

BOOK REVIEW

## Contact with Extraterrestrial Intelligence and Human Law: The Applicability of Rules of War and Human Rights

by Michael BOHLANDER. *Studies in International Criminal Law Series* Leiden/Boston: Brill Nijhoff, 2023. xviii + 240 pp. Hardcover: €127.00; eBook (PDF): €127.00. doi: 10.1163/9789004677708

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Professor Michael Bohlander’s fascinating book explores the legal implications of humanity’s contact with extraterrestrial intelligence (ETI). It is particularly timely given recent sightings of Unidentified Anomalous Phenomena (UAP) and NASA’s official, if inconclusive, September 2023 report on UAP. Chapters 2 and 3 are excellent overviews of the key ideas in the scientific and social science community involved in the search for extraterrestrial intelligence (SETI). The book’s subsequent chapters, which this review focuses on, discuss three key issues: the unpredictability of first contact, the inadequacies of humanity’s laws in addressing hostile contact, and the need for humanity to develop a common position to facilitate interactions with ETI in a non-hostile scenario.

Bohlander draws on science fiction to explore the different scenarios of humanity’s first contact with ETI. The reader is treated to a masterly tour of science fiction which demonstrates the unforeseeable nature of such first contact. Bohlander adds his voice to those who argue against assuming that such first contact will be accompanied by benign or altruistic motives on the part of alien species. He casts doubt on the messaging to the extra-terrestrial intelligence (METI) community’s practice of actively seeking to contact ETI and argues that more efforts should be put into establishing “precautionary rules of human-to-ETI” behaviour (p. 106).

The book then cautions that humanity’s laws, as presently designed, are inadequate responses to hostile first contact. Focusing on the laws of armed conflict and international criminal law, Bohlander argues that we cannot assume that humanity’s laws can apply to alien species with substantially different biological, social, and cultural backgrounds. An example of such non-fit, discussed in the book, is the international criminal law’s focus on individual criminal responsibility. How will it treat an alien “hive group” or an alien entity with different “organs” (p. 117)? Another example would be genocide’s inapplicability to a hostile first contact. Genocide protects national, ethnic, racial, and religious groups, but which of these applies in an inter-species conflict? Bohlander suggests that while one may see race as having the closest applicability, as when referring to “the human race” and “the alien race”, this is not covered under international criminal law’s current definition of race.

This book also discusses the possibility of non-hostile contact between humanity and ETI. Bohlander argues for humanity to develop a “global human position” that will facilitate its bilateral and multilateral negotiations with ETI (p. 163). For humanity to develop

such a common position may seem impossible given the persistence of conflicts between states and groups. Bohlander puts forward “one facet of human normativity” that could play a significant role in humanity’s bilateral or multilateral interactions with ETI, namely human rights law. He identifies rights in the International Covenant on Civil and Political Rights that could form a basis, or establish a set of non-negotiables, for humanity when negotiating with ETI. Nevertheless, Bohlander also recognizes that his proposal relies on whether the ETI concerned recognizes the “concept” of rights as predominantly understood by humanity (p. 175). This important book will hopefully catalyse interest and discussions in the international law community about humanity and ETI.

**Competing interests.** The author declares none.