Dystopia

The term “dystopia” was coined in 1868 by John Stuart Mill during a parliamentary speech in which he criticized the British Government and its Irish land policies. The term has since gained considerable traction as a common label for, as Michael Malloy describes, “any literary depiction of an oppressive, brutal, or dehumanizing society or state” (Malloy 2016, 8). The genre is notable not only for its dire portrayals of the potential future of humanity, but also for the implication that we may unknowingly have embarked on that course already.

Although the role of law is a concern in countless literary genres, perhaps none is more preoccupied with the subject than dystopian fiction. Legal factors are at work, in highly distinctive ways, in almost all dystopian narratives, especially the central strain of dystopian literature, from Zamiatin to Suzanne Collins, depicting systematically oppressive governments. The presence of an oppressive legal system or more rarely, the lack of any functioning legal system, is a key instrument or cause whereby a horrific reality is brought into being. In short, there is either too little law or more often, too much law, too much bad law. Law either fails to protect or actively oppresses.

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1. General Patterns

Dystopia has become an expansive word, the use of which has grown exponentially since the 1980s in myriad new contexts. There are elements in the world and in many literary works that one might label dystopian. There are literary genres with strong affinities with dystopia, including apocalyptic works depicting the end of humanity or at least civilization, through war, pestilence, or environmental collapse: those who survive the
apocalypse face a bleak and often lawless world. In this entry, the primary focus is on prominent literary works largely consumed with depicting shockingly horrible imaginary societies, characterized by oppression, cruelty, dishonesty, hypocrisy, and a perverse allegiance to values and practices detrimental to human development and well-being. Also closely related, but not the present focus, are works which depict actual societies as dystopian—Bertolt Brecht’s *Fear and Misery of the Third Reich* would be an example. There are also related works that depict societies where the cruelty and injustice is localized rather than pervasive: in Kazuo Ishiguru’s *Never Let Me Go* human clones have few rights and are treated as spare parts for other human beings. There is a history of proto-dystopian fiction (H.G. Wells’s *War of the Worlds* and *The Time Machine*), but the focus here begins with early- to mid-20th-century works (Zamiatin, Lewis, Huxley, Orwell) responding to the rise of totalitarianism, industrial production, and corporate capitalism, then works drawing their negative energy from mass culture and societal collapse (Bradbury, Golding), then further developments in the late 20th and early 21st centuries with a focus on gender oppression, religious fundamentalism, and ecological disaster (Atwood, McCarthy, Bacigalupi), and finally the more recent explosion of dystopian literature directed toward young adults (Lowry and Collins). The legal focus throughout this discussion is on systemic structures (rather than discreet instances of legal failure) that regulate behaviour and even if they are not on their face set up as a system of law, function as such.

First and foremost, dystopias, especially the central strain (other works utilize a partial mix of the following elements) have as their basis a constitution (written or unwritten, official or unofficial), basic rules creating a socio-political framework. This constitution controls many aspects of day-to-day life, identity, and individual possibility, slotting people into prescriptive and regimented roles and routines. There is often an obligatory ritual structure of games, contests, public events, gatherings, indoctrination, and initiations that is mandated to reinforce the constitution. The constitution supports values that curtail what is needed for humans to flourish and fosters values that undermine human well-being. There is sometimes a discrepancy between the values the constitution claims to support and those it actually and surreptitiously supports, although sometimes there is unapologetic endorsement of the unsettling values the constitution does foster. The system enforcing the constitution is strict and unforgiving, although those in charge are sometimes hypocritically exempt from the laws they set. The system of enforcement is often extremely efficient and effective, and so much the worse for that. The law, rather than protect fundamental human rights, especially individual rights, effects a wholesale abrogation of them: freedom of thought, expression (especially dissent but often also “literature”), association, movement, and egregiously the right to privacy; security agencies and police enforce the rules with an iron fist and sophisticated forms of surveillance; there is arbitrary arrest and detention; fair trials are absent; cruel and unusual punishment is commonplace and often public and exemplary. Sometimes freedom itself, in any form, is seen as something to be suppressed. The socio-legal order is
deeply committed to secrecy and propaganda, obscuring access to the truth, with which the self-presentation of the power structure is often at variance: the system works by lies and cover ups. A focalizing protagonist, an individual, is positioned to witness and experience the machinations of the state in particularly unjust ways—injustice being one of the foremost characteristics of a dystopian state; this protagonist is criminalized for who they are or what they have done and is made or chooses to become an outlaw; if they resist they are crushed or made to submit, or alternatively—somewhat more often in young adult fiction—triumph, at least in part, over the system. Among the prominent works that feature all of these elements are Zamiatin’s *We*, Huxley’s *Brave New World*, Lewis’s *It Can’t Happen Here*, Orwell’s *Animal Farm* and *1984*, Pohl and Kornbluth’s *The Space Merchants*, Bradbury’s *Fahrenheit 451*, Atwood’s *The Handmaid's Tale*, Lowry’s *The Giver*, and Collins’s *The Hunger Games*. That these patterns are shared does not mean that they are deployed without great variation.

### 2. Literature Review

Although the interplay between law and literature as a subject is well-established and there is a large body of literary scholarship on dystopia, the publications specifically examining the role of law in dystopian literature are still relatively few. Nevertheless, examination of what scholarship exists reveals a diverse, albeit relatively sparse, array of studies, beginning from the early 2000s. Given the limited nature of these sources, it would be inappropriate to speculate on any potential trends in the literature beyond a few general observations. Though these sources vary in their approaches, they share a number of common anxieties concerning the role of law—either in its abuse or its absence—within dystopian narratives.

In the first place, we see a strong preoccupation with the concept of loss: in particular, the loss of justice (Almog 2020), family (Schotland 2013), identity, privacy (Crocker 2015), freedom, and agency (Nabeel 2021). Secondly, these threats are generally either caused or else compounded by the rule of law, which is most commonly seen in the imposition of systemic oppression (Nabeel, 2021), state surveillance (Crocker 2015), authoritarianism (Soares de Moura Costa Matos 2012), corruption (Nabeel 2021), police states (Crocker 2015), and the abuse of technological advancement (Transter 2002). Examination of these common issues suggests that dystopian fiction owes much of its success to provoking powerful emotions based on the dread of losing those human rights and freedoms held most dear. Moreover, from a law and literature perspective, we may add the sense of failure or helplessness associated with the knowledge that such losses are being instigated by the very thing that was designed to safeguard us from such tyranny in the first place: the law itself.
Dystopian fiction has, as a genre, a striking record of success. Despite its relatively brief history—which seems, at least from a western perspective, to span only about 100 years—there exists considerable evidence indicating a rapid increase in the popularity of the idea of dystopia. Statistical analysis, such as that undertaken by Malloy (but also more simply using Google Ngram viewer) reveals a dramatic and sustained upsurge in references to the term dystopia and its various inflections, beginning in the early 1960s and continuing to the present day. For the most part, dystopias are typically defined by the imposition of totalitarian or authoritarian political systems; a fear which may relate back to Western, post-Orwellian fears of Nazi invasion and suppression of western liberalism stemming from the Second World War (see Crocker 2015, 596, 648). Interestingly, Malloy's study suggests that an overwhelming proportion of occurrences of the word dystopia in international, English-language news outlets appears in American sources, suggesting America's increasing concern with dystopian possibilities (Malloy 2016, 11–12).

Despite its close relationship to science fiction and fantasy, the dystopian novel has proven a particularly powerful tool in the hands of writers of political fiction, who value it for its uses in critiquing undesirable social, legal, or political practices in the current day. Schotland, for example, in their 2013 study of forced execution in fiction, identifies Middleton's *The Old Law* as a prime example of “utopian satire that critiques its society’s denigration of the elderly” (Schotland 2013, 161), with Trollope's *The Fixed Period*, Vonnegut’s *Monkey House*, and James’s *Children of Men* providing similar examples (Schotland 2013, 169–70). Such works are valued for the role they play in moderating society’s values and development and for the warning they provide should the issues in question not be addressed (Nabeel 2021, 27). This sentiment is echoed by Soares de Moura Costa Matos, who, in their 2012 study of law, literature, and cinema, laments the rise of the dystopian novel as evidence of history’s repeated perversion of law and the course of justice (Soares de Moura Costa Matos 2012, 46).

From the perspective of law and legal education, the benefits of considering literary—particularly dystopian—examples are also significant and have led to the development of analytical practices, including “dystopian constitutionalism” or “dystopian constitutional analysis,” which utilizes dystopian fiction as a point of comparison to ensure that contemporary legal systems do not devolve into actual dystopia (Crocker 2015, 598–9).

Although the dystopian genre appears to be primarily concerned with socio-political disaster, other significant forces are frequently cited as likely concomitants. Kieran Transter addresses the role of technology in the creation of dystopian landscapes, and in particular the significant threat it poses to the concept of law. Transter's discussion is based on the notion that the constantly evolving nature of technology necessarily limits the law's attempts to create normalcy and impose order and frustrates the law's attempts to predict and thereby control technology (Transter 2002, 76). Moreover, Transter ar-
gues, technology’s claim to the realms of pure logic, science, and objectivity is often at odds with law’s authority, which is born primarily out of social and political forces (Transter 2002, 76). In the context of dystopian fiction and law, this matter becomes more complex. If, as Transter suggests, we consider dystopia in one of its modes to be a subcategory of science fiction, and the opposite of dystopia is not, as we might expect, utopia, but rather “cornucopia”—a genre which he describes as “the victory of modernism through technology” (Transter 2002, 75)—then our understanding of law and its position relative to technology becomes even more muddled. If technology figures as the glorious hero of cornucopian fiction, what then can be inferred of the interplay of law and technology in dystopia?

Brian Stableford approaches dystopia not from a purely social or technological perspective but also from an ecological one. Although not in itself a study of the ways in which law specifically pertains to dystopia, Stableford’s article is highly pertinent to the subject. Like Transter, Stableford alludes to technology as a significant threat to humanity, though this time in relation to its role in separating the latter from the natural world through mechanization, a sentiment he identifies as echoed in the work of Karl Marx (Stableford 2010, 265). An observation of particular interest to this study is Stableford’s suggestion that part of the success of George Orwell’s classic dystopian novel *1984* in generating unease in its readership was due to the author’s evocation of residual fears brought out during the second world war, a quality which was subsequently copied by later authors. In fact, one of the most pronounced fears evoked by this moment in history was the impending threat of atomic warfare, a theme which often arises in 20th and 21st century dystopian fiction in the form not only of nuclear destruction but also of ecological crisis (Stableford 2010, 269).

The ongoing, systemic exploitation of the natural environment is a topic of great concern within dystopian fiction. Stableford cites the theories of Robert Malthus, in particular his 1798 “Essay on the Principle of Population as it Affects Future Improvement of Society,” in which Malthus claims that humanity’s fate lies in inevitable ecological collapse due to the inability of humans to reconcile limited food production capacity with exponential population growth. It is for this reason, Malthus contends, that in light of humanity’s well-demonstrated inability to take moral responsibility for its reproductive practices, population-limiting factors such as war, disease, and famine are essential to human existence, as they actively prevent populations from rising beyond sustainable limits (Stableford 2010, 260–1). It is perhaps then not surprising that, as Stableford himself indicates, the earliest literary visions of dystopia were based upon the nightmarish reality of life in the overcrowded slums typical of the 19th century (Stableford 2010, 264). Alongside issues of overpopulation and subsequent scarcity of resources, we also see issues of social order. As Stableford notes, to the minds of Karl Marx and his disciples, there is an inevitable historical widening of the divisions between upper and lower classes, driven by the “predation” or “parasitism” of one upon the other (Stable-
Although still a relatively young genre, dystopian fiction has proven to perform an important function in both literary and legal studies. The two are deeply and inherently invested in one another, perhaps to the point where the task of envisioning a work of dystopian fiction that does not feature law—either in its abuse or its absence—seems impossible. At its core, dystopian fiction weighs the intrinsic appeal of absolute freedom against the danger and uncertainty associated with the loss of law, constitutional rights, and state protection. One might ask whether, given their routine opposition of freedom and oppressive rule, dystopias harbour an inevitably antinomian perspective. In their extreme either/or world view, unencumbered freedom is sometimes the only antidote to dystopian control.

One of the central and abiding controversies in legal theory (beginning with the debate between Hart and Fuller), between natural law adherents and legal positivists, concerns whether the legal systems in certain historical and radically immoral regimes, most prominently Nazi Germany and apartheid South Africa, deserve to be seen as law or whether they lack the moral standing a system needs in order to be truly law. Imaginary dystopias do not regularly appear in these debates, but they can be seen to raise the same problem of what calls itself law put to unjustifiable purposes.

3. Central Works

Eugene Zamiatin’s *We*, first published in English translation in 1924 and never allowed to be published in the Soviet Union, sets the broad template for the central strain of dystopian narratives that have followed it: a strict and controlling constitutional foundation; harsh suppression of basic rights and needs; the protagonist’s experience as criminalized. The pattern is so recurrent as to suggest very strongly a deep and ongoing intertextual echoing within the dystopian tradition. *We* is set a millennium in the future in a society, the “United State,” ruled by ideas of reason and mathematics—“the correct eternal laws of the multiplication table” (64)—in which individual lives, subordinated to the whole, are strictly regulated. Everyone lives alone in a glass-walled apartment with one personal hour in which they can be private and use curtains; all stand at 2100 hours each evening to sing the “Hymn of the United State.” Sexual encounters require a license; unauthorized motherhood is a crime. Originality in any form violates the “law of equality” (28). Rather than names, people are given numbers. All is glass and steel, and nature, “the primitive state of freedom” (3), is rejected and confined outside the city wall, where no one is allowed to venture. Freedom itself is thought an affront to a mathematical ethics. Among activities prescribed by law are set times for walks and dinner, chewing one’s food 50 times per morsel, and getting a good night’s sleep. Among activities against the law are being late for work and dreaming. Literature—Shakespeare and Dos-
toevsky—is suppressed. Screens and newspapers spout state propaganda. “Guardians” are everywhere watching for infractions. Anyone who transgresses has two days to report themselves. One right the state does recognize is the right to be punished, and cruelty is taken to be a state virtue. Gruesome executions involve a public ritual known as the “Holiday of Justice,” while on the annual “Day of Unanimity” the leader, the “Well-Doer,” alone on the ballot, is re-elected by unanimous vote. The United State is about to launch a spaceship whose mission is to subjugate other worlds to the same principles and structures, “to force them to be happy” (3). The protagonist and narrator, D-503, who is in charge of the spaceship project, is seduced and recruited by an alluring and mysterious woman, I-330, to hijack or sabotage the mission on behalf of a rebel movement. D-503, in his inner conflict and distress, comes to see himself as a criminal. There is a rebellion, and in order to control the populace even more strictly, the state orders everyone to undergo a lobotomy, to turn everyone into “a human-like tractor” (175). D-503 submits to the procedure and becomes once again loyal to the state; I-330, defiant, is tortured to death. At the end the state and the rebels are locked in struggle with the outcome uncertain.

First published in 1932, Aldous Huxley’s *Brave New World* portrays a future, technologically advanced society, the “World State,” in which government intervention touches all aspects of everyday life. The basic model for the societal constitution is Henry Ford’s production line and mass production. Human beings are engineered to exhibit specific traits based on the social caste to which they have been assigned, so that they can fulfil their social obligations with ease. Embryos that show superior genetic makeup are given every available advantage, while lower-level embryos are exposed to toxins to limit their development. All embryos gestate in laboratories. Natural, biological motherhood is looked on with disgust. Children are desensitized from a young age and are routinely exposed to sleep learning and other forms of cognitive intervention to condition their behaviour. Pain is seen as an unnecessary nuisance and is largely mitigated through the use of a widely accessible narcotic known as soma. Casual sexual interaction with multiple partners is viewed as a purely pleasurable pursuit and is encouraged at all levels. Bernard is a high-caste individual who is ridiculed for being physically different from his peers and awkwardly fitting into a life of easy pleasure. Bernard travels to a “Savage Reservation,” untouched by social developments, where he discovers John, soon labelled “John the Savage.” Unlike Bernard and his counterparts, John has spent his life surrounded by suffering and has learned to read by studying Shakespeare. After returning to the city, John becomes repulsed by the superficial life surrounding him. After finding momentary fame based on his connection to John, Bernard is once again shunned by society and is eventually condemned to exile for his refusal to conform to social norms. As John’s antipathy towards superficiality escalates, he continues to withdraw from society and begins to practice self-flagellation in an attempt to experience life’s pains more deeply. He is eventually discovered by the media, and after attracting a large crowd of curious onlookers, hangs himself.
Sinclair Lewis’s *It Can’t Happen Here*, written and published in 1935, is an imaginary account of the U.S. presidential election set to happen in 1936 and its aftermath. In the face of general dissatisfaction brought on by the Great Depression, the election is won by an admirer of Hitler and Mussolini, and the “Strong Man” in general, who runs on an authoritarian platform calling for, inter alia, the suppression of the rights of Jews, Blacks, women, and labour unions. He immediately declares martial law (suspected to be permanent), puts members of the Supreme Court under house arrest, and turns Congress (those members not arrested or disqualified) into an advisory body with no legislative authority, thereby instituting a “New Constitution.” In addition, states and local entities are reorganized to bring them under closer central control. The president has a standing militia of “Minute Men,” disaffected young men encouraged to be brutal and rapacious in enforcing the will of the President and their own newfound privilege, their enthusiasm further fomented by marching, anthem singing, oath swearing, and a special salute. Demonstrations are broken up by mustard gas and massacres. Trials are perfunctory and unfair. Arrests, torture, summary executions, and internment in concentration camps become commonplace. Universities and the press are commandeered—uncooperative professors and journalists purged—or shut down. State informants are ubiquitous. Dissent is taken to be treason. Literature is banned, including works by Thoreau, Emerson, Whitman, Twain, and Agatha Christie. Rights that remain—freedom of religion, for instance—are severely constrained, and religious freedom is limited to those religions sympathetic to the state. The protagonist, Doremus Jessup, a newspaper editor, writes editorials criticizing the new regime, but his newspaper is violently suppressed, and he is sent to a concentration camp. Eventually he escapes to Canada and joins the “New Underground” as an agitator working surreptitiously in the Midwest. America is in a second civil war.

Originally published in 1945, George Orwell’s *Animal Farm* is notable first and foremost for its near complete lack of human characters and for its allegorical bent. Manor Farm is introduced as a microcosmic dystopian society in which livestock are neglected and abused for financial gain by their human oppressors. Despite their unending hard work, the animals do not prosper from their efforts and instead remain poor and undernourished, while the farmer and his family reap the bulk of the rewards. Following a decisive meeting orchestrated by the pigs under cover of darkness, the animals drive the farmer and his family off the property and for a while enjoy their new-found freedom and leisure at the renamed “Animal Farm.” A new system of “unalterable law,” seven commandments based on freedom, equality, and fairness, is instituted. There is a hymn, “Beasts of England,” that all the animals sing daily and that binds them emotionally together under common principles. Soon, Napoleon and the other pigs begin to work the system, to exploit the other animals’ ignorance, fears, and desire for peace for their own personal gains. The seven commandments are systematically broken and then secretly amended to explain away leadership’s numerous transgressions. Fear tactics are instituted to maintain order and submission, largely through the threat of attack dogs.
Rules are strictly enforced, and transgressors are met with severe punishment, including execution without trial. Propaganda regarding the farm’s success under its new management is spread by way of the pigeons to neighbouring regions, and actions of greed and self-interest are justified under the pretence of being for the greater good, or else are explained away by the assertion that “ALL ANIMALS ARE EQUAL BUT SOME ANIMALS ARE MORE EQUAL THAN OTHERS” (424). A rivalry at the top results in one leading pig, Snowball, being outlawed and chased into exile. Hardworking and naive followers such as the workhorse Boxer are exploited until they are fully spent, then unceremoniously dispatched for additional profit. Luxuries—the promise of wind-powered heaters and a shortened work week— are used to incentivize obedience, but ultimately these promises never come to fruition. Once built, the windmill is used solely for the purpose of generating further income for the elite minority, while those who perform the physical labour are left with ever less on which to survive. The pigs begin to walk on two legs like humans and form closer alliances with nearby farmers, until they become indistinguishable from their human counterparts. The name “Manor Farm” is restored, marking the inevitable reversion to the same lamentable situation in which the animals started. The search for utopia, and subsequent decline into dystopia, is thus portrayed as a cyclical and unavoidable fate.

George Orwell’s second dystopian novel, 1984, published in 1949, presents a totalitarian state in its most extreme, callous, and unmitigated form. Power is the only state value, and its ideal manifestation is “a boot stamping on a human face—forever” (284). Society is divided into the proletariat and the Party: members of the first are allowed to conduct their lives as they desire but are severely limited by crippling poverty, while members of the second live in relative comfort but are closely monitored by Big Brother, a mythical strong man character. Party members are subject to constant surveillance via telescreens in their living spaces, and public areas are watched over by agents of the state. Children are trained to act as spies within the household, marriage between mutually loving partners is prohibited, and trust among individuals is severely compromised. Sexual contact is limited to an exclusively reproductive function and is not intended to be pleasurable. The concepts of privacy and selfhood are perceived with distrust and are limited to the greatest extent possible. Party members are actively discouraged from exhibiting any form of individuality and are expected to participate in events such as “Two Minutes of Hate” and “Hate Week” as a means of reinforcing indoctrinated values, since hate is taken to be the greatest motivator. Moreover, all are severely limited in their ability to think or express their own thoughts through the imposition of “Newspeak,” an alternative English dialect designed to narrow the collective consciousness and to limit people’s ability to commit “Thoughtcrimes,” since there will be no words with which to think at variance from the orthodoxy of the state. The state apparatus is divided into specialized ministries, each of which deals brutally with discrete issues such as war, law, economics, and the media. Propagandist slogans such as “War is Peace,” “Freedom is Slavery,” “Ignorance is Strength” are commonplace, and are used to alter and maintain the collec-
tive mindset. The state of Oceania is kept in a constant state of war with its two global rivals, which reinforces citizens’ reliance on state directive and also consumes enough resources to keep them preoccupied with producing basic needs. Historical records and news archives are routinely amended to coincide with the Party’s agenda and to portray the state as favourably as possible. Because there putatively are no laws, nothing can be cited as illegal, but many things are nonetheless forbidden and severely punished, often by disappearance, forced labour, or death. Executions are routinely meted out without trial and are public spectacles intended to discourage nonconformity or would-be transgressors. Winston and Julia, two members of the party who become surreptitious (so they believe) lovers and would-be rebels, are taken to the Ministry of Love, the site of state security and sanction, where they are subjected to physical and psychological torture—in the infamous Room 101, where the cruel, unique, and unusual practice is to submit each person to the punishment they individually most fear—in order to break them and realign their beliefs with those of the Party. It is only after the realization that he has come to love Big Brother that Winston is inevitably executed for his crimes.

Frederik Pohl and C. M. Kornbluth’s *The Space Merchants* is a 1953 science fiction novel set a century and a half in the future and centered on the advertising business. Those who once might have been novelists and poets—vocations no longer seen to be of any value—now, serving “the god of Sales” (10), dedicate themselves to “statistics, evasions, and exaggerations” (1), with the ongoing project to redesign the world’s “folkways” to “meet the needs of commerce” (8), foregoing any adherence to the truth. Reinforced cultural values are power, money, and fame, all argued as being in the public interest. There are television and movies, but they function to put the viewer into a state of quiescent and addictive hypnosis. The world is controlled by big corporations—so much so that members of the U.S. Congress represent companies rather than citizens and the President is a hereditary figurehead. The Supreme Court has been replaced by the Chamber of Commerce. Public monuments are to corporations and the great theorists of capitalism rather than statesmen. Governments elsewhere have been replaced by companies: the Indian subcontinent has become “Indiastries,” “a single manufacturing complex” (4), a cartel. Brand loyalty is brutally enforced. What courts there are always favour corporate interests. Companies are legally allowed to war with each other and have powerful and ruthless security organizations. Indentured servitude is common, and among the most serious crimes—commercial offences—is breach of contract (of the individual in their dealings with corporations), punishable by extreme and enduring mental torture. Moreover, the law does not allow the accused to know what they are accused of. The world is catastrophically overcrowded and denuded of plants and animals, and resources are scarce, even for the well-to-do. The shorter one’s social security number, tattooed on one’s arm, the greater the privilege one enjoys: there are no citizens, one is either an executive or, for the vast majority, a passive and miserable consumer. A project is underway to set up a colony on Venus, with the false promise that life there can flourish and settlers will eventually be able to find their way out of debt to the cor-
poration in charge of the project. In an apparent echo of Zamiatin, Mitch Courtenay, the protagonist, is the executive in charge of the Venus project. He is the would-be target of assassins from a rival corporation and is eventually kidnapped into indentured servitude in Costa Rica. He escapes, thereby being guilty of breach of contract and pursued by legal and corporate forces. He eventually finds himself again in control of the Venus project, although he is recruited by his wife into the resistance movement and adopts a new understanding: producers and consumers have conflicting interests and the rules are not fair. He and the resistance hijack the spaceship with the intent of turning Venus into a more egalitarian and eco-friendly world.

Ray Bradbury’s 1953 novel *Fahrenheit 451* features a society in which books, especially serious literature, are banned, due to their tendency to cause division and angst among people, and firefighters take on the role of arsonists to eliminate them. Potential transgressors are kept in check by the threat of the firehouse hound: a robotic creature designed to seek out and neutralize targets by euthanizing them. People are encouraged to indulge in mindless entertainment and distraction. Houses have oversized television screens that cover entire walls and preoccupy most of daily life—an extrapolation from the advent of television and mass entertainment in the late 1940s. News outlets are more concerned with appearances than truth and frequently manipulate public opinion to favour the state. Footage of authorities hunting down fugitives is released to the masses but is relayed in a way that always reflects well on the state. Thrill seeking and joy riding are encouraged, so that highway billboards are elongated in order to make them more perceptible at high speed. Ubiquitous suicide and suicide attempts—life is deeply unfulfilling—are treated quietly in-home by paramedics and are viewed as normal and unremarkable. Intellectuals rebel against the system by relinquishing their prior lives and taking to the road to live as vagrants. Even though books are destroyed, they are preserved in memory by those who are familiar with them. After being betrayed by his wife to the authorities, Guy Montag, a fireman, is discovered stockpiling illicit books that he has lifted from work and is punished by being forced to watch as his colleagues set fire to his house. He kills the fire captain and is then targeted by the firehouse hound. With the help of Faber, a former professor of English, Montag is able to evade capture and goes into hiding with other fugitives who, like him, have attempted to subvert the law by preserving books.

William Golding’s 1954 novel *Lord of the Flies* examines humanity’s precarious relationship with civilization. After having been stranded on a desert island in the Pacific Ocean in a time of nuclear war, a group of British school boys are forced together in the effort to survive. The island provides adequate food and water, but by far its greatest test of the boys’ ability to prosper lies in its separation from the rule of law. Faced with a life entirely removed from adult and state supervision, the boys, led by Ralph, attempt to maintain civilization and order by recreating familiar organizational systems. They instigate parliamentary rules of order around a ceremonial conch shell. They establish the core mission of ensuring survival through hunting, food gathering, and building shelters,
assigning boys to each task and then a sentry to watch and maintain a fire to signal for help. Their initial actions are logical and organized, but the boys soon reveal immaturity, lack of experience, and darker drives. They become increasingly paranoid and create their own myth of a beast that roams the island. The creature is revealed to be the body of a British parachutist, presumably killed in the war, intimating that the situation external to the island is no better than the boys at maintaining humane order. As their resolve weakens, and despite their good education and British upbringing, the boys descend into factionalism and violence, forming opposed tribes. Two boys are killed, and the conch shell is smashed to pieces. Ralph, former leader, becomes a hunted outlaw. With the arrival of a British ship, the boys are returned to the troubled bosom of society.

Margaret Atwood’s *The Handmaid’s Tale* (1985), widely drawing from the dystopian literature that preceded it, has gained a life outside the text itself, in other media versions and in public life, so that the Handmaid’s red cloak and white cowl have become cultural symbols for the actual legal suppression of women’s rights, especially in high-profile moments, as in the U.S. Supreme Court’s overturning of abortion rights. Like works that came before by Lewis, Bradbury, and Pohl and Kornbluth—and later works by McCarthy and Collins—Atwood’s novel is set in an alternate United States. The government has been overthrown in a violent coup by religious conservative extremists who have changed the laws and constitution to remove women’s civil rights. The new state is given the biblical name Gilead, and all must submit to the rigid state religion (other religions are persecuted). Compliance is strictly and cruelly enforced, by the security forces, the Guardians, and the spies, the Eyes. News and media are strictly controlled and toe the government line irrespective of the truth. Book burning is extensive. Under the new constitution, no women, not even the Wives of the ruling Commanders, are allowed to read, and going forward no girls will be taught to read. Women are forbidden from owning property and have no public roles. Groups of women are given distinct uniforms, depending on their function. The Commander’s Wives wear blue, the Aunts, assigned to train and discipline the Handmaids, wear brown, the Marthas, household servants, wear green, and the Handmaids, divorced or remarried women capable, in a general societal infertility, of bearing children, wear the aforementioned red. Handmaids have no identity outside of their property relation to the Commander to whose household they are assigned; they have no name other than one derived from the name of their Commander: thus the protagonist is Offred, Fred being the name of the Commander. Women are forced to become Handmaids through legal chicanery whereby previous acts, legal when committed, are made illegal retroactively: divorces and second marriages, allowed at the time, are criminalized. Handmaids are subjected to ritualized rape meant to bear Commanders and their Wives children; the Handmaid has no right to the child she bears and is not legally its mother. Such arrangements are rife with discontent, despair, and jealousy. The religious fervour espoused by the leaders is hypocritically undercut by their recourse to Jezebels, women, often infertile or disobedient Handmaids, who are forced into prostitution. Others, even more recalcitrant, are sent to the “colonies,” where they
live out the rest of their short lives toiling with toxic waste. The worst offenders, including abortion doctors (another retrospective crime), gays and lesbians (“Unwomen”), are hung and left to rot on the city walls. Lesser physical punishment and mutilation are commonplace. Life in Gilead is highly ritualized, with set rituals for birthing, prayer, and public executions of various sorts, each given a catchy name straight out of the lingo of advertising: Prayvaganza, Particicution, the Birthmobile. Offred, who had a child with her second husband, tried to escape with them to Canada, which is prohibited, was caught, her husband presumed shot and her daughter taken away, and forced, on pain of a worse fate, to be a Handmaid. At the end of the novel, she flees in a van that may be driven by members of the resistance group, Mayday, although her fate remains unclear.

The twenty-first century has seen an outburst of dystopian literature for young adults, some of it following very much in the grand tradition of modernist dystopian literature. An early manifestation of this trend is Lois Lowry’s fanciful 1993 novel, *The Giver*. The novel is set in an isolated and highly regulated community. The “Book of Rules” guides all aspects of people’s lives in the service of sameness, standardization, belonging, and safety. Freedom, choice, and change are rejected and largely non-existent. Other books, except for necessary reference works such as the dictionary, are banned. All are under surveillance from television monitors and their family. Orders come over loudspeakers. Each day is highly regulated with only a brief period of time for limited independence. All children receive bicycles at the same age, are forbidden to lie, brag, see each other naked, or emphasize their individuality, and must reveal their dreams in a family ritual each morning. Anyone who breaks the major rules three times is “released” to go “elsewhere,” but this is subterfuge for lethal injection. When sexual feelings, “stirrings,” start to take place, youth are given pills that take away all desire. Families are made up of couples and non-biological children, motherhood assigned to a few unpromising girls who are disparaged and looked down upon. At the age of fourteen everyone is assigned a vocation which they cannot refuse. Jonas, the protagonist, because of his “Capacity to See Beyond” (79), is given the unique and mysterious job of Receiver. This position entails taking on the knowledge, awareness, and experience that has been suppressed for all others—everything from snow and books and seeing in colour to awareness of history and suffering, the anguish and beauty of the world in all its variety. Shocked by what he learns, especially about his own community’s dishonesty and suppression of the truth, Jonas runs away and becomes an outlaw in search of a more fulfilling existence in a different kind of community.

Suzanne Collins’s *The Hunger Games* trilogy (2008, 2009, 2010) is the most prominent of dystopias for young adults—although in the last two books of J.K. Rowling’s *Harry Potter* series circumstances devolve into quite typical dystopian patterns. *The Hunger Games* is set in a future alternate United States, “Panem,” which followed on general environmental collapse and in which a rebellion against the Capitol has resulted in the violent suppression of the districts making up the rest of the country, which, after the “Treaty of Treason,” which governs relations between the Capitol and the districts, are
all occupied by state security forces—“Peacekeepers”—who use surveillance and brutal suppression to quash all opposition. Wealth and resources flow to the Capitol and result in extreme impoverishment and starvation elsewhere. Movement and communication between the districts is brutally forbidden. As a commemoration of the failed rebellion, ongoing retribution, and a striking reminder of the power of the Capitol, the Treaty of Treason dictates that each year the Hunger Games take place: in the “reaping,” each district chooses by lottery two children between twelve and seventeen, one boy and one girl, who will be made to fight to the death with children from the other districts in a spectacular and ingeniously cruel gladiatorial setting until one champion alone remains alive. The reaping takes place pointedly in front of the “Justice Building.” The poor can up their danger of being picked in exchange for rations for their family. The rituals of the games are the year's major media event, and it is mandatory for all citizens to watch them on television and treat them as a festivity—in the Capitol, at least, they are taken largely as entertainment, part beauty pageant and fashion gala, part reality show, part Roman Colosseum. In the seventy-fifth year of the games, Katniss Everdeen, a teenager in an impoverished single parent family surviving on the edge of illegality, tough and resentful of the unfairness she sees, volunteers to take the place of her younger sister who has been picked to participate in the games. The trilogy follows Katniss, ever intrepid and resourceful, as she weathered the games and the consequent resentment from the Capitol when she bucks the winner takes all format and eventually becomes a fugitive and a figurehead in a successful revolution, although she is left at the end psychologically scarred by her experience and largely abandoned by the new regime.

Environmental crisis, especially realistically foreseeable crisis, has grown in prominence as a basis for dystopian narratives, with a dystopian system following on radical shortages and societal collapse, although this approach was prominent at least as far back as The Space Merchants. While Margaret Atwood’s The Handmaid’s Tale is firmly in the dystopian tradition of Zamiatin, Orwell, and especially Lewis, her MaddAddam trilogy, beginning with Oryx and Crake in 2003, substantially varies the traditional dystopian elements; in many ways Oryx and Crake more closely resembles The Space Merchants. At a time not so far in the future, environmental disasters abound, with life outside air-conditioned and atmospherically controlled spaces largely inhospitable to human life. There is mass extinction, overpopulation, and diminishing resources—as in The Space Merchants, artificially generated chicken protein and a highly addictive coffee substitute play a large role. Society is made up of the privileged who live in gated compounds—capitalism having more drastically divided the haves and the have-nots than ever before—and everyone else, who live in “pleebland.” The privileged are predominantly those who work in biotech industries, creating new flora and fauna and new pharmaceuticals, seemingly with no regulatory restraints put on their creations, which routinely have unforeseen consequences. The world is genetically modified through and through. All is driven by monetary value, and corporations compete ruthlessly and lethally. What state exists is at the service of corporations, and among the capital offences—executions
are commonplace—is “hampering the dissemination of commercial products” (286). The gated compounds keep out the underprivileged, but their security forces also heavily survey and police those inside the compounds, who have little freedom to leave. Arts have next to no value, and as in *The Space Merchants*, literature is only useful as a training for advertising. As in *Brave New World*, there are genetic experiments on new human prototypes—the marketplace and world leaders are interested in humans who would be more beautiful and more docile. The world has become “one vast uncontrolled experiment” (228). Resistance fighters unleash a virus that kills off almost all humans except for the new prototypes. Humanity starts over from scratch.

Cormac McCarthy’s 2006 novel *The Road* is set in a time of environmental collapse, left unexplained by the plot, a time of mass extinction, extreme food scarcity, starvation, nomadic scavenging, marauding predation, and cannibalism. There is no rule of law, and without state protection all are on their own, pitted against each other for survival. The only rules are those that survivors consider and make for themselves, “carrying the flame” of a dying set of civilized values. The protagonists, a man and his son, have set such basic rules for themselves, such as good people don’t eat other people, sticking to their deals and promises, not stealing, offering thanks, and not lying unless they have to. The father’s overriding law is his god-mandated warrant to protect his son, constantly turning them both away from the desire to give up and die, as their wife and mother has already done.

Paolo Bacigalupi’s 2015 novel *The Water Knife* is among the most brutal examples of 21st century dystopian fiction. It may also be the dystopian work most explicitly focused on law, specifically questions of legal seniority in the area of water rights. Set in a not-so-distant future, America is plagued by environmental collapse, the Southwest specifically by heat, drought, sandstorms, and food insecurity. Throughout, characters refer to Marc Reisner’s *Cadillac Desert*, an actual work of nonfiction demonstrating the unsustainability of large-scale settlement in the southwest deserts. Following generations of overuse, water is at extreme scarcity and is now humanity’s most rare and precious resource. With rights to the bulk of the Colorado River’s water supply, power is held by large private corporate bodies, while the power of the state is diminished. The constitution has been altered so as to keep people in failed states, such as Texas and Arizona, from having the legal right to move into adjacent states. People are stuck in their unsustainable geographies. Crippling poverty has resulted in people resorting to crime and prostitution, while big corporations utilize force to keep their water assets intact, even to the point of calling in public and private militaries and posting drones along the banks of rivers and dams to protect corporate water and property interests. Large corporate bodies place pressure on competitors by manipulating the legal system, while the greater populace is left to scrape out whatever existence they can manage. Underneath the overarching legal restraints, the poor are left to the harsh cruelty of vigilantes and criminal gangs.
4. Conclusion

For a hundred years or more, writers have been spinning troubling historical developments—totalitarianism, world capitalism, environmental collapse, unbridled technology, mass entertainment, patriarchy—into dystopian visions of horrible societies and their concomitant legal systems. In the first quarter of the twenty-first century, the dystopian imagination has remained extremely active, especially and strikingly among writers for young adults and their readers. From the present vantage point one can wonder how long the interest in dystopia will last and what developments in human circumstances will lead to new visions of truly bad societies and their laws and whether these laws will follow a standard dystopian pattern or depict new structures of injustice.

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