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“The Influence of Media and the Influence of New Technologies on Law: Socio-Legal Approach” – Introduction

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This special issue of the *Zeitschrift für Rechtssoziologie* brings together some of the papers presented at the workshop “The Influence of Media and the Influence of New Technologies on Law: Socio-Legal Approach” held at the International Institute for the Sociology of Law in Oñati/Spanish Basque Country in May 2023. The workshop formed part of the activities of the Working Group Law and Popular Culture of the Research Committee on Sociology of Law.

The *Zeitschrift für Rechtssoziologie* covered law and popular culture research quite early on, already in its sixth volume. Here, very influentially, Lawrence Friedman defined popular legal culture as concerned more with what the average citizen thinks about the law than how lawyers perceive law (Friedman 1985: 191). Later, articles appeared on the global influence of the Hollywood courtroom drama on the imagination of film producers and audiences (Machura & Ulbrich 1999), the effect of media consumption on German law students (Machura & Asimow 2004) and on students in German *Gymnasien* and technical colleges (Machura & Kammertöns 2009). Additionally, the contribution of popular legal culture came up in other articles in the *Zeitschrift* (e. g. Röhl & Ulbrich 2000 on visual legal communication). This volume adds further insights, including on the uses of new media, and new perspectives.

In his chapter “Character Development and Legal Message in Popular Culture”, Stefan Machura reflects on the perception that people have of the law and its insti-

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tutions through the analysis of popular culture (TV series, cinema and opera). The very nature of legal institutions, legal operators and the law itself come into view. The paper also presents a scenario in which these representations of law in popular culture can serve to reinforce stereotypes among citizens, such as the stereotypes of “the good” and “the bad”, or of what is good (or “right”) and what is bad (or “wrong”). In this context, a more than interesting debate is encouraged as to whether the identification with the fate of the protagonists of such representations of popular culture contributes to maintaining the status quo, or whether, on the contrary, they are a factor of change for society.

Peter Robson’s text “The Shifting Sands of ‘Impact’ in Law and Popular Culture – Personal Reflections” touches on virtually every subtopic of law and popular culture. It draws on the author’s career as a Scottish lawyer, tribunal judge and academic. The discussion is very rich in specialized literature from the area of law and popular culture. Robson emphasises the difficulties of determining the influence of media on public perceptions.

“Cancel Culture and Due Process of Law. The Use of Social Media Against Constitutional Rights” by Jesús Ezurmendia Álvarez and Flavia Carbonell Bellolio demonstrates how social media can be used in social and political struggles. The authors concentrate on actors from civil society finding ways to informally sanction human rights violations which can no longer be sanctioned by national law. The main example is Chile and the use of „funas feministas“ against perpetrators of crimes.

The IISL workshop where the papers originated also dealt with the powerful process of digital transformation and the incorporation of advanced technologies into the realm of law. The developments will in all likelihood lead to a change in citizens’ perceptions of law and of the justice system.

A controversial topic of enormous interest and actuality is addressed by Guy Osborn and Mark James in their article “Regulating Ticket Touting”. It analyses the way in which the legal regulation of technological advances is evolving, more specifically, those technological advances that are taking place in the entertainment industry in general, as well as the technological advances that are taking place in the sale and resale of tickets for entertainment and sporting events in particular. The work, moreover, acquires greater relevance in a context in which this type of phenomenon is becoming a reality, as well as a problem, to which the law must provide an adequate response. The authors show that the law has difficulties in responding to technology, since technological development is accelerating at a faster pace than legislative interventions can accommodate.

Iker Nabaskues Martínez de Eulate in his article “Transhumanism: Beyond the T-800 and The Replicant” presents a critical study of transhumanism. The article invites us to reflect on the profound anthropological and ethical implications that

this phenomenon may bring with it. Nabaskues Martínez de Eulate begins by presenting the two main models of transhumanism. Firstly, the techno-scientific or cybernetic model of transhumanism, which seeks the hybridization between person and machine and advocates the creation of a new hybridized species, superior to humans. And secondly, biological transhumanism, which advocates human bio-improvement based on advances in biology, medicine, pharmacology and genetics. The article presents a theoretical framework from which to approach the analysis of the phenomenon of transhumanism. The discussion does not fall for maximalist temptations, or antagonistic approaches such as technophilia and technophobia, as opposite extremes of the relationship between technology and human beings. The article ends by highlighting and vindicating the importance of the principle of responsibility as best representing our human condition or nature.

The impact of Artificial Intelligence in selected legal professions is investigated by Francisco Javier Fernández Galarreta in his chapter. He analyses a highly topical issue, the possibility of an artificial intelligence taking the place of a human judge when it comes to dispensing justice. This issue is a subject of debate with not only legal but also philosophical connotations, especially in a context where there are countries that are already carrying out this type of practices. Likewise, the article analyses from a legal point of view the fundamental and procedural principles that would be affected by this issue.

We would like to thank the editors of the *Zeitschrift für Rechtssoziologie* for adopting the special issue. Further papers from the Oñati workshop, dealing with the influence of new technologies on law, appeared in the Oñati Socio-Legal Series (Nabaskues Martínez de Eulate & Fernández Galarreta eds., 2024).

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