Book Review – Poorly defined boundaries of a nebulous frontier
[published 73(6) Law Institute Journal 64 (June 1999)]


Both surveying and legal practitioners have been awaiting the publication of a text that integrates the two professions. This is the first and its publication should be a welcome event even if it be recognised that an initial foray into a new area will rarely attain perfection. The bibliography and table of cases suggest a starting point for anyone wishing to enter into this increasingly important field and gain information value from utilizing the tools made available by geographic information systems.

It must be noted however that this book does not fulfil the promise suggested. It may be that its quality has suffered as a consequence of an accelerated publication brought forward by the fear of imminent rival texts. A welcome from the professions would be premature. As a legal text, publication and sale at this price ought not strike fear in the hearts of the established law publishers. It is not legal scholarship despite its pretensions. True; it does have a table of cases, a table of statutes, footnotes, a bibliography, and an index. It is what is missing that defines this book.

Style: for the retail price asked surely the publisher could have engaged an editor who would have spared the author, the publisher, the reader, and the reviewer from the embarrassment of such verbal monstrosities as:

“However, courts because of the danger of abuse view this latter argument very circumspectly” (page 117); and

Such an editor could also have headed off many of the misspellings, incorrect citations, and typographical errors and thus repaid his or her employment costs many times over.

**Uniformity in style:** should *Brocklesby v Jeppesen* be cited as (1985) 767 F 2d 1288 or [1985] 767 F 2d 1288 or perhaps 767 Fed Rep 2nd Ser 1288 (1985)? These variations on a theme are displayed throughout the text and suggest indiscriminate cutting and pasting from a wide variety of sources each with its own peculiar citation style. When the different styles are brought together in a single text there is discord. It may well be that consistency is the hobgoblin of little minds, adored by unimaginative law review editors and conservative legal writers and publishers. However, the lack of consistency is an irritant. Another irritant is the disconcerting habit of appending an abbreviation to almost every compound noun. So pervasive is this idiosyncrasy that it is with disquiet that the reader encounters a reference to the State Supreme Court without the by-now-expected “SSC” in parentheses.

**Relevance:** the choice and presentation of figures, diagrams, and tables also suggest cutting and pasting perhaps motivated by the desire to display the breadth and depth of the author’s scholarship and research. That these figures and diagrams do not elucidate or illuminate the accompanied text results in the breadth and depth of the author’s research being displayed in an unflattering manner probably not intended by the author. The author’s choice of *Kennison v Daire* (1986) 160 CLR 126 to illustrate express terms in a contract is curious in that the case is a criminal appeal and the author has quoted from the dissenting judgment of Jacobs J of the SA Supreme Court (1985, 38 SASR 405). That this judgment found no favour with the majority of that court or a unanimous High Court of Australia bench does not appear to have inhibited the author. The case was misspelled and incorrectly cited in the text. Space restrictions imposed by the Journal’s book review editor preclude a full discussion of the many misspellings, incorrect citations, and typographical errors to be found throughout the text.
While discussing relevance it is of interest to note that this sentence, on page 171, apparently justified entries for “bar codes” and “smart cards” in the index:

“The use of copying techniques, the deployment of earth observation satellites, the use of bar codes and ‘smart’ cards in most of our daily transactions from the purchase of a candy bar at the supermarket to paying for our air tickets have all added new dimensions to collecting data and information.”

Surely on this criteria, each of “earth observation satellites”, “candy bar”, “supermarket”, and “air tickets” also deserve their own entries in the index.

**Timeliness:** the date of the submission for publication can be inferred from the author’s acknowledgments as October 1997. Unfortunately the author has not brought the law up to date. Although it is not essential, many texts carry an inscription such as “the law is stated as at 1 October, 1997.” This text does not which, in this instance, is a good thing. Who cares about the 1992 arbitration between Advanced Micro Devices and Intel when that arbitration was appealed to the California Court of Appeals and thereafter to the California Supreme Court: 885 P 2d 994 (1994). Similarly with the 1992 Federal District Court case of Apple and Microsoft. A text published in 1998 should direct the reader’s attention to the later 1994 decision of the Court of Appeals: 35 F 3d 1435. There are numerous other instances of a failure to update outdated case reports. Table 8.1 has been included to show the GIS legislation passed by twenty-five of the American states up to 1992. The author credits this table to Dansby (1992). What has happened in the intervening five or six years? Has there been no further legislative activity regarding GIS since 1992? Does the author know? Does he care? Apparently not. The author of a legal text bearing a 1998 publication date has a responsibility to investigate and inform the reader.

**Legal knowledge:** Cho’s analysis of basic contract law (*Carlill v Carbolic Smoke Ball Co* studied in second year law school) contains at least one schoolboy howler. His discussion of basic evidence law is wrong and that of the law of negligence is misleading. If we can have negligence lawsuits founded on
non-negligent acts then perhaps we can expect criminal prosecutions for non-criminal acts. It is not what this author doesn’t know about law that scares this reviewer. It’s what he asserts he knows for sure that just ain’t so. This is not a novel school of jurisprudence that Cho is seeking to establish – it is a school of jurisimprudence. It is like the thirteenth stroke of a crazy clock, which not only is itself discredited but casts a shadow of doubt over all previous assertions (per Lord Light LCJ, *Rex v Haddock* [1935] *Uncommon Law* 24 at 28).

**CONCLUSION:** while the publication of this text should have been the occasion of celebration this reviewer can only urge its potential purchasers to await the publication of a second edition which has not been deprived of the care that a book on this topic deserves.

So what can we conclude? This reviewer began thinking along the lines of:

“… the shallow content of this book is not reflected in its deep price,”

and finally settled upon the prosaic – a resort to the author who introduces his book thus:

“This book is a personal chronicle of my limited understanding of the law and how it impinges on … geographic information systems.”

The reviewer does not take exception to the author’s self-assessment. In fact, the author and the reviewer are *consensus ad idem.*

Malcolm Park