

# Keeping Up with New Legal Titles\*

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

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Anikeef, Anthony H. et al. *Homeland Security Law Handbook*. Rockville, Md.:  
 ABS Consulting, 2003. 360p. Paper, \$89.

*Homeland Security Statutes*. Rockville, Md.: ABS Consulting, 2003. 629p. Paper, \$89.

*Reviewed by Grace M. Mills*

¶1 The events of September 11, 2001, that led to the destruction of American lives and property were horrific and incited an immediate response by the United States government. The U.S. Department of Homeland Security was created and a proliferation of federal legislation resulted. Newly enacted legislation in the areas of domestic security, airline security (both domestic and international), registration of arriving international airline passengers, alien registration, and international banking impacts many facets of American life and has changed nearly every title of the United States Code.

¶2 Reference librarians might need to consult multiple print and electronic resources to assist a patron wishing to research how aviation security or visa entry requirements are affected by homeland security legislation. However, two good alternative reference choices about homeland security are now available. *Homeland Security Law Handbook* and *Homeland Security Statutes*, both published by ABS Consulting, provide an overview of many issues in homeland security law and should be used in tandem.

¶3 *Homeland Security Law Handbook*, authored by thirteen U.S. practitioners, is a comprehensive and detailed compilation of the laws relating to United States homeland security. The text is divided into three parts: the scope of homeland security, major issues in homeland security law, and the organizational structure of the newly created Department of Homeland Security.

¶4 Each author is a member of one of four law firms experienced in U.S. legislative matters and involved with the practice of domestic corporate, environmental, and transportation law (p.xvii–xix). Many of the contributing authors are regulatory and legislative affairs experts, are intimately involved with resulting issues, and are knowledgeable with respect to the benefits and limitations of the statutes.

¶5 Prospective readers and purchasers of *Homeland Security Law Handbook* should note that many of the authors are in favor of the legislation and neither their statements, comments, or essays critically evaluate homeland security statutes. Throughout the text, the authors herald only the positive aspects of the statutes and do not discuss the constitutional issues that might be considered paramount by librarians and scholars. The international impact of U.S. homeland security laws is briefly discussed, and there is very little analysis of possible implications, either positive or negative.

¶6 There is also a shift in the writing styles between parts 1 and 2. Unfortunately, this shift in tone also corresponds with a decline in the overall proofreading quality, resulting in a significant number of typographical errors and an excess of punctuation marks in the third chapter. This makes reading the text somewhat difficult at times. The authors use endnotes instead of footnotes, again causing the readability of the text to vary from part 1 to part 2. Part 3, concerned primarily with the organization of the Department of Homeland Security, is the most succinct section of text and the endnotes included here are not a distraction.

¶7 Librarians will greatly appreciate the inclusion of two important reference tools, a table of contents and a complete index. *Homeland Security Law Handbook* contains a general table of contents, followed by a more detailed table that lists every section and title of the various laws mentioned in the text. The text is segmented into sections, a system reminiscent of many legal secondary sources. However, this system creates stylistic problems as the segmentation varies from author to author. The index contains numerous cross-references to related topics. For example, under the heading “airline security” references to “aviation” and “airport security” are included. Its fifteen pages are a comprehensive summation of the text.

¶8 *Homeland Security Law Handbook* includes another useful feature, a table showing the organizational chart of the Department of Homeland Security. The reader can easily identify the name of the undersecretary for information analysis and infrastructure protection using the organizational chart. It is particularly refreshing to see such a chart available, given the newness of the department.

¶9 *Homeland Security Law Handbook* examines the creation of our most recent United States cabinet-level department. Despite a lack of critical analysis, it is a positive addition to an academic law library in particular, or to any library that deals with United States legislation. *Homeland Security Law Handbook* complements *Homeland Security Statutes*, a handy compendium of the new homeland security statutes.

¶10 When faced with locating a specific section of a newly enacted law in print format, have you found it next to impossible to find the requested text in the slip law? When was the last time you were able to quickly locate a specific section of a law in a 150-page act using the Statutes at Large? Fortunately, if a patron seeks to determine both the amendments to visa entry requirements under U.S. homeland security legislation and the specific acts mentioning these requirements, *Homeland Security Statutes* is the perfect resource. It contains both the acts as initially created and the resulting statutory provisions.

¶11 The best feature of *Homeland Security Statutes* is its table of contents section. The text begins with a summary of contents that presents an overview of the respective legislation. This overview is immediately followed by a detailed contents section. Each of the nine acts included is listed with specific references to its sections and titles. For example, the section on the Enhanced Border Security and Visa Entry Reform Act of 2002 has ten pages, and each section, title, and subtitle is enumerated with an internal page reference. This is a great bonus for librarians and researchers alike.

¶12 The public law number for each act is stated at the outset and is footnoted with the same information contained in the Statutes at Large (e.g., public law number, date of enactment, and House and Senate bill numbers). Researchers do not need to refer to other texts. The text is legible and clear; no confusing fonts or formatting are used. There are few enhancement frills, but more important, there are no unexpected or unpleasant surprises that prevent one from examining these public laws.

¶13 The publisher has included an index, but caution is advised. Each act is listed in the index, and subheadings derived from items listed within the act are also placed therein. This arrangement may cause some confusion and frustration. The reader must know in advance that the provisions concerning the “transportation security oversight board” are part of the “Aviation and Transportation Security Act” as opposed to any other act. No cross-references are provided, so access terms are extremely limited. The lack of detail in the index, however, should not stop one from purchasing this text, as the table of contents does provide much detail.

¶14 Knowledge of homeland security, its statutes, and its implications both domestic and abroad, is very important to librarians and practitioners. Any academic law library, as well as general academic and public libraries, should give strong consideration to purchasing *Homeland Security Statutes*. One final caution about the binding: frequent rough usage may necessitate preventive measures prior to placing this paperback text in circulation.

Bagley, Constance E., and Craig E. Dauchy. *The Entrepreneur's Guide to Business Law*. 2d ed. Mason, Ohio: Thomson/Southwestern/West, 2003. 730p. Paper, \$36.95.

*Reviewed by Maureen Dunnigan*

¶15 Common sense dictates that careful planning and preparation for a new business is imperative to its success. According to a frequently cited statistic, nine out of ten new businesses in the United States fail.<sup>1</sup> Fortunately, reality may not be that grim. A Small Business Administration research study shows that more than half of all new businesses are still in operation four years after organization<sup>2</sup>—encouraging news for potential business entrepreneurs. Now in its second edition,<sup>3</sup> *The Entrepreneur's Guide to Business Law* is comprehensive in scope and provides essential legal and practical guidance to the reader. The authors, Constance Bagley and Craig Dauchy, chart the path to starting and maintaining a successful business.

¶16 Both Bagley and Dauchy possess impressive credentials in the fields of business and law. Bagley has more than thirteen years of combined experience as a professor at both the Harvard Business School and the Stanford University Graduate School of Business. Prior to teaching, Bagley was a corporate securities partner in the San Francisco office of Bingham McCutchen. She received her law degree from Harvard Law School and her AB from Stanford University.<sup>4</sup> Dauchy is a managing partner at Cooley Godward LLP in the Silicon Valley, where he oversees the firm's venture capital practice. Dauchy earned both a JD and an MBA from Stanford University.<sup>5</sup>

¶17 *The Entrepreneur's Guide* is designed to take the reader progressively through the steps of starting and developing a business. Many of the chapters will be helpful to entrepreneurs establishing businesses of all types. Chapters such as "Deciding Whether to Incorporate," "Marshaling Human Resources," and "Opera-

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1. Paulette Thomas, *New Ventures Succeed More Often Than Not*, STARTUP J. (Dec. 22, 2003), available at <http://www.startupjournal.com/columnists/startupqa/20031222qa.html>.
  2. Brian Headd, *Redefining Business Success: Distinguishing Between Failure and Closure*, 21 SMALL BUS. ECON. 51, 51 (2003), available at [http://www.sba.gov/advo/stats/bh\\_sbe03.pdf](http://www.sba.gov/advo/stats/bh_sbe03.pdf).
  3. CONSTANCE E. BAGLEY & CRAIG E. DAUCHY, *THE ENTREPRENEUR'S GUIDE TO BUSINESS LAW* (1998).
  4. HARVARD BUS. SCH., FACULTY & RESEARCH: CONSTANCE E. BAGLEY, at [http://dor.hbs.edu/fi\\_redirect.jhtml?facInfo=bio&facEmlId=cbagley&loc=extn](http://dor.hbs.edu/fi_redirect.jhtml?facInfo=bio&facEmlId=cbagley&loc=extn) (last visited Apr. 6, 2004).
  5. COOLEY GODWARD LLP, CRAIG DAUCHY, PARTNER, at <http://www.cooley.com/attorneys/bio.aspx?ID=33152003> (last visited Apr. 6, 2004).

tional Liabilities and Insurance” examine issues faced by all business owners. Other chapters, however, are more specifically tailored to entrepreneurs looking to form larger companies or corporations. These chapters include “Forming and Working with the Board,” “Venture Capital,” and “Going Public.”

¶18 A unique feature of the book is the inclusion of a running story at the end of each chapter, titled “Putting It Into Practice,” which chronicles the trials and successes of a fictitious business venture. The story weaves lessons from each chapter into an interesting narrative that provides the reader with a context to reinforce the advice offered in respective chapters. Also included in each chapter are boxes titled “From the Trenches” where the authors relate stories of real ventures to the key points of the topic. The majority of these stories feature high-tech companies, but the advice is intended to apply to almost any type of business. The “Putting It Into Practice” sections, many of the “From the Trenches” stories, and the “Going Global” and “Buying and Selling a Business” chapters are new to the second edition.

¶19 An additional enhancement provided by the authors is a list of forty-one Web sites at the end of the book. The index is satisfactory at eighteen pages. Despite the valuable information, attention-grabbing stories, and the other features previously mentioned, *The Entrepreneur’s Guide* does have room for improvement. First, there are minimal references at the end of each chapter. Many times it would have been beneficial to have a footnote at the end of a point to direct the reader to sources of additional information on the subject. Although *The Entrepreneur’s Guide* is not specifically designed as a textbook, it would also help both potential entrepreneurs and students to include either a list of suggested readings at the end of each chapter or a complete bibliography. Although legal terms are defined throughout the book in an understandable manner, a glossary also would be valuable.

¶20 *The Entrepreneur’s Guide* may provide more information than some businesspeople need. Small business owners may be better served by books more specifically tailored to their needs.<sup>6</sup> On the other hand, the book may not be detailed enough for attorneys and law students researching business law and requiring a more in-depth study.<sup>7</sup> Nevertheless, *The Entrepreneur’s Guide to Business Law* is recommended for public libraries, both general and legal, that are likely to serve entrepreneurs, as well as academic libraries serving undergraduate and graduate students in business.

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6. *E.g.*, PERI PAKROO & PEG HEALY, *THE SMALL BUSINESS START-UP KIT* (2d ed. 2003); FRED S. STEINGOLD & ILONA M. BRAY, *LEGAL GUIDE FOR STARTING & RUNNING A SMALL BUSINESS* (7th ed. 2003); AM. BAR ASS’N, *THE AMERICAN BAR ASSOCIATION LEGAL GUIDE FOR SMALL BUSINESS: EVERYTHING A SMALL-BUSINESS PERSON MUST KNOW, FROM START-UP EMPLOYMENT LAWS TO FINANCING AND SELLING A BUSINESS* (2000).

7. A better book for this audience would be KENNETH W. CLARKSON ET AL., *WEST’S BUSINESS LAW: TEXT, CASES, LEGAL, ETHICAL, INTERNATIONAL, AND E-COMMERCE ENVIRONMENT* (9th ed. 2004).

Butler, William E. *Russian Law*. 2d ed. Oxford; New York: Oxford University Press, 2003. 761p. \$225.

*Reviewed by Daniel J. Holmänder*

¶21 *Russian Law* discusses the historical and current legal standards in Russia. The author's credibility is paramount in a book such as this, and Butler has relevant practice experience in addition to being a noted author on the subject of Russian law.<sup>8</sup> Butler is the director of the Vinogradoff Institute, University College London, where he is a professor of comparative law. In addition to being a member of the District of Columbia Bar and the Bar of the United States Supreme Court, he is licensed to practice local law in Russia and Uzbekistan.<sup>9</sup>

¶22 Written primarily for academics, *Russian Law* gives a comprehensive overview of the changing legal framework in Russia. Within the past five years, many new developments have taken place within the Russian legal system. Owners of the first edition<sup>10</sup> should retain it for historical acts not mentioned in the second edition, as the newer edition does not contain the full text of laws or codes with the exception of the Constitution of the Russian Federation found in the appendix. This omission may be remedied by acquiring two companion volumes also authored by Butler: *Civil Code of the Russian Federation*<sup>11</sup> and *Russian Company and Commercial Legislation*.<sup>12</sup>

¶23 *Russian Law* is arranged in a clear and concise manner. The table of contents lists five major areas of coverage: "The Setting," "The Legal System," "The Substantive Law," "The Law and Foreign Relations," and "Resource Materials." "The Setting" explores the roots of Russian law prior to modern times. "The Substantive Law" clearly outlines the major topics in Russian law, for example, constitutional and administrative law, civil law, family law, securities regulation, and banking law. Butler uses a narrative format for each topic and gives a historical perspective by explaining how the law developed and why it still exists today. He frequently cites legal documents and assumes that the reader is familiar with the primary sources. *Russian Law* is a great tool for learning the major topics of Russian law, but a practitioner will not find any practice tips.

¶24 My favorite section of this book is "Resource Materials." It discusses where to find the statutes, acts, regulations, legal periodicals, and treaties. As a member of a law firm, I appreciate the list of free Web sites as well as fee-based legal sites. This section directs the reader to authoritative works and widely

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8. *E.g.*, WILLIAM E. BUTLER, CIVIL CODE OF THE REPUBLIC UZBEKISTAN (3d ed. 1999); WILLIAM E. BUTLER, TAX CODE OF THE RUSSIAN FEDERATION: PART ONE, AS REVISED AND AMENDED 30 MARCH AND 9 JULY, 1999 (1999); WILLIAM E. BUTLER & M.E. GASHI-BUTLER, INTELLECTUAL PROPERTY IN THE RUSSIAN FEDERATION: COLLECTED LEGISLATION (1994).
  9. UCL FACULTY OF LAWS: WILLIAM E. BUTLER, at <http://www.ucl.ac.uk/laws/prospective/graduate/academics.shtml?butler> (last visited Mar. 6, 2004).
  10. WILLIAM E. BUTLER, RUSSIAN LAW (1999).
  11. WILLIAM E. BUTLER, CIVIL CODE OF THE RUSSIAN FEDERATION (2003).
  12. WILLIAM E. BUTLER, RUSSIAN COMPANY AND COMMERCIAL LEGISLATION (2003).

respected legal sources that are helpful in determining the credibility of your source of Russian law.

¶25 *Russian Law* is recommended for academic law libraries that maintain a collection of international legal materials and need a resource on Russian law. Just remember to bring along a companion text or two as the text of primary sources are not included and the author assumes that readers are familiar with the sources.

Delgado, Richard. *Justice at War: Civil Liberties and Civil Rights during Times of Crisis*. New York: New York University Press, 2003. 219p. \$29.95.

*Reviewed by Hazel D. Lord*

¶26 *Justice at War: Civil Liberties and Civil Rights during Times of Crisis* defies categorization. According to the Library of Congress, it falls into the classification for United States history, specifically the history of minorities and race conflicts. Yet it is also a work of fiction, complete with characters, adventures, an unfolding plot, and legal analysis. Building on the legal story-telling movement pioneered by the author, Richard Delgado, and his contemporaries Derrick Bell and Patricia Williams, Delgado continues his series of acclaimed “Rodrigo Chronicles,” in which his protagonists are portrayed through a series of dialogues. A significant number of complex legal issues are explored through the interplay of the characters’ different points of view. The dialogues range widely over topics such as affirmative action, legal reasoning, hate speech, interracial relationships, the state of the Critical Race Theory movement, the black-white binary of race, the duality of public-private law, civil liberties, and more broadly, “the role of conflict in American life and law” (p.3).

¶27 Delgado shepherds the discourse beyond the civil rights movement and into the issue of how minority communities should respond to social conflicts of all types. First the protagonists discuss new approaches to civil rights, including the appropriation of international human rights law, the encouragement of judicial and jury nullification, and the use of class-based, rather than race-based, affirmative action. They even consider the application of environmental law to civil rights issues. Turning on its head Christopher Stone’s thesis on the legal rights of inanimate objects,<sup>13</sup> they posit that the Endangered Species Act of 1973<sup>14</sup> could conversely be applied to humans: “Endangered species would include any human community that presently bears, or is likely to bear a disproportionate burden of environmental hazards” (p.32).

¶28 A great deal of attention is given to the concept of *interest-convergence*. Rodrigo, the eager, young foreign-schooled legal scholar, explains this concept, initially proposed by critical race theorist Derrick Bell, as one where “the twists

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13. See Christopher D. Stone, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, 45 S. CAL. L. REV. 450 (1972).

14. 16 U.S.C. § 1531 (2000).

and turns of blacks' racial fortunes respond not so much to altruism or evolving notions of decency and human rights as to the self-interest of elite whites" (p.34). This theme is taken up later in the book with an entire chapter devoted to a discussion of Mary Dudziak's book *Cold War Civil Rights: Race and the Image of American Democracy*.<sup>15</sup> Dudziak argues that the administration's concern for international relations drove United States domestic policy during the Cold War. Rodrigo asserts that Dudziak's research into primary sources confirmed "that the United States needed to do something dramatic for blacks to fortify its position on the world stage" (p.157).

¶29 Delgado's characters also discuss the black-white paradigm of race and how the exclusion of other races narrows the range of thought, allowing for breakthroughs for one group at the expense of another. They discuss historical parallels such as the property laws that deprived Southern black farmers of their small holdings years after Emancipation and the alien land laws that deprived Japanese immigrants of the right to own land in California. They raise several issues about which minority groups could find common cause, such as seeking reparations for past grievances. Beyond the racial issues, the discussions range broadly to the topic of the general suspension of civil liberties after September 11, 2001, and the dangers of the widespread belief that justice during wartime must somehow be different. Rodrigo states, "We may use the language of a wartime emergency, as though we were merely bending peacetime rules a little. But if you look more closely, you see that really we are talking about a wholly new way of looking at due process. Justice at war is a misnomer. What happens is that we first decide we're at war. Then the approach changes, so that we apply, sometimes without knowing it, international wartime rules, even to civilians and civilian problems. . . ." (p.71-72).

¶30 Delgado's use of a series of conversations among scholars with unique perspectives allows him to explore arguments, many of which are pushing the edge of critical race theory. The format does not allow for fleshing out or rigorously analyzing these legal arguments, but it does raise issues, especially some intriguing new civil rights theories, that should inspire further examination and discussion. *Justice at War: Civil Liberties and Civil Rights during Times of Crisis* is accessible to the lay reader and to students and academics who may be unfamiliar with critical legal methodology. The work might have benefitted from a selective bibliography, although there are bibliographical references in the chapter notes. It is a valuable addition to Delgado's body of narrative work<sup>16</sup> and it belongs in any library that collects in the field of critical race theory.

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15. MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2000).

16. *E.g.*, RICHARD DELGADO, *WHEN EQUALITY ENDS: STORIES ABOUT RACE AND RESISTANCE* (1999); RICHARD DELGADO, *THE COMING RACE WAR? AND OTHER APOCALYPTIC TALES OF AMERICA AFTER AFFIRMATIVE ACTION AND WELFARE* (1996); RICHARD DELGADO, *THE RODRIGO CHRONICLES: CONVERSATIONS ABOUT AMERICA AND RACE* (1995).

Feinman, Jay M. *1001 Legal Words You Need to Know*. Oxford; New York: Oxford University Press, 2003. 239p. \$17.95.

*Reviewed by Tessa Morales*

¶31 Jay Feinman is an expert on contract and tort law, legal education, and legal theory. He teaches law at Rutgers, the State University of New Jersey, School of Law at Camden, and has authored several books and more than forty scholarly articles.<sup>17</sup> Feinman delivers on his promise of making the language of the law accessible in *1001 Legal Words You Need to Know*. Many specialized fields, like law, require precise technical language and corresponding discrete vocabulary compilations or dictionaries.<sup>18</sup> There are countless legal dictionaries, intended for the legal student or lawyer, offered as an alternative to heavier and larger dictionaries like *Black's Law Dictionary*.<sup>19</sup> Alternatives for the layperson, offered by publishers like Barron's, can average between 2000- to 3000-plus words<sup>20</sup> or more than 500 double-column pages with small fonts.<sup>21</sup> *1001 Legal Words* aims to be a basic resource and includes examples and usage notes to facilitate the nonlawyer's immediate understanding of legal words.

¶32 Feinman's treatment of legal language and culture in *1001 Legal Words* is simultaneously basic and expert. The definitions provided in the glossaries are edited and revised from the *New Oxford American Dictionary*.<sup>22</sup> Feinman uses infamous cases, such as the McDonald's scalding coffee case,<sup>23</sup> to educate—and perhaps to entertain—the nonlawyer on legal matters. *1001 Legal Words* is easy reading, made all the more digestible with light cross-references, and likely a terrific companion book to his earlier offering, *Law 101*,<sup>24</sup> in which Feinman provided a basic understanding of the American legal tradition. The dictionary includes both a pronunciation key and an introduction to using the dictionary, but no index. The font size, though not large, is not the teeny one often found in a dictionary.

¶33 Unlike the slightly larger and comparable dictionaries available to the nonlawyer, *1001 Legal Words* refrains from offering too many potentially confusing cross-references. For serious researchers, there may be no substitute for *Black's*, the Barron's law dictionary,<sup>25</sup> or other, even wordier legal dictionaries or encyclopedias,

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17. *E.g.*, JAY M. FEINMAN, PROFESSIONAL LIABILITY TO THIRD PARTIES (2000); Jay M. Feinman, *Relational Contract Theory in Context*, 94 NW. U. L. REV. 737 (2000); Jay M. Feinman, *The Future History of Legal Education*, 29 RUTGERS L.J. 475 (1998); JAY M. FEINMAN, ECONOMIC NEGLIGENCE: LIABILITY OF PROFESSIONALS AND BUSINESSES TO THIRD PARTIES FOR ECONOMIC LOSS (1995).
  18. For example, other titles in the Oxford University Press series Practical Guides to Vocabularies of Significant Fields include JERRY POURNELLE, 1001 COMPUTER WORDS YOU NEED TO KNOW (2004); DAVID BACH, 1001 FINANCE WORDS YOU NEED TO KNOW (2003).
  19. BLACK'S LAW DICTIONARY (Bryan A. Garner & Henry Campbell Black eds., 7th ed. 1999).
  20. *E.g.*, STEVEN H. GIFIS, DICTIONARY OF LEGAL TERMS: A SIMPLIFIED GUIDE TO THE LANGUAGE OF LAW (3d ed. 1998).
  21. *E.g.*, STEVEN H. GIFIS, LAW DICTIONARY (4th ed. 1996).
  22. FRANK R. ABATE & ELIZABETH JEWELL, THE NEW OXFORD AMERICAN DICTIONARY (2001).
  23. *Liebeck v. McDonald's Restaurants, P.T.S., Inc.*, No. CD-93-02419, 1995 WL 360309 (D.N.M. Aug. 18, 1994).
  24. JAY M. FEINMAN, LAW 101: EVERYTHING YOU NEED TO KNOW ABOUT THE AMERICAN LEGAL SYSTEM (2000).
  25. GIFIS, *supra* note 20.

with their accompanying references to case law and statutes. Due to its size and scope, *1001 Legal Words* omits many legal words and phrases. For instance, the phrase *respondet superior* is not defined in this work, but it is Feinman's intention to exclude "archaic legal terms or words that only lawyers need to know" (p.xi). Legal words and phrases of Latin derivation (e.g., habeas corpus, res judicata, and res ipsa loquitur), deemed by Feinman to be clearly essential to the language of law and helpful to potential researchers, comprise the bulk of the definitions. He also incorporates a number of informal or practical, yet important, definitions. Examples include a definition for the word "pack," as in "efforts to pack the Supreme Court" (p.142), and "rule of the road" (p.172). Researchers will find it particularly helpful to see terms such as *res ipsa loquitur* used in appropriate contexts with sample usage sentences: "the court said that res ipsa loquitur did not apply when the anesthesiologist introduced evidence that broken teeth are a normal risk of a laryngoscopic procedure" (p.167).

¶34 *1001 Legal Words* provides an introduction to the culture and language of the law. Although I agree with the editors' assessment that "this is more than just a dictionary—[it is] a truly practical all-around guide and reference book" (p.v), the arrangement of the book is a bit distracting. As expected, the principal elements of the title are legal definitions arranged alphabetically. However, Feinman also includes a number of topical miniguides interspersed throughout the text in neither an alphabetical or subject matter arrangement. For example, a three-page miniguide titled "Making a Living Will" is positioned in the definitions section for words beginning with G and H. The miniguides on understanding wills, trusts, and inheritance; granting someone the power of attorney; and how to choose a lawyer are very good. Despite the significant substantive value offered by the miniguides, their random placement is confusing and disrupts the flow of the text. Because Feinman does not provide any indexing, the miniguides are difficult to locate without reading the text cover to cover. Another minor complaint centers on the abbreviations and acronyms that appear throughout the text without much explanation; the author should have included a separate table of abbreviations for clarification.

¶35 *1001 Legal Words* also contains an extensive list of legal aid organizations and a helpful bibliography of books about the law and lawyers for further reading. For the aforementioned reasons and more, this book is relevant to academic and public libraries. The attractive size and low price also make it a perfect book to give a nonlawyer, paralegal, or your favorite pro se patron.

Godwin, Mike. *Cyber Rights: Defending Free Speech in the Digital Age*. Revised and updated ed. Cambridge, Mass.: MIT Press, 2003. 402p. Paper, \$21.95.

*Reviewed by June Kim*

¶36 *Cyber Rights: Defending Free Speech in the Digital Age* is a book that can help the uninitiated become familiar with the issues and arguments that have shaped the debate over regulating cyberspace. Although this book has been revised and

updated, author Mike Godwin admits it is “essentially a mid-1990s book . . . , a kind of snapshot of the early history of free speech and civil liberties advocacy concerning computers and the Internet” (p.ix). Godwin is in a unique position to tell this story. Upon graduation from law school in 1990, he was hired as the first staff counsel for the newly formed Electronic Frontier Foundation.<sup>26</sup> In this position, he worked on the frontlines of the fight to make sure that freedom of expression is more than tolerated, that in fact it is able to flourish in cyberspace.

¶37 *Cyber Rights* was inspired by Godwin’s unwavering belief that an uncensored Internet can transform society into a true democracy. It is an exceptionally personal work and resembles an online journal. The reader learns about Godwin’s morning routine, that he has a cat named Francie, and that he met his wife on a bulletin board system (BBS). The book, written in the first person, has a casual and conversational style. As the reader is able to “hear” the author’s voice, *Cyber Rights* is extremely easy to read.

¶38 Chapters 1 and 2 introduce the reader to cyberspace and the legal principles that apply to this new medium. Godwin makes clear that his intent in writing this book is “to show that striking a balance in favor of individual rights has always been the right decision for us and that it remains so even when technology gives us new ways to exercise those rights. Individual liberty has never weakened us; freedom of speech, enhanced by the Net, will only make us stronger” (p.12). His theme is individual empowerment. He argues that virtual communities are just as “real” as any other community and may be even more personally rewarding. He provides a list called “10 Principles that Make Virtual Communities Work” (p.40) to help others build a community as vital as the Whole Earth ’Lectronic Link (WELL).<sup>27</sup> Godwin has been a devoted member of WELL for many years and mentions it frequently throughout his book. He also reprints his posting on a BBS that gives advice on how to talk to the media (p.58–61). Godwin urges his readers to become media savvy in order to get their stories covered by the traditional news media: “Learn how to hack all the media. Then put that knowledge to good use” (p.61).

¶39 In the next five chapters, Godwin discusses and largely dismisses the problems raised by freedom of expression on the Net, such as libel, sexual harassment, copyright, and privacy. For example, in the case of libel and sexual harassment, he suggests that the solution benefitting both the individual and society is to respond to bad speech with your own speech. There is an easy and immediate remedy for libel on the Net: simply “flame your attackers” (p.108). At the heart of all his arguments is his belief that people can and should be trusted with the power that the Internet affords them because “it’s far more likely that they’ll do good than otherwise. This

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26. The Electronic Frontier Foundation, founded in July 1990, is an organization “created to defend our rights to think, speak, and share our ideas, thoughts, and needs using new technologies, such as the Internet and the World Wide Web.” ELECTRONIC FRONTIER FOUNDATION, at <http://www.eff.org/about> (last visited Apr. 6, 2004).

27. See THE WELL, at <http://www.well.com> (last visited Mar. 7, 2004).

is because freedom of speech is itself a good. The framers of the Constitution were right to give it special protection, because societies in which people can speak freely are better off than societies in which they can't" (p.23).

¶40 The last third of the book is devoted to what Godwin describes as "cyber-porn panic" and the legal struggles to overturn the Communications Decency Act (CDA).<sup>28</sup> His play-by-play account of how *Time Magazine* was manipulated into publishing a cover story on a concocted "study" of pornography on computer networks and how Godwin and others exposed the scandal is riveting, if somewhat repetitious at times. The author's descriptions of his dealings with the media during this time are especially entertaining.<sup>29</sup> Likewise, the retelling of the efforts to strike down the CDA is memorable because the reader learns the twists and turns of the legal battle from someone with first-hand knowledge of the case. Godwin's emotional investment in the case and what it represented to him is apparent when he admits that he cried while writing his speech for the rally in San Francisco on the day the Supreme Court held unconstitutional two disputed portions of the CDA.<sup>30</sup>

¶41 The many strengths of *Cyber Rights* are also its weaknesses. There is little doubt that Godwin writes this book from the point of view of an advocate. He is zealous and unwavering in his message. For this reason, *Cyber Rights* is, at times, repetitive. The feeling of déjà vu caused me to stop reading several times, which disrupted the flow of the narrative. Throughout the book, Godwin makes little attempt to present the arguments of those who disagree with him, except to dismiss their positions as an irrational fear of the unknown (i.e., cyberspace) or as a poor understanding of case law or the Framers' intent. He also does not footnote direct quotes from specific sources or people. I recognize that these flaws may be enough to discourage anyone with a law background from reading this book. In spite of these reservations, however, *Cyber Rights* is a good introduction to the world of cyberspace and the legal issues that affect the Internet. It presents, in a readable style, a passionate perspective on an emerging area of law. I recommend this book for large academic law libraries.

Kimmel, Barbara Brooks, and Alan M. Lubiner. *Immigration Made Simple: An Easy-to-Read Guide to the U.S. Immigration Process*. 6th ed. Chester, N.J.: Next Decade, 2003. 259p. Paper, \$19.95.

*Reviewed by Janai Powell Lane*

¶42 In its preface, *Immigration Made Simple: An Easy-to-Read Guide to the U.S. Immigration Process* touts itself as an "easy to use reference for foreign nation-

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28. Pub. L. No. 104-104, Title V, 110 Stat. 133 (1996) (codified as amended in scattered sections of 18 U.S.C. & 47 U.S.C.).

29. In order to make certain a reporter would call him back, Godwin left the following message on her voice mail: "This is Mike Godwin at EFF, calling you back. I just wanted to say I'd be happy to give you a comment about that *goddamn abortion* of a study." She returned his call within twenty minutes. MIKE GODWIN, *CYBER RIGHTS: DEFENDING FREE SPEECH IN THE DIGITAL AGE* 300 (Rev. ed. 2003).

30. *Reno v. ACLU*, 521 U.S. 844 (1997).

als who currently live and work in the United States, and for those wishing to do so in the near future” (p.vii). Now in its sixth edition, the book summarizes the procedures for obtaining various types of visas required to live and work in the United States. Some of the issues the book addresses include temporary visas, immigrant visas, labor certification, green cards, naturalization, and the annual visa lottery program. The substantive text is only eighty-seven pages long; the remainder of the book consists of forms and appendixes.

¶43 Kimmel and Lubiner describe in adequate detail the types of visas available and then provide a comprehensive list of the required documentation and respective application fees for each type. These lists are a particularly helpful feature. Samples of many necessary forms are included in the last chapter of the book. Unfortunately, the forms have the word “Sample” stamped across each page, thereby rendering them unusable. In an effort to encourage the reader to obtain the most current version of any particular visa application form, the authors recommend contacting the Immigration and Naturalization Service directly or downloading the forms from the INS Web site.

¶44 *Immigration Made Simple* includes definitions of frequently used immigration terms, and within each section of the text the authors identify the definitions that are applicable to particular visa types. For example, the definition of family members who can accompany the immigrant is a function of the type of visa involved and may change from visa to visa. Citations to primary legal authority such as statutes and regulations are not included, making it very difficult for the reader to confirm that any of the immigration rules to which the book refers are current and proper procedure. Due to the lack of primary resource citations or footnotes, *Immigration Made Simple* cannot be recommended for law school or law firm libraries.

¶45 Another drawback of the book is that its index is not particularly strong. Visa applicants interested in having a family member accompany them to the United States cannot use the index to respond to the query—the index does not contain general entries for family, children, or parents. The index is only helpful when the reader can determine in advance the appropriate visa type and is able to locate an index subheading for family, children, or parents under the heading for a specific visa type. Alternatively, this information could be obtained by reviewing a particular visa type section, when the visa type is known, or reading about each type of visa, when the type is not known.

¶46 Overall, *Immigration Made Simple* is a good addition to any college or public library that serves foreign nationals. It is also a helpful resource for a non-immigration attorney with questions for clients with immigration issues. It provides a basic primer on immigration law and helpful checklists for necessary forms and fees. In doing so, *Immigration Made Simple* accomplishes its intended goal of providing a basic introduction to immigration procedure.

Matsushita, Mitsuo, Thomas J. Schoenbaum, and Petros C. Mavroidis. *The World Trade Organization: Law, Practice, and Policy*. Oxford; New York: Oxford University Press, 2003. 666p. \$175.

*Reviewed by Mark D. Engsberg*

¶47 *The World Trade Organization: Law, Practice, and Policy* is written for those who want to understand the WTO. It would appeal to a diverse audience of political scientists, lawyers, economists, and others who may lack expertise in international economic law. Mitsuo Matsushita, Thomas Schoenbaum, and Petros Mavroidis have succeeded in providing these diverse audiences with a research tool that is simultaneously useable and useful.

¶48 In terms of tone, condescension all too often results when experts try to explain a complex subject in lay language, but the authors of *The World Trade Organization* have found a voice that is accessible without being condescending. The book is sufficiently erudite for academic use, while remaining pragmatic in ways that will appeal to a variety of expert or lay readers interested in the WTO, economics, or international politics. At the outset, through the use of a wonderfully detailed table of contents, the authors welcome the reader into the subject of the WTO. Four additional tables, including a "Table of National Laws and Regulations" and a "Table of Court and Administrative Decisions," help the reader pinpoint applicable passages within the text.

¶49 The book is organized into five broad subjects: institutional law, substantive WTO obligations, unfair trade, regional trading arrangements and developing countries, and the advent of globalization. The authors delve into each of them with substance and authority. *The World Trade Organization* contains ample footnotes that do not overpower the text, and the authors also provide a finely detailed index as another way for readers to quickly locate specific material. While it is somewhat limited in scope to a "snapshot" of the WTO eight years after its founding, the nature of the subject and the quality of the material in the book will make it a useful addition to libraries far into the future.

¶50 The authors are openly approving of the WTO, yet they frankly address every significant controversy that has arisen in or about the organization, including the charges that the WTO serves the interests of transnational corporations to the detriment of developing nations and the poor and that the WTO is hostile to the environment, workers' rights, agriculture, food safety, and social welfare generally because it strikes down protection of such interests as trade barriers. Unsurprisingly, the authors take issue with the critics of the WTO, although they admit that there is room for improvement in the organization. While acknowledging the WTO's detractors and their claims, the authors do not allow themselves to be reduced to merely defending the organization. Countering criticism is not the aim of the book, and the authors keep the focus on the organization "on its own terms, what it is, its functions, the rules it administers and the scope of its involvement" (p.cii).

¶51 I can recommend *The World Trade Organization* for most academic, firm, and court law libraries. It is also appropriate for many public and academic

libraries that serve patrons with interests in world affairs, the WTO, political science, or economics. If one is *determined* to find fault with the book, it will be difficult to denigrate the text itself. However, in this current era of shrinking library budgets, the price of an acquisition is always fair game for criticism, and at a relatively steep price of \$175, *The World Trade Organization: Law, Practice, and Policy* provides a fair target. Nonetheless, the quality and utility of this book may make it well worth the cost.

Orth, John V. *Due Process of Law: A Brief History*. Lawrence, Kan.: University Press of Kansas, 2003. 116p. Cloth, \$25. Paper, \$9.95.

*Reviewed by A. Hays Butler*

¶52 “Due process of law” is one of the central concepts of constitutional law, yet it is somewhat elusive and difficult to define. For example, how does “procedural” due process relate to and differ from “substantive” due process? Why does the constitutional validity of an abortion statute involve the same legal issue as the right to a hearing before welfare benefits are terminated? The fact that a single legal concept has so many different applications confuses many law students and, indeed, many attorneys as well. In *Due Process of Law: A Brief History*, author John Orth attempts to clarify this area of the law by examining the historical evolution of the concept.

¶53 While both the Fifth and the Fourteenth Amendments of the Constitution refer to due process of law, the concept has its origins in early common law. The doctrine was recognized as a basic foundation of the freedom of the British people in the Magna Carta in 1215. The guarantee of due process of law was originally a restraint on the sovereign, a recognition that, before the king can act, certain procedures must be followed which are designed to produce fairness. In the nineteenth century, however, due process in America began to include important limitations on legislative action; in other words, due process acquired a “substantive” dimension (p.8–9).

¶54 This substantive dimension originally focused on property. Courts were concerned with legislative action that transferred property without adequate judicial procedures. With the industrial revolution and the increasing commercialization of society, the primary focus of the courts shifted from property to contract and inaugurated the era of economic substantive due process, in which they struck down a great deal of economic regulatory legislation for violating “liberty of contract.” Probably the most notorious example of this approach to substantive due process was *Lochner v. U.S.*,<sup>31</sup> a 1905 decision in which the Supreme Court struck down a New York statute limiting the hours of labor for bakers to sixty hours a week or ten hours a day. The *Lochner* era ended in the 1930s when the Supreme Court abandoned this approach to legislation regulating commercial transactions

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31. 198 U.S. 45 (1905).

and began to defer to the legislature on the question of reasonableness, thereby, as Orth notes, “shifting the burden of proof from those supporting the legislation to those opposing it” (p.70). While economic substantive due process thus passed from the scene, substantive due process eventually reappeared in recent times as a concern with noneconomic or social rights.<sup>32</sup>

¶55 One of the greatest strengths of Orth’s book is the skill and clarity with which he describes the evolution of due process from a primarily procedural doctrine to a substantive doctrine as well. The book begins with a chapter discussing the common law origins of due process and then proceeds, chronologically, with chapters on the economic due process era and the development of noneconomic substantive due process in the twentieth century. Each step in this evolution is linked to the previous step. A clear and logical progression emerges, thus making due process something other than a mysterious collection of unrelated concepts. The book also contains several helpful features that add to its value as a reference tool, including a selected bibliography, a table of cases, and an index.

¶56 Another unique feature is the author’s use of legal maxims as a tool for describing the development of due process concepts. While the use of legal maxims has practically disappeared in modern times, thinking in maxims was a common practice among lawyers and judges before the modern era. As Orth notes, “[m]axims encapsulate rules and serve as handy illustrations of legal principles; they may be called, borrowing a term now fashionable in some academic discourse, ‘paradigms.’ Just as paradigms inform scientific epochs and ‘paradigm shifts’ mark revolutions in science, so legal maxims, their progression and development, can describe and facilitate legal change” (p.5). Two of the most common questions used over the centuries to describe the contents of due process are: Can a law make a man a judge in his own case? Can a law take the property of A and give it to B? Over time, many due process cases were decided based on these maxims. For example, a judge would hold that a certain statute violated due process because it effectively took the property of A and gave it to B. Orth expertly demonstrates how this maxim was used to develop the concept of substantive due process into very different areas over time. He is particularly subtle in demonstrating how the emphasis of courts over time shifted from taking property from A and giving it to B to simply taking “something” from A, whether it be the right to contract or the decision to have an abortion. The use of maxims in this fashion is an extremely original and thought-provoking method for describing the evolution of due process doctrines.

¶57 *Due Process of Law: A Brief History* could be useful to various audiences. Its primary value is to law students who need a short, easily understandable primer on the history and evolution of due process. However, the volume would augment the collections of law firm and county law libraries as well. Practitioners may find

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32. Probably the most significant example of such noneconomic rights is the right to privacy, which was the basis for the Supreme Court’s ruling in *Roe v. Wade*, 410 U.S. 113 (1973).

the history useful in researching due process issues in their cases. Because Orth avoids the use of jargon and carefully explains any legal terms he uses in the book, pro se patrons might also find the book valuable.

Sarat, Austin, and Jonathan Simon, eds. *Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism*. Durham, N.C.: Duke University Press, 2003. 366p. Paper, \$24.95.

*Reviewed by Daniel Wade*

¶58 *Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism* illustrates how legal education has moved beyond legal realism with the concurrent decline of “the social” and the social sciences. The editors, Austin Sarat, professor of jurisprudence and political science at Amherst College, and Jonathan Simon, professor of law at the University of Miami School of Law, introduce their forward-looking collection of ten essays with a prefatory essay that provides a skeletal framework upon which other contributions rest. The reader is also introduced to the new expression “cultural turn,” a phrase of which Sarat and Simon are especially fond.

¶59 Perhaps the quote from the critic Adam Gopnik best sets the argument that follows: “Every age has a term to explain things that resist explanation. The Elizabethans had Fate; the Victorians had History; we have Culture.”<sup>33</sup> While “culture” is beginning to replace “the social” in legal analysis, the term is understood in myriad ways that confound the situation. Fortunately, in the first essay, Naomi Mezey does an excellent job of describing these ways. The work can be seen as exploring new ideas of culture and new conceptions of law on the forefront of modern legal scholarship.

¶60 One of the factors that led to the decline of legal realism is the emphasis on subjectivity and psychoanalysis in contemporary legal analysis, and several of the essays in the volume reflect an emphasis on subjectivity and the unconscious. Further, certain trends in scholarship in the past thirty years or so have enhanced the role of culture in legal analysis. First, there was critical legal studies, then the law and literature movement, and finally, a new turn to sociolegal studies.

¶61 *Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism* is not so much a discussion of how culture shapes law or law shapes culture, but rather a collection of essays treating “significant theoretical issues” in the cultural analysis of law.

It is designed as an encouragement in the still tentative efforts to forge a new interdisciplinary synthesis, a cultural studies of law: What would legal study look like if it were to take on cultural analysis and/or cultural studies as one of its guiding paradigms? How does a cultural study of law enlarge and alter our conception of the way law lives in and through our identities, interpretations, and imaginings? Can the intellectual strategies of cultural

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33. Adam Gopnik, *Culture Vultures*, NEW YORKER, May 24, 1999, at 27, 28.

analysis be disciplined and made serviceable as a vehicle for the analysis of legal phenomena? Can cultural studies be put into productive dialogue with other forms of cultural analysis, or will such dialogue diminish the significance of both as forces in legal scholarship? These are the questions that this collection of essays addresses (p.15–16).

¶62 The authors of the essays represent the perspectives of a variety of independent disciplines. The volume is divided into three major sections. The first, “Approaches to the Cultural Study of Law,” includes four essays illustrating distinctive approaches to the cultural study of law: “Law as Culture”; “What It Is and What It Isn’t: Cultural Studies Meets Graduate Student Labor”; “Telling a Less Suspicious Story: Notes Toward a Nonskeptical Approach to Legal/Cultural Analysis”; and “Freedom, Autonomy, and the Cultural Study of Law.” This last essay, contributed by Paul Kahn of Yale Law School, reinforces and supplements the introductory essay and lays out many of the theoretical arguments engendering this collection of essays. In the second section, “Deploying Law and Legal Ideas in Culture and Society,” the authors attempt to chart some of the connections between law and culture. It is comprised of three chapters, “Ethnography and Democracy: Texts and Contexts in the United States in the 1990s”; “Rules of Law, Laws of Science”; and “Law, Therapy, Culture.” These essays focus on three instances where law and culture conjoin: the civil rights movement and the development of neo-liberalism; the development of the natural sciences; and therapy—the production of knowledge through recovered memory and the very nature of psychotherapeutic truth.

¶63 The final section, “Reading Legal Events,” focuses on the power of law and employs cultural analysis to decode assumptions about power. Again, it features three articles: “A Ghost in the House of Justice: Death and the Language of the Law”; “Lacan and Voting Rights”; and “‘Into the Blue’: The Image Written on Law.” To this reader, the second, written in almost meta-language and addressing relationships of power in the issue of race, was especially noteworthy, and its very style of writing is a unique cultural expression. The editors have included a well-inventoried index and footnotes at the end of each chapter. A bibliography collecting the sources identified in the footnotes would have been beneficial.

¶64 *Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism* is highly recommended for all those in the rarified air of academia who are endeavoring to understand contemporary theory driving legal education in today’s law schools, and for those of a more practical bent who are inquisitive about current trends in legal education. Because the book is cross-disciplinary in nature, undergraduate and graduate libraries might also wish to add it to their collections.

Sterba, James P., ed. *Terrorism and International Justice*. Oxford; New York: Oxford University Press, 2003. 252p. Cloth, \$45. Paper, \$19.95.

*Reviewed by Sushila Selness*

¶65 In the aftermath of the tragedies of September 11, 2001, an overwhelming sense of grief, fear, and outrage overtook us all. The immediate emotional

response was generally supportive of the government stance that a strong military retaliation against any party that harms the United States with terrorist attacks of this scale is fully justifiable. However, there were many dissenting voices.

¶66 This volume brings together contributions from scholars, philosophers, and political theorists who take an objective look at terrorism and international justice. They distance themselves from emotional reactions and look at terrorism and its underlying causes from a variety of perspectives. The editor, James Sterba, is professor of philosophy at the University of Notre Dame where he also is a founding faculty fellow of the Joan B. Kroc Institute for International Peace Studies. Of the dozen other contributors, at least two, Noam Chomsky and Martha Nussbaum, are well known among legal scholars.

¶67 Sterba begins the volume with a brief history of terrorism. He summarizes acts of terrorism throughout human history, starting with biblical times and taking readers to the events of September 11, 2001, and beyond. The list is fairly comprehensive. If you do not have time to read the entire book, I highly recommend reading this chapter to get a historical perspective on this seemingly contemporary issue.

¶68 Sterba points out the importance of perspective in judging these acts. How can one tell the difference between a terrorist and a freedom fighter? Terrorism may be practiced by a substate group such as Black September, a faction of the PLO that attacked Israeli athletes at the Munich Olympics in 1972, or by an individual such as Timothy McVeigh responsible for the bombing of the Murrah Federal Building in downtown Oklahoma City on April 19, 1995. A nation may also engage in terrorist practice as Chile did under Pinochet. These are all cases in which terror is used to induce fear in large groups of innocent people to convey a message that has a political purpose. The chapters that follow attempt to define the term “terrorism,” identify motivations behind terrorist actions, and discuss what may be acceptable as a morally justified response.

¶69 The lack of a single universal definition of the term has led each nation to adopt a distorted meaning that gives moral justification to acts where thousands of innocent lives are lost. An example cited is that of the summer 1982 attack on Beirut by Israel that resulted in the loss of more than five thousand civilian lives. The Israeli-Palestinian conflict looms large in the discussion throughout this volume. One of the contributors points out that Israel diverts attention from its own land confiscations and human rights violations by focusing instead on the violent Palestinian response. Calling the United States reliance on such rhetoric, distorted as it is, an obstacle, author Tomis Kapitan posits that investigating the root causes of persistent terrorism and dealing with them is a far better response and may lead to a resolution of these conflicts in a nonviolent, civilized manner.

¶70 Noam Chomsky draws attention to the United States support of terrorist acts in Central and South America as well as in the Middle East. He theorizes that if we accept the definition of terrorism as “the calculated use of violence or threat of violence to attain goals that are political, religious, or ideological in nature

through intimidation, coercion, or instilling fear” (p.69), and the widespread bombing of terrorist locations is accepted as an appropriate response, then the widespread bombing of our own nation by parties harmed by our “terrorist” actions could be a legitimate response! He also concludes that addressing the social, political, and economic conditions that breed terrorists is in the long run more effective in reducing terrorist incidents.

¶71 In the final chapter, Martha Nussbaum points out that the majority of suffering and death in the world is caused not by terrorism but by malnutrition, lack of education and health care, and poverty with all its associated ills. International justice fails when we do not remedy these contributing factors that are the breeding ground for terrorism.

¶72 Despite the serious subject matter, the text in this book is easy to read. Each chapter averages about twenty pages and stands on its own; they may be read in any order the reader wishes. The extensive list of references following each chapter is a rich source for further research. The lack of an index does not affect the overall reference value since the contents are divided into a logical outline with three sections: “What Is the Nature and Rhetoric of Terrorism,” “Who Are the Terrorists and Why Do They Hate,” and “What Is a Morally Justified Response to Terrorism?”

¶73 The focus of *Terrorism and International Justice* is primarily philosophical and of value in academic settings where discussions about international relations, ethics in conducting foreign policy, and issues of just war in the context of international law take place. As a blueprint for guiding policy makers, it may face a difficult task; however, one can hope that those who pay attention to these thought-provoking articles, and resulting discussions, may agree to norms that emerge from rational discussion and lead to guidelines for future action. I would recommend this book for any academic law library or general academic library supporting curricula in peace studies, international relations, foreign policy, political science, and international law.

Winick, Bruce J., and David B. Wexler, eds. *Judging in a Therapeutic Key: Therapeutic Jurisprudence and the Courts*. Durham, N.C.: Carolina Academic Press, 2003. 331p. \$45.

*Reviewed by Deborah Dennison*

¶74 In *Judging in a Therapeutic Key*, editors Bruce Winick and David Wexler have compiled a collection of short essays by judges and others utilizing therapeutic jurisprudence in their courts and practices, along with more scholarly essays on the theory and nature of therapeutic jurisprudence.

¶75 In the traditional role of judging, the “court functions as a neutral arbiter” resolving disputed issues (p.3). Therapeutic jurisprudence expands that role to resolve the extra-legal issues, be they individual or societal, that bring a case to court and specifically addresses how those problems might be solved. A team composed of the judge and various law and social services personnel attempts the reha-

bilitation of the offender. Therapeutic jurisprudence practitioners function outside of traditional courts in “specialized tribunals established to deal with specific problems, often involving individuals who need social, mental health, or substance abuse treatment” (p.3).

¶76 Courts that practice therapeutic jurisprudence are commonly referred to as “problem-solving courts,” and they include drug courts, domestic violence courts, juvenile courts, and re-entry courts. Although there are various opinions about the historical basis of therapeutic jurisprudence, many of the models for problem-solving courts evolved from the first drug courts in the late 1980s. Drug courts, which typically hear drug abuse cases involving nonviolent crime, evolved because judges, attorneys, social services, and other law enforcement personnel concluded that traditional approaches were not working and the underlying causes for crime were not being addressed.

¶77 Although various problem-solving courts exist, a model from one type may not necessarily serve as a prototype for another. For example, drug courts function differently than domestic abuse courts, where violent crime is often an issue and victims’ protection is a priority. The essays are persuasive in articulating the many benefits derived in funding these problem-solving courts, among them reduced prison- and crime-related costs and lower recidivism rates.

¶78 The editors are experts who have written extensively on the subject of therapeutic jurisprudence.<sup>34</sup> In the first part of the book, practitioners detail the history, funding, and organization of specific courts. In the second part, scholars analyze basic tenets of therapeutic jurisprudence. However, jurists and other professionals actively seeking legal reform should focus on the scholarly articles, particularly the essay titled “Problem Solving Courts: A Brief Primer,” contributed by Greg Berman and John Feinblatt, which is noteworthy for its excellent overview on therapeutic jurisprudence (p.73–86). Although part 1 references citations by subject, part 2 does not. There is a subject index, but given the number of contributors, an author index would be helpful.

¶79 The editors are to be commended for compiling a collection of essays that address multiple facets of therapeutic jurisprudence. The many cross-references among the essays contribute to the cohesiveness of the collection. Many of the essays address critics’ concerns about due process, the adversary role in court, and judicial impartiality. Additionally, some authors acknowledge that more empirical studies are necessary to better measure how successful therapeutic jurisprudence is, such as comparing recidivism rates in problem courts to those of traditional courts.

¶80 Resonating throughout the various studies is the obvious but often overlooked consensus that offenders are equally, if not more concerned with their treatment in court as with their trial verdicts. The offenders’ perception of the fairness

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34. *E.g.*, BRUCE J. WINICK, *THERAPEUTIC JURISPRUDENCE APPLIED: ESSAYS ON MENTAL HEALTH LAW* (1997); DAVID B. WEXLER, *THERAPEUTIC JURISPRUDENCE: THE LAW AS A THERAPEUTIC AGENT* (1990).

of the legal process is a determinant of the success of their rehabilitation. Ultimately, this treatment of offenders in court impacts the public's view of the legal process as well.

¶81 Therapeutic jurisprudence is an important concept in jurisprudence and the administration of justice. I heartily recommend this book to law schools, especially those with clinical programs, to expose students and faculty to this proactive, multidisciplinary role of the courts. Likewise, I recommend this book for court libraries and bar associations, and for others involved in criminal justice and legal reform.

Yang, Deli. *Intellectual Property and Doing Business in China*. Amsterdam; Boston: Pergamon, 2003. 288p. \$87.

*Reviewed by Mary Rumsey*

¶82 China's piracy of intellectual property dwarfs that of any other country, costing foreign businesses billions of dollars annually.<sup>35</sup> The scope of infringement and the size of China's markets have created a surge of interest in China's intellectual property regime. Law libraries should respond to this interest—but how?

¶83 Despite its promising title, *Intellectual Property and Doing Business in China* will appeal more strongly to business and economics libraries than to law libraries. *Intellectual Property* belongs to the publisher's International Business and Management series. Its author, Deli Yang, lectures on international business at the Bradford University School of Management, United Kingdom. The study Yang undertook for this book examined how firms doing business in China manage their intellectual property rights.

¶84 In the preface, Yang describes the potential audiences for *Intellectual Property* as Chinese and non-Chinese companies interested in relationships for business in China, governments and international organizations interested in intellectual property flows, and academics interested in foreign direct investment, intellectual property, and technology transfer. The publisher's Web site adds to that list "university students studying International Business and Management."<sup>36</sup>

¶85 Yang presents a theoretical and empirical analysis of how businesses navigate China's intellectual property (IP) system. She surveyed U.S. and U.K. companies doing business in China to learn about their experience in managing IP rights. Although she discusses China's laws, she focuses mainly on corporate behavior. The intellectual property primarily at issue are trade secrets, industrial designs, patents, and to a lesser extent copyrights.

¶86 The first chapter in *Intellectual Property* describes the development of intellectual property rights in China. In the second and third chapters, Yang covers

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35. Sandy Meng-Shan Liu, *After WTO Accession: China's Dilemma with the Trafficking of Fakes*, 93 TRADEMARK REP. 1153, 1157 n.19 (2003).

36. ELSEVIER: INTELLECTUAL PROPERTY AND DOING BUSINESS IN CHINA, at [http://www.elsevier.com/wps/find/bookdescription.cws\\_home/672774/description#description](http://www.elsevier.com/wps/find/bookdescription.cws_home/672774/description#description) (last visited Mar. 7, 2004).

the theory and international law of IP rights. She outlines China's IP laws in the fourth chapter. All four of these chapters are well written, but cursory. No translations of laws or regulations appear in the book, and because the author reads Chinese, her bibliography does not contain citations to English-language translations of Chinese law, regulations, or cases. Other chapters present extensive data on IP flows into China and on foreign firms doing business in China.

¶87 Among the more useful remaining chapters is the seventh, which provides a critical review of China's IP system. Here Yang discusses inconsistent provisions within Chinese laws and regulations, and between the TRIPs Agreement<sup>37</sup> and Chinese law. This chapter also describes the complex Chinese bureaucracy charged with enforcement of IP laws. Yang uses a few actual court and agency decisions as examples, but provides no citations to the original decisions. In one case, she even omits the names of the parties and the court (p.161). While this approach is used in many business case studies, it will create headaches for librarians who may be asked to track down the original documents.

¶88 In the remainder of the book, Yang highlights problems that firms encounter in China. These problems include inadequate enforcement of IP rights, differences in approaches to contractual flexibility, weak protection of confidential information by Chinese partners, and China's role as a "centre of counterfeiting." She argues that China's laws are too broad and its penalties too light to provide adequate protection. The book's final chapter offers a few recommendations on how the Chinese government might strengthen its IP regime, and how firms can better manage their IP rights in China. Yang cautions, however, that firms must resolve problems on a case-by-case basis.

¶89 *Intellectual Property* has several appendixes, such as lists of Chinese laws and treaties relating to IP, and a 1992 Memorandum of Understanding between China and the United States. The eight-page bibliography includes legal and business sources. An author index and a detailed subject index allow researchers to zero in on narrow topics.

¶90 Academic researchers with an interest in intellectual property policy and IP flows might find this book helpful. For most law libraries, other books would provide better guides to China's intellectual property rights system.

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37. Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, Legal Instruments—Results of the Uruguay Round vol. 31, 33 I.L.M. 81 (1994).

