

Legal Reference Books Review*

Compiled by Diana C. Jaque** and Lee Neugebauer***

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** Collection Development/Acquisitions Librarian, University of Southern California Law School, Los Angeles, California.

*** Reference Librarian, Paul, Hastings, Janofsky and Walker LLP, Los Angeles, California.

- Leah F. Chanin
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Washington, D.C.
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Head of Public Services
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- Kristin Ford
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 Winston-Salem, North Carolina
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 Adjunct Professor of Paralegal Studies
 Cuyamaca College
 El Cajon, California
 President of Lexcodex.com
Domain Names: How to Choose and Protect a Great Name for Your Website 320
- David M. Turkalo
 Assistant Director for Technical Services
 Suffolk University Law School Library
 Boston, Massachusetts
Encyclopedia of Supreme Court Quotations 314
- Helen R. Wohl
 Reference Librarian
 University of Miami, School of Law
 Coral Gables, Florida
Law 101: Everything You Need to Know about the American Legal System. 322

Anderson, Margo J., ed. *Congressional Quarterly's Encyclopedia of the U.S. Census*. Washington, D.C.: CQ Press, 2000. 424p. Cloth, \$125.

Reviewed by Susan Lyons

¶1 As the year of the twenty-second decennial census draws to a close, Congressional Quarterly has produced an excellent reference work for all librarians who field census-related questions. In 2001 the U.S. Bureau of the Census will begin to release data from the 2000 Census, first in small trickles and then in a flood of information. With the release of that data, legislative districts will be redrawn, marketing strategies revised, lawsuits filed, and the aid of knowledgeable librarians sought.

¶2 Like many government documents librarians, I enjoy wading through the sometimes arcane publications of federal agencies, but census information presents a special challenge. Row upon row of documents filled with statistical tables in small print are enough to make this liberal arts major blanch. Compounding these difficulties, the rare oases of explanatory text are liberally sprinkled with mysterious acronyms such as TIGER, PUMS, SIPP, and LUCA.¹

1. For the curious: Topologically Integrated Geographic Encoding and Referencing system; Public Use Microdata Sample; Survey of Income and Program Participation; and Local Update of Census Addresses.

¶13 The *Encyclopedia of the U.S. Census* does an admirable job at demystifying these terms and answering many other questions librarians are likely to face. The work contains 120 signed articles from eighty-one contributors, varying in length from one to ten pages, and arranged alphabetically by subject order. The editor in chief, Margo J. Anderson, is a historian from the University of Wisconsin-Milwaukee and the author of three previous books on the U.S. Census. The contributors come from academia, government, and the private sector. More than one-quarter of the contributors are employed by the U.S. Bureau of the Census.

¶14 The articles cover a broad range of historical and political aspects of the census as well as nitty-gritty technical topics such as data capture, demographic analysis, and post-enumeration surveys. Almost all of the articles provide a solid discussion of the historical development of the subject, and every article includes a short bibliography. The writing is generally clear and concise, and the contributors do a good job of explaining the technical aspects of census data in plain language. Cross-references at the end of the articles point the reader to similar topics. This feature is especially useful as some of the topical headings of the articles are less than obvious. For example, in looking for an article on the business or private sector uses of census data, I found the article under the letter "U" for "uses of the census data by the private sector." Despite this nonintuitive topic heading, I quickly found the information using the cross-references. The book also features a solid index, an essential element of any good reference work. The *Encyclopedia* is nicely illustrated with graphs, maps, tables, and historical photographs. An appendix contains both the long and short form versions of the 2000 Census questionnaire, a glossary, additional tables, and a listing of useful Internet sites for locating and interpreting census information.

¶15 The *Encyclopedia of the U.S. Census* is intended to serve as a ready reference guide, and as such it will prove a useful addition to any legal reference collection. Many of the articles, however, are of sufficient depth to serve as good starting points for more serious research. While the *Encyclopedia* will be of greatest value to academic libraries that include census materials in their collections, it might also be helpful in law firm libraries that support clients engaged in marketing or business research. As many of the data products from the 2000 Census will be available on the Internet, it is likely that most librarians will have at least some occasion to research census data. The *Encyclopedia of the U.S. Census* provides an excellent road map to steering through a specialized and technical area of government information.

Anzalone, Christopher A., ed. *Encyclopedia of Supreme Court Quotations*. Armonk, N.Y.: M.E. Sharpe, 2000. 395p. Cloth, \$79.95.

Reviewed by David M. Turkalo

¶16 A quotations tome's destiny can be a dusty one. Many end up filling a slot among the seldom-used things that libraries of all stripes buy in the hopes of using

“someday.” It would be a mistake to consign this solid, if somewhat understated, work to such a fate. Anzalone’s work compiles selected pithy, but usually cogent if not terse, “quotable quotes” from U.S. Supreme Court Justices, from the nation’s beginnings to the present court. Hope should be harbored that reference librarians would direct interested parties to use it for a variety of purposes, including punching up speeches, papers, opening and closing arguments, and for getting research started on particular topics by providing that initial “in” that many times is so badly needed to develop a successful research thread.

¶17 With his loftily stated “ultimate goal . . . to provoke critical thinking about the Nation’s history and its possible paths for the future” (p.xii), Anzalone does yeoman’s service toward such a noble end, whittling down from potentially hundreds of thousands of possible candidates to, as he puts it, a “manageable 900.” The only other viable competitor to this work is Percival E. Jackson’s *The Wisdom of the Supreme Court*,² which contains over 4,000 quotations and operates in much the same way as Anzalone’s, using a “Related Subject” style for cross-referencing (Anzalone uses “Keywords” for the same purpose). There is nothing snazzy in either book, and some users will find the more precise use of subjects, as well as the higher number of entries, in Jackson’s work more to their liking. However, the dated nature of that work is a reason to select Anzalone’s book. Both provide either the researcher on a mission or the interested leisure reader with a wealth of insight, via these encapsulated quotes, into the thought processes behind many of the most famous and not-so-famous Supreme Court cases.

¶18 Anzalone, former editor of a legal studies program at an un-named “educational publishing house,” divides his book into thirteen broad categories. These cover everything from separation of powers to due process and First Amendment rights. Each quote is arranged by the name of the quoted justice, the case in which the quote appears, and its exact citation. Following the quote itself is the aforementioned section of “Keywords,” a handy way to pursue more research within the volume. For example, immediately following a short quote from Justice Scalia’s dissenting opinion in *Holloway v. United States* (“Conditional intent is no more embraced by the unmodified word ‘intent’ than a sea lion is embraced by the unmodified word ‘lion’”),³ the reader would find the keywords “definitions” and “intent” (p.221). By checking these words in the Keyword Index, the reader can find related quotes.

¶19 The quotations are of varying length, from as short as a sentence to far more rhetorical flourishes. Besides the Keyword Index, the author also provides three other handy tools for effective use of the work. These are the Constitution of the United States of America; a “Table of Cases with Case Summaries” for all of the cases from which quotes within the book are extracted; and a “Table of

2. PERCIVAL E. JACKSON, *THE WISDOM OF THE SUPREME COURT* (William S. Hein 1991) (1962).

3. 526 U.S. 1, 13 (1999) (Scalia, J., dissenting).

Justices and Decisions by Justices,” listed in chronological order by the appointing president and including where to find their quotes within the book.

¶10 The *Encyclopedia of Supreme Court Quotations* is a good purchase for the reference collections of all types of law libraries. It is a useful, if a bit pricey, way to fill a need in Supreme Court quotation materials or to supplement and update the other major work in the field.

Aust, Anthony. *Modern Treaty Law and Practice*. Cambridge; New York: Cambridge University Press, 2000. 443p. Paper, \$44.95. Cloth, \$120.

Reviewed by Howard Sinclair

¶11 Aust’s book is a timely and significant addition to existing writings on international agreements. Timely in that he addresses many of the changes that have taken place on the world stage in the last decade, and significant in that he provides a clear explanation of the day-to-day practices involved in the negotiation, finalization, and administration of both treaties and informal memorandums of understanding (MOUs). The importance of these agreements to the orderly and peaceful relations between and among sovereign nations was recognized by the United Nations International Law Commission when it decided to codify treaty law and practice at its first meeting in 1949. The result of that decision was the Vienna Convention on the Law of Treaties 1969, commonly known as the “Treaty on Treaties.”

¶12 Aust begins with an introduction to the Vienna Convention (reprinted in the first appendix) and adopts the ordering of the topics in that treaty as the structure for most of the book. Throughout, he draws on more than thirty years of experience in the field to emphasize important practical aspects in the process of creating and maintaining international agreements. He also explains the application of treaty law to recent events—for example, detailing the status and succession of treaties in relation to such events as the breakup of the Soviet Union, the handover of Hong Kong to China, and the reunification of Germany.

¶13 This book can be read as the central work in the study of the international agreement process, supplemented, when necessary, by readings in the sources cited in the footnotes. The author fills the pages with a logical sequence of ideas, events, analysis, and opinions in an easy-to-read style that would win praise from any legal writing instructor. For anyone with the slightest interest in this subject, the book is a page-turner. It is also a useful source of information about specific agreements and about the stages of the agreement process. As such, reference librarians will be pleased as well. The index is thorough, with only occasional lapses in coverage. The table of contents includes chapter headings and subheadings that provide access to the text at or near sought-after information. There are a glossary and a list of abbreviations that prove useful. Footnotes, rather than endnotes, cite to materials discussed and refer to related information in other parts of the book and in works by other authors. There are tables of treaties, MOUs, and

cases, each providing citations to the material where published, but interestingly, not to the place each is mentioned in the book. Also, there is a short section entitled "How to use this book." Not to be missed are the quotes at the beginning of each chapter. The author calls on Shakespeare, Groucho Marx, Agatha Christie, T.S. Eliot, Woodrow Wilson, and other notables to set the tone for the discussions that follow.

¶14 Aust set out to provide a "comprehensive, up-to-date and practical" work on the law of treaties. He succeeds. Collections covering international relations to any degree will be enhanced by the inclusion of this book.

Bouckaert, Boudewijn, and Gerrit de Geest, eds. *Encyclopedia of Law and Economics*. Northampton, Mass.: Edward Elgar, 2000. 5v., 4304p. Cloth, \$1,390.

Reviewed by Shaun Esposito

¶15 Two years ago in a review in *Law Library Journal's* "Legal Reference Books of 1998," Tobe Liebert said that the "*The New Palgrave Dictionary of Economics and the Law* is an expensive but important purchase for the academic law library. There really is no comparable work published in English."⁴ Now, the same may be said of the five-volume *Encyclopedia of Law and Economics*. Indeed, the only work comparable to the *Encyclopedia* is *The New Palgrave Dictionary*. The *Encyclopedia*, however, has surpassed the *New Palgrave* in the depth and scope of its treatment of the topic. It provides a detailed historical account of the development of the law and economics movement, and discusses the movement's contributions to legal theories in everything from tort and contract law to criminal law and conflict of laws. Drawing upon authors from many academic disciplines and many countries, it is both interdisciplinary and international in its perspective.

¶16 Bouckaert and de Geest, the general editors, are professors of law and law and economics, respectively, at the University of Ghent in Belgium. A review of the editorial board for the *Encyclopedia* demonstrates that the work is not just European in perspective but truly international: law professors and economics professors, including two Nobel Laureates, from the University of Chicago, Boston University, Stanford, and Harvard participated on the editorial board. No less a law and economics luminary than Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, Richard Posner, not only served on the editorial board but also wrote the foreword. Articles written by authors from a variety of academic and geographic backgrounds make up the contents of each volume. An extensive bibliography accompanies each article. Each of the five volumes bears a separate title, which only begins to show the wide scope of topics covered in the individual

4. THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW (Peter Newman ed., 1998), reviewed in Amy B. Atchison & Denise K. Russell, *Legal Reference Books of 1998, Part Two*, 91 LAW LIBR. J. 693, 712 (1999) (reviewed by Tobe Liebert).

articles: The History and Methodology of Law and Economics, Civil Law and Economics, The Regulation of Contracts, The Economics of Public and Tax Law, and The Economics of Crime and Litigation.

¶17 Articles in the first volume, “The History and Methodology of Law and Economics,” provide a general overview of the movement, then go on to examine its development in several different European countries as well as Mexico, Canada, and Taiwan. Other articles address specific types of economic theory and explain their use in law and economics analysis.

¶18 In volume two, “Civil Law and Economics,” the authors examine a variety of property rights issues ranging from adverse possession to copyright. This volume also covers environmental issues, zoning and planning law, and tort law. Volume three, perhaps the thickest volume, addresses the “Regulation of Contracts.” Here, the authors discuss not only standard issues of contract law such as implied terms, penalty clauses, and contract remedies, but also specific issues such as employment contracts and licensing. Other articles in this volume address marriage contracts and issues related to regulation of the professions such as law and medicine.

¶19 Topics covered in volume four, “The Economics of Public and Tax Law,” include personal, corporate, and inheritance taxation. Other topics address pensions, wealth redistribution, and “takings.” Although entitled “The Economics of Crime and Litigation,” the final volume actually covers a range of topics related to the functioning of the judicial system including civil procedure, judicial administration, the appeals process, arbitration, class actions, and administrative law. A variety of issues related to criminal law and behavior, ranging from organized crime to corporate criminal liability, also appear in this volume.

¶20 Although many works on the law and economics movement already sit on the shelves of most academic law libraries, none even approach the comprehensive nature of the *Encyclopedia of Law and Economics*. This review has given only a brief overview of its scope. While its hefty price and interdisciplinary theoretical coverage make it an unlikely purchase for law firm or other practice-oriented law libraries, almost every academic law library should seriously consider adding it to the collection.

Clifford, Denis. *Make Your Own Living Trust*. 4th ed. Berkeley, Calif.: Nolo.com, 2000. 303p. 1 CD-Rom. Paper, \$34.95.

Reviewed by Nancy McMurrer

¶21 A living trust is an estate planning device that permits people to transfer their property at death without a will and without going through probate. According to its introduction, this book is designed to help those with small or moderate estates set up living trusts themselves, without the aid of an attorney. It also covers AB trusts, living trusts with a marital life estate, for couples whose combined estates are more than “moderate.” Small or moderate estates are defined

as those below the minimum net worth for estate tax purposes, from \$675,000 to \$1 million, depending on the year. The minimum net worth will rise to \$1 million by 2006.

¶122 The book includes seventeen chapters and an appendix of forms; the forms are also available on the CD-Rom found in the pocket on the inside of the back cover. Clear directions for using the CD-Rom with Windows or a Macintosh are included in Appendix A.

¶123 The author, Denis Clifford, has written a number of books for Nolo.com, including several others about estate planning subjects, one on partnership, and one for gay and lesbian couples. Numerous newspaper articles about estate planning list his books among reliable self-help resources.

¶124 The book opens with several introductory chapters, including an overview and a “FAQ” chapter. These provide numerous cross-references to the later sections that contain more detail. Chapters 10 and 11 provide step-by-step instructions for preparing the trust document and for transferring property to it. Subsequent chapters deal with other estate planning issues. The final chapter addresses how to find a lawyer should the reader encounter problems.

¶125 There are a number of handy visual aids in the book. For example, shaded boxes contain definitions of terms and other explanatory material. Graphic signals point out situations best handled by an attorney (a briefcase), refer the reader to other (Nolo.com) publications (an open book), or issue a general warning (a triangle with an exclamation point). Other user aids include the detailed table of contents in each chapter, a glossary of terms, and the index.

¶126 The layout of the book is user-friendly; bold headings make it easy to find or return to a particular topic. The text is broken up with charts, bulleted lists, and pen-and-ink drawings. Clifford’s writing style is clear and straightforward, and he is careful to avoid legal jargon unless the terms of art, which are always defined, are necessary. Most state law requirements are addressed in general terms; for instance, in chapter 6, Clifford summarizes the differences in treatment of marital property in community property and common law property states. In some instances, he points out specific issues that readers will need to check in their own states’ statutory codes.

¶127 Nolo has issued a new edition of this book about every two years. On the verso of the title page, the company states that “new printings” reflect minor legal changes, and “new editions” contain major legal changes, text additions, or reorganizations. With that standard in mind, I took a look at the third edition, issued in 1998, to see what the major differences were between it and this fourth edition. Perhaps the most noticeable difference is the addition of the CD-Rom containing forms. Spot-checking the forms themselves, I found only minor changes from the 1998 edition; for instance, the date blanks now read “20_” instead of “19_” and in Form 2 (Basic Shared Living Trust) “children’s subtrusts” has been replaced with “children’s trusts.”

¶128 I also compared chapter 6 from the third and fourth editions page by page. There are some minor changes. For instance, both editions include a list of community property states and a list of common law property states; the fourth edition has corrected the third's omission of Louisiana. In addition, the fourth edition has added several topics and has expanded others. For example, the warnings about naming a living trust as beneficiary of an Individual Retirement Account are much more detailed in the current version.

¶129 Clifford's work is not the only recent book about living trusts for lay readers. Searches in sources like OCLC and *Books in Print* for the subject heading "living trusts—United States—popular works" turned up several alternatives. Most of the others I found were published either by companies I did not recognize or by publishers (like Penguin Books) not as well known for their legal publications.

¶130 This book, written for laypersons, is most appropriate for law libraries open to the public. It would also be a good resource for a lawyer unfamiliar with this area of the law who wanted background information.

Elias, Stephen, and Patricia Gima. *Domain Names: How to Choose and Protect a Great Name for Your Website*. Berkeley, Calif.: Nolo.com, 2000. 165p. Paper, \$24.95.

Reviewed by Stephanie Tripp

¶131 There is this thing about names that resides deep in our collective psyches. Within tribal societies individuals and clans adopted the names of power symbols in their universe, names familiar to every American, such as Bear Clan, Crazy Horse, White Bird, and Thunder-Rolling-In-The-Mountains (Chief Joseph of the Nez Perce). The adoption of power names permeates every aspect of modern-day life, from school mascots, major league sports teams, and Boy Scout troops to national political parties, small businesses, and children's names (e.g., River Phoenix). Contemporary battles reflect the ancient and undiminished power of names. Who is entitled to use the name "Aztecs," with its accompanying mascot, "Monty Montezuma?" San Diego State University? Does it belong exclusively to the Aztecs and their descendants? Can anyone with Native American blood claim control of its use? Do major league baseball teams seeking to identify themselves with power symbols such as the Cleveland Indians, the Atlanta Braves, the San Diego Padres, the California Angels, the Seattle Mariners, the Florida Marlins, or the Arizona Diamondbacks, bestow honor or mockery upon their namesakes? Reasonable perceptions can and do differ.

¶132 The Navajo identify themselves as the *Dine*, meaning "the people" in their native tongue, and reject the word *Navajo* as a Pueblo term variously translated as "the enemy," "the hunters," and "the planters of great fields." The power to name bestows the power to control and define—the power to franchise or the power to disenfranchise, the power to honor or the power to mock, the power to

include or the power to exclude. Unless we are lucky enough to discover a new continent, a new species, a new disease, or a new comet or star, we are born into a world where almost everything already has a name. Our will to name is limited to those unfortunates under our power—our kids, our pets. Until now!

¶133 A new universe beckons. The world of cyberspace. The modern siren calls. Cyberspace is a blank slate, a black hole screaming for names. Staking a claim in cyberspace requires establishing a presence defined by a domain name. For a few bucks, the new world is ours to name. The image-making impact of a good domain name is not lost on even the most staid (boring) of companies. For example, Computerliteracy.com, a business-to-business corporate bookstore, seeking to expand its services and market share, launched itself as Fatbrain.com in March 1999, a move rewarded by a huge rise in its stock prices and a new visibility across the Internet. As the names rush in to fill the void, new rules, policies, and procedures must emerge within the larger framework of traditional patent, trademark, and copyright law to control the collisions and confusion.

¶134 The little softcover gem, *Domain Names: How to Choose and Protect a Great Name for Your Website*, presents a step-by-step guide to the current state of the law in registering and keeping a domain name. The book is published by Nolo.com, the upstart company founded in 1971 to get the law into the hands of the people and out of the exclusive hands of the sacred elite, the lawyers. Nolo.com has grown to become a respected publisher of quality, authoritative, and up-to-date products written in plain language for the legally naïve, but goal-oriented consumer. If the truth be told, many a lawyer, faced with an unfamiliar legal question, will reach for an introduction to the issue in a Nolo.com book.

¶135 *Domain Names*, coauthored by Stephen Elias and Patricia Gima, is no exception to this reputation. Elias is an attorney, editor, and Nolo.com author of several intellectual property law books. Gima is an intellectual property attorney and editor at Nolo. The book is divided into nine chapters that set out the parameters of obtaining a domain name with clear how-to-do-it instructions and good examples of those situations requiring the services of a lawyer. The authors include a handy comprehensive index and an appendix that includes the International Schedule of Classes of Goods and Services.

¶136 The process of choosing and registering a domain name is described from start to finish, including the nuts and bolts of where to register and how to determine the availability of a domain name. The authors further describe the process of, and reasons for, registering a domain name as a trademark and how to determine if a domain name conflicts with another business trademark. They present a primer on performing a trademark search of the U.S. Patent and Trademark Office's online trademark database and point out the differences between the older search system and the new search system called TESS (Trademark Electronic Search System).

¶137 A fascinating discussion covers the buying and selling of domain names,

one of the new games in town originated by cybersquatters. Cybersquatting is registering the names of established businesses as domain names, with the intent of selling the names for a profit. Panasonic, Fry's Electronics, Hertz, and Avon are among the victims of cybersquatters. Opportunities for cybersquatting are diminishing as businesses make domain name registration a high priority. The Sunday night registration of some fifty-plus domain names in every conceivable combination preceded the Monday morning announcement of the giant merger between AOL and Time Warner (and for those savvy enough to track such things, provided a huge tip to buy Time Warner stock). Similarly, interest in cybersquatting is no doubt diminishing with the enactment of the federal Anti-Cybersquatting Consumer Protection Act of 1999.⁵ The act provides for injunctive relief and for monetary damages.

¶138 On the other hand, the legitimate buying and selling of domain names can be a lucrative opportunity in the gold rush to claim desirable dot com names. For example, "business.com" sold for \$7.5 million, "wallstreet.com" sold for \$1.03 million, and "ForSaleByOwner.com" sold for \$835,000. Don't quit your day job, but check out an online broker such as www.GreatDomains.com if you have a knack for names.

¶139 Elias and Gima's *Domain Names* fulfills its stated purpose of guiding the consumer through the processes of getting and keeping a domain name, whether for launching an e-commerce business, steering an existing business onto the Web, or establishing an online magazine. The law of domain names is likely to change as quickly as the Internet itself, but Nolo.com provides updates to its publications at its Web site (www.nolo.com). The book is a fine introduction to the world of domain names, and points the way to further legal research and legal services in situations where more complex trademark disputes may arise.

Feinman, Jay M. *Law 101: Everything You Need to Know about the American Legal System*. Oxford; New York: Oxford University Press, 2000. 353p. Cloth, \$25.

Reviewed by Helen R. Wohl

¶140 I am not aware of another book quite like this. *Law 101: Everything You Need to Know about the American Legal System* is written by a scholar of tort and contract law, legal education and legal theory. Although Jay M. Feinman is a Distinguished Professor of Law at Rutgers, the State University of New Jersey, School of Law, he has here written a text for nonattorneys. It is intended for the average person with a strong interest in law. Although this is not a typical reference book, it does contain short explanations of most leading cases and doctrines in eight core areas of American law—the same areas most law students are taught

5. 15 U.S.C.A. § 1125(d) (West Supp. 2000).

in the first year of law school. Therefore a lot of substantive law can be easily found in these pages. *Law 101* is more than a recitation of laws or a guide to being your own lawyer. As the author states, “this [book] deals with issues that are more important . . . the big issues that are fundamental to law, not the mechanics of particular transactions” (p.9).

¶141 The author examines the policies and history behind the development of major doctrines in American law. Each chapter deals with a specific category, such as constitutional law, the litigation process, and criminal procedure. In addition to learning about the leading cases and doctrines, the reader will also gain an appreciation of the reasons behind each decision, why certain laws exist at all, and how law changes over time in response to social, economic, and political change. Relationships between bodies of law are also examined, for example, how tort, contract, and property laws compare in light of their historically different underlying purposes and policies. Light reading this is not because so much content is covered in so little space. Reading the book straight through is like taking the “seven countries in seven days” tour of Europe. Feinman, however, illustrates how law relates to our everyday existence, using understandable language; and the end result is stimulating and thought-provoking. What impressed me most by the end of the book was the incredible complexity of our legal system. Under our system the facts have to be closely analyzed, risks and benefits constantly weighed, distinctions made, and the law constantly fine-tuned in an effort to provide the most just and fair decisions possible. The reader of this book will come to understand why it is that in law there are no easy answers.

¶142 As an introduction to American law for nonlawyers, there are various types of readers whom this book might benefit: the prelaw or political science student, the foreign law student unfamiliar with the American legal system, and the pro se or other nonlawyer who comes to the law library with questions. There are two indexes, one for subjects and another for legal cases, although I was a little disappointed that citations were not included for the cases. I also wish that there was a bibliography of other sources where the reader could go to learn more. All in all, though, this book provides the law librarian with something authentic, fresh, and different to add to a collection of books for nonlawyers.

Lewis, Thomas T., and Richard L. Wilson, eds. *Encyclopedia of the U.S. Supreme Court*. Pasadena, Calif.: Salem Press, Inc., 2001. 3v., 1024p. Cloth, \$315.

Reviewed by Lesliediana Jones

¶143 The publisher’s note for the *Encyclopedia of the U.S. Supreme Court* states that “[t]his three volume set is designed to meet the growing need among students and members of the general public for clear, authoritative, and up-to-date information about the Court.” This work is suitable for that audience. It is comparable

in format and style to *The Oxford Companion to the Supreme Court of the United States*,⁶ although it is not as scholarly in tone as that book.

¶144 The *Encyclopedia* contains over one thousand topics that are discussed in individual essays, starting in volume one with *Abington School District v. Schempp*⁷ and ending in volume three with *Zurcher v. The Stanford Daily*.⁸ The essays are written by contributors from various universities and colleges; they are listed in volume one along with their institutional affiliation. Since one way of judging this type of publication is assessing the authority of the contributors, it would have helped to include job titles.

¶145 The topics include cases the editors consider important, biographies, significant pieces of legislation, clauses and amendments to the U.S. Constitution, historical events, specific areas of law, and broad issues such as abortion and discrimination. Each essay includes preliminary material preceding the discussion, although it varies based on the type of topic. For example, each case essay provides the citation to the case, the date of decision, the issue involved, and the significance of the case. A “further reading” section is occasionally included. A “see also” section provides references to other cases and topics.

¶146 The essays vary in the extent of discussion given to a specific topic. Most are brief, highlighting just the most salient facts. A flaw of the essays on cases is that many do not make it clear who wrote the majority opinion or a noteworthy dissenting opinion. The most extensive discussion is devoted to broad issues such as abortion, capital punishment, and regulation of commerce.

¶147 The *Encyclopedia* also includes text boxes or illustrations containing addendum material for many of the essays. For example, some essays include material such as the text of an amendment or an illustration of a specific fact (e.g., a map of the United States and the number of executions that occurred from 1930 to 1997 to accompany the essay on capital punishment).

¶148 Volume three contains a standard subject index and an index of individual cases, including cases that are mentioned but not covered in individual case essays. Other appendixes include an annotated bibliography of books related to the Supreme Court, an historical time line of significant events from 1776 to 2000, selected federal statutes that are considered significant, and a list of Internet resources. The latter include government, university, association, and commercial Web sites.

¶149 The *Encyclopedia* does a good job of comprehensively covering the Supreme Court. The format and style of writing is well suited to its target audience of university or college students and the general public. It is appropriate for

6. THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (Kermit L. Hall et al. eds., 1992).

7. 374 U.S. 203 (1963).

8. 436 U.S. 547 (1978).

undergraduate academic libraries and large public libraries, and might be considered by law school libraries that are used a lot by the general public.

Martin, Waldo E., Jr., and Patricia Sullivan. *Civil Rights in the United States*. New York: Macmillan Reference, 2000. 2v., 852p. Cloth, \$225.

Reviewed by Leah F. Chanin

¶150 This two-volume compendium is advertised as a reference tool for the history of civil rights in the United States. The preface states that the goal is to make scholarship on the subject available to a wide audience.

¶151 The set begins with a sketchy history of the Bill of Rights written by a known bibliographer and scholar, Paul Finkelstein. It appears to have been written for a high school audience or a college survey course. Other authors in the compendium are too numerous to list in this review, but they include Mark Tushnet of Georgetown University Law School, Leonard Dinnerstein of the University of Arizona, Vine Deloria Jr., author and professor at the University of Colorado, and Frances F. Piven of NOW. Most of the authors are experts or scholars, and the material appears accurate and trustworthy.

¶152 The format of the book is encyclopedic with 1300 topics related to civil rights and civil rights personalities arranged alphabetically. The discussions of each topic range in length from one to several pages. The volumes are interspersed with pictures of leaders and institutions relating to the development of civil rights. The book has great breadth in its coverage, but discussion is necessarily brief and mostly limited to factual statements about the event, person, or movement. It lacks sufficient depth or discussion of the controversies surrounding the issues involved in the topic to assist a law student, lawyer, or graduate student who wishes to do extensive research on the subject. To partially alleviate the lack of depth, excellent bibliographies, some of them extensive, follow each topic.

¶153 This book evolved from a team led by the NEH Summer Institute at Harvard. According to the preface, "The goal of the Institute was to develop a framework for understanding the civil rights movement in the United States, its origins, processes and consequences." The goal was achieved if the audience is high school students in search of a very brief answer to a question on one of the topics covered. Given the abundance of excellent resources on various aspects of the civil rights movement, this book's value is that it gathers hundreds of "causes" together and is a one-stop source for quick research.

Messinger, Thane Josef. *The Young Lawyer's Jungle Book: A Survival Guide*. 2d ed. Honolulu: Fine Print Press, 2000. 231p. Paper, \$18.95.

Reviewed by Kimberly Barskaitiki

¶154 School doesn't teach you what to think, it teaches you *how* to think. School doesn't prepare you for the real world. Academics teaches you theory, while the real world teaches you practical knowledge. How many times have you heard this

or experienced it? Messinger's goal is to smooth the new law school graduate's transition from academics across a chasm to the real-world practice of law. His curriculum includes thoughtful advice on professionalism such as "don't let your personal life interfere" (p.29) and insightful discussion such as "be a good assistant; be likable; think ahead; anticipate what will be needed next; planning and preparation are 49% of a project; become indispensable" (p.42). Messinger is not reluctant to reveal hard truths, such as the lowly status of an associate when "on your first day of work, you are about two levels above amoebae" (p.53) who should "not make the mistake of assuming you'll be told what to do" (p.70).

¶155 Messinger's survey of learning law practice is comprehensive. He describes typical law personalities (the academic, the bully, the bureaucrat, the industrialist, the perfectionist, the pinhead, and more) and suggests how to deal with them. He covers the basics of office conduct and practice (bookkeeping, use of proper grammar and plain English, hierarchy in the firm, hygiene, continuing education, clients), but addresses as well such advanced topics as the yearly review, group outings, office decoration, pro bono work, and extracurricular activities (i.e., participating in nonprofit organizations or publishing articles). Although the legal field is dominated by white men, the author involves all demographics in his discussion as well, including advice on dealing with secretaries, support staff, librarians (hear! hear!) (in sum, "don't be snotty" (p.183), "be nice" (p.193)), and how minority and gender issues fit in.

¶156 Messinger provides some guidance on where to pursue practice area interests. If the graduate wants "courtroom experience, run—don't walk—to the nearest District Attorney or Public Defender's office" (p.49). Its humorous bent makes this book fairly entertaining as well as informative: "If you like being around wealthy people, go for the big firms. If you *really* like being around wealthy people, get off on the estate-planning floor" (p.49). In developing a field of specialty, the novice lawyer needs to assertively express interest in an established attorney and his or her work.

¶157 Messinger is disappointed that his book has not made inroads into law schools and law firms to help new associates become more successful and, at the same time, help firms become more profitable with less attrition. But can such a heretical work be sanctioned, even welcomed, by the overstuffed egos well known in every law office? Would they admit that "your reputation is pretty much all you have in law" (p.209)? Do they want law school students to know that at work they are "supposed to be an invisible profit center" (p.29)? Can the legal profession accept such a blunt internal evaluation of the realities without destroying itself? This book walks a fine line, attempting to balance the author's values with the behavior necessary to survive in law office fiefdoms.

¶158 The one downfall of the book is its style. Messinger writes very colloquially, as if he were giving an informal talk. Deliberately avoiding the stuffy lecture, he brings it down to today's MTV generation. This seems fresh at first, but

the countless parentheticals, ellipses, and silly footnotes soon become tiresome. However, the virtues of the book outweigh this fault.

¶159 In many places, Messinger waxes philosophical. I am the type to enjoy the “fetal protection of the library” (p.49), so I read most of the book with the kind of gory fascination you have driving past a highway accident. But the profound gems of wisdom were my favorite parts. My college linguistics professor taught me that it is easy to find differences among languages; the trick is to find similarities. The correlation to this insight in the world of legal practice is the way that “young lawyers . . . find it easier to see a dozen reasons why a case should be lost, rather than the *one* reason why it should be won” (p.159). Later on in the book, Messinger takes a step even higher to contextualize law in the world at large. “Art teaches awareness. Science teaches awareness. Medicine teaches diagnostics. The military teaches accomplishment. Business teaches possibility. The law teaches consequences.” (p.198)

¶160 Having expended a great deal of ranting, insight and humor to compensate for the failure of law schools to prepare graduates for real world law practice, we thus come full circle to academic ponderings, with the author not only providing a good deal of concrete advice, but also offering provocative ideas on intriguing issues relating to the place of law in society. I look forward to the evolution of Thane Josef Messinger as an author.

Roberts, Adam, and Richard Guelff, eds. *Documents on the Laws of War*. 3d ed. Oxford; New York: Oxford University Press, 2000. 765p. Cloth, \$85. Paper, \$35.

Reviewed by Katherine Hall

¶161 The third edition of *Documents on the Laws of War* provides a comprehensive collection of currently applicable international documents governing armed conflicts and military occupation. Presented chronologically, the collection begins with the 1856 Paris Declaration Respecting Maritime Law and concludes with the 1999 Second Hague Cultural Property Protocol. In addition to the full text of each document, the editors include a historical note outlining its development and context. Additionally, the editors list the date of adoption, the date it came into force, a table of states party to each convention, and parallel citations to alternate sources of publication. The editors also include a selected bibliography and an appendix of relevant Web sites that point the reader to additional sources.

¶162 The first edition of Roberts and Guelff’s work had been compared unfavorably to *The Laws of Armed Conflicts: A Collection of Conventions, Resolutions, and Other Documents*,⁹ edited by Dietrich Schindler and Jiri Toman. One reviewer found it unnecessary in light of the more comprehensive Schindler

9. THE LAWS OF ARMED CONFLICTS: A COLLECTION OF CONVENTIONS, RESOLUTIONS, AND OTHER DOCUMENTS (Dietrich Schindler & Jiri Toman eds., 2d ed. 1981).

and Toman work.¹⁰ However, the last update to Schindler and Toman's work occurred in 1988 while the Roberts and Guelff work is up-to-date as of August 15, 1999.

¶163 Given that *Documents on the Laws of War* is a relatively current source for treaty material, it is valuable. It covers important developments of the 1990s, such as the 1994 Convention on the Safety of UN Personnel, the 1995 Protocol IV on Blinding Laser Weapons, the 1996 Amended Protocol II on Mines and Booby-Traps, the 1997 Ottawa Convention on Anti-personnel mines, and the 1999 Second Hague Cultural Property Protocol. Although this work may be less comprehensive than Schindler and Toman's work, it offers a convenient source for currently applicable documents.

¶164 Another valuable aspect of the book is its well-written forty-six-page introduction. It provides an overview of the sources of the law, such as international agreements, customary principles and rules, judicial decisions, and manuals of military law, and how those instruments apply to states and individuals. The editors also explain the role of various international bodies in the development of the current law.

¶165 Overall, the work may prove useful on two levels. The comprehensive introduction and historical prefatory notes to each document supplement the text of the core documents. This structure makes it an appropriate introductory text for students and others unfamiliar with the specific area of law. Alternatively, the work also functions as a basic source for the text of particular treaties, providing convenient access to a core set of international agreements on the subject of armed conflicts. However, for researchers experienced in the subject area or those who already have comprehensive, up-to-date access to treaties and other forms of international agreements, this work will probably not be of much value.

Rose, Richard, ed. *International Encyclopedia of Elections*. Washington, D.C.: CQ Press, 2000. 392p. Cloth, \$195.

Reviewed by Kristin Ford

¶166 What a timely book! As I write this review, two days after election day, the people of the United States are still waiting to find out whom we have elected as president. Discussions and debates over our electoral college and voting process are the main topics on the news and in our workplaces and homes. The focus of America's attention will eventually move on, but I have no doubt that we will all be better educated about our electoral process than we were before the election. Perhaps students as well as scholars will develop a new interest in comparing and contrasting election methods all over the world. As Richard Rose, editor in chief of the *Encyclopedia*, states in his introduction: "To evaluate the merits and short-

10. Howard S. Levie, Book Review, 77 AM. J. INT'L L. 383, 384 (1983).

comings of election procedures in a particular country, we will find it helpful to understand how elections are held in others; this observation is especially true when reforms are being contemplated.”

¶167 The *Encyclopedia* is a handsome, single hardbound volume. Rose’s introduction provides general background on its scope. Before receiving the book, I expected it to be organized by country, discussing each country’s system. Instead, the *Encyclopedia* is composed of articles on selected topics pertaining to elections, such as “Age of Voting,” “Fraud and Falsification of Voting,” and “Regulation of Television at Elections.” Be warned that the articles come in alphabetical order by title, not by subject. Thus, instead of being in one place, three articles relating to redistricting are found under “G” (“Gerrymandering”), “P” (“Positive Discrimination in Redistricting in the United States”), and “R” (“Reapportionment and Redistricting”). However, the index is adequate in helping to locate the various articles on a particular subject of interest, the alphabetical listing of the 147 articles in the front of the book is not too long to scan, and cross-references to other entries within the *Encyclopedia* are provided at the end of each article.

¶168 The *Encyclopedia* sought articles from authors considered to be subject experts from universities and other institutions from all over the world. The well-written articles are probably best-suited for readers who already have a little background knowledge of political science. Each defines terms important to its topic and provides a discussion of the topic which points out problems and merits and offers anecdotal evidence from different countries. Each article also includes a bibliography of additional articles and books recommended by the author for those who want further information. Finally, for those who want to be able to do a quick and dirty comparison, appendixes provide a country-by-country listing of a dozen or so features of electoral systems in 144 countries, such as voting age, terms of office, ballot form, and statistics from several recent elections. This book will be a good reference source for academic and law libraries, attorneys, and scholars who specialize in election law, constitutional law, international relations, and political history and processes.

Schneeman, Angela. *Paralegal Ethics*. Albany, N.Y.: West Legal Studies/Thomson Learning, 2000. 282p. Paper, \$37.95.

Reviewed by Leah F. Chanin

¶169 This book is part of the West Legal Studies Series that is directed toward reference or education for various law-related groups. It is a study of legal ethics in matters that would be encountered by a paralegal and others in a law office, government agency, corporation, or other law-related company. It takes a practical approach to resolving these ethical dilemmas in accordance with ethical principles and rules developed by the American Bar Association, the National Association of Legal Assistants, and state and federal statutes and cases.

¶170 Paralegals must abide by the rules established for attorneys, and the book focuses on the ABA Code of Professional Responsibility and the ABA Model Rules of Professional Conduct as well as aspects of confidentiality, conflicts of interest, and unauthorized practice of law that have become part of the law governing lawyers.

¶171 Each of the ten chapters covers an aspect of legal ethics by giving an introduction to the topic, stating the rules governing the topic, posing a factual dilemma, and then presenting an answer to and a discussion of the dilemma. This is followed by a discussion of the topic from the perspective of the paralegal.

¶172 This reviewer taught professional responsibility for almost twenty years and testified in several legal malpractice cases that involved breaches of attorneys' ethical and legal obligations to clients. I used several casebooks, videos, and other instructional materials during that time. This book, although not developed for law students, is equal in quality to many law school casebooks. The examples are well chosen and clearly illustrate the topics they discuss. For example, the conflict of interest chapter begins by postulating an attorney called on to draft a will for a long-time friend who is leaving a large gift to the attorney in that will. This example provides a powerful lesson about the consequences of failing to cure a conflict or of accepting a matter in which an attorney has a conflict of interest. The discussion of this example is followed by references to the relevant ethical rules and a lengthy review of the conflicts encountered in criminal and nonlitigation matters. A conflict of interest checklist is reproduced. The chapter is comprehensive and accurately written.

¶173 Each chapter concludes with a summary and questions that seek to test the understanding of the reader. The endnotes cite to cases, rules of conduct, and ethics opinions. An instructor's guide is also available for classroom use.

¶174 The book contains a chapter on business ethics which discusses ethical decision making in businesses and uses real-life examples to illustrate the guidelines used by companies such as Johnson and Johnson to assure ethical conduct by their officers and employees. It includes policies and methods used to develop ethical guides in a business setting. The Model Business Rules, developed by the United States Department of Commerce, are reproduced. This chapter is a valuable source for attorneys who represent businesses. It could also serve as a guide for developing practices and policies for internal law firm policies.

¶175 Another useful chapter is the one on the unauthorized practice of law. This could be useful to the reference staff in a law school library as well as to non-lawyers such as bankers, realtors, and insurance agents. Unauthorized practice of law is a matter of state law, but the chapter provides excellent general advice for paralegals and describes the level of supervision required for various tasks in a law firm, corporate, or government setting. The final pages of the chapter describe a fascinating true case study of a paralegal in a law firm that represented a tobacco company. The paralegal removed confidential documents from the files and

ultimately gave them to an attorney general and a congressman who were pursuing actions against the tobacco company. The ethical dilemmas are presented and discussed.

¶176 This book is a substantial contribution to the field of legal ethics and its value extends beyond its reference use by paralegals and other support staff. It would be valuable in a continuing education course or in a paralegal school.

Shelton, Dinah. *Remedies in International Human Rights Law*. Oxford; New York: Oxford University Press, 1999. 387p. Cloth, \$130.

Reviewed by Jean M. Callihan

¶177 Dinah Shelton, law professor and faculty member of the Center for Civil and Human Rights at the University of Notre Dame, is a respected author of several books and scholarly articles on international human rights.¹¹ Shelton is familiar with international law and the systems established to address human rights violations, and is well positioned to realistically discuss how these institutions function and how well they achieve their goals. This book gives a thorough presentation of the range of remedies available to human rights victims and detailed analysis of the international institutions that can award those remedies.

¶178 *Remedies in International Human Rights Law* covers the theory of civil remedies, how the theoretical concepts apply in international law, the movement from interstate litigation to litigation between an individual and a state, and the organizations created to adjudicate the disputes. Part one covers “The Conceptual and Historical Framework” of remedies. Part two deals with the “Institutional Framework” of the international organizations handling individual human rights disputes. Part three, “Jurisprudence and Practice,” is the longest section and discusses civil remedies such as declaratory judgments, monetary compensation, punitive or exemplary damages, and nonmonetary remedies. Also touched upon are awards for court costs and attorney’s fees to prevailing victims and remedies for “gross and systemic violations” of human rights.

¶179 The text is thoroughly indexed and footnoted and includes a substantial bibliography. The three tables—Table of Treaties and Other International Documents, Table of National Laws, and Table of Cases—are well organized and provide comprehensive citations to materials on international human rights. A December 1999/2000 edition of the book includes an additional forty-three pages, but was unavailable for review.

¶180 The difficulty in presenting this material is that there are three international tribunals that hear individual human rights cases. Each is organized a bit differently under the relevant treaty, and each operates under different rules. The

11. E.g., DINAH SHELTON, *INTERNATIONAL CRIMES, PEACE, AND HUMAN RIGHTS: THE ROLE OF THE INTERNATIONAL CRIMINAL COURT* (2000); Dinah Shelton, *Human Rights, Environmental Rights, and the Right to Environment*, 28 STAN. J. INT’L. L. 103 (1991).

European Court of Human Rights, the Inter- American Court of Human Rights, and the African Court on Human and Peoples' Rights likewise have different philosophies regarding their missions. It is to Shelton's credit that she coherently presents the historical background, legal theories, and several representative decisions for each.

¶181 Shelton does not give a neutral dissertation. She disagrees with the narrow reading of the law by the European court and its proclivity to award remedies based on the victim's social status. She is hopeful about the progress of the Inter-American court and the recently created African court, and encourages the use of creative nonpecuniary damages such as memorials, apologies, and recognition days to assist victims to come to terms with their experiences. However, she perceives the trend of granting amnesty to people who violate human rights on a grand scale as inimical to assisting victims.

¶182 This is an excellent treatise, not a book for the casual reader. The author assumes a level of familiarity with international institutions and cases, so neither the text nor the footnotes provide detailed explanations for the novice. Likewise, this is not a book for the practitioner. Contrary to the book jacket, no detailed practical guidance for handling a case is included, unless the suggestions to plead details and request specific damages and attorney's fees qualify.

¶183 My one disappointment with this book is its scanty treatment of compliance with orders issued by international tribunals. There is a tantalizing reference to some courts' reluctance to order sweeping restitution or creative nonmonetary damages because of fears the orders would be ignored. There is also a brief but intriguing discussion regarding monetary awards distributed via trust mechanisms established by order of the Inter-American Court and maintained under the court's continuing jurisdiction. A chapter on the efficacy of the enforcement of human rights by these tribunals would have been welcome.

¶184 I was unfamiliar with the international tribunals discussed in this book, but I did come away with a rudimentary understanding of the system in place to adjudicate human rights violations and an appreciation for procedures and ideas that differ from practice in the United States. For example, the third-party role of the human rights commissions associated with the courts, the concept of "moral damages" used by the international community, and the South American concept of *amparo*, which is something akin to habeas corpus, were all novel concepts to me. The discussions of specific human rights cases with their depictions of humankind's violent side were disturbing, but did illuminate the legal points under discussion.

¶185 Shelton takes a critical look at the existing machinery available to victims and writes sympathetically of the victims' needs for recognition and closure. Shelton succeeds in her goal of presenting a theoretical foundation as well as standards and principles for awarding civil remedies in individual human rights cases. Her work makes an important contribution to the burgeoning area of international human rights law.

Tuck, Richard. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford; New York: Oxford University Press, 1999. 243p. Cloth, \$45.

Reviewed by Elizabeth A. Edinger

¶186 If you didn't recognize the title of this book right away as mirroring *De Jure Belli ac Pacis* (On the Rights of War and Peace) by Hugo Grotius,¹² then you are probably not ready to read Richard Tuck's latest book, *The Rights of War and Peace*, because the author requires his reader to have more than a casual grasp of the subject matter discussed.

¶187 Tuck is currently a professor of government at Harvard University and University Lecturer in History and Fellow at Cambridge University, specializing in the history of political thought. In 1991 he was invited to Cambridge University to deliver a series of lectures, and this slim volume is the result of the presentation he developed for that audience, i.e., scholars and students who were already familiar with the theorists (and their writings) discussed by Tuck.

¶188 Tuck attempts to define and examine the relationship between the modern political theories of the seventeenth century based on the concept of natural rights and the humanist theories of the century before. Naturally enough, he begins with two chapters that review the two competing moral traditions of sixteenth-century Europe, humanism and Scholasticism, out of which the ideas of the political theorists discussed in the following chapters would grow. Humanism, Professor Tuck tells us, is based on the literature of the ancient world, and he then proceeds to show the parallels in the views of war between the Roman writings and a leading humanist, Alberico Gentili. The second chapter on Scholasticism follows the same pattern with the views of Luis de Molina and references to the Christian fathers and medieval philosophers. Tuck is careful to point out that both traditions viewed war as legitimate; the debate between them centered only on the possible moral justifications for war and international aggression.

¶189 Having set the intellectual boundaries from which modern political thought would evolve, Tuck then takes the reader through the development of international relations, presenting the views of Grotius, Hobbes, Pufendorf, Locke, Vattel, Rousseau, Kant, and others. He maintains that an understanding of these political thinkers is necessary for our appreciation of international affairs today as we accept the idea of a world community in which nations do not possess their old autonomy, and the principle that defense to aggression against one state is often "for the good of the world community."

¶190 For libraries serving scholars concerned about international relations and involved in the debate themselves, this would be an indispensable volume.

12. HUGO GROTIUS, *DE JURE BELLI AC PACIS* [ON THE RIGHTS OF WAR AND PEACE] (Francis Kelsey ed., Bobbs-Merrill 1962) (1625).