

Keeping Up with New Legal Titles*

Compiled by Catherine F. Halvorsen** and Diana C. Jaque***

Contents

<i>The Essential Guide to the Best (and Worst) Legal Sites on the Web</i> , 2d ed.	373
<i>Legal Aspects of Managing Technology</i> , 3d ed.	375
<i>The Law (in Plain English) for Small Businesses</i>	376
<i>English Public Law</i>	377
<i>Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children</i>	378
<i>Principles of Medical Law</i> , 2d ed.	380
<i>The Moral Limits of Law: Obedience, Respect, and Legitimacy</i>	381
<i>In Defense of Internment: The Case for "Racial Profiling" in World War II and the War on Terror</i>	382
<i>Unfit Subjects: Educational Policy and the Teen Mother</i>	385
<i>Owning the Genome: A Moral Analysis of DNA Patenting</i>	386
<i>Should You Really Be a Lawyer? The Guide to Smart Career Choices Before, During & After Law School</i>	387

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The Law (in Plain English) for Small Businesses. 376

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* © Catherine F. Halvorsen and Diana C. Jaque, 2005. The books reviewed in this issue were published in 2004 and 2005. If you would like to review books for "Keeping Up with New Legal Titles," please send an e-mail message expressing your interest to either halvorsengroup@aol.com or djaque@law.usc.edu.

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Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children 378

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Should You Really Be a Lawyer? The Guide to Smart Career Choices

Before, During & After Law School 387

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Unfit Subjects: Educational Policy and the Teen Mother 385

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Owning the Genome: A Moral Analysis of DNA Patenting 386

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Ambrogi, Robert J. *The Essential Guide to the Best (and Worst) Legal Sites on the Web*. 2d ed. New York: ALM Publishing, 2004. 417p. Paper, \$49.95.

Reviewed by Patrick Meyer

¶1 There is a staggering amount of information available on the burgeoning and often amorphous Internet. Unfortunately, legal researchers often steer clear of these dark and mysterious recesses at the expense of failing to take advantage of the many wonderful free legal materials that are available. The purpose of *The Essential Guide to the Best (and Worst) Legal Sites on the Web* is to provide a comprehensive resource for those who need to perform timely, accurate, and cost-effective legal research on the Internet (p.1).

¶2 Robert Ambrogi is a long-time syndicated columnist on the subject of online legal research, writing for bar association journals and legal periodicals as well as contributing a monthly column to *Law Technology News*. He also has been editorial director of American Lawyer Media's Litigation Services Division and editor-in-chief of the *National Law Journal*.

¶3 The first edition of *The Essential Guide*¹ introduced the popular five-star Web site rating system, and Ambrogi wisely retains it in the second edition. Each Web site is evaluated on five criteria: overall usefulness to the legal profession, content, design and presentation, accessibility and ease of use, and innovation. A five-star site must excel in each of these areas. Ambrogi also includes lower-rated sites. For instance, in chapter 6, dealing with the topic of criminal law practice, he lists fifteen sites that are rated highly with four or five stars, but then proceeds to evaluate seven lower-ranked sites. Ambrogi does the same in chapter 8, where seven of the eleven estate planning "lawyer resources" sites are rated from only one to three stars.

¶4 Although the greatest emphasis in *The Essential Guide*'s rating system is placed on the overall usefulness of a particular site, expanding the site descriptions

1. ROBERT J. AMBROGI, *THE ESSENTIAL GUIDE TO THE BEST (AND WORST) LEGAL SITES ON THE WEB* (2001).

in the areas of design and ease of use might enhance the resource value of the book for busy reference librarians. For example, an entry describing a Web site as containing "abundant information" but lacking a table of contents or site search engine would better serve the user in a time-crunch than one that only details the amount of information provided. Compare the long-standing powerhouse Web site Hieros Gamos,² which does not have a site search engine on the home page, to the equally illustrious FindLaw³ site, which provides a home-page link to a site search engine.

¶5 The second edition of *The Essential Guide* contains twenty-seven chapters and four appendixes. Most of the chapters concern specific legal subject areas such as bankruptcy, torts, and Internet law. Other chapters include information about search engines, legal portals, marketing, knowledge management, and Web logs (blogs). The appendixes are a valuable tool for those who need access to official state law Web sites, court cases, or online briefs. Even though the subject-specific layout of each chapter provides for efficient access to information, the addition of a detailed forty-two-page index makes access even speedier.

¶6 As with any work that refers to Web sites, the second edition updates URLs that have changed in the three years since the first edition was published, and as such it is a necessary purchase for those who have come to rely on the original publication. As either a companion text or a stand-alone volume, users will find the various subject-specific Web sites quite useful.

¶7 There are several books that evaluate legal Web sites,⁴ but none matches the depth of coverage that *The Essential Guide* provides. *The Internet Guide* contains far fewer pages devoted to specific legal subjects, and *The Legal List* devotes only six chapters to the same. The most comparable recent work, *The Lawyer's Guide to Fact Finding on the Internet*,⁵ does cover several legal subjects in sufficient detail. Although there is some overlap between the two sources, *The Lawyer's Guide* offers several subject areas not included in *The Essential Guide*, and vice versa. For example, *The Lawyer's Guide* contains chapters devoted to transportation law, public records, background checking, expert witnesses, scientific research, and statistical research. Ambrogi includes chapters on Web logs, legal history, public interest law, family law, ethics, and alternative dispute resolution. *The Lawyer's Guide* and *The Essential Guide* are comprehensive and complimentary, and when used in concert offer the most complete legal Web site evaluations available.

¶8 *The Essential Guide* is an invaluable resource for attorneys and librarians who are required to research an unfamiliar area of law or are looking for an author-

2. Hieros Gamos, at <http://www.hg.org> (last visited Dec. 13, 2004).

3. FindLaw, at <http://www.findlaw.com> (last visited Dec. 13, 2004).

4. E.g., DIANA BOTLUK, *THE LEGAL LIST: INTERNET DESK REFERENCE* (2003); KEN KOZLOWSKI, *THE INTERNET GUIDE FOR THE LEGAL RESEARCHER* (3d ed. 2001).

5. CAROLE A. LEVITT & MARK E. ROSCH, *THE LAWYER'S GUIDE TO FACT FINDING ON THE INTERNET* (2d ed. 2004).

itative source that evaluates the Web sites they are currently using. It is a recommended purchase for anyone who would like to explore, or who already performs, legal research via the Internet, and is ideal for the myriad of law librarians who are often called on to conduct research in a multitude of legal subject areas.

Burgunder, Lee. *Legal Aspects of Managing Technology*. 3d ed. Mason, Ohio: Thomson/Southwestern/West, 2004. 780p. Paper, \$91.95.

Reviewed by Eric T. Gilson

¶9 Lee Burgunder, professor of business law and public policy at California Polytechnic State University, San Luis Obispo, delivers a very well-written and organized book in this most recent edition of *Legal Aspects of Managing Technology*. The book covers a wide variety of intellectual property issues, with significant emphasis placed on the Internet. As noted in the preface, “the book builds a complete understanding of Internet-based legal principles by dealing first with general notions of technology law in tangible contexts, and then by applying those considerations to the often more nebulous realm of cyberspace” (p.vii).

¶10 The chapters fit together nicely. An overview of the technology policy environment in the United States and abroad is provided in chapters 1 and 2, respectively. The next three chapters focus on patent law. Chapter 6 discusses a variety of issues relating to biotechnology, and trade secret law is addressed in chapter 7. The focus then shifts to copyright in the following three chapters, with an excellent discussion of copyright as it relates to the Internet provided in chapter 10. The balance of the work confronts trademarks, tort liability, privacy and personal rights, contract issues as they apply to technology, and antitrust and anticompetitive conduct.

¶11 *Legal Aspects of Technology* contains a number of value-added features. For instance, both historical landmark cases and more recent decisions are included, and “the cases are preceded by explanations of what the reader should expect and are followed typically by summaries of their major principles” (p.xi). In addition, numerous footnotes list additional resources, including Web sites. The Web site references include both URLs and instructions for navigating the sites.

¶12 Burgunder uses two running examples throughout the book for edification and emphasis. The first example is “CoolEdge,” a hypothetical company that develops an innovative product called the “Optimizer,” a self-adjusting stair climber. The CoolEdge example “is used throughout the book to illustrate how diverse legal solutions may apply to typical technology based innovations” (p.xi). The second example “highlights a series of very real controversies created by the distribution of a computer program, called DeCSS, that defeated copy-protected technologies used on DVDs to prevent piracy of movies” (p.xii).

¶13 *Legal Aspects of Technology* “is designed for managers who work with innovations in any technological field” (p.vii). A primary purpose of the book “is to allow managers to understand the fundamental legal issues pertinent to tech-

nology management so they can competently create strategic plans in consultation with their attorneys” (p.viii). The book is also designed for students taking courses that have a general approach to law and technology; those that are more specifically focused on e-commerce or Internet issues; and for students in general education courses that address the topics of law, technology, and society. *Legal Aspects of Managing Technology* is recommended for public libraries, academic libraries serving undergraduate and graduate students, academic law libraries, and other libraries serving patrons interested in learning more about the legal aspects of managing technology.

DuBoff, Leonard D. *The Law (in Plain English) for Small Businesses*. Naperville, Ill.: Sphinx Publishing, 2004. 304p. Paper, \$19.95.

Reviewed by E.H. Uwe “Ed” Beltz

¶14 Leonard Duboff, seasoned author and attorney, and former law professor at Stanford and Lewis & Clark law schools, has written seven different *Law in Plain English* books and an encyclopedia series on the topics of arts, crafts, and the entertainment business.⁶ He has also authored a number of treatises and coauthored a well-received book on art law.⁷

¶15 *Plain English* books, and other books of this genre, attempt to introduce legal concepts, practices, and procedures to laypersons unfamiliar with law and legal terminology. On narrow legal topics, such titles often fulfill this goal successfully, but even then their reference and research usefulness can be limited in a law library setting. *The Law (in Plain English) for Small Businesses* follows the typical pattern and, in fact, well illustrates the handicaps inherent in this type of book. On a broad topic such as small businesses, this is a shallow work.

¶16 *The Law (in Plain English) for Small Businesses* is comprised of twenty-five oddly arranged chapters, squeezed into 264 pages. Thirty of the pages are white-space, banner-type chapter headings or blank pages at the end of the chapters. Although many topics appear to be covered in the text, much of the examination is cursory at best. DuBoff includes a twenty-one-page chapter titled “Keeping Taxes Low.” Certainly the general topic of taxes is an important one for small business owners, as tax consequences are a major reason for small business failures. A leading tax problem for small business is the failure to properly identify workers as employees or subcontractors, and to collect and report their payroll taxes accurately. This issue is not addressed at all in the taxes chapter, and is given only minimal and tangential treatment in a small section of the brief “People Who Work For You” chapter.

¶17 Another example of misdirected focus is DuBoff’s forty-four-page section on intellectual property issues. Thirty-two pages are dedicated to copyright and

6. *E.g.*, LEONARD D. DUBOFF, *THE LAW (IN PLAIN ENGLISH) FOR PHOTOGRAPHERS* (rev. ed. 2002); LEONARD D. DUBOFF, *THE LAW (IN PLAIN ENGLISH) FOR CRAFTSPEOPLE* (3d ed. 1993).

7. LEONARD D. DUBOFF & SALLY HOLT CAPLAN, *THE DESKBOOK OF ART LAW* (2d ed. 1993).

trademark issues—overkill in a book this size on small businesses. Considering the author’s intellectual property background, his emphasis on intellectual property issues is understandable, but misplaced. Even the title is misleading, given the considerable context mix and arrangement.

¶18 Also detracting from its utility is the inclusion of more than fifty “In Plain English” comments interspersed throughout the text—probably more for visual effect than substance. Each simplistic and mostly self-evident blurb relates to or rehashes the topic of the particular section. Although some of these comments are helpful, many are not. For example, the “Organizing Your Business” chapter comment is “Actually, a corporation’s ability to raise additional capital is limited only by its lawyer’s creativity and the economics of the marketplace” (p.12). In the “Pension Plans” chapter, DuBoff suggests, “When choosing a plan, choose the type that will most satisfactorily meet your needs and those of your employees” (p.238). To his credit, DuBoff does note throughout the book times when the reader should seek the services of an attorney. This is particularly good advice for anyone getting any significant insights from this book. The book does offer a thirty-page glossary and seven-page index, making it somewhat useful as a simplistic ready reference resource.

¶19 The emphasis of *The Law (in Plain English) for Small Businesses*, in terms of layout, page count, and topic selection seems peculiar without considering what the publisher is trying to accomplish. Its colorful cover, eye-pleasing layout, and the “In Plain English” comments are obviously designed for the traditional bookstore market. This book would serve no purpose in an academic law library—there is not much substance here. Send your patron to a more complete resource. Even law libraries that serve a large public and pro se community should consider a more comprehensive book on the topic of small business.

Feldman, David, ed. *English Public Law*. Oxford; New York: Oxford University Press, 2004. 1541p. \$325.

Reviewed by James Gernert

¶20 This companion to *English Private Law*⁸ is a weighty tome, both in terms of its size and its ambition, which is to provide an overview to all of the public law of England. That the ambitions are largely realized is a testament to both the expertise of its authors and the organizational ability of its editors. The main editor of the volume, David Feldman, has been dean of law at the University of Birmingham and a legal advisor on human rights to the British Parliament, and is currently at the University of Cambridge. The other contributors to the work are all faculty members at the leading British universities.

¶21 The book has limited its scope slightly by topic and also by jurisdiction. For instance, international public law is not covered. Thanks to the devolution in

8. PETER BIRKS, *ENGLISH PRIVATE LAW* (2000).

British government since 1998, the editors felt that they could fairly limit the work to England, and thus the public law of Scotland, Wales, and Northern Ireland is not covered in any depth here. Even limited to just England, the work still covers an immense amount of material.

¶22 *English Public Law* begins with a discussion of the “British Constitution,” which is very strange to those of us from countries with a single constitutional document. It often appears to the uninitiated that England has no constitution at all, or at least no written constitution. While the authors agree that there is no single document embodying the English Constitution, they maintain that there are a number of writings encompassing the principles of the constitution. It is in many ways a common law constitution, as many of its principles have been created by case law. This leads to another criticism of the British Constitution, which is that it is no more difficult to modify a constitutional law than any regular law. The authors point out, however, that there have been fewer changes in English constitutional law over the past fifty years than in many countries with more clear-cut constitutional documents and more arduous procedures for amending their constitutions.

¶23 This treatise does an admirable job of explaining the history and development of English law, both the earlier common law and more recent statutory provisions. Since the 1970s, the development of public law in England has largely been guided by its membership in the European Union. England has adopted many pieces of legislation from the EU, and the book clearly sets out the interplay between native English legislation and that derived from the European Union. One area of the law especially active in that regard in recent years is law involving human rights issues, with EU legislation often helping to broaden and clarify the rights available to English citizens. Some earlier legislation has clearly been superseded by EU legislation, but other possibly conflicting provisions remain. The authors explain the distinctions between EU laws that clearly take precedence over earlier English laws, as well as the procedural aspects of both the English and European Union courts.

¶24 *English Public Law* consists of twenty-eight chapters, organized into four broad areas—constitutional law; human rights and judicial review; remedies in public law; and criminal law, procedure, and sentencing. The writing is clear and concise throughout, but tends to be dry—this is not the place to look for amusing anecdotes. For ease of reference, paragraphs are numbered individually. A bibliography and very thorough index are provided, as are extensive tables of cases, statutes, and treaties.

¶25 *English Public Law* is highly recommended for any larger law library, as it provides a comprehensive overview and guide to a very broad subject. It should be useful for scholars in the field and those needing an introduction to a particular aspect of the public law of England.

Gross, James J. *Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children*. Naperville, Ill.: Sphinx Publishing, 2004. 288p. Paper, \$19.95.

Reviewed by Bret N. Christensen

¶26 Children today are often used as pawns in family law matters, simply because they may be the best leverage a family law lawyer has against a father. When adversarial parties fail to see what is happening to their children in dissolution actions, it is usually the court that steps between the parties to ensure custody plans reflect the best interests of the child. James Gross, a parent and venerated divorce lawyer, is a firm believer that every father deserves the right to raise his children and that the best interest of the child lies in having access to two parents.⁹

¶27 Written as a practical guide for fathers, *Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children* explains custodial and other relevant options available to men, and offers strategies for the protection of children against those who would use them as bargaining chips. *Fathers' Rights* gives fathers step-by-step directions and provides real life scenarios to help men better understand how to protect their rights in a custody battle. It provides information and identifies the tools men need to enforce their rights as fathers and protect the best interests of their children.

¶28 A few caveats should be raised before exploring the merits of *Fathers' Rights*. First, this book is no substitute for professional legal advice. Even with book in hand, nonlawyers face an uphill battle and need the delicate touch and experience a seasoned family law attorney can provide. Second, *Fathers' Rights* does not beat the drum for a fathers' rights movement nor does it engage in gender bashing (p.xii). Gross fairly recognizes that many women involved in dissolution proceedings are, in fact, excellent mothers. One of the key designs of *Fathers' Rights* is to emphatically remind both mothers and fathers that their children should come first in any legal proceeding.

¶29 Divided into thirteen chapters, *Fathers' Rights* covers the gamut of family law. In particular, chapter 3 caught my attention. At about the same time I was reading this chapter, I had received an e-mail from a patron researching whether a spouse must leave the family home when the other spouse requests it. As it turns out, chapter 3 addresses emergency issues, including what happens when one party wants another to move out. Gross advises:

Do not move out just because your children's mother asks you to. Stay put. You do not have to move out just because she wants you to. If you both own the house or you both lease an apartment, you have as much right to be there as she does. Tell her that you are staying. She cannot force you to leave without a court order. In fact, moving out can be hazardous to your legal case. It can have an adverse effect on divorce, alimony, property division, custody, visitation, and child support. If you move out, your children's mother can use it against you . . . (p.25).

This was a revelation to me and helped focus my thoughts so that I could provide meaningful research direction to the patron.

9. Editorial Reviews (reviewing JAMES J. GROSS, *FATHERS' RIGHTS: A LEGAL GUIDE TO PROTECTING THE BEST INTEREST OF YOUR CHILDREN*), at <http://www.amazon.com/exec/obidos/tg/detail/-/157248375X/102-0337384-7009718?v=glance> (last visited Jan. 13, 2005).

¶30 While *Fathers' Rights* is packed with information useful for those seeking to be a presence in the lives of their children, a few chapters stand out as being especially helpful. These include the examination of fathers' rights in the legal system in chapter 4; how visitation and child support is viewed in the judicial systems in chapters 6 and 7; and the structure of filing a lawsuit and the discovery and pretrial procedures in chapters 9 and 10. Finally, chapter 13, which addresses the alternatives either party can use to both secure their rights and protect their children rather than engage in a divorce proceeding, is highly constructive.

¶31 Other impressive features of *Fathers' Rights* are the glossary and appendices following the conclusion. The appendix contains not only sample documents that can be reviewed and modified for use in a case, but also an examination of the laws of each of the states as they pertain to child custody and support issues, the full text of several acts relating to parental kidnapping at domestic and international levels, and several references to child abduction and support agencies.

¶32 In short, *Fathers' Rights* is a book designed to encourage both men and women to be good parents by stressing that even though the dissolution action is about breaking up, the well-being of their children is of paramount importance. While not likely to ever be mistaken for a treatise on child custody or visitation law, *Fathers' Rights* does provide good information to those about to be embroiled in a dissolution action, as well as to the librarian looking to give hope to a haggled patron. Though intended for use by the father looking to maintain a presence in the lives of his children, *Fathers' Rights* is also useful to the curious student of law, the seasoned litigant, or anyone looking for a little direction in the otherwise confusing arena of family law.

Grubb, Andrew, and Judith M. Laing, eds. *Principles of Medical Law*. 2d ed. Oxford; New York: Oxford University Press, 2004. 1280p. \$225.

Reviewed by Paul J. Moorman

¶33 Andrew Grubb's second edition of *Principles of Medical Law* is a well-written, well-organized, and informative selection of articles surveying the current state of medical law in England and Wales. Grubb, currently acting as training immigration adjudicator for the Immigration Appellate Authority for England and Wales, also served as the director of the Cardiff Centre for Ethics, Law and Society; head of the Cardiff Law School; and professor of medical, health care, and asylum law at various universities.¹⁰

¶34 The second edition of *Principles of Medical Law* follows the first edition of the same title¹¹ and incorporates many changes to the law required by legisla-

10. Centre for Econ. & Soc. Aspects of Genomics, Econ. Soc. Research Council, Professor Andrew Grubb Career Information, at <http://www.cesagen.lancs.ac.uk/staff/grubb.htm> (last visited Jan. 13, 2005); Cardiff Centre for Ethics, Law and Society, Cardiff Univ., New Director for CCELS, at <http://www.ccels.cf.ac.uk/director.html> (last modified Aug. 16, 2004).

11. PRINCIPLES OF MEDICAL LAW (Ian Kennedy & Andrew Grubb eds., 1998).

tion passed since 1998. This edition also addresses a significant criticism of the first—the absence of consideration of the impact of the European Convention on Human Rights¹² on medical law in England and Wales.

¶35 The organization of the second edition is similar to the first. It is divided into four parts and nineteen chapters. The four parts are “The Health Care System,” “Consent to Treatment,” “Medical Negligence,” and a catchall fourth part titled “Specific Issues.” While the list of subjects covered is rather comprehensive, there is no chapter on the law of mental health care, a glaring omission in light of the fact that mental illness is now treated as a disease of the brain and mental health care is considered part of the medical system as a whole. The editor bases his justification for the exclusion of mental health care law on the grounds that the government’s position on mental health and incapacity is ever-changing, and promises to await further legislation in the area before including the topic in future editions.

¶36 *Principles of Medical Law* has a clear organizational scheme and contains many useful finding tools, including a short yet extensive table of contents and tables of cases, legislation, statutory instruments, treaties and conventions, and European Law. The index is excellent. As is typical of Oxford University Press publications, this hardbound book is exceptionally well made and printed on acid-free paper. The font is a little small, but the text remains quite readable due to the larger than average spacing between lines. *Principles of Medical Law* should last for generations and is a welcome addition to any academic law library with a collection in health care law or British law, and also for the library of a law firm practicing British or international health care law.

Higgins, Ruth C. A., *The Moral Limits of Law: Obedience, Respect, and Legitimacy*. Oxford; New York: Oxford University Press, 2004. xii, 279 pages. \$74.

Reviewed by Herb Somers

¶37 *The Moral Limits of Law: Obedience, Respect, and Legitimacy* provides a critical analysis of traditional theories regarding the interaction between a citizen’s legal and moral obligations to obey the law. Ruth Higgins discusses in detail the implications that conscientious citizenship has for the legitimacy of the legal system in question. This question of “conscientious obedience,” as she terms it, becomes most important in times of political and social upheaval, where events require citizens to seriously question the law-making authority of their governments. Given the tumultuous domestic and international legal events of the past three years, a fresh look at this topic is instructive.

¶38 Higgins examines the question “what am I morally obligated to do on account of legal obligation?” and offers a critique of the relevant works of legal and political philosophers, such as Joseph Raz, Phillip Soper, and Ronald

12. Convention for the Protection of Human Rights and Fundamental Freedoms, art. 8, 213 U.N.T.S. 221 (1950).

Dworkin. She argues that previous theories regarding conscientious obedience are inadequate because they do not acknowledge the increasingly global nature of moral concerns and fail to account for the growing interdependence of competing national legal systems. Higgins proposes a theory of conscientious obedience that prescribes no moral weight to national boundaries, but rather acknowledges persons qua persons and not qua citizens. Her theory suggests that “where law is an instrument necessary for preserving the well-being of members of a community, and is integral in creating opportunities for the realization of human capacity, our duty of respect for *persons* extends to a duty of respect for law” (p.244).

¶39 The author’s theory closely resembles the ambitions of international human rights law as memorialized in the preamble to the *Universal Declaration of Human Rights*, which explicitly recognizes the “inherent dignity and . . . the equal and inalienable rights of all members of the human family.”¹³ Perhaps the greatest achievement of the international human rights movement has been to refocus the concerns of international law toward recognizing the inherent rights of individuals in the international legal system, and to de-emphasize traditional public international law’s preoccupation with the rights and duties of states vis-à-vis each other. Given such a focus on the rights of citizens, violations of international human rights law by transgressor states can no longer be dismissed as matters strictly within the purview of their domestic legal systems. The author believes that “our moral duties to others do not trace out the juridical lines of national borders, but the causal and moral lines that define this dependence” (p.244).

¶40 In light of the increasingly transnational nature of legal obligation, *The Moral Limits of Law* provides a cogent theory for reconciling the tension between the “centripetal pull of the local and the centrifugal stress of the global” (p.ix). Higgins tenders to the reader a comprehensive overview of past scholarly writing on the interaction between moral and legal obligation. Her work also offers an important contribution to the literature of legal and political philosophy by providing a new framework for the increasingly complex interaction between citizens and their legal systems and norms. *The Moral Limits of Law* is an essential addition to any law library wishing to cultivate a comprehensive collection of materials on this important topic.

Malkin, Michelle. *In Defense of Internment: The Case for “Racial Profiling” in World War II and the War on Terror*. Washington, D.C.; Lanham, Md.: Regnery Publishing, 2004. 376p. \$27.95.

Reviewed by James B. Senter

¶41 Michelle Malkin is no stranger to controversy. The syndicated columnist and Fox News contributor’s first book, the best-selling *Invasion*,¹⁴ was provocative

13. G.A. Res. 217A (III), U.N. GAOR, 3d Sess., Preamble, at 71, U.N. Doc. A/810 (1948).

14. MICHELLE MALKIN, *INVASION: HOW AMERICA STILL WELCOMES TERRORISTS, CRIMINALS, AND OTHER FOREIGN MENACES TO OUR SHORES* (2002).

enough. In her latest broadside, Malkin ups the ante with a spirited defense of the WWII evacuation-relocation-internment of Japanese Americans and enemy aliens (citizens of Japan and other Axis nations living in the United States) following the attack on Pearl Harbor. She argues that our understanding of the internment episode has been distorted by the largely successful attempts of “ethnic activists” to place the blame primarily on anti-Japanese racism. She asserts instead that Franklin D. Roosevelt and a close circle of advisors privy to inside information had good reason to worry about the loyalty of some persons of Japanese ancestry living in sensitive military zones along the West Coast and the border with Mexico. She draws parallels to post-9/11 America and posits that our misunderstanding of the issues surrounding America’s response to Pearl Harbor puts our nation at risk in the current war.

¶42 What did they know and when did they know it? At the core of Malkin’s defense of Executive Order 9066¹⁵ are the so-called MAGIC cables—coded messages from Tokyo that were intercepted and decoded by a crack team of United States cryptanalysts starting in late 1940. The decoded, translated messages were known only to a very select group of people around Roosevelt, and the information gleaned from those messages was shared outside that circle only in oblique terms. Some of the cables directed Japanese agents in Hawaii and on the West Coast of the United States to gather information on shipbuilding, naval and air capabilities, etc., and they described a vast latent network of Japanese residents in America who were presumed to be loyal to the emperor. These included Issei (first-generation resident aliens), Nisei (born in the United States to immigrant parents and thus American citizens, although some had dual citizenship), and Kibei (Nisei who had been sent to school in Japan). Malkin discusses the impact the MAGIC revelations had on the decision to consider first a voluntary evacuation of Japanese residents from the delineated military zones on the West Coast, and then a mandated relocation of all persons of Japanese descent to inland camps.

¶43 Malkin characteristically lays down her arguments and presents her evidence with relentless momentum, but her writing is more accessible when she slows down and uses a story to make her point. A good example of the latter is in the chapter titled “The Turncoats on Niihau Island,” in which she describes an incident in the days following the Pearl Harbor attack. An enemy pilot had crash-landed his fighter plane on a sparsely populated Hawaiian island after having taken fire during the attack. Within a few hours, and with alarming ease, the pilot was able to persuade three local laborers of Japanese descent, two of whom were U.S. citizens, to help him recover his weapons, maps, and military documents. Ultimately, his plans were thwarted by the heroic actions of a number of other islanders. According to Malkin, this incident and others contributed to the unease the decision makers felt about the reach and effectiveness of Tokyo’s Japanese American network.

15. 7 Fed. Reg. 1407 (Feb. 25, 1942).

¶44 In addition to explaining the rationale behind E.O. 9066 and the importance of keeping the MAGIC cat in the bag, Malkin also attempts to counter the misconception that America was guilty of running concentration camps even remotely resembling those of Nazi Germany. We learn that although there was true deprivation and hardship in all the camps to a certain extent, there were in fact several categories of camps, with varying degrees of comfort and security. In the chapters, “Reparations, Revisionism, and the Race Card” and “The Puffery Defense,” Malkin unleashes her disdain for the reparations movement that shaped the 1983 federal commission report titled *Personal Justice Denied*¹⁶ and culminated in the Civil Liberties Act of 1988.¹⁷ President Reagan’s signature on that bill authorized \$1.65 billion in reparations to individuals of Japanese descent who had been evacuated, relocated, or interned during the war. Malkin indicts the congressional committee for ignoring the role of the MAGIC cables in their rush to put the entire blame on racism. But she saves her greatest scorn for those, who, in her words, have “falsified history” by popularizing, propagandizing, and perpetuating the idea that the West Coast evacuation was an unmitigated wrong.

¶45 Malkin’s book concludes with a tie-in to 9/11, our more recent “day of infamy,” and to today’s raging national debate over profiling, the detention of enemy combatants, and the tension between civil liberties and security in a time of crisis. While she makes it clear that she does not advocate rounding up Muslims and sending them en masse to desert compounds, she does argue in favor of the right of government to use national origin, racial, and religious profiling for purposes of national security. Malkin’s prose is reasoned, forceful, confrontational, and at times sardonic, but she is not all bluster: her arguments are bolstered with extensive footnotes and more than one hundred pages of documentation, including copies of relevant MAGIC cables, intelligence memos, profiles of key figures, and photographs. Malkin has posted excerpts, errata, links to additional documentation, book reviews, and a lively over-the-blognet debate with internment scholars Greg Robinson and Eric Muller on her Web site.¹⁸ As might be expected, many historians, pundits, activists, and former internees have been sharply critical of this book, and admittedly—she is a news commentator after all, not a scholar—this is not the definitive work on the subject. In her zeal to provide balance to what she sees as an Orwellian retelling of history, she falters by failing to give appropriate weight to the obvious—that racism had at least a small part in the decision to plan and administer the internment. But any future historian or student who attempts to give a fair account of this episode in American history will now have to wrestle with the issues that Michelle Malkin has raised here, however imperfectly, and for that reason alone, the book is worth recommending.

16. COMM’N ON WARTIME RELOCATION & INTERNMENT OF CIVILIANS, *PERSONAL JUSTICE DENIED* (1983).

17. 50 U.S.C. app. § 1989(b) (2000).

18. Michelle Malkin, In Defense of Internment: The Case for “Racial Profiling” in World War II and the War on Terror, at <http://michellemalkin.com/books.htm> (last visited Jan. 13, 2005).

Pillow, Wanda S. *Unfit Subjects: Educational Policy and the Teen Mother*. New York: RoutledgeFalmer, 2004. 257p. Cloth, \$90. Paper, \$24.95.

Reviewed by Connie Lenz

¶46 In *Unfit Subjects: Educational Policy and the Teen Mother*, Wanda Pillow examines the historical, social, and political constructions of teen pregnancy. She demonstrates that as a result of these constructions, the education of pregnant or mothering teens has been framed as a racialized social welfare policy issue rather than as one of educational policy. Pillow is a professor of educational policy at the University of Illinois at Urbana-Champaign whose work focuses on issues of gender, race, and sexuality. In *Unfit Subjects*, she draws upon a plethora of diverse sources including her own qualitative research, archival material, legislation and legislative history, feminist legal theory, educational policy literature, social welfare literature, and popular works. Pillow does an excellent job of weaving these interdisciplinary sources together to form the basis for her argument.

¶47 Title IX of the Education Amendments of 1972¹⁹ broadly prohibits gender discrimination in any education program or activity receiving federal funds. Regulations promulgated under the statute specifically prohibit discrimination “on the basis of [a] student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program,”²⁰ and require education programs in which a student voluntarily participates to be “comparable to that offered to non-pregnant students.”²¹ Pillow argues convincingly that under Title IX, the education of pregnant or mothering teens must be addressed as an educational policy issue, particularly in terms of gender and racial equity.

¶48 *Unfit Subjects* explores the historical development of differential treatment of both unwed and teen pregnancy by race. Pillow argues that Title IX’s application to pregnant or mothering teens developed as an entitlement policy for white students in the early 1970s. The focus changed, however, in the mid-1980s when teen pregnancy became more closely identified with racialized social welfare policy and education became viewed as a responsibility for the pregnant or mothering teen who would otherwise become a tax burden. This link between social welfare policy and the education of pregnant or mothering teens was solidified in 1996 when welfare reform legislation linked monthly assistance under the Temporary Assistance to Needy Families legislation²² to a teen mother’s attendance at a high school or approved alternative educational or training program.

¶49 Although Title IX was passed more than thirty years ago, Pillow identifies an absence of case law, state policy, local policy, and educational policy research

19. 20 U.S.C. § 1681 (2000).

20. 34 C.F.R. § 106.40(b)(1) (2004).

21. *Id.* § 106.40(b)(3).

22. 42 U.S.C. § 608(a)(4) (2000).

to provide direction in developing educational programs for pregnant or mothering teens. Schools and school personnel are generally left to decide how to implement Title IX requirements, and she finds that discriminatory practices continue. While schools technically observe the Act's prohibition against exclusion or expulsion, the author notes that discriminatory policies and attitudes result in approximately 50% of pregnant girls leaving school and not returning (p.123). Pillow finds little evidence that attendance in separate programs is voluntary and also questions whether pregnant or mothering teens are receiving an education comparable to that of their peers.

¶50 Pillow's analysis includes an examination of various curricula, including a widely adopted school-based teen pregnancy program and abstinence-only education. She concludes *Unfit Subjects* by calling researchers' attention to what "education for pregnant/mothering teens might look like" (p.220). In support of her main thesis that teen pregnancy must be situated as an educational gender and race equity issue, Pillow asserts that research must be conducted on an array of issues in order to determine how best to provide equitable educational opportunities for pregnant or mothering teens. These issues include the impact of integrated versus separate school programs, support services that are necessary to provide access to equitable education, and appropriate curricula.

¶51 *Unfit Subjects* focuses upon policy analysis and is not intended to offer practical solutions to educational policy issues with respect to pregnant or mothering teens. Rather, it is intended to frame the issue in terms of educational policy and to provide a basis for further research. In this regard, it is very successful. The book does not address, however, how this particular issue fits within the myriad of educational policy issues that schools are currently called upon to address.

¶52 *Unfit Subjects: Educational Policy and the Teen Mother* is a well-argued, well-documented study. Its bibliography provides an invaluable resource for research on teen pregnancy and related issues. It is appropriate for researchers at the advanced undergraduate level and above. *Unfit Subjects* is highly recommended to law libraries that serve patrons with interests in teen and unwed pregnancy, educational policy, social welfare, feminist legal theory, gender and racial equity issues, and sex education.

Resnik, David B. *Owning the Genome: A Moral Analysis of DNA Patenting*. Albany, N.Y.: State University of New York Press, 2004. 235p. Cloth, \$57.50. Paper, \$18.95.

Reviewed by Patricia Satzer

¶53 With new collection development responsibilities in the area of bioethics, I read *Owning the Genome: A Moral Analysis of DNA Patenting* hoping for a basic introduction to the issues involved in DNA patenting. In the first three chapters, David Resnik lays the groundwork for the discussion. Chapter 1 underscores the historical background of DNA patenting, dating back to the first DNA patent issued by the United

States' Patent and Trademark Office. The history section provides numerous citations in support of its facts. Next, Resnik describes methods commonly used to analyze issues from a moral perspective. Building on the historical data presented, he identifies the key issues involved in the debate. Chapter 2 outlines the scientific background of genetics and describes its use in modern medicine and agriculture. The third chapter adds basic information on intellectual property law to the equation.

¶54 Once the foundation is established, chapter 4 presents a utilitarian argument in favor of DNA patenting. Resnik examines the potential benefits and risks to humanity by discussing the economic, scientific, medical, and social ramifications of DNA patents. He suggests that on the one hand, the biotechnology industry has created many new jobs, boosted the economy, and sponsored research projects that otherwise would have had to compete for government funding. On the other hand, a balance must be struck between the need to recoup research and development investments and a patient's need for an affordable drug or diagnostic test.

¶55 Subsequent chapters address the potentially negative effects of DNA patents on human society. Resnik raises many important questions, including: Whether a DNA patent is an attempt to patent nature? Is DNA really humanity's common heritage? Do DNA patents violate human dignity? Are the risks associated with genetically modified crops and organisms so high that they should be banned? After careful analysis of the issues, the author concludes that no major changes are needed to the patent system as a result of DNA patents. He instead offers sixteen policy recommendations designed to prevent negative or immoral consequences from occurring, including the overt banning of certain types of DNA patents, articulating the scope of a biotechnology patent in a way that gives researchers incentives without stifling future competition, requiring researchers and research institutions to disclose conflicts of interest, and recommending patent agencies create an advisory ethics review board. The volume also contains a twenty-page bibliography and a satisfactory index.

¶56 Resnik holds a Ph.D. in philosophy as well as a J.D. In his introductory remarks, he emphasizes that his intent in writing the book was to focus on the moral issues in the debate and to present only a basic introduction to patent law. As someone new to the subject matter, I found *Owning the Genome: A Moral Analysis of DNA Patenting* quite interesting and easy to follow. I believe it presents the issues clearly, methodically, and objectively, and I recommend *Owning the Genome* for general law collections.

Schneider, Deborah, and Gary Belsky. *Should You Really Be a Lawyer? The Guide to Smart Career Choices Before, During & After Law School*. Seattle: DecisionBooks, 2004. 239p. \$21.95.

Reviewed by Phill W. Johnson

¶57 Reading *Should You Really Be a Lawyer? The Guide to Smart Career Choices Before, During & After Law School* caused me to both nod and shake my head.

I nodded in agreement as I was reminded of those uncertain moments from my own law school days, and shook my head while wishing this title had been at my disposal prior to embarking upon my career. At first glance, the title might lead one to expect the authors to take the position of being anti-law school or anti-attorney. On the contrary, it is the intent of the authors to help readers make more informed decisions relating to any circumstance they may find themselves in. *Should You Really Be a Lawyer?* is definitely for the reader thinking of applying to law school, currently in law school, or practicing law and thinking of making a career switch.

¶58 The content of this 239-page paperback is logically laid out in four parts, consisting of fourteen individual chapters. Part 1 is appropriately titled “Decisions, Decisions” and contains two chapters. These introductory chapters provide the basis for the book in the form of twelve “Choice Challenges.” Each challenge is actually a decision-making trap that is punctuated by the authors throughout the book to demonstrate its impact on the reader. As each decision-making trap is more fully examined, the authors illustrate how it affects career and daily life choices, provide information on how to overcome the obstacles presented by the trap, and then explain how to make better decisions in relation to each obstacle.

¶59 Six chapters comprise the second part of the book, “Should You Really Go to Law School?” The often heard “you can do anything with a law degree” mentality is examined, along with an analysis of the reasoning behind choosing whether or not to attend law school. Typical of most chapters in *Should You Really Be a Lawyer?* are the “Decision Assessment” forms offering a thorough breakdown of each assessment question. Another nice touch is the assessment form scoring tables found at the end of the corresponding chapter. The authors note that although the predictors are not perfect, at the very least they can provide broad guidance in the decision-making process. I found the predictors to be well-reasoned scoring tables, providing informative feedback relating to the scores.

¶60 The third part of the book consists of three chapters and is titled “Should You Really Stay in Law School?” This part focuses on students who are on the fence about whether to stay in law school, those who have determined they are leaving law school to pursue other interests, or those staying in school. It explains how persons in any category can make the most of the experience. The authors again make good use of various “Choice Challenges” to underscore the pitfalls associated with the decision-making process. Another highlight of this and other chapters throughout the book is “The Devil’s Advocate Says . . .” sections. These informational boxes provide sage words of advice relating to key points made within that particular chapter. Another helpful tool is “The Decision Makers” components. These sections contain observations from people who have direct experience one way or the other in relation to the topic under discussion.

¶61 “Should You Really Practice Law?” is the fourth part of *Should You Really Be a Lawyer?* and is comprised of three chapters focusing not only on prospective

and current law students, but on practicing attorneys as well. Guidance is again culled from the “Choice Challenges,” which are then directly tied to questions found in the decision-assessment forms. This part also contains scoring tables for the decision-assessment forms, skills preference exercises, work environment exercises, and self-assessment grids. The last chapter in this section provides especially good information on how to make an informed decision regardless of what choice one has to make—be it about school or career.

¶62 The final segment of this book bears the title “The Tool Kit.” Here the reader will find information concerning informational interviews, shadowing, career counseling, choosing a law school, financial matters, and pertinent books and Web sites. The latter is exceptionally useful given the excellent information contained within the fully annotated bibliography.

¶63 Reading *Should You Really Be a Lawyer?* was a pleasure. Its content is insightful, accurate, and up-to-date. Recommending this book is easy to do in light of the fact that it really amounts to three well-written books in one, since such clear distinctions are drawn between prospective law students, current law students, and those already practicing law. While it is advisable to read the entire book regardless of your status, it is certainly not necessary to do so. The biggest selling point of this book is that it is not an attempt to dissuade the reader from making a particular choice. Instead, *Should You Really Be a Lawyer?* is intended to provide guidance so that an informed, and correct it is hoped, decision can be made by the reader.