feminism, Marxism, Method, and the State.”

<sup>12</sup> Crenshaw, “Demarginalizing the Intersection of Race and Sex.”

<sup>13</sup> Smart, *Women, Crime and Criminology*.

<sup>14</sup> Sheldon, “Reproductive Choice: Men’s Freedom and Women’s Responsibility.”

<sup>15</sup> Minow, *Making All the Difference*.

<sup>16</sup> Butler, *Gender Trouble*.

<sup>17</sup> Bourdieu, “The Force of Law.”

<sup>18</sup> Butler, *Precarious Life*.

voices enriches the exploration of legal, ethical, and societal impacts of technological advances, allowing for a more nuanced appraisal of how technology, law, and society interact.

It is important to recognise that meaningful inclusion does not require every woman's contribution to focus explicitly on feminism or gender critique. Valuing women's scholarship means engaging with the full range of their intellectual work, whether or not it centres on gender issues. All featured articles in this volume are authored by women, offering a range of perspectives both within and beyond feminist critique. This diversity itself enriches the field, demonstrating that inclusion involves amplifying their voices and recognising the breadth and depth of their contributions.

## 5. Overview of Featured Articles

The first featured article, *Rewriting the Narrative of AI Bias: A Data Feminist Critique of Algorithmic Inequalities in Healthcare* by **Pin Lean Lau**, critically examines how AI bias in healthcare is framed within legal and regulatory narratives, particularly focusing on the EU AI Act. It argues that AI bias is not merely a technical flaw, but a structural issue rooted in historical exclusions and androcentric medical epistemologies that prioritise white male bodies as the norm. This discrimination leads to systemic misdiagnosis and healthcare disparities affecting marginalised groups such as women, racial minorities, disabled individuals, and low-income patients.

The article criticises current regulatory approaches, such as the EU AI Act, for treating AI bias as a technical flaw rather than addressing the more profound structural inequalities embedded in healthcare AI systems. It argues that measures like risk classifications and biased audits often reinforce androcentric, racialised, and neoliberal exclusions without ensuring intersectional accountability.

Drawing on legal narrative theory, intersectionality, socio-legal critiques of androcentricity, and abolitionist AI perspectives, the article challenges dominant legal framings that portray bias as fixable through technical compliance alone. Instead, it advocates for data feminism, which centres on power analysis, amplifies marginalised voices, rethinks binary categories, embraces complexity, prioritises justice, and recognises data's non-neutrality, promoting participatory and accountable AI governance. Ultimately, the article calls for transforming AI governance narratives to dismantle structural injustices and ensure AI promotes structural justice rather than simply mitigating bias within existing oppressive systems.

**Olga Pandos**, in her article, *The Impact of Narratives on the Legal and Regulatory Discourse of Heritable Human Genome Editing*, investigates how narratives play a crucial role in shaping the legal and regulatory discussion on Heritable Human Genome Editing (HHGE). It argues that decisions regarding HHGE are not solely scientific or technical but are heavily influenced by how these technologies are framed within ethical, legal, and societal narratives. By applying narrative theory, the article shows that reframing HHGE can open pathways for its moral and legal acceptance in certain circumstances.

Using Tay-Sachs Disease (TSD) as a focused case study and applying the principles of autonomy, non-maleficence, beneficence, and justice, the article argues that genome editing to prevent fatal monogenic genetic diseases is ethically justified, as such interventions uphold human dignity and promote future welfare by removing untreatable conditions from genetic lineages. While acknowledging risks such as off-target effects, mosaicism, and unknown long-term impacts, it contends these do not outweigh the benefits in cases involving fatal diseases, provided regulation and precautionary measures are in place.

Critiquing Australia's blanket bans, the article advocates nuanced regulatory approaches that allow ethically justified uses of HHGE to prevent suffering and promote intergenerational justice. It concludes that narrative theory offers a valuable lens for shaping balanced and ethical legal frameworks, framing genome editing as a means of justice rather than merely a risky technology, and calls for ongoing ethical analysis, public dialogue, and case study evaluations to guide responsible HHGE development.

**Valentina Golunova's** article *A Misogynistic Glitch? A Feminist Critique of Algorithmic Content Moderation* examines the role of AI in social media content moderation from a feminist perspective. It traces how the narrative around algorithmic content moderation has evolved from focusing on efficiency and cost-effectiveness to claims that AI can foster more inclusive and diverse online discourse. However, the article argues that these optimistic claims are misguided.

The article examines how algorithmic content moderation and platform governance sustain gender hierarchies by reinforcing gender norms and failing to address online misogyny, thereby marginalising women's voices. It emphasises that AI tools mirror societal gender biases due to the under-representation of women and marginalised groups in AI development, which leads to discriminatory outcomes and algorithmic oppression.

Reviewing automated removal, deplatforming, and content demotion measures, the article finds that AI often struggles to detect subtle gender-based violence, incorrectly restricts legitimate women's speech, and diminishes their public participation. The piece criticises platforms' emphasis on business models that prioritise engagement, which amplify misogynistic content, while opaque moderation practices, like shadow banning, silence women further.

While recognising AI's potential, the article suggests user-customisable tools and structural reforms to reduce biases, concluding that AI-driven moderation has yet to realise its promise of fostering inclusive, fair online spaces for women, thus calling for a critical reassessment of technological and governance frameworks.

**Despoina Farmaki's** article *User-Generated Content in Gaming: Legal Challenges and Narrative Frameworks* studies how the growth of the video game industry, driven by user-generated content (UGC) and live streaming, raises complex legal and regulatory challenges, particularly concerning copyright enforcement and user rights, highlighting the need for transparent, equitable, and adaptable End User License Agreements (EULAs).

The study finds a significant lack of scholarly and legal analysis on user-generated content (UGC) in video games, revealing the need to clarify the complex tensions between user creativity and intellectual property protection. It highlights wide variations in company policies on screenshots and game photography, with some permitting it freely, others prohibiting it, and some allowing it under conditions.

In contrast, many companies permit UGC monetisation but impose safeguards to maintain game integrity and community standards. The research shows that official guidelines for gameplay approval can impact game sales and argues that explicit fair use provisions in EULAs would empower creators without legal fear. Furthermore, it critiques the European legal discourse for leaving UGC in a precarious 'tolerated infringement' state lacking strong protection, emphasising that EULAs must be clear, equitable, and adaptable to emerging technologies like Web 3.0 and the Metaverse.

## 6. Final Remarks

As the law confronts the challenges and opportunities of frontier technologies, narratives will remain an indispensable lens for analysis and action. By foregrounding stories—both the ones we inherit and the ones we create—legal scholarship can better anticipate technological disruption, craft more responsive regulatory frameworks, and promote justice in a changing world.

The ethical implications of storytelling in law and technology are significant. But whose stories are told, and whose are silenced? How can the law promote more inclusive and diverse narratives, especially in areas marked by structural inequalities? The answers to these questions will influence not only the future of technological progress but also the legitimacy and effectiveness of legal systems in the digital era.

As made evident by the articles included within this symposium, incorporating women's perspectives is more than just promoting gender balance; it involves a fundamental re-examination of the assumptions, values, and power structures that influence the development and implementation of frontier technologies.

Legal scholars and practitioners bear the responsibility to analyse the narratives underpinning their work, identify overlooked perspectives, and foster critical literacy among the broader public. This responsibility is particularly urgent in emerging technological domains, where the stakes—economic, social, and existential—are unprecedented, and women's perspectives—representing half the global population—must not be overlooked.

It is crucial for us to continue scrutinising the influences and thought patterns that shape rapidly evolving technologies in order to steer their direction and applications effectively. The lack of diverse voices in shaping technological and legal frameworks risks sustaining existing inequalities and creating new forms of discrimination. Diverse viewpoints are vital for identifying and addressing potential gender biases within technological systems.

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**Part I** of the symposium collection can be found at <https://lthj.qut.edu.au/issue/view/143>



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