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

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

considered when tactical and strategic military decisions are made.

Dycus highlights the deference given to the defense establishment when applying environmental laws in the following section. Courts have been sensitive to issues such as sovereign immunity, plaintiff standing requirements, and the justiciability of claims. In addition, the EPA is barred from issuing compliance orders and from filing suit against other federal agencies for violations of environmental laws. Dycus discusses the awarding of attorneys fees and the possibility for criminal sanctions when citizen suits are filed under certain Acts and regulatory schemes.

Liability for environmental damage caused by the defense establishment is discussed in a related section. Limitations on government liability include sovereign immunity, the Federal Tort Claims Act (including the Discretionary Function Exception), and the *Feres* doctrine. The author also discusses claims against defense contractors and the "government contractor defense."

The author concludes with optimistic hopes for a balance between a strong national defense and protection of the environment. Dycus sees a "confluence of interests" between citizens concerned with protecting the environment and government officials becoming more sensitive to the problems faced. A commitment from all parties concerned is required to solve these problems. In particular, Dycus points out a series of legislative, administrative, financial, diplomatic, and individual challenges which must and can be met.

Michael Buchanan

ELJAN MACKAAY, DANIEL POULIN & PIERRE TRUNDEL (Eds.), *THE ELECTRONIC SUPERHIGHWAY: THE SHAPE OF TECHNOLOGY AND LAW TO COME*; Kluwer Law International; Netherlands (1995); (\$97.00); ISBN 90-411-0135-7; 193 pp. (hard cover).

The Electronic Superhighway, contemplates the nature of communication via computers and other interactive media by the year 2000. The authors suggest that the future of the electronic superhighway, will emerge from the convergence of five specified cultures, ranging from the entertainment industry to hardware and software producers, as well as three conceptual models. The cultures and models are discussed in depth, and predictions regarding their future implementation are made. Present examples of this interaction are provided as well as the probable future uses revealing how the cultures, models and technology will be instituted. The authors' concern is how the cultures, models and advancing technology will ultimately converge in order to mold our society. Additionally, the authors introduce a host of legal

questions and ramifications arising from the burgeoning Internet culture.

The book begins with a detailed discussion of the present and future uses of technology. The authors suggest that various entertainment mediums as well as service and sales companies will undergo significant change due to the Internet revolution. The authors prognosticate that consumers will experience improved access to goods and services as well as to information. They conclude that the use of Internet technology will expand into video consumerism and interactive television programming.

In the first chapter, a brief historical overview of the development of the Internet is provided. The most important Internet feature is its ability to bring persons from all distances together and to facilitate discussions on a wider variety of subjects, an otherwise impossible task with traditional means of communication. On the Internet, shoppers are provided better information and better tools for analysis and are able to make the optimal decision regarding the costs and benefits of their purchases. Many technologies being developed are planned for use in the home and will influence how leisure time is spent. The entertainment aspect is expected to become part of consumers' every day habits. To support this conclusion, the authors cite a recent study of a system able to personalize television viewing and provide interactive television and immediate access to a variety of video games, revealing that the television consumers developed certain information seeking habits and preferred the interactive and more personalized version of television over traditional television.

As the electronic superhighway develops, future discoveries will push the limits of what can be accomplished on-line. For example, a collection of United States Supreme Court opinions are available from Case Western Reserve University. Accessing this collection allows legal scholars to by-pass the more traditional, and often more expensive, electronic retrieval services. The ability to construct hypertext pages which link subjects to related information has been dubbed "add-on scholarship." Add-on scholarship allows one to retrieve and unify scattered bodies of related material. This technology is already being implemented by professors. For example, a class may be given an outline which is then connected by hypertext to other related study materials which are presented by noted professionals and other professors around the nation. Linking this material could remove the need for textbooks and study aids since students can link to treatises and classes taught by the top educators on that particular subject. If textbooks become digitized, there will be a profound social and cultural change in research communities. For example, the probable effect upon legal journals by digitalized research. If one research institution becomes a depository for lesser read journals and then distributes the information over the Internet, lesser read journals could lose valuable subscriptions

since libraries know they can readily retrieve the journals over the Internet.

The book next explores the advantages of on-line research and publication. The authors forecasts a merging of Internet research services and legal research services. The authors note that legal journals could be subsumed by the Internet. They warn that for the more traditional realm of legal resources to coexist with Internet research services, traditional research methods must adjust to compete with the new media. To guarantee a competitive electronic forum for scholarly journals will require that elements of the old print medium be maintained inside the new digitized system. To avoid the possibility of tampering with research material, there will most likely be encryption techniques or algorithms installed at the retrieval cite to detect such activity. The written publication process requires filtering of vast amounts of empirical data and demands an extremely concise style for presenting results. For example, the researcher is invariably limited in the length of his dissertation, but electronic publishing removes such constraints. Likewise, a scientist may quickly publish the method, results, and crucial moments of an experiment.

The conclusion reviews a series of legal questions concerning the Internet revolution. The questions relate to courtroom evidence, privacy rights, and the scope of freedom of speech. With regard to evidence, the authors raise a number of issues, some already answered, relating to the intangibility of items such as computerized records. The editors recommend the adoption of a normative framework able to protect personal data and guard privacy rights. Lastly, Internet providers must learn how to cope with questionable material on the Internet. Some schools have banned material it considered offensive, thus raising questions of free speech. The authors conclude that the legal issues should be addressed now, before the questions become too overwhelming and are unanswerable.

Kathleen Schomaker

ANTHONY D'AMATO AND KIRSTEN ENGEL (Eds.), *INTERNATIONAL ENVIRONMENTAL LAW ANTHOLOGY*, Anderson Publishing Company, Cincinnati, Ohio (1996); (\$29.00); ISBN: 0-87084-375-3; 203 pp. (pbk.).

Anthologies provide a useful mechanism for introducing readers to the latest research and the most cutting edge arguments in any field of study. But the *International Environmental Law Anthology* provides the reader with much more than an interesting collection of articles. In an effort to expose the reader to as many diverse viewpoints as possible, the editors have pulled excerpts from leading works in the field of