

theory in the analysis of world order transformation is interesting, and comes at a time of renewed interest in McLuhan from a contemporary audience informed by postmodernism.¹

Reference

1. See for instance, Tony Tremblay, 'Reading McLuhan in a postmodern age: the constructions of Glenn Wilmott, Terry Gordon, Robert Logan, and Derrick de Kerckhove', *The Antigone Review*, 110, 1997, p. 143.

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The Electronic Superhighway: The Shape of Technology and Law to Come

Ejan Mackaay, Daniel Poulin and Pierre Trudel (Eds)

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This book, number 18 in the Kluwer Computer/Law Series, is a collection of papers presented at a one-day conference held by the *Centre de recherche en droit public* of the Université de Montréal on 13th May 1994. In this field the technology, if not the law, changes so fast that publication of conference proceedings in print seems incongruous. The following anecdote in Tom Bruce's paper illustrates the point well: 'By Christmas [1993] eight new trade paperbacks purporting to be guides to the Internet appeared on the shelves of mass market booksellers. By New Year's Day they were out of date'. Nevertheless, much of what is presented in these papers covers issues of ongoing concern. The editors state that their aim is to capture the flavour of current debate about the impact of the new communications and information technologies upon society 'in midstream', and this they achieve. The papers cover a wide range of issues from a brief history of the Internet to legal liability, free speech and the protection of rights, from interactive TV to scholarly electronic publishing. It is not possible in a short review to consider each of the nine papers in detail. The grouping of the papers into three parts covering the environment, uses and law of the electronic superhighway give an indication of the issues covered.

Part I, 'Electronic Superhighways—Environment' starts with a useful overview of the development of the Internet in the paper 'Introduction to the Internet' by Guy Basque (Assistant Director of Computer Services, Université de Montréal). This background will be especially useful for the many people who now use the Internet daily, and yet have the uncomfortable feeling that it snuck up upon them unawares! Larry Press (Professor of Computer Information Systems, California State University) considers what might be described as a clash of cultures in the second paper 'Two Cultures, The Internet and Interactive TV'. The difference between the two is epitomised by differing approaches to charging users: '[t]he Interactive TV culture is based on the sale of copywritten (sic) information for royalties, while the Internet grew from the academic community which values information sharing'. André Caron's paper 'The Domestication of a New

Communication 'Technology: The Vidéoway System' provides detailed analysis of a study undertaken to determine user acceptance of the Vidéoway system in Canada. While the results may be of particular interest to the developers of such services, (with findings such as '[o]f all the sources of information liable to influence the decisions to subscribe to Vidéoway, more than one person in three felt that the most important was the one-month trial period') the paper is less likely to appeal to a more general audience.

Part II is entitled 'Electronic Superhighways—Uses'. The first paper in this part, 'The Internet and Legal Information: Projects and Prospects', by Tom Bruce (Co-Director of the Legal Information Institute (LII), Cornell Law School) provides an account of the development of the LII. Readers interested in online access to legal information might be interested to contrast these experiences at Cornell's LII with the development of AustLII in Australia.¹ Bruce's comments about authorial and editorial expertise and the role of publishers were of particular interest to this reviewer. There has been a spirited debate in Australia about the free availability of primary legal sources on the Internet, the role of commercial law publishers, and the value to be placed upon 'value added' content. Jean-Claude Guéron (Professor, Université de Montréal) is also interested in content and the role of publishers in his paper 'The Communication Highway and Academic Publishing'. The problems faced by publishers of scholarly journals, and by publishers in languages with diacritical signs or which do not use the Latin alphabet on a network that claims to be international but favours English, are discussed. Guéron proposes methods for achieving both visibility and legitimacy which are, he argues, the primary requirements of authors publishing in electronic scholarly journals.

The authors contributing to Part III consider the question 'What Law for Electronic Highways?' Karim Benyekhlef (Professor, Faculty of Law, Université de Montréal) begins with a paper entitled 'Dematerialized Transactions on Electronic Pathways: A Panorama of Legal Issues'. It is difficult to agree with Benyekhlef when he suggests that 'it remains undeniable that their [electronic highways] integration and acceptance in the social and economic fabric will be dependent notably on the legal guarantees they can provide'. Use of the Internet has progressed rapidly since this paper was written, and while technological protections are being implemented, national legislatures have been noticeably unable to keep pace. (To be fair to the author, it is difficult to make predictions in such a volatile field.) Also, as Benyekhlef demonstrates in relation to the law of Quebec, while there are many areas requiring legislative reform, some fundamental rules of law apply, at least in principle, to the Internet. Nevertheless, transborder data flows do create major challenges for national laws. In the next paper 'Copyright, Digital Data, and Fair Use in Digital Networked Environments', Pamela Samuelson (Professor of Law, University of Pittsburgh Law School) discusses the suitability of copyright law to deal with the electronic superhighway. Samuelson refers to a commonly made argument that copyright has faced the introduction of new technologies and survived, nay thrived and expanded, by introducing new rights to protect the creators of these new materials. This expansion of rights resulted in the introduction of new rights holders (phonogram producers, film makers, broadcasters and photographers) all of whom then had a vested interest in maintenance of the system, and aligned them with the authors of works traditionally protected by copyright (literary, artistic and musical works). However, Samuelson makes an important point in response to optimism based upon past 'achievements': all of the previous technologies accommodated by copyright and neighbouring rights law dealt in the distribution of physical copies of works such as books, paintings, films and phonograms (with the exception of broadcasters). The transmission of digital copies is very different, and poses the greatest challenge to copyright to date. The categorisation of

protected materials is particularly problematic when one is dealing with a digital medium. Samuelson looks to fair use/dealing exceptions to copyright infringement to strike a balance between owner and user interests. Technological protections are also discussed. Samuelson looks forward to a time when '[p]erhaps digital works will eventually be able to report back to their rightsholders if the user is abusing access rights in these works'. One day, maybe. For now it seems an amusing thought: an artistic work that 'squeals' when tampered with would obviate the need for moral rights protection! The subtitle 'an update and extension' to Richard Rosenberg's paper 'Free Speech, Pornography, Sexual Harassment, and Electronic Networks' refers to a 1993 work by the author on this topic. In this update, Rosenberg (Associate Professor, University of British Columbia) describes the responses of administrators in a number of Canadian universities to possibly offensive material on Internet user groups when faced with legal advice and pressure from persons offended by the material. Rosenberg emphasises the importance of freedom of speech. He argues that policies on obscene material should be applied consistently and that Internet material ought not to be treated more strictly than printed sources and university library collections. Rather than resorting to censorship, other laws such as those that proscribe sexual harassment should be used if necessary. Along with the issues surrounding pornography and sexual harassment, Rosenberg discusses cases of racist and hate propaganda postings, and the restrictions on access by Canadians to material on the Homolka trial which was subject to a suppression order by the court. He aims particular criticism at overly cautious legal advice that advocates restraint in such cases. The final paper is by one of the editors of the book, Pierre Trudel (Professor of Law, Université de Montréal, in collaboration with Robert G  rin-Lajoie). They analyse regulatory techniques that may be adopted in relation to electronic networks in 'The Protection of Rights and Values in Open-Network Management'.

These papers will be of interest to a range of readers: lawyers, librarians, publishers, government regulators, broadcasters, content producers working with digital technology, and legal academics working in the fields of intellectual property, communications regulation, freedom of speech and privacy.

Reference

1. For an overview see: G. Greenleaf *et al.*, 'The AustLII papers—new directions in law via the Internet', *The Journal of Information, Law and Technology (JILT)*, 2, 1997, <http://elj.warwick.ac.uk/jilt/leginfo/97_2gree/>.

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Invisible Crises: What Conglomerate Control of Media Means for America and the World

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Boulder, CO, Westview Press, 1996, viii + 295 pp., US\$79.00 (hbk), US\$22.00 (pbk), ISBN 0-8133-2071-2 (hbk), ISBN 0-8133-2072-0 (pbk)

In the Introduction to *Invisible Crises: What Conglomerate Control of Media Means for America and the World*, George Gerbner, Hamid Mowlana and Herb Schiller argue that the