JOURNAL OF SCIENCE FICTION
Volume 3, Issue 1, March 2019
ISSN 2472-0837

Books in Review

Kieran Tranter
Living in Technical Legality: Science Fiction and Law as Technology
Edinburgh University Press, 2018, hb, 242 pp, $110.00,
ISBN 9781474420891

Reviewed by **Thomas E. Simmons**

Kieran Tranter embarks on a law and humanities tour of science fiction works in this, his first authored book. He examines two cycles of print literature, Frank Herbert's *Dune* novels and Octavia Butler's *Xenogenesis* trilogy; unpacks two television series, the re-booted *Battlestar Galactica* and the venerable *Doctor Who*; and concludes with a film, *Mad Max 2: The Road Warrior,* complimented by a cultural analysis of Australia's car culture.

Dr. Tranter is an associate professor and a law and technology scholar at Griffith Law School in Queensland. His prior scholarship has touched on ethics, Pokémon, Jimi Hendrix, and Australian social security law. *Living in Technical Legality* grew out of Tranter's 2010 doctoral thesis at Griffith titled "Technical Legality: Law, Technology, and Science Fiction." His thesis, in turn, developed from panels in Helsinki and in Baltimore with William P. MacNeil, who ultimately supervised Tranter's thesis.

MacNeil's influence is plain. *Living in Technical Legality* builds upon MacNeil's scholarship, especially his book *Lex Populi: The Jurisprudence of Popular Culture* (2007), which focused a lively jurisprudential lens on texts including, but not limited to, science fiction. Tranter also acknowledges his debts to the cyborg scholarship of Donna Haraway including *Simians, Cyborgs, and Women: The Reinvention of Nature (1991).* Scattered and less prolonged readings of works such as *Blade Runner* (by Peter J. Hutchings) and *Judge Dredd* (by Thomas Giddens) can also be noted as influences; however, to a large measure, Tranter's book occupies a vacant stage. It is the first to attempt, in any kind of sustained fashion, a law and humanities assessment of science fiction texts.

Tranter describes *Living in Technical Legality* as "a celebration of monsters" (p. ix). He roots his study in Mary Shelley's eponymous Frankenstein monster: a defiling anti-human creature with its own quasi-humanity; a contradiction and an otherness—a product of technology run amok. Dr. Frankenstein's creation is a sewn-up, mish-mashed threat; a "techno-thing" (p. 1). It is a man-made form that awakens, animates, and then makes demands of its creator. As Tranter emphasizes, the potential monstrousness of technology aligns with the potential monstrousness of the law. Both have a habit of behaving in ways that their inventors failed to anticipate and a habit of turning on their technicians. Both can be horrifying and anti-human even against the best of intentions. And occasionally, both are horrifying and anti-human by design.

One of the book's key achievements is its ability to sift non-legal science fiction texts for legal lessons. Science fiction often lacks any obvious legal themes. Instead, its contentions are largely technological. For the most part, science fiction concerns itself with the personal and social con-

sequences of technology. There are few lawyers in *Star Trek* and there are fewer codes. But for the Federation's malleable 'Prime Directive' and Asimov's 'Three Laws of Robotics' (which are more coding than legal code), science fiction works are nearly lawless. Courtroom dramas on Mars are rare. So, an examination of legal concerns per se is problematic.

Rather than select the occasional science fiction texts with legal content, Tranter undertakes something more ambitious. He situates technology *as law*—and law *as technology*: a "monstrous hybrid figure" (p. 2) very much akin to Dr. Frankenstein's stitched-together achievement. Law and technology share similar aims (both are tools; the means are oriented toward particular, sometimes transformative, human ends). Law and technology dispense sympathetic attributes (both employ highly technical constructions to achieve their ends). The book collapses law and technology into a singularity. The result, Tranter acknowledges, is a book resembling "something from a B-grade matinee—a rubber-suited mismatch of eyes, limbs, and antennae" (p. 1). But for the reader who savors bug-eyed monsters, the book offers a feast of insights.

With even greater ambition, Tranter resists the nihilism that this monster metaphor recommends. If individuals, as legal subjects, are mere nodes within an expanding network of technical legalities, then one would expect us be consumed by technology and code. One would expect us to be swallowed by networks. One would expect us to be engulfed by the monstrous. Instead, although we may be partly consumed by a technological transformation, we can survive and even flourish in an embedded state, Tranter claims. He repeatedly emphasizes "the living and becoming of a specific form of technological Being-in-the-world" (p. 185).

Tranter also asserts that to reach this hoped-for enlightened future, caution is required and sensitivity to multiplicity is necessary. Simplistic metaphors and narratives can mislead. Technical legality is not merely a monster.

Tranter explains: "By framing thinking about law and technology according to a narrative of monstrous technology, vulnerable humanity, and saving law, a simplified static representation of the becoming of the West is sketched" (p. 184) while powerful strands of multiplicity and complexity go unnoticed. Autonomous and semi-autonomous automobiles, for example, are typically considered by legal scholars as one-dimensional threats requiring control. If piecemeal legislation affixing liability from driverless cars is premised on a simplistic worldview, it can miss the mark. Cars are not merely characters in a narrative, they are, Tranter claims, located within "basic functionalities of identity, myth and biopower" (p. 184). Cars are in fact "deeply located and expected by the politico-legal networks" (p. 184). They are cultural and expressive as well as technological. Legislation must take all of this into account.

This "becoming" transformation is expertly charted in Trantor's assessment of *Battlestar Galactica*. Cylons mimic the Frankenstein narrative; formed by humans as human-like others, the cylons reveal their monstrosity with a ruthless war of genocide against their creators. Initially, the television series simply tells a story of war, politics, and conflict. Then, its tone turns almost metaphysical. Initially, humans used machines to resist the machines. Later, "the representations of technology move from the human (beings) using machines (things) to a disorienting conflating of being and thing" (p. 97). Citing Martin Heidegger, Trantor presents technology in *Battlestar Galactica* as "a mode of ordering" (p. 97). For

Trantor, technology "occupies the very essence of humanity" (p. 97). This claim is articulated in *Battlestar Galactica* when the narrative reveals that the plot takes place 150,000 years in our past; that we in fact are the genetic offspring of humans and cylons. It turns out that we ourselves are hybrid monsters.

Tranter's book is an important contribution of original law and humanities scholarship. It succeeds in utilizing popular science fiction texts to examine the law-technology interface. While his sanguine vision of a technological "Being-in-the-world" (p. 185) is never fully explained, Tranter has deftly aimed the compass of further science fiction and law studies towards a buoyant potential.