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## Foreward to the Fall 1996 Edition

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## Foreword to the Fall 1996 Edition

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{1} Welcome gentle reader (or is it viewer) to the Journal of Technology Law & Policy, a project of the students of the University of Florida College of Law. Who else but students would have the imagination to write and edit articles about technology using new technology? Who else but law students would have the audacity to link law and technology together (and throw in public policy as a bonus!)? Yet, here it is: technology law and policy, presented in a new medium. The only question remaining is: why?

{2} The message is plain. Human civilization is marked by its technological progress. Early humans captured fire and began to control their physical environment. They invented tools to capture food, weapons to conquer enemies, and implements and chemicals to grow crops for themselves and their domesticated livestock. They created machines to lessen their burdens and create faster, more efficient means of production. They vehicles for transportation and communication devices. In short, people have always used all that is around them to improve their lot, to progress even further on the development of the human condition.

{3} As one studies history, one learns of bronze and steel ages and of industrial revolutions. As students of the law, we frequently view these ages and the technological advances that mark our progress from a distance, as if they are unrelated to the development of law itself. But that view is distorted and always has been, for the advance of technology is itself a critical driver of the law

{4} There is no area of law untouched by the relentless progress of technology. Just a quick glance at the first year of law school teaches us much. Contract law was born of the simple transactions of those close to each other. No need for writing, when those who deal know each other. But, if transportation and

communication make deals with strangers more likely, must the law evolve to permit such transactions. It must and it did. Tort law dealt well with simple human interactions in small communities. Predictions based upon reasonable men could be made with certainty and coherence. Damages flowing from simple transactions could be measured and their cause determined. But what of distant communities and deals with strangers? What of new dangerous products that hurt people who are not in privity with sellers or manufacturers? What of massive injuries caused by unforeseen consequences of a product used as it was intended? Or used in some novel, but foreseeable way? New technologies begat new causes of action, new rights, new damages, adaptation. The law grows as we grow.

{5} Property law dealt with transfers of real things, located in real places. But could the law respond to distant transactions? Movement of intangible, but very valuable things? Protection of property of the mind, intellectual property? If the human could create it, the law could and does protect it.

{6} Civil procedure required service of process in hand, live, with actual presence. Depositions must have been recorded by hand, with a live reporter. Could the law permit mailed service? Video recording? E-mail filing? Of course! Absolutely! We are getting there!

{7} No surprise then, technology and law long have gone together. Thus, a journal devoted to law and technology should raise no eyebrows. However, this journal sets forward on a far different mission: it does not seek solely to address how law and technology work together; it seeks to develop the law of technology. In this sense the Journal of Technology Law & Policy is about the creation of an entire new discipline. It recognizes that the complexity of modern invention has led to complexity in law. Entire new courses have been created, such as Space Law, Law and Technology, and Computer Law that represent the intersection of law and technological innovation. What is now novel is that these areas themselves are best described with an overview Technology Law.

{8} With this emerging area of law, one could design a new journal, limit its scope to the domain of law, and become just another cog in the machinery of law school. But such a project would be uninteresting. Technology itself cannot be limited to science or engineering or medicine or even invention. Of necessity it requires the exploration of philosophy and ethics and an understanding of women and men and their stories. Law too escapes narrow definition. Legal rules are the product of complicated and contingent judgments, the stuff of politics and broad discourse. Hence the Journal of Technology Law also is a Journal of Policy. New technology and new law require solutions from all disciplines

{9} Sometimes the message can be conveyed in conventional or even flat communication. The world of law and social policy is filled with sterile journals, footnoted to death, presented in bound volumes sometimes too heavy to lift, let alone read. But sometimes the medium is the message. So it is with the Journal of Technology Law & Policy. Here the message is on the NET. It is connected, wired, and ready for importation to a local home. If there is any learning in the last few years about technology, it is that new methods of communication can liberate us and create access for vast numbers of people. This Journal is a testament to that learning: technology law and policy is too important to relegate to a few libraries and books that will soon collect dust. Open a new directory, browse and learn, this Journal is committed to grow with you.