

## Chapter 18

# Defamation in Cyberpunk

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### ABSTRACT

*The law of libel, which balances rights of expression and reputation, has found unique conceptual and ontological challenges in the virtual utopia of cyberpunk culture. A presumption that law is to sociology as ontology is to humans allows this essay to examine whether United States libel laws can reconcile with the ephemeral technologies and assertive demands of cyberpunk. In revisiting goals of libel law, the essay discusses the critical questions of whether bots and cyborgs have a reputation, whether artificial intelligence is more ideology than technology, whether legal positivism is moot, and whether post-professional and post-national environments will universalize the principles of libel law.*

### IMAGINE . . .

*Cyrus ModelXRB124 was a stunning being, one of the top of his caliber. In 2055, Radical Western Studios CEO Bradbury Raymond contracted Noah Musk to create him a robot actor who would look very human, and whose emotional intelligence would confound and confuse the world, while captivating their hearts. The robot was created in the likeness of Tom Cruise, Tom Hanks, Angelina Jolie and Will Smith in their younger days. The robot was a magnificent creature, warm-hearted, sensitive, inquisitive and strong. The idea was to create the perfect actor, who would be studio owned and would simulate human behavior. With advances in computer-generated interface, machine learning, and robotics engineering, Cyrus became a worldwide sensation. Cyrus played the leading role in more than a dozen movies. Then one day, *The Secret*, a sensational celebrity gossip weekly internet magazine, published the story with explicit photos and video excerpts revealing how Cyrus had been involved in the adult movie industry. Raymond was incensed at the accusations and called the magazine editor to retract the story and remove the photos and videos. The robot star in fact was about to be contracted as the lead role for a Disney adventure series. The executive, bellowed, “Cyrus had never been involved in any seedy activities and the censored photos and videos were all fakes. He would not be manipulated by a trashy celebrity gossip rag.” The case went to a grand jury, with Raymond and Cyrus both suing the company for libel. The case was dismissed quickly for Cyrus because the judge argued that a robot is not human and cannot*

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*have a reputation. However, Raymond was permitted to pursue the case because he owned Cyrus, and it was deemed that he was the property of the Hollywood executive. Several hundred activists protested outside the court proceedings daily as the case caught national media and public attention. Many on-lookers were appalled that their favorite actor could be owned by a corporate executive, with numerous fans calling for the robot's liberation and rights for Cyrus as an U.S. citizen.*

## INTRODUCTION

Using a context of futuristic law, this essay revisits the dystopian and morally gutted world of dominant corporations and ubiquitous artificial intelligence that William Gibson predicted in the 1980s. Gibson, the American-Canadian sci-fi doyen, is the reputable father of cyberpunk, a genre of science fiction in which amoral lawlessness and corporate greed, both enabled by embodied technologies, rule a dark world of cyborgs, or evolutionary humans hardwired with software. The cyborgs are beings who have little *being*, for they have willingly shed aspects of their humanity in order to coalesce with the lovable machines that control them. They are conjoined with not only artificial intelligence, but also artificial consciousness.

With eerie accuracy, Gibson's sci-fi went on to influence technologies of the 2010s, including machine learning, biometrics, radio-frequency identification (RFID), false or "fake" real-time news, news bots, holograms, and, of course, virtual and augmented reality. Gibson's three great dystopian novels, *Neuromancer* (1984), *Count Zero* (1986), and *Mona Lisa Overdrive* (1988), which together created cyberpunk, also conceptualized "cyberspace" (a word he coined.) Cyberpunk, in its darkly riveting prognosis for humanity in celebrating artificial intelligence and consciousness, is also the magical attraction of many celebrated Hollywood pictures and role-playing gaming environments, including *Alita: Battle Angel* (2019), *Upgrade* (2018), *Blade Runner 2049* (2017), *The Zero Theorem* (2013), *Dredd* (2012), *Watchmen* (2009), *Renaissance* (2006), *Minority Report* (2002), *The Matrix* (1999), "Cyberpunk 2077" (2020), "Ruiner" (2017), and "Jazzpunk" (2014). Their cyborg protagonists, too often oblivious to their cybernetic identities, dominate a "sprawling virtual utopia." (Cline, 2012) whose unknown universe, to emphasize an irony, is as real as the known one. Cyberpunk culture is constantly transcending definition as it takes on new forms and genres, such as, the Norwegian media sociologist Hendrik Spilker notes, streaming-music dimensions of professional, piracy, on-demand, multi-feature platforms, and niche (Spilker & Terje, 2020). For cyberpunk, the medium of the binary digits, zero and one, is not a disruptive technology but mainstream.

Nebulous cyberpunk can trigger intense reflection in a legal scholar. Is artificial intelligence an ideology or a technology? Can rights exist without a "face"? Can embodied technology, such as a robot or cyborg, have a right to a reputation? How about a disembodied robot, or "bot"? Are we really talking not about rights, but control? Does a legal beacon for humanity, such as the Universal Declaration of Human Rights, apply to robots, bots and cyborgs?

Libel law offers principles that can enlighten cyberpunk in scenarios that Gibson imagined and envisaged, such as those that became real in the 2010s' technological continuum of content immersion, sharing and distribution. While traditional legal research relies on a trickle-down analysis to update law for newly evident situations, cyberpunk demands a "trickle-up" analysis to update law for situations and scenarios that are not emerging or known, but imagined in, say, the 2040s. Much legal scholarship looks backward, as in examining case law, or near-term forward, as in updating law for contemporary and

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