

Carlil & Carbolic (<https://carlilandcarbolic.com>) (2022)

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This website is described by its creator as part of a “collection of non text-based” legal resources hosted at <https://tldr.legal/home.html>. TLDR’s provider, City Law School, describe it as a “less textual legal gallery”. There is an important difference in the terminology used in these two descriptions, which becomes apparent upon contrasting Carlil & Carbolic with the other resources provided by TLDR.

TLDR’s extremely laudable and entirely desirable objective is to present complex legal subjects using graphical media. This is designed to enable greater accessibility of, and engagement with, these subjects by persons who might be otherwise deterred from doing so by the barrier to accessibility imposed by the customary form in which they are presented – that being “dense monochrome text that you wrestle into submission with the power of your intellect”. To this end, the resources linked on the website include a guide to the concept of consent in law, and a leaflet illustrating tenants’ rights. Both resources appear to have been developed for the purpose of assisting lay persons in understanding legal concepts that they might potentially find to be confusing. This is facilitated by the presentation of these topics through the media of text supplemented by pictorial illustrations.

By contrast, Carlil & Carbolic is designed not for ease of reference by lay persons who lack, and have no desire to have, a legal education or qualifications. Its express goal is to “help...study law” – in other words, to facilitate the acquisition of a legal qualification through an education in the law. This raises the question whether it is desirable, or even possible, to attempt to facilitate such an understanding of the law through “non text-based” media, given that the “law” is not, and cannot be, other than “text-based”, and any attempt to acquire a meaningful understanding of the law sufficient to become legally qualified without having applied “the power of [one]’s intellect” is doomed to failure.

In the light of the above points, it is probably not surprising that the content provided by Carlil & Carbolic is, in fact, comprised predominantly of text, with supplementary illustrations. The purpose of these illustrations, as described by the website’s front page, is “to help you study law”. The illustrations in the main depict egg-like humanoids - not dissimilar in appearance (I am sure inadvertently) to the titular beings in Oliver Jeffers’ *The Hueys* series of children’s books - in tableaux that, presumably, have been designed

with the intention of functioning as a visual cue to enable recollection of the facts of – and, more importantly, the principles which represent the cases described in the text.

How successful this aim has been fulfilled can be determined only by an evaluation of the observations of the student users of the website. From this reviewer's perspective, the potential success of the illustrations in stimulating recall of the principles from the case to which they pertain is likely to vary greatly. Certain of the illustrations have an at best tenuous relationship to the case to which they ostensibly relate – for example, the illustration that accompanies the reference to the case of *Dickinson v Dodds* (1876) depicts two of the egg-like beings engaged in a telephone conversation. Others intentionally avoid reference to case facts by focussing entirely upon the principle involved – for example, the “but for” principle is illustrated by reference to the case of “*Cork v Kirkby McClean*” (*sic*) (1952) using a pun-based illustration of the words making up that principle that (for reasons of propriety) I will not describe here. While commendable for its novelty, this approach runs the risk of de-emphasising the relevance of the facts of the cases in question, and potentially limiting the potential of narrative-based learning that might otherwise be afforded.

The text accompanying the illustrations is comprised of summaries of the cases and principles referenced, thus situating the website in the tradition of such texts as the “Nutshells”, “Law Express”, and (for older readers) “SWOT” series. As the users of such texts will be aware, this format presents a risk that when summarising a complex case or principle, accuracy may be sacrificed for brevity. Despite the claim on the front page that “All content has been checked by university lecturers, so you can rest assured that what you're reading is accurate”, errors abound. I am at a loss as to why the name of the plaintiff in *Carlill v The Carbolic Smoke Ball Co.* (1893) is misspelled in the name of the website, particularly given that the discussion of that case on the website gives the correct spelling. The misspelling of the case of *Cork v Kirby Maclean Ltd* set out above is no less glaring, likewise the suggestion that “allurements” can convert child trespassers into visitors for the purposes of occupiers' liability law (such a doctrine was expressly disapproved as long ago as *Herrington v British Railways Board* in 1972). The case of *Keown v Coventry Health Care NHS Trust* is cited as having been heard in 2019 (it was actually 2006). Additionally, given that the website promotes itself as adopting a novel approach to the study of law, it is depressing to see the reappearance of errors common to other secondary sources– for example, the all-too frequent misspelling of

The Carlgarth (1927) as “*Calgarth*”, the description of the defendants in *Home Office v Dorset Yacht Company* (1970) as “running a borstal on Brownsea Island” (actually the location used for a training exercise), and the statement that the defendant’s counterclaim in *Christie v Davey* (1893) “was defeated because they had acted with malice” (as an examination of the report of this case would disclose, the counterclaim in fact failed because the allegations in respect of the plaintiff’s family’s unreasonable user of their property were not made out on the evidence).

Carlil & Carbolic cannot be faulted for lack of ambition. However, the difficulties inherent in its mode of delivery are likely to present obstacles impeding fulfilment of that ambition. Students looking for a different approach to traditional text-based media used to assist their development of a sufficient understanding of substantive law should refer to it, but with the above caveats in mind so as to assess for themselves whether its failings outweigh its advantages.

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