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## **Law and Literature – New Tendencies Based on the Example of Science Fiction Motifs**

**Abstract:** This article presents an example of law and literature movement applicability as a phenomenon in legal sciences. It shows the links between law and literature based on the example of the features that are characteristic of literature and, at the same time, are important in the reflection of the philosophy of law and in current law-making practice. This approach is inspired by a cultural approach to legal theory and philosophy (cultural studies of law). The law and literature movement deals with diverse issues in the field of the integration of legal sciences with linguistics and literary theory. The law and literature movement is not novel in the Anglo-Saxon legal culture, as opposed to Polish law science where it is rather new and has recently been gaining in popularity. In this paper, I will try to answer the question of how the law and literature movement and research perspectives originating from this trend could be an inspiration for further use in legal philosophy. This reflection is inspired by some works in the science fiction (S-F) genre.

**Keywords:** android, Asimov's laws, cultural legal studies, law and literature, science fiction

### **Introduction**

The law and literature movement is developing primarily in Anglo-Saxon legal science.<sup>1</sup> Most American law schools offer lectures and even diploma seminars on the

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1 See, e.g., M. Aristodemou, *Law and Literature: Journey from Her to Eternity*, Oxford 2000; G. Binder and R. Weinberg, *Literary Criticism of Law*, Princeton 2000; R. Weinberg, *Literary Criticism of Law*, Princeton 2000; P. Brooks, *Narrativity of the Law*, 'Law & Literature' 2002, no. 1, pp. 1–10; P. Hanafin, A. Gearey and J. Brooker (eds.), *Law and Literature*, Oxford 2004; F. Dore, *Law's Literature, Law's Body: The Aversion to Linguistic Ambiguity in Law and Literature*, 'Law,

subject. This research is also recognized by some American lawyers' corporations. In Polish law science, this trend was not very important. In recent years however, it has become increasingly popular.<sup>2</sup>

There have been works on legal threads in literary fiction, including many variations of research on law and literature. Another perspective is to place it as part of a critical study of the law or poststructuralist legal theory. There are also studies on the law and literature movement which are understood as a part of the aesthetics of the law (and *law and music*, *law and film*, law, and so on).<sup>3</sup> Methodological views of this trend are also being considered. Besides the well-known trends – *law in literature* and *law as literature* – there are other approaches; some researchers distinguish even more detailed variations, namely *law on literature*, *literature in law*, *literature and law*, and *legal literature*, and so on.

This diversity of approaches reflects the characteristic feature of the law and literature itself. It is heterogeneous and diverse. It can be useful to approach law and literature from a cultural perspective. The law and other fields involved in cultural communication coexist in the cultural and communicative context. Many texts, social codes, and symbols – literary and legal – have common cultural roots. Therefore, both literary and legal texts can be studied using research tools of literary theory in the light of cultural studies, and this type of research is called *cultural literature theory*. This is an argument for conducting in-depth research treating law and literature as convergent areas. What is distinctive of the cultural point of view in the application of the law and literature movement in the legal sciences is the possibility of observing the influence of literature on the law based on the example of science fiction literary works. Many problems which concern the modern philosophy of law and jurisprudence have long been present in literature and films, especially in the science fiction genre. This reflection may have been inspired by Philip K. Dick's prose and other works in the genre of science fiction and cyberpunk, and several S-F films. As L. Sutin explains, 'Philip K. Dick is a master of the speculative imagination – the type of im-

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Culture and Humanities' 2006, no. 2, pp. 17–28; K. Dolin, *A Critical Introduction to Law and Literature*, Cambridge 2007; C. Biet, *Judicial Fiction and Literary Fiction: The Example of the Factum*, 'Law & Literature' 2008, no. 3, pp. 403–422; R. Weisberg, *Wigmore and the Law and Literature Movement*, 'Law & Literature' 2009 no. 21, pp. 129–145.

2 See, e.g., J. Kuisz and M. Wąsowicz (eds.), *Prawo i literatura. Szkice*, Warsaw 2015; *Idem*, *Prawo i literatura. Antologia*, Warsaw 2019; K. Zeidler and M. Andruszkiewicz, *Law and literature*, (in:) A. Bator, J. Zajadło and M. Zirk-Sadowski (eds.), *Wielka encyklopedia prawa. Tom VII Teoria i filozofia prawa*, Warsaw, 2016, pp. 334–339; 2016; J. Kamień, J. Zajadło and K. Zeidler (eds.), *Prawo i literatura. Parerga*, Gdańsk 2019. M. Andruszkiewicz, *The Heritage of Cultural Determinants of Law and Literature: Methodological Findings*, 'International Journal for the Semiotics of Law – Revue internationale de Sémiotique juridique' 2021, vol. 34(2), pp. 611–621.

3 See K. Zeidler, *Estetyka prawa*, Gdańsk/Warsaw 2018, *passim* and literature cited there.

agination that includes but goes beyond psychological, political, and moral explorations to challenge the very cognitive constructs by which we order our lives<sup>4</sup>.

The research question posed in this text is as follows: what new challenges for the philosophy of law result from the development of the law and literature trend? General remarks and problems that may constitute a set of new tendencies, as well as issues that may be of interest to the philosophy of law in the future, will be presented. Achieving the goal of this article will consist of discussing selected examples of the application of the law and literature trend in the philosophy of law and law-making practice.

## 1. The Main Assumptions and Creators of the Law and Literature Movement

The law and literature movement deals with diverse issues in the field of the integration of legal sciences with linguistics and literary theory. The increase in interest in law and literature relationships started around the 1970s, when interdisciplinary research on law developed, taking into account the perspectives of other disciplines – sociology, psychology, economics, communication sciences, language, and literature. However, interest in this issue originated much earlier. One of the first researchers was Benjamin Cardoso, who in his essay titled ‘Law and Literature’ analysed written reasons for judgments from the perspective of literary characteristics.<sup>5</sup> In 1908, John H. Wigmore published a high-profile list of legal novels containing outstanding works of world literature.<sup>6</sup> These are a set of famous works in which there are literary reflections on law, legal systems, lawyers, and legal practice. Wigmore claimed that this list contained work that every lawyer should know. James B. White, who is considered the creator of the trend, presented the main assumptions of this research direction in his famous work *The Legal Imagination*.<sup>7</sup> White’s proposed research perspective was an attempt to use theoretical lyric methods to study legal texts.

The law and literature movement was originally expected to overcome the stereotypically hermetic nature of legal language and legal circles, and to bridge the communication gaps between the legal and non-legal worlds.<sup>8</sup> The concepts of literary analysis of the law, referred to as law and literature, may serve as a platform for the study of the grounding of cultural heritage and its variation in time and space. This is a diverse, complex field, forming part of critical legal studies. It is sometimes asso-

4 L. Sutin, *Divine Invasions. A Life of Philip K. Dick*, New York 2005, p. 9.

5 B. Cardoso, *Law and Literature*, New York 1931.

6 J.H. Wigmore, *A List of Legal Novels*, Chicago 1908, *Idem*, *A List of One Hundred Legal Novels*, ‘Illinois Law Review’ 1922, no. 17, pp. 26–41.

7 J.B. White, *The Legal Imagination*, Boston 1979.

8 K. Zeidler and M. Andruszkiewicz, *Law and literature...*, *op. cit.*, p. 335.

ciated with American postmodernist jurisprudence, given the subject studied or the methods adopted. Some researchers also point to a relation with Jacques Derrida's deconstructionist point of view, and H.G. Gadamer's hermeneutics.

Law and literary theorists distinguish two main trends as part of the problem of combining law and literature, namely the *law in literature* and the *law as literature*. The first, law in literature, is referred to as the external approach and examines the legal motifs in literary works. These are studies similar to critical literary analysis. Such points of reference support learning about various aspects of the functioning of the law and promote knowledge about the specificity of legal cultures and the characteristics of the law in its diachronic development. Internal recognition of law as literature focuses on the analysis of legal texts using theoretical literary tools. This study centres on the theoretical and literary analysis of the structural, semantic, and stylistic properties of legal texts, examined by means of the techniques used by literary scholars. Legislative activity is seen as a kind of linguistic creation, as is the creation of other types of texts, including literary ones.<sup>9</sup> Issues of legal interpretation and literary interpretation, as well as analogies between the legal text and the literary text, are of particular interest here.

## 2. Law and Literature Movement Applicability as a New Trend in Philosophy of Law

It is possible to notice the links between law and literature based on the example of the features that are characteristic of science fiction works and, at the same time, are important in the reflection of legal sciences. The possible links between law and science fiction literature have already been noted.<sup>10</sup> Typical motifs of science fiction

9 See more: *Ibidem, passim*.

10 See, e.g., F. Lyall, *Law in Science Fiction: An Introduction*, Foundation 1992, no. 55, pp. 36–57; B.L. Rockwood, *Law, Literature, and Science Fiction: New Possibilities*, 'Legal Studies Forum' 1999, vol. 23, no. 3, pp. 267–280; S. Leslie-McCarthy, *Asimov's Posthuman Pharisees: The Letter of the Law Versus the Spirit of the Law in Isaac Asimov's Robot Novels*, 'Law Culture and the Humanities' 2007, no. 3, pp. 398–415; G. Hallevy, *The Criminal Liability of Artificial Intelligence Entities – from Science Fiction to Legal Social Control*, 'Akron Intellectual Property Journal' 2010, vol. 4, pp. 171–201; W. Raiford, *Race, Robots, and the Law*, 'New Boundaries in Political Science Fiction' 2008, no. 93, pp. 93–113; M. Travis, *Making Space: Law and Science Fiction*, 'Law and Literature' 2011, vol. 23, no. 2, pp. 241–261; K. Tranter, *Living in Technical Legality. Science Fiction and Law as Technology*, Edinburgh University Press, Edinburgh 2018; O. Ben-Naftali and Z. Trigger, *The Human Conditioning: International Law and Science-Fiction*, 'Law, Culture and the Humanities' 2018, vol. 14(1), pp. 6–44; W. Jankowski, *Raport mniejszości, czyli prawie ideał kryminologii pozytywnej*, (in:) J. Kamień, J. Zajadło and K. Zeidler (eds.), *Prawo i literatura*. Parerga, Gdańsk 2019, pp. 347–356; P. Książak and S. Wojtczak, *Prawa Asimova czyli science-fiction jako fundament nowego prawa cywilnego*, 'Forum Prawnicze' 2020, no. 4(60), pp. 57–70; C. Casey and D. Kenny, *How Liberty Dies in a Galaxy Far, Far Away: Star Wars, Democratic De-*

literature as an object of interest in philosophy of law are as follows: the definition of human and humanity; the limits of experiments related to the human body's improvement; the distinction of a human from a non-human; differences or convergence between a man and an android; artificial beings and their rights; the definition of the relationship between man and robot/artificial intelligence, etc. At the same time, these issues have long been of interest to literature and film. There are many literary works and films on this list.<sup>11</sup> There are comments on science fiction and the law included in other works.<sup>12</sup>

Questions about who people are and what it means to be human are among the traditional questions that literature, and not only science fiction, addresses.<sup>13</sup> The crucial question is: *is it possible to catalogue characteristics that would define the 'uniqueness of man'?* Literature has played a key role in determining human nature and its limitations, and at the same time pondering the question of what it means to be non-human, a mutant, a robot, an android, or a non-human person.<sup>14</sup> Characteristics of S-F literature present, for example, in the prose of Philip K. Dick are issues like the definition of human and humanity. The main issues in Dick's novel entitled *Do Androids Dream of Electric Sheep?* (1968) and the films based on it, *Blade Runner* (Ridley Scott, 1982) and *Blade Runner 2049* (Denis Villeneuve, 2017), concern the differences or convergence between man and android.

In Dick's novel, androids look like real people, have memories (a human trait), and it is difficult to distinguish an android from a human, even with the help of a special test. Even the main character, who considers himself a man, has such doubts. Rick Deckard deals with killing those who escape from their colony planets. He says:

He had never thought of it before, had never felt any empathy on his own part toward the androids he killed. Always he had assumed that throughout his psyche he experienced the android as a clever machine – as in his

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cay, and Weak Executives, 'Law and Literature' 2021; J.L. Contreras, Science Fiction and the Law: A New Wigmorean Bibliography, 'Harvard Journal of Sports & Entertainment Law' 2022, vol. 13, no. 1, pp. 65–112.

- 11 As an example, some of them can be mentioned: Mary W. Shelley, *Frankenstein; or The Modern Prometheus* (1818); Karel Čapek, *R.U.R. (Rossumovi Univerzální Roboti)* (1921); Isaac Asimov, *Runaround* (1942); Philip K. Dick, *Blade Runner. Do Androids Dream of Electric Sheep?* (1968); William Gibson, *Sprawl Trilogy* (1984, 1986, 1988); Orson S. Card, *Ender's Game* (1985); *Matrix* (Lilly Wachowski and Lana Wachowski, 1999), *The Matrix Reloaded* (2003), *The Matrix Revolutions* (2003), *The Matrix Resurrections* (2021); *Blade Runner* (Ridley Scott, 1982); *Blade Runner 2049* (Denis Villeneuve, 2017); *Dune* (David Lynch, 1984); *Dune* (Denis Villeneuve, 2021), and many more.
- 12 See, e.g., materials from the symposium Law, Literature, and Science Fiction, 'Legal Studies Forum' 1999, no. 3, vol. 23, and literature cited there.
- 13 A. Bennett and N. Royle, *An Introduction to Literature, Criticism and Theory*, Harlow 2005, p. 224.
- 14 *Ibidem*, p. 227.

conscious view. And yet, in contrast to Phil Resch, a difference had manifested itself. And he felt instinctively that he was right. Empathy toward an artificial construct? he asked himself. Something that only pretends to be alive? But Luba Luft had seemed genuinely alive; it had not worn the aspect of a simulation.<sup>15</sup>

Another important question is: man vs android – what is the difference? Who are people and what does it mean to be human? Is it possible to catalogue characteristics that would define the ‘uniqueness of man’?<sup>16</sup> Modern literature, influenced by the development of biotechnology, genetic engineering, and other progressive sciences, describes various forms that are ‘mutants’ of man – cyborgs, hybrids, chimeras, etc. The interference of advanced technologies in the human body is a distinctive motif of science fiction literature. It is worth adding that the working title of Dick’s novel was *The Killers Are Among Us! Cried Rick Deckard to the Special Man*.<sup>17</sup> In *Blade Runner* P.K. Dick’s binaries (such as the natural and artificial) are tentative in their orientation and often collapse into symbiosis – that the natural (Deckard) and artificial (Rachael) exist in a dialectical relationship – as human and machine.<sup>18</sup> In Dick’s text we read:

The Nexus-6 android types, Rick reflected, surpassed several classes of human specials in terms of intelligence. In other words, androids equipped with the new Nexus-6 brain unit had from a sort of rough, pragmatic, no-nonsense standpoint evolved beyond a major – but inferior – segment of mankind.<sup>19</sup>

Tore Westre writes that ‘both the novel and film *Blade Runner* raise the question of what it means to be human, and what criteria lie under the term “human”. Biologically, the androids can be considered human, although they are not sexually produced. They do, however, fall under the category “homo sapiens”, as the word derives from Latin, and means “wise man”... Both the novel and film portray the androids as intelligent beings.’<sup>20</sup> As Dick said, ‘The true measure of a man is not his intelligence or how high he rises in this freak establishment. No, the true measure of a man is this: how quickly can he respond to the needs of others and how much of himself he can give.’ In Dick’s novel, the crucial criterion for distinguishing man from android is em-

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15 P.K. Dick, *Do Androids Dream of Electric Sheep?* New York 1996, p. 141.

16 S. Lem, *Summa technologiae*, Cracow 2019, p. 32.

17 L. Sutin, *Divine Invasions. A Life of Philip K. Dick*, New York 2005, p. 439.

18 D.C. Ryan, *Dreams of Postmodernism and Thoughts of Mortality: A Twenty-Fifth Anniversary Retrospective of Blade Runner*, pp. 10–11, [www.sensesofcinema.com/2007/feature-articles/blade-runner/](http://www.sensesofcinema.com/2007/feature-articles/blade-runner/) (23.05.2022).

19 P.K. Dick, *Do Androids Dream...*, *op. cit.*, p. 31.

20 T. Westre, *Do Androids Dream of Electric Sheep and Blade Runners?* Inland Norway University of Applied Sciences 2018, p. 14. <https://brage.inn.no/inn-xmlui/handle/11250/2602236> (23.05.2022).

pathy. For both Dick and Deckard, the determinant of humanism is concern for others; human beings' caring for one another is central to their humanity.<sup>21</sup>

The question of whether it is possible to differentiate a human from a non-human such as a robot or an android is also crucial in the legal sphere. Technological progress poses new challenges for law scientists, for example the need to reflect on the concept of subjectivity. The law uses the concept of a person, understood as an individual who is the subject of the law. Technological advances also lead to other non-human beings whose actions may be relevant in the legal sphere. Robots used in various spheres of social practice are also starting to be regulated by the law. This implies the question of the extent to which the concept of legal subjectivity is understood. Questions about, for example, the ontic status of robots equipped with artificial intelligence (AI) or the decision on liability for these robots' actions are being more and more considered as new problems of various branches of law, e.g. criminal, civil, family, or labour law. As Christopher Brown notes, 'some science fiction stories get right up to the edge of legal procedurals by focusing on changes in the criminal law, as with Philip K. Dick's "The Minority Report", about a world where people are prosecuted for crimes the system predicts they will commit in the future, or Asimov's "A Loint of Paw", which considers the statute of limitations applicable to time travelers.'<sup>22</sup>

An eternal literary question: is it possible to catalogue characteristics that would define the 'uniqueness of man'? This goes to the fundamental question of philosophy of law. Modern philosophy of law sees the human individual status of other non-human beings, the problem of artificial beings and their rights, the definition of the relationship between man and robot, or artificial intelligence as an important problem. The problems of defining in law 'electronic persons', cyber-components of man, its 'expansion' by artificial elements, the legal (and moral) subjectivity of artificial beings become momentous objects of reflection in modern philosophy of law and legal bioethics. New research trends, such as transhumanism and *human enhancement*, are being shaped by technological developments. Also, there is a need in the philosophy of law to define, for instance, the status of man as an entity in the light of cyborgization, human-robot relations, or the limits of interference of artificial technologies in the human body. These problems have already been the subject of scientific analysis in the trend of law and literature. For example, Orna Ben-Naftali and Zvi-Triger analysed the attention science fiction has given to the man-machine interaction and

21 C. Lovins, A Ghost in the Replicant? Questions of Humanity and Technological Integration in Blade Runner and Ghost in the Shell, 'Journal of Science Fiction' 2019, vol. 3, p. 23. In the novel, Deckard is tasked with retiring six escaped androids with the newest 'Nexus-6' brain type. He performs the Voigt-Kampff test – an empathy test used to distinguish androids from humans. In the film, the human/android difference is framed slightly differently. See: *Ibidem*, p. 26, *passim*.

22 Ch. Brown, Will There Be Justice? Science Fiction and The Law, Tor 2019, August 7. <https://www.tor.com/2019/08/07/will-there-be-justice-science-fiction-and-the-law/> (29.10.2022).

its impact on the human condition. They studied law and literature motifs and their value concerning two technologies, one directed at creating life or saving it (cloning and organ donation) and the other at ending life (lethal autonomous robots).<sup>23</sup>

Many motifs that are the object of reflection and discovery of modern science, namely transhumanism, virtual databases, reality simulation technologies, and even robots capable of creating poetry and many others, were predicted in S-F literature (among others, by Stanislaw Lem) a few decades ago. These are important questions not only in philosophy and ethics but also in the philosophy of law. They fit into the canon of literary and cinematic motifs typical of the science fiction genre, which makes it possible to believe that the problems that are new to the law are age-old in literature.<sup>24</sup>

### 3. Law and Literature Movement Applicability as a New Trend in Law-Making

Science fiction literature contains many themes that are only now being discovered in the philosophy of law and legal bioethics, and law-making practice. The literature highlights reciprocal relationships between science fiction and law. On the one hand, science fiction has considered law and matters of jurisprudence in many of its texts; on the other hand, it has permeated the imagination of law, the judiciary, and the legislature.<sup>25</sup> Bruce L. Rockwood writes that here in science fiction literary works are political, legal, and ideological problems, considering present and possible futures.<sup>26</sup> Technological progress poses new challenges for law-making. There is a need to reflect on the concept of subjectivity; the subject of the law's rights, and their ethical and moral status of them. Nowadays, in philosophy and ethics, many ethical dilemmas and problems arise from the human–robot relationship. This area of research is called roboethics – the application of ethics to the conduct of robots. Modern lawyers no longer seem to doubt that it is necessary to take seriously the challenges posed by the paradigm of legal humanism to the emergence of advanced intelligent robots.<sup>27</sup> Lawmakers and legal practitioners are trying to tackle this challenge. In recent years, new legislative initiatives which regulate non-human materials

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23 O. Ben-Naftali and Z. Triger, *The Human Conditioning: International Law and Science-Fiction...*, *op. cit.*, p. 6, *passim*.

24 M. Andruszkiewicz, *Blade Runner 2049 – wyzwania etyki przyszłości. Jak literatura kształtuje rzeczywistość i prawo*, (in:) K. Zeidler (ed.), *Blade Runner. O prawach quasi-człowieka*, Gdańsk 2021, p. 54.

25 M. Travis, *Making Space: Law and Science Fiction...*, *op. cit.*, pp. 241–261. Travis analyses the reciprocal relationships between pop culture, science fiction, and law, and questions how these factors influence the amendments to the UK Human Fertilization and Embryology Act 2008.

26 B.L. Rockwood, *Law, Literature, and Science Fiction...*, *op. cit.*, p. 269.

27 M. Andruszkiewicz, *Blade Runner 2049...*, *op. cit.*, p. 64.



known as robots or electronic persons have been created. This is new to the law, but long known in fictional literature. The Initiative on the Legal Status of AI was taken up by the European Parliament in 2017. These proposals highlight the need to develop ethical principles for robotics, including the design, production, use, and modification of robots. The intentions include a code of conduct for robotics engineers, a code of ethics committees for research, rules for ethical research committees reviewing robotics protocols, and a licensing model for designers and users. The rules on robots are becoming an important subject of regulation. The EU's legislative proposals include references to several literary works and characters. Other states, such as the US, China, and the UK, are also working on regulatory frameworks. The role of these regulations is to establish legal norms which can shape and guide the ethics, based on which AI machine learning is trained.<sup>28</sup> The creators of new legal regulations on the laws of robotics are looking for support in neuroscience, bioethics, neurocognitive science, and computer science, as well as in literature. In the introduction to the motion for a European Parliament resolution with recommendations to the Commission on Civil Law Rules on Robotics we can read:

‘Whereas from Mary Shelley’s *Frankenstein’s Monster* to the classical myth of *Pygmalion*, through the story of Prague’s *Golem* to the robot of Karel Čapek, who coined the word, people have fantasized about the possibility of building intelligent machines, more often than not androids with human features.’<sup>29</sup>

In the proposed regulations, therefore, there is a myriad of prototypes of fictional characters endowed with artificial intelligence, chimeras, cyborgs, and androids, described in the canon of the S-F classics. It turns out that literature is the point of reference, not as a scientific discipline, but as literary fiction. The terminology of these regulations, including the terms ‘robot’ and ‘robot rights’, are derived from literature, too. The word robot has its literary origins in the work of Karel Čapek, who introduced it in his theatrical play *R.U.R. Rossumovi Univerzální Roboti*, (1921) (*Rossum’s Universal Robots*). The concept of a robot as an electromechanical creation also appeared in another literary work, namely Isaac Asimov’s short story entitled *Runaround* (1942). Čapek’s robots, however, were artificially produced creatures created on a biological basis, i.e. living organisms. In Asimov’s work, a robot is a machine (i.e. a technical device using the process of energy transformation), and more precisely a fusion of a machine and a computer.

The concept and way of understanding ‘robots’ rights’ also has literary roots. The rules, as set out in the fictional literary work, are widely used in both legislation and

28 T. Tzimas, *Legal and Ethical Challenges of Artificial Intelligence from an International Law Perspective* (Law, Governance and Technology Series, 46) 1st ed., Cham 2021, p. 114.

29 European Parliament resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)).

discourse on robotics rights. What's more, they have become commonly used under the name 'robots' rights' or 'Asimov's rights'. Their content is as follows: three laws<sup>30</sup>, plus the zeroth law added in *Robots and Empire*<sup>31</sup>:

- (1) A robot must obey the orders given it by human beings except where such orders would conflict with the First Law.
- (2) A robot must protect its own existence as long as such protection does not conflict with the First or Second Laws.
- (0) A robot may not harm humanity, or, by inaction, allow humanity to come to harm.

As reported in EU-supported research, Asimov's reinterpreted ethics laws may apply, for example, to the formulation of the ethical principles of robotic assistants for the elderly.<sup>32</sup> It turns out that literature – in this case as well – can be the inspiration for law and legal practice and legislative practice. In the previously mentioned European Parliament motion, we read:

'Asimov's Laws must be regarded as being directed at the designers, producers, and operators of robots, including robots assigned with built-in autonomy and self-learning, since those laws cannot be converted into machine code.'

It can be added that from the point of view of law, but also of robotics, it is known that these laws cannot be applied literally. There are sceptical views on this subject<sup>33</sup>. There are many risks associated with this. In *Blade Runner 2049*, androids are not – as in Asimov's works – only machines used by humans, but highly developed intelligent imitations of man. Also, robots used in modern technologies are much more advanced. Like androids, beings equipped with so-called strong AI may have the ability to learn, process information, and solve problems. It is not excluded that they could be equipped with consciousness. As Deckard thinks in Dick's novel, 'the servant was

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30 First Law: A robot may not injure a human being, or, through inaction, allow a human being to come to harm. Second Law: A robot must obey orders given it by human beings, except where such orders would conflict with the First Law. Third Law: A robot must protect its own existence as long as such protection does not conflict with the First or Second Law. I. Asimov, *Runaround*, 'Astounding Science-Fiction', March 1942, pp. 94–103.

31 I. Asimov, *Robots and Empire*. New York 1985.

32 Dlaczego prawa robotyki Asimova wymagają w XXI wieku aktualizacji, <https://cordis.europa.eu/article/id/121860-why-asimovs-laws-of-robotics-should-be-updated-for-the-21st-century/pl> (21.04.2022).

33 As Lee McCauley explains, 'Even though knowledge of the Three Laws of Robotics seems universal among AI researchers, there is the pervasive attitude that the Laws are not implementable in any meaningful sense'. *Idem*, *AI Armageddon and the Three Laws of Robotics*, 'Ethics and Information Technology' 2007, vol. 9(2), pp. 153–164. See also: S.L. Anderson *Asimov's "three laws of robotics" and machine metaethics* *AI & Society* 2008, vol. 22, no. 4, pp. 477–493, DOI 10.1007/s00146-007-0094-5 (23.05.2022).

sometimes wiser than the master'.<sup>34</sup> Is the vision of their participation in human life a utopia or a dystopia? This question can also be answered in literature. The above leads to the statement that if lawmakers draw inspiration from literary texts, law researchers can use research tools from the theory of literature. This is possible thanks to the cultural methodological approach in the law and literature movement.

## Conclusions

The standpoint of the examples described above shows that many problems and motifs – both literary and legal – have common roots in the canon of culture codes and symbols. The cultural point of view in the application of the law and literature movement in the legal sciences causes the influence of literature on the law – based on the example of science fiction literature. This kind of study shows that various cultural objects – like law, literature, film, and so on – can be a point of interest for complementary research. The cultural perspective of the law and literature movement presents the law and legal texts as an object of culture and as an artistic artefact. Cultural studies have the potential to expand the perspective of literary theory; the tools that literary theory offers can be used to study other texts as well. According to Stanislaw Lem's belief, science explains the world, but only art can come to terms with it.<sup>35</sup> Lem calls science fiction a 'collective phenomenon' of a sociocultural nature.<sup>36</sup> S-F works show that – as Donna Haraway writes – 'no longer structured by the polarity of public and private, the cyborg defines technological policies based partly on a revolution of social relations in the oikos, the household. Nature and culture are reworked; the one can no longer be the resource for appropriation and incorporation by the other'.<sup>37</sup> Law scholars are also beginning to recognize the role of S-F literature in understanding the law. As Jorge L. Contreras says, science fiction is an ideal medium in which to consider how the law can and should develop in the face of technological change.<sup>38</sup>

34 P.K. Dick, *Do Androids Dream...*, *op. cit.*, p. 30.

35 S. Lem, *Bajki robotów*, Cracow 2021.

36 S. Lem, *Microworlds. Writing on Science Fiction and Fantasy* by Stanislaw Lem, Franz Rottensteiner, San Diego/New York/London 1984, p. 47.

37 D. Haraway, *A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century*, (in:) N. Badmington (ed.), *Posthumanism*, London 2000, p. 67. S-F themes in pop culture are also studied as an example of the impact of new technologies on society, politics, economics, etc. See. S. Keslovitz, *The Digital Dystopias of Black Mirror and Electric Dreams*, Jefferson, North Carolina 2020.

38 J.L. Contreras, *Science Fiction and the Law...*, *op. cit.*, p. 72. Contreras presents interesting reflections on science fiction and law and proposes his list of 'legal science fiction works that can be used to inform judicial and legal reasoning and understanding of the rapid growth of modern science and technology'. See: *Ibidem*, p. 76, *passim*.

Although Philip K. Dick's novel and the films based on it do not directly depict legal themes, they ask philosophical questions that may have legal implications. Notions typical for the science fiction genre, such as humanity and human subjectivity, human–robot relations, responsibility for artificial intelligence actions, or boundaries of technological interference on the human body are nowadays posing challenges of a philosophical and ethical nature; these challenges will have to be addressed by legal philosophy, ethics, and other legal science, especially during rapid technological advancement. The topic of science fiction and law has already been the subject of scientific analysis, but the challenges related to technological development described in the literature still need to be sorted out in the sphere of law. At this stage of research development, it is difficult to formulate detailed conclusions in this text because the trends that have been signalled in it are just developing. Problems created by the appearance of AI and intelligent robots call for forming novel terminology, regulations, and ethical and legal rules concerning robot construction and use without infringing human rights, human dignity, and autonomy.<sup>39</sup> It appears that legal sciences may use literature and film as additional inspiration and an aid to solve these issues.

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39 As A. Brezcko says, the supervision of biotechnological opportunities undoubtedly requires, in the first place, that boundaries be drawn, i.e., a distinction made between 'therapeutic' and 'improvement' activities. *Idem*, Human Enhancement in the Context of Disability (Bioethical Considerations from the Perspective of Transhumanism), 'Białystok Legal Studies' 2021, vol. 26, no. 3, p. 104.

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