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Book review: *Law and Technology: A Methodical Approach*

Ryan Calo
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1 Introduction

The field of law and technology has a problem, so diagnoses esteemed law and technology scholar Ryan Calo in his new book, *Law and Technology: A Methodical Approach*. The study of law and technology "often lacks the rigor, coherence, and consistency that analysis of technology demands."[1] As a result, scholars of this pursuit are "poorly situated to address a subject matter as complex, dynamic, and frankly *disorienting* as technology."[2] This need not be. Calo offers a solution: a "formal approach to law and technology capable of navigating how technology daunts and confuses" that centres transparency, rigour, and consistency in the pursuit of legal interventions for technology: The Methodical Approach to Law and Technology (the "Methodical Approach").[3] Calo's work not only illuminates the path forward but also provides a valuable lens through which to view past works in law and technology.

2 A History of Law and Technology

In the first half of his book, Calo lays the foundation for his proposed Methodical Approach by exploring the conceptual challenges (Chapter One) and theoretical neighbours (Chapter Two) of technology and law.

Chapter One outlines three challenges with centring technology as a topic of legal analysis: *non-contingence*, *hidden will*, and *ungovernability*. Calo uses the term "*non-contingence*" to refer to the illusory inevitability of technology as a constant force of forward societal progress.[4] Instead, Calo contends, technology's

[1] Ryan Calo, *Law and Technology: A Methodical Approach* (Oxford: OUP, 2025), p. 4.
[2] *Ibid*.
[3] *Ibid*., p. 86.
[4] *Ibid*., p. 26–27.

legally salient potential to shape behaviours and outcomes is contingent on contemporaneous social circumstances.[5] Second, Calo uses "*hidden will*" to describe technology's ability to obscure the role of its creators.[6] As Calo observes, "technology means *someone else not present is participating*."[7] Complex as the issue of attributing legal responsibility in such mediated interactions may be, Calo's observation characterises the root of the problem as a diffusion of responsibility. This insight raises the potential for reforms aimed at explicitly locating and "concentrating" legal responsibility, such as strict liability regimes.[8] Third and lastly, Calo objects to the "myth" that novel technology is somehow *ungovernable*.[9] Calo identifies two variations of this myth: emerging technology is too *complicated* for lawmakers to address (the "*complexity problem*"), and that technology *outpaces* democratic decision-making for productive rule-making (the "*pacing problem*").[10] The reviewer suggests a qualification: while the complexity and pacing problems do indeed plague the regulation of novel technology, not all jurisdictions use these problems to justify non-regulation as the US has.[11] For instance, as Calo notes, EU regulators have pioneered a variety of legal frameworks in the tech law space despite these challenges.[12] While their innovations are far from perfect, with the aforementioned problems manifesting as challenges in reconciling conflicting definitions between different frameworks with the *Digital Service Act* and *General Data Protection Regulation* as well as in capturing novel iterations of technology such as general purpose AI programs

[5] *Ibid*., p. 28.
[6] *Ibid*., p. 31.
[7] *Ibid.*
[8] *Ibid*., p. 38.
[9] *Ibid*., p. 39.
[10] *Ibid*., p. 39–40.
[11] See *e.g. ibid*., p. 44–45.
[12] *Ibid*., p. 44–45.

like ChatGPT in the *Artificial Intelligence Act*, it remains the case that the EU's early efforts to regulate novel technology are lending structure to previously ungoverned digital spaces.[13] The US departed from a similarly proactive approach to assessing and regulating technology through a series of conservative government policies, including but not limited to the defunding of the federal Office of Technology Assessment in 1995.[14]

Chapter Two situates the study of technology and law in relation to Science and Technology Studies ("STS"), which focuses on "how social, cultural, and other forces shape technology, and how, in turn, technology shapes people and society."[15] Calo observes that STS is a mature discipline with deep insights about the social construction of technology that alleviate the analytical burden of law and technology scholars.[16] Calo then identifies several insights by law and technology scholars that were preceded by insights in STS, such as the idea of generative technology, which is preceded by similar insights regarding conviviality in STS more than four decades prior.[17] Not only should law and technology scholars pay more attention to the valuable work of STS scholars, Calo argues, but they should also "share back" their insights with STS.[18] Namely, Calo notes that law and technology can supplement STS with their commitment to normativity and pragmatism, as "the vast majority of STS" is primarily theoretical and lacks normative analyses and practical interventions.[19] The

[13] See *e.g.* Maitrayee Pathak, "Data Governance Redefined: The Evolution of EU Data Regulations from the GDPR to the DMA, DSA, DGA, Data Act and AI Act" (2024) 10(1) *European Data Protection Law Review* 43-56.
[14] *Supra* n. 1, p. 138.
[15] *Ibid*., p. 53.
[16] *Ibid*., p. 62–66.
[17] *Ibid*., p. 64–65.
[18] *Ibid*., p. 69.
[19] *Ibid*., p. 72–74.

reviewer suggests another qualification to Calo's suggestion: law's commitment to normativity and pragmatism is valuable to STS scholars *insofar as* they share the same outcome-oriented goals as legal scholars do. While practical interventions with potential for real-world outcomes are powerful motivators for scholarship, they are not the sole determinant of a project's value. For example, a descriptive exercise without normative critique of the circumstances or practical interventions is still a valuable contribution, either as an expansion of human understanding or as the inspiration to later works that *do* hold normative commitments or pragmatic objectives. In other words, while explorations in STS would indeed benefit from the normative and pragmatic perspectives of legal scholarship where practical outcomes are the objective, adoption of legal and policy goals do not necessarily equate to an improvement for all of STS scholarship. Indeed, if STS scholars were assured that technology law scholars would take notice of their work when introducing novel policy interventions, then introducing pragmatic analysis may be more redundant than persuasive.

3 The Methodical Approach to Law and Technology

In the second half, Calo presents the Methodical Approach to law and technology in Chapter Three, followed by three applications in Chapter Four: augmented reality, machine learning, and cochlear implants. This review focuses on Chapter Three, which organises the Methodical Approach into four steps: (1) *Definition*, (2) *Envision*, (3) *Analysis*, and (4) *Intervention*. In each step, Calo proposes a set of "intellectual tasks" aimed at elucidating the normative and conceptual assumptions imbued in the work at hand.[20]

Definition. To begin, Calo asks a simple question: what are we talking

[20] *Ibid*., p. 89.

about?[21] Calo sets out three attributes for the author of the proposed work in law and technology to define: level of abstraction (technology in general versus a specific instance), essential attributes of the technology of study, and attributes that distinguish the technology from others.[22] Calo notes that this exercise invites the author to explore alternative configurations of their topic.[23] Adding to this, the reviewer posits that definitions from other fields that study the technology at hand should also inform the author's conception of the technology. A concept that harmonises with other disciplinary definitions enables interdisciplinary conversations and supports the adoption of cross-disciplinary interventions.

Envision. Next, Calo asks: "How does this particular technology affect how people live?"[24] Who is affected by this technology, and what are the effects?[25] Calo sets out sub-topics for the author to explore, such as distributive consequences of the technology and the timeline for the potential changes that the technology might bring.[26] Calo then suggests that authors undertaking this task apply epistemic frameworks from other disciplines, such as affordance theory, to "scaffold the envisioning of technological change".[27] There are different lenses of envisioning technological impact beyond what is suggested here,[28] and the reviewer adds that it is also essential to justify the choice of lens in the context of the author's normative baseline, as will be discussed next.

Analysis. Once the subject of study and its societal impacts have been

[21] *Ibid*., p. 90.
[22] *Ibid*., p. 92–93.
[23] *Ibid*., p. 93.
[24] *Ibid*., p. 95.
[25] *Ibid*., p. 96–100.
[26] *Ibid*., p. 96.
[27] *Ibid*., p. 96–100.
[28] *Ibid*., p. 100.

sketched out, Calo directs the author to a formalised framework for the legal analysis of technology, furnished by two questions: (1) Is the author interested in the relationship between the technology in question and the law in general, or the legal questions raised by a specific instantiation of technology, and (2), what is the "normative baseline" of the project?[29] Calo further sets out three potential normative baselines: restoration of the status quo before disruptions by the technology, advancement of a "preexisting normative goal" such as efficiency, or arguing for a new status quo in light of the new socio-technical conditions enabled by the technology.[30] From this and the Definition step discussed above, the reviewer observes a normative goal on Calo's part as well: increased transparency in law-and-technology discussions through the articulation of normative motivations. This will enable productive discussions of differences in the normative roots of proposed interventions and foster diversity in scholarship.

Intervention. Lastly, Calo sets out the final step: the selection and justification of a legal intervention.[31] Similar to previous stages, Calo advocates the recognition of alternative configurations and normative assumptions behind the choice of intervention.[32] Should the government regulate?[33] If so, how, and why?[34] Here, Calo juxtaposes government intervention with the lack thereof,[35] and the reviewer cautions that this dichotomy may not apply to all technology regulation. For instance, some of the earliest attempts to regulate AI-generated content online in a structured manner occurred on Reddit, where moderators set

[29] *Ibid*., p. 96–100.
[30] *Ibid*.
[31] *Ibid*., p. 111.
[32] *Ibid*.
[33] *Ibid*.
[34] *Ibid*., p. 113–14.
[35] *Ibid*., p. 114–15.

rules around AI usage to maintain the integrity of their communities.[36] The reviewers contend that authors would benefit from acknowledging other rulemaking in the same space. Expanding the scope of what constitutes an intervention in law and technology is especially useful given that non-governmental institutions, such as online communities, are often the "first line" in the adoption and sometimes resistance of novel technology. As such, incorporating these "outside" perspectives can enrich discussions and prevent redundancies in analyses.

4 Conclusion: Alternatives to The Methodical Approach

Following the conclusion of the book, an intrigue remains for Calo's proposed Methodical Approach. *What are the alternatives*? This review concludes by identifying two trailheads for future exploration: the *reverse approach* and the *ambiguous approach*.

4.1 The Reverse Approach

This approach reverses the Methodical Approach – instead of starting with a technology and ending with conclusions about the law, what if we used the law to reach conclusions about technology? By examining laws that focus on a piece of technology, researchers can gain valuable insights into which attributes lawmakers prioritise and whether existing definitions sufficiently capture the technology. The reviewer imagines four steps to the Reverse Approach:

(1) *Examining the "solution space"*: identifying legal interventions that are

[36] Travis Lloyd, Jennah Gosciak, Tung Nguyen, Mor Naaman, "AI Rules? Characterizing Reddit Community Policies Towards AI-Generated Content", Proceedings of the 2025 CHI Conference on Human Factors in Computing Systems, available at dl.acm.org/doi/full/10.1145/3706598.3713292 (accessed 22 February 2026).

aimed at the same piece of technology, such as all legislation that mentions the term "autonomous vehicles".

(2) *Stating the normative baseline*: elucidating the author's normative baseline – by what measure is the law in question successful in its attempts to regulate its subject technology?

(3) *Assessing the impact of the law*: placing the laws in question relative to the author's identified normative baseline – was it successful in what they set out to do? Are there gaps or overlaps?

(4) *Defining the technology relative to the law*: What are the essential attributes of the technology as defined by lawmakers? Are there attributes that are over-inclusive or under-inclusive?

Drawing from Calo's recommendations in Chapter Two, this approach imports the STS framework of the Social Shaping Of Technology ("SCOT") into law and technology by imbuing it with normative and pragmatic commitments. Whereas SCOT has no explicit normative nor inherent pragmatic commitments, the Reverse Approach identifies the incumbent interventions and the successes or shortcomings that they may have based on the author's normative baseline.[37]

4.2 The Ambiguous Approach

Rather than seeking a unified vision of the legal challenge posed by the technology at hand, the Ambiguous Approach focuses on exploring the ambiguities in the socio-technical configuration of concern. For example, the

[37] See Trevor Pinch and Wiebe Bijker, "The Social Construction of Facts and Artefacts: Or How the Sociology of Science and the Sociology of Technology Might Benefit Each Other" (1984) 14(3) *Social Studies of Science* 399-441.

Ambiguous Approach also asks the author to explore different definitions of "autonomous vehicle", but not to produce a single definition. Instead, this approach asks the author to explore different definitions that yield different legal and/or normative outcomes. The reviewer imagines four steps as follows:

(1) *Explore potential definitions of the technology in question and identify areas of ambiguity*: identifying uncertainty (whether from the lack of empirical evidence or from conceptual complexity), or potential contradictions between different definitions in theory or practice.

(2) *Assess the actual or potential impact of the ambiguity on how the technology is received, used, and discussed*: for example, does the ambiguity result in overestimations, underestimations, or mistaken understandings of the technology in question? How does it do that?

(3) *Evaluate the legal outcomes of these ambiguities in accordance with the author's stated normative baseline*: for example, do they lead to gaps or overlaps in lawmaking or enforcement? If that is undesirable, why is it so?

(4) *Identify interventions, if needed*: reduce the potential ambiguities identified or create new interventions that are more resilient to them.

This approach seeks to highlight the ambiguities, gaps, and contradictions in law and technology discussions. However, that does not mean that this approach is necessarily descriptive and illustrative. As seen in step (4), authors can use the Ambiguous Approach to highlight deficiencies in current interventions and recommend new ways forward.