

Legal Reference Books Review*

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

Contents

<i>National Parliaments in an Integrated Europe: An Anglo-German Perspective</i>	647
<i>Up in Smoke: From Legislation to Litigation in Tobacco Politics</i>	649
<i>Art Law Handbook</i>	650
<i>Protecting Free Speech and Expression: The First Amendment and Land Use Law</i>	652
<i>Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt</i>	653
<i>Privacy and the Digital State: Balancing Public Information and Personal Privacy</i>	654
<i>Toward a Cyberlegal Culture</i>	656
<i>Manual de Beneficios del Seguro Social</i>	658
<i>Elusive Reform: Democracy and the Rule of Law in Latin America</i>	659

List of Contributors

Francisco A. Avalos
Foreign and International Law Librarian
James E. Rogers College of Law
University of Arizona
Tuscon, Arizona
Manual de Beneficios del Seguro Social 658

Jean M. Callihan
Reference Librarian
Cornell Law Library
Ithaca, New York
*Protecting Free Speech and Expression: The First Amendment and
Land Use Law* 652

Kim Clarke
Head of Public Services
Gordon D. Schaber Law Library

* © Diana C. Jaque and Lee Neugebauer, 2002.

** Collection Development/Acquisitions Librarian, Gabriel and Matilda Barnett Information Technology Center and the Asa V. Call Law Library, University of Southern California Law School, Los Angeles, California.

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

- University of the Pacific/McGeorge School of Law
Sacramento, California
National Parliaments in an Integrated Europe: An Anglo-German Perspective 647
- Brendan Durrett
Reference Librarian
Western State University College of Law
Fullerton, California
*Privacy and the Digital State: Balancing Public Information
and Personal Privacy* 654
- Travis McDade
Reference & Bibliographic Services Librarian
Moritz Law Library
Ohio State University
Columbus, Ohio
Up in Smoke: From Legislation to Litigation in Tobacco Politics 649
- Steven C. Perkins
Director of Electronic Research
Mobile Source, Inc.
Springfield, New Jersey
Art Law Handbook 650
- Spencer L. Simons
Director of Public Services
Chicago Kent College of Law Library
Chicago, Illinois
Toward a Cyberlegal Culture 656
- Beatrice A. Tice
Foreign and Comparative Law Librarian
University of Michigan Law Library
Ann Arbor, Michigan
*Medieval Law in Context: The Growth of Legal Consciousness from
Magna Carta to the Peasants' Revolt* 653
- Jessica Wimer
Research Librarian
Gabriel and Matilda Barnett Information Technology Center and
the Asa V. Call Law Library
University of Southern California
Los Angeles, California
Elusive Reform: Democracy and the Rule of Law in Latin America 659

Cygan, Adam Jan. *National Parliaments in an Integrated Europe: An Anglo-German Perspective*. The Hague: Kluwer Law International, 2001. 249p. \$84.

Reviewed by Kim Clarke

¶1 *National Parliaments in an Integrated Europe* is the seventh volume in Kluwer's Studies in Law series, which focuses on European Community law and comparative European law issues. This is the second treatise Cygan has contributed to the series.¹

¶2 *National Parliaments in an Integrated Europe* examines the need for national parliaments to participate in the European legislative process and the ways in which this can be achieved. The Maastricht and Amsterdam Treaties² do not allow for the national parliaments to be a direct participant in the European legislative process. However, due to a concern about a democratic deficit in the European Union, the declarations and protocols to the treaties³ do discuss the need for national parliaments to participate in the process through their scrutiny procedures. National parliaments can scrutinize the legislation in two ways: by attending the Conference of European Affairs Committees (COSAC), a joint conference between national parliaments and the European Parliament, and by influencing the position taken by their country's representative on the Council of Ministers. Subgovernments or regional governments are often the entities implementing European Union law but they have a small voice in terms of the formation of that law. One vehicle through which subgovernments can influence the law is through the Committee of Regions, a European Union committee that acts as a consultant to the European Commission and Council of Ministers in specified areas. In *National Parliaments in an Integrated Europe*, Cygan compares and evaluates the scrutiny procedures instituted by the parliaments in the United Kingdom and Germany.

¶3 This book is written for persons who already possess knowledge of the treaty framework surrounding the European Union and how the parliamentary systems in the European Union, the United Kingdom, and Germany function, as this basic information is not covered in this text. While most European students would possess at least a rudimentary knowledge of how all these systems operate, few North Americans would. As a Canadian lawyer, I have a solid understanding of the British parliamentary system and how a federation, such as Germany or Canada, functions, as well as a basic understanding of the legislative process of the European Union. Unfortunately, I did not know the specifics about the German

-
1. The other is ADAM JAN CYGAN, *THE UNITED KINGDOM PARLIAMENT AND EUROPEAN LEGISLATION* (1998).
 2. TREATY OF AMSTERDAM AMENDING THE TREATY ON EUROPEAN UNION, THE TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES AND CERTAIN RELATED ACTS, Oct. 2 1997, 1997 O.J. (C 340) 1.
 3. *Id.* at 113 (Protocol on the Role of National Parliaments in the European Union); TREATY OF EUROPEAN UNION, Feb. 7, 1992, Declaration 13, 31 I.L.M. 247, 366 (1992) (Declaration on the Role of National Parliaments in the European Union).

governmental system, including the roles of the Bundestag (the federal lower house), Bundesrat (the federal upper house), and Lander (the states). Shortly after beginning to read this book, I sought out a German-English dictionary and the *Foreign Law Guide*⁴ for definitions and a basic description of the German government, respectively.

¶4 Cygan provides the reader with a variety of reference aids, including the abstract, an aid rarely found in treatises, in which he states the aim of the book and summarizes each of its four parts. The abstract, combined with the preface, provides the reader with an excellent overview of the book. The book also has an adequate index and a detailed table of contents that allow readers to identify sections relevant to their research. The table of cases contains decisions from the British and German national courts and from the European Court of Justice. A useful feature of the table is its pinpoint cite references to pages on which the cases are discussed. The bibliography is selective, referring only to articles and books that are cited in the footnotes. Several recent books on the subject, as well as white papers, law commission reports, and other government reports that are referred to in the book, are not included in the bibliography. The full-text of three relevant German documents (a statute, a section of the Rules of Procedure of the Bundestag, and guidelines formed under those rules) are included in the appendixes to the book. This is very beneficial to readers who might otherwise have a difficult time locating these documents. The text of similar documents from the United Kingdom and excerpts from the relevant treaties, declarations, and protocols might also have been included.

¶5 As I was reading, I wondered about the editing process the book went through. A significant number of typographical errors and an insufficient use of punctuation, especially the lack of commas around phrases, detracted from the message Cygan was trying to convey.

¶6 I am concerned about this book's ability to find its niche in the North American market. Although it was written by a law professor, is part of a law series, and was published by a legal publisher, I think the book's subject matter will probably cause it to have a wider audience among political scientists than lawyers in North America. This may account for the fact that according to WorldCat only eight law libraries owned the book at the time this review was written. Law libraries also form a small percentage of the libraries that own other books on the same subject, such as *The European Parliament, the National Parliaments, and European Integration*,⁵ and *National Parliaments as Cornerstones of European Integration*.⁶

4. THOMAS H. REYNOLDS & ARTURO A. FLORES, *FOREIGN LAW GUIDE* (2000).

5. RICHARD KATZ, *THE EUROPEAN PARLIAMENT, THE NATIONAL PARLIAMENTS, AND EUROPEAN INTEGRATION* (1999).

6. EIVIND SMITH, *NATIONAL PARLIAMENTS AS CORNERSTONES OF EUROPEAN INTEGRATION* (1996).

¶7 This review may sound more negative than is my intention. I actually think the book is very good. Most of the negative comments relate to technical aspects of the book. In terms of its substantive content, the book is well researched and well written, with the concepts flowing in a logical manner. While this treatise is not a “must have” for every academic law library in this country due to its specialized subject matter, I do recommend it to political science librarians and to academic law librarians whose schools have a strong European Union law program. I also think that the national parliaments of Europe would be well advised to read this book and evaluate the effectiveness of their own scrutiny provisions.

Derthick, Martha A. *Up in Smoke: From Legislation to Litigation in Tobacco Politics*. Washington, D.C.: CQ Press, 2002. 260p. \$21.95.

Reviewed by Travis McDade

¶8 On April 22, 2002, a judge heard opening arguments in a California case that might help define the limits of 1998’s multistate tobacco agreement, known as the Master Settlement Agreement (MSA).⁷ California’s attorney general brought the suit against R. J. Reynolds for continuously and systematically targeting youth. A Reynolds spokesperson, saying that the company complied with the agreement, claimed that this suit is nothing but an “attempt to renegotiate the settlement through the courts.”⁸ And so it goes.

¶9 The MSA between forty-six states and the tobacco companies didn’t really settle all that much (indeed, within a month of its conclusion two people filed class action suits on behalf of all cigarette consumers). Both the MSA itself and the reason it didn’t really settle anything are exactly the sort of topics discussed in Martha Derthick’s *Up in Smoke: From Legislation to Litigation in Tobacco Politics*. The book is a comprehensive and thoughtful case study on the biggest crusade in the late twentieth century. A recently retired University of Virginia professor, Derthick knows, given the increasingly litigious nature of politics (or political nature of the legal field), the settlement is not only a sham itself, but doesn’t augur well for the gun industry, Microsoft, makers of lead paint, HMOs, or any of the other industries trial attorneys have set their sights on.

¶10 The campaign against tobacco can be broken into two discrete time periods: 1964 to 1993, and the time since then. The first period was marked by legislation which, according to Derthick, was working. Through democratic means the antitobacco campaign, begun in earnest in 1964, had slowly whittled down post-World War II levels of smoking to a plateau so low the Centers for Disease Control thought it one of the ten greatest public health achievements of the twentieth century (p.209). This effort had as its goal, ostensibly, the reduction of tobacco consumption.

7. MASTER SETTLEMENT AGREEMENT (Nov. 23, 1998), available at <http://caag.state.ca.us/tobacco/pdf/1msa.pdf>.

8. Gordon Fairclough, *Case on Children and Tobacco Ads Commences Today*, WALL ST. J., Apr. 22, 2002, at B8.

¶11 The second period, starting around 1993, has had neither similar success nor the veneer of public interest as a cover. It seems to be mostly about money—in her concluding few chapters Derthick shows that the agreement wasn't much more than a high profile shakedown. It turns out that nothing in the agreement requires state governments to use their share of the money for antismoking or other health concerns. The State of Virginia, in fact, gave half of its proceeds to tobacco farmers.

¶12 Mostly, Derthick concerns herself with all things tobacco, giving a rich history of both the legislative and courtroom aspects of the industry. The truth is that while tobacco has never been the darling of any elected officials outside of a few states in the South, it has always had its own niche in American culture. Few could have predicted fifty years ago the degree to which the industry is now reviled. The change in attitude in the second half of the twentieth century happened in fits and starts and is due largely to the crusades of various individuals whose personalities punctuate this story with the zeal of the recently converted. From California Congressman Henry Waxman, who in 1979 defeated L. Richard Preyed of North Carolina for the powerful chairmanship of the Subcommittee on Health and Environment of the House Commerce Committee, to Vice President Al Gore (though the son of a tobacco farmer, he asked a dumbfounded commissioner of the FDA, "Can't we do something about the smoking in Russia?" (p.64)), Derthick brings the players into sharp focus. Not only do these strong personalities make for good reading, the most interesting ones all seem to go after big tobacco through legislation. That can't be a coincidence.

¶13 In the end, the triumph of adversarial legalism over that of ordinary politics is not only detrimental to the fidelity of the Constitution and the laws of this country, but also to the cause of antismoking itself. Derthick outlines this point at the beginning and it threads its way through the fabric of the rest of the book. For law students and attorneys too often concerned with short-term gains, this might well serve as a cautionary tale of the limits of litigation; more likely, though, it will only whet their appetites.

Kaufman, Roy S., ed. *Art Law Handbook*. Gaithersburg, Md.: Aspen Law & Business, 2000. 1164p. \$185.

Reviewed by Steven C. Perkins

¶14 The *Art Law Handbook* is a substantial publication of more than 1100 pages accompanied by a CD-ROM of further readings and legal forms in RTF or Adobe PDF format.⁹ Assisted by fourteen other authors, editor Roy S. Kaufman has assembled an excellent book treating all facets of art in the legal setting.

¶15 The book is divided into three parts: "Artists and Rights"; "The Business of Art"; and "Death and Taxes." Each of these parts is further divided into chap-

9. A technical support number is given for use with the CD-ROM.

ters. Part 1 contains the chapters “Copyrights, Trademarks, and Moral Rights”; “Intellectual Property Protection for Useful Articles”; “The First Amendment and Related Issues”; and “Introduction to New Media and Art.” Part 2 comprises the bulk of the work and includes the chapters “Cultural Property,” “Artist-Dealer Relations,” and “Conservation and Restoration of Artwork,” among other topics. Part 3 contains the chapters “Federal Income Tax Consequences of Creating, Owning, Selling, and Donating Works of Art”; “Trusts and Estates”; and “Structures for Holding and Transferring of Copyrights.” Most chapters end with a selection of forms and appendixes pertinent to the topic of the chapter. The book has a detailed table of contents, an introduction with notes on the co-authors, and an index. Although the book does not have a bibliography or a separate index to the documents contained in the chapter appendixes, each chapter’s footnotes refer to relevant cases, codes, treaties, treatises, and articles.

¶16 In recent years the art world has seen an increase in litigation and other legal activity related to the issues covered in this book. For example, various requests and court cases on the return of art items stolen from countries by smugglers or during World War II have had international significance, while in the United States the Native American Grave Protection and Repatriation Act¹⁰ has had a significant impact on collections of Native American cultural artifacts. Chapters 5 and 6 on stolen art and cultural property cover these and other similar issues. A form for claiming art works stolen during World War II is included at the end of chapter 5.

¶17 One key difference between American law and European law lies in the concepts of *droit d’auteur*, *droit de suite*, and *droit moral*, the rights of artists to receive compensation after the original sale, to create a work, and to withdraw a work, which belong to the artist and his heirs or assigns. Chapter 7, International Transactions in the Art Market, discusses these issues under the Berne Copyright Convention¹¹ and under U.S. and French law.

¶18 At over two hundred pages in length, chapter 9, on e-commerce, is the most extensive in the book. It is also a chapter that would not have been written before 1990 and the rise of the Internet. The bulk of the chapter consists of forms covering areas such as hosting agreements for Web sites, Web site development and ownership agreements, and administration and operation agreements. Anyone contemplating using a Web site for the sale of art works should consult this chapter and chapter 4 on new media and art.

¶19 The *Art Law Handbook*, which is kept up to date with periodic paper supplements, is oriented to the practicing art law attorney and law schools with sub-

10. Pub. L. No. 101-601, 104 Stat. 3048 (1990) (codified at 18 U.S.C. § 1170 (2000), 25 U.S.C. §§ 3001–3013 (2000)).

11. Berne Convention for the Protection of Literary and Artistic Works, *opened for signature* Sept. 9, 1886, 628 U.N.T.S. 221; see Berne Convention Implementation Act of 1998, Pub. L. No. 100-568, 102 Stat. 2853.

stantial intellectual property programs. It covers typical art-related legal transactions, as well as national and international laws governing the artist, the creation of art, and its auction or sale. While other titles may offer more in-depth studies of the intellectual issues involved with art law, this work succinctly covers the extensive areas mentioned by the editor in the introduction. Its main value is in the forms and appendixes that are designed to be used by practitioners, and as such it is recommended to them and to their librarians.

Mandelker, Daniel R., and Rebecca L. Rubin, eds. *Protecting Free Speech and Expression: The First Amendment and Land Use Law*. Chicago: American Bar Association, Section of State and Local Government Law, 2001. 408p. Paper. \$85.

Reviewed by Jean M. Callihan

¶20 I eagerly anticipated reading this book after presenting a research session to an undergraduate land use/historic preservation class. Historic preservation and aesthetic regulation intrigue me. Where did the government get the authority to regulate what you can do with your property or how your property looks? How does land use regulation fit in with the constitutional rights of landowners and their neighbors? Isn't regulation of expression by the property owner contrary to the ideal of individual expression embraced by our culture? *Protecting Free Speech and Expression* did not disappoint. This compilation of articles by land use and constitutional law experts provides a snapshot view of the current state of the law and the First Amendment concerns inherent in the regulation of expression.

¶21 The editors selected contributing authors from both academia and practice. Their articles cover such topics as the regulation of signs, newspaper racks, public demonstrations, housing, and sexually oriented businesses. Chapters giving a general overview and concluding thoughts on land use law frame these subject-specific chapters. The articles are clearly written with extensive footnotes. The book includes a table of cases, a well-organized index, and an appendix with a model ordinance for regulating sexually oriented businesses.

¶22 The audience for *Protecting Free Speech and Expression* includes attorneys, concerned citizens, and activists with a basic understanding of the U.S. legal system as well as some familiarity with the principles and major cases underpinning free speech, freedom of religion, and land use regulation. The overview chapter gives a brief explanation of First Amendment protection of free speech, tossing out references to the "chilling effect" concept, the "void on its face" doctrine, and the narrow specificity and content neutrality principles, while skimming over doctrines such as prior restraint and commercial speech, and the public forum and reasonable time, place, and manner rules handed down by the Supreme Court. The religious freedom side of the First Amendment also gets a few paragraphs. Principles of land use law are not covered here.

¶23 By selecting articles by local government counsel and law professors dedicated to First Amendment protections and civil rights, the editors of *Protecting*

Free Speech and Expression produced a well-balanced book. Regardless of whether the author was representing regulators or protestors, each contributor presents a thoughtful, reasoned history and analysis of the legal issues, legal strategies, and judicial opinions emerging from this contentious, unsettled area of law.

¶24 The chapters concerning how to prevent “adult” enterprises from doing business without imposing unconstitutional prior restraint on expression are illustrative of the conflicts addressed in the book. Although the local government lawyers patiently explain the need for reasonable time, place, and manner restrictions to keep us safe from the adverse secondary effects of sexual enterprises, their efforts to do their moral duty caused my sympathies to swing in favor of the rights of nude dancers and sex toy merchants. Does society really need to expend resources regulating the width of a g-string or the size of pasties? And why did people always ask what I was reading when I was engrossed in these chapters?

¶25 This thought-provoking book provides an excellent description of current law and legal tactics and would be enjoyed by readers familiar with constitutional and land use law. Although the book provides numerous citations to relevant authority and certainly the model time, place, and manner regulation in the appendix could be helpful to practitioners, it isn’t designed as a textbook or a how-to-litigate manual. I would recommend this book to an academic law library with faculty and students interested in the development of constitutional law as well as to constitutional or land use attorneys for professional enrichment.

Musson, Anthony. *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt*. Manchester: Manchester Univ. Pr., 2001. 256p. \$74.95.

Reviewed by Beatrice A. Tice

¶26 In 1215 King John, facing a rebellion by leading barons and knights over taxation practices, acceded to their demands for a grant of legal rights by drawing up the Magna Carta, the great charter of liberties recognized by the English Crown. In 1381, nearly two hundred years later, young King Richard II was confronted by a destructive crowd of peasants and townsfolk enraged at the maximum wage limits put into effect by law; he likewise acceded to their demands by making promises of widespread legal reforms.

¶27 What happened during the more than a century and a half after the Magna Carta to give rise to the outburst of law-related emotion that resulted in the dangerous Peasants’ Revolt? In *Medieval Law in Context* author Anthony Musson argues that it was a growth of legal consciousness, which spread throughout the entire population of medieval England as law developed into a part of daily life. This legal consciousness, based upon deeply held notions of law, liberties, and government memorialized in the Magna Carta, gave rise to certain popular expectations concerning justice, freedom, and redress, which in turn fueled the Peasants’ Revolt.

¶28 Musson, author of several other works on medieval English legal history,¹² explores his theme by attempting to ascertain the various ways in which people actually thought and felt about both the law and their own ability to change it. Musson's research is impeccable, as he considers the growth of the legal profession during the medieval period (chapter 2, "The Professionalisation of Law"), the practical legal information acquired as a matter of course by people in all walks of life (chapter 3, "Pragmatic Legal Knowledge"), the participation of the population in the legal system of the day (chapter 4, "Participation in the Royal Courts"), and the function of Parliament as a forum for legal matters (chapter 5, "The Role of Parliament").

¶29 Musson's book offers more, however, than a well-researched history of judicial developments in thirteenth- and fourteenth-century England. As he states in the preface, "[This book] aims to provide a new perspective on the period by examining the contextualisation of law within society and by revealing a theology, ideology and psychology of law" (p.ix). To that end, Musson employs a unique multidisciplinary approach to propose a re-conceptualization of the role of law in medieval England. The reader is challenged to consider the law, not merely as an external regulator of daily life, but as an integral component of social relationships.

¶30 This very scholarly work assumes a high level of familiarity with the general historical background of thirteenth- and fourteenth-century England. (If, like me, you've forgotten which issues gave rise to the Magna Carta and you've never heard of the Peasants' Revolt, be prepared to do some preparatory research!) It is very densely written and should not be approached as a quick reference tool or an overview source. Given the great amount of specialized information that is packed into this volume, I could wish that the index were more detailed and that the extensive notes had been published as reader-friendly footnotes, rather than endnotes.

¶31 Nevertheless, *Medieval Law in Context* makes a unique and important contribution to the intellectual history of medieval English law; it is a must for any academic law library that collects in this period.

Raul, Alan Charles. *Privacy and the Digital State: Balancing Public Information and Personal Privacy*. Boston: Kluwer Academic Publishers, 2002. 148p. \$79.95.

Reviewed by Brendan Durrett

¶32 When I read the list of review choices for this column I immediately wanted to work on *Privacy and the Digital State*. Not only is this issue of great concern to me but I also enjoyed the author's editorial in the *Los Angeles Times*¹³ in which he argued that identity theft is the largest privacy problem on the Internet.

12. See, e.g., ANTHONY MUSSON, *THE EVOLUTION OF ENGLISH JUSTICE: LAW, POLITICS AND SOCIETY IN THE FOURTEENTH CENTURY* (1999); ANTHONY MUSSON, *PUBLIC ORDER AND LAW ENFORCEMENT: THE LOCAL ADMINISTRATION OF CRIMINAL JUSTICE, 1294-1350* (1996).

13. Alan Charles Raul, Editorial, *Privacy Needn't Crumble Before Cookies and Spam*, L.A. TIMES, Mar. 1, 2001, at B11.

¶33 In *Privacy and the Digital State* Raul fleshes out this point while discussing the government's role in collecting personal information and protecting citizen privacy. After describing the conflict between the need for access to public records maintained by government agencies and the privacy interests of individuals, he provides a thorough introduction to privacy issues in an era where information is the coin of the realm and where new technologies make many people nervous.

¶34 Although Raul is concerned primarily with the rules applying to state government agencies, he also focuses on the foundations of federal privacy policies, from case law to statutory enactments. This leads to an explication of various legitimate governmental uses for information about citizens to inform public policy deliberations. From there he discusses the role of public records in electronic government and the delivery of government information and services online through the Internet or other digital means.

¶35 This provides the background for a useful chapter listing successful approaches to balancing the public's dual interests in privacy and open access. Raul concludes, surprisingly, by suggesting that adopting new and materially different public records privacy laws would be problematic. Rather he puts forth a thoughtful model action plan for enhancing and refining existing state public information and privacy policies.

¶36 Raul avoids the pitfall of being entirely theoretical or just plaintive in *Privacy and the Digital State*. He includes very helpful appendixes detailing public records privacy approaches developed by several states, international jurisdictions, and organizations. As a Californian, I was delighted to discover that California is among only ten states to provide a right of privacy in its constitution. The appendixes include complete citations to code sections, government agency policy documents, Web sites, and so on. Since Washington State has gone the farthest toward establishing a thoughtful approach to safeguarding private information while preserving open government and the people's right to know, the full text of a Washington State executive order on privacy and public records¹⁴ is included.

¶37 *Privacy and the Digital State* successfully introduces readers to a dilemma that touches all of our lives. Balancing privacy and open access is an example of how "the Law" is relevant and personal to everyone. Raul's prose is mercifully compact—this slim hardbound volume includes only eighty-nine pages of text and fifty-three pages of appendixes. The organization of the book is easy to follow and the information very up to date. In fact, Raul speaks in the foreword about possible implications of the September 11 tragedy on information policies.

¶38 Resources for further inquiry or for following this issue are included in numerous footnotes and a bibliography. It is interesting to note, however, that all

14. Public Records Privacy Protections, Wa. Exec. Order 00-03 (Apr. 25, 2000), available at http://www.governor.wa.gov/eo/eo_00-03.htm.

of the cited resources are electronically available. I would have loved to see bibliographic references to older materials as well. In addition, although an index is included, it is somewhat perfunctory. For example, California is mentioned often and has its own subsection in an appendix but didn't warrant an entry in the index. A table of statutes cited would have been helpful.

¶39 Although there is room for a more comprehensive work that covers more jurisdictions and has better finding tools, *Privacy and the Digital State* provides a wealth of practical information and recommendations for public officials and those interested in public policy. As an interested citizen I found it a good read. As an academic law librarian I found it a timely, concise, and serious work on a compelling issue.

Roznovschi, Mirela. *Toward a Cyberlegal Culture*. Ardsley, N.Y.: Transnational Publishers, 2001. 230p. \$95.

Reviewed by Spencer L. Simons

¶40 *Toward a Cyberlegal Culture* by Mirela Roznovschi is an extremely informative text on the resources for and techniques of doing and teaching international and foreign legal research using the World Wide Web. It also contains reflections on the dramatic changes the Web has brought to libraries, librarianship, and especially to the community of librarians who specialize in international and foreign law research. Roznovschi, the reference librarian for international and foreign law at New York University School of Law Library, is known for her expertise in international and foreign legal research, for her role in teaching the subject in developing nations, and for her contributions to its bibliographical literature. She also is well known as the co-editor of the LLRX international and foreign law research resources¹⁵ and as webmaster and editor of the *Guide to Foreign and International Legal Databases*.¹⁶ This background is reflected in the thesis of this book:

Cyberlegal culture represents the international and foreign law disciplines' intellectual activity on the "Web." New behaviors and communications patterns generated by the online medium, by institutions with a virtual presence, by new forms of electronic publishing and strategies for accessing online legal documents, and by new models of teaching substantive law and education over the Internet express the essence of the cyberlegal culture (p.xv).

¶41 Roznovschi draws on her wide experience to give tips for surviving the increased complexity of the reference librarian's role in the cyberlegal culture (chapter 1), practical suggestions for using online resources and detailed discussions of many of the most important of them (chapter 2), principles for evaluation

15. INTERNATIONAL LAW RESOURCE CENTER, at http://www.llrx.com/international_law.html (last visited May 15, 2002); COMPARATIVE & FOREIGN LAW RESOURCE CENTER, at http://www.llrx.com/comparative_and_foreign_law.html (last visited May 15, 2002).

16. GUIDE TO FOREIGN AND INTERNATIONAL LEGAL DATABASES, at http://www.law.nyu.edu/library/foreign_intl/index.html (last visited May 15, 2002).

of online legal databases (chapter 3), and detailed expositions of the lessons she has gained from teaching international and foreign legal research both at home and abroad (chapter 4). A very valuable supplement is the lengthy appendix with detailed comments on many international and foreign law databases. The main lessons to be gained from this wealth of shared experience and illustrations are that the Web is now the only way to build adequate international and foreign law collections for most libraries in most parts of the world, that the Web is absolutely essential to all international and foreign law librarians everywhere, and that communication and cooperation by law librarians has been and will be essential to the development of Internet resources and of the cyberlegal culture she describes.

¶42 There are some great strengths to this book. The informed discussion of many individual databases makes this a valuable resource for any reference librarian striving to extend his or her international and foreign legal research skills. The guides to teaching cyberlegal research in foreign environments are both informative and fascinating for their revelations on the effects of history, politics, national identity, and technological sophistication on receptivity to both the methods and substance of international and foreign research.

¶43 Unfortunately these undoubted virtues are undermined by the structure of the book. The text, arguing the peculiar nature of cyberlegal culture and explaining what the librarian needs to know to operate within it, is interrupted throughout by long, multiple illustrations of the architecture and operation of particular databases. The results of this are twofold: the force and coherence of the text is lost and the vast amount of detailed information on particular databases is rendered less accessible. The database information is less accessible both because the reader will likely view it as illustrative material to be waded through until the argument resumes and because much of the useful information in the illustrations is effectively buried, invisible to those seeking to use this as a reference book. The location of the illustrations is often not apparent from the structure of the text and, worse, because much that is discussed in the text is not referenced in the index. Thus, the reader who seeks a discussion of, say, the Garant, SCAD, or CIESIN databases will receive little assistance from either the index or the table of contents. This problem is ameliorated by the valuable appendix, but only in part. The text would have benefitted greatly from segregating the argument about the nature of cyberlegal culture and the advice to the legal information specialist from the expert discussion of the databases.

¶44 Readability would have been enhanced by putting the URLs of referenced sources in footnotes or endnotes. The presence of many parenthetical URLs within the text distracts and discourages the reader. The text would have also benefitted from omitting material that adds little or nothing to the illustrations (e.g., much of the detailed discussion of the Open Library for Legal Information in Tashkent). Finally, the gravity of the argument concerning cyberlegal culture suffers from a

common fault in the literature about the cyber-revolution, namely, hyperbole and overblown abstractions. This reviewer was left wondering just what the author meant in some passages.

¶45 These weaknesses do not invalidate *Toward a Cyberlegal Culture* as a useful text. It is especially valuable to experienced legal reference librarians with international and foreign law experience who are seeking to further their knowledge of sophisticated international and foreign legal resources and research techniques. Those anticipating teaching international and foreign legal research, particularly those teaching abroad, really should read this book for Roznovschi's valuable observations. The appendix alone makes this a valuable addition to the reference collection of any library concerned with international and foreign legal research. One concern expressed by Roznovschi herself is that any book on Web resources will rapidly become out of date. For that reason, this book was to have been supported by an online version (p.20), but my attempts to locate it were unsuccessful.

¶46 This book is recommended for law library collections and for those individuals wishing to expand their knowledge of online international and foreign law resources and research and teaching methods.

Tomkiel, Stanley A., III. *Manual de Beneficios del Seguro Social*. Translated by Eytan Lasca. Naperville, Ill.: Sphinx Publications, 2002. 325p. Paper. \$18.95.

Reviewed by Francisco A. Avalos

¶47 The *Manual de Beneficios del Seguro Social* written by Stanley A. Tomkiel III and translated by Eytan Lasca is an excellent basic source for information on social security and medicare benefits. Tomkiel is an attorney who worked for the Social Security Administration as a claims representative for many years and is now in private practice representing claimants before the Social Security Administration. The *Manual* was written for Spanish-speaking people who need precise and correct information presented in a simple and easy manner. It provides information that goes beyond what can be found in social security publications and is very complete, covering most aspects of social security from eligibility requirements and filing an application to determining the actual amount of money people are entitled to and filing appeals. The book could be given to most Spanish-speaking patrons with little explanation and they would be able to use it without trouble because of its simple presentation.

¶48 The *Manual de Beneficios del Seguro Social* is organized into ten chapters, each of which is divided into sections that provide more detailed information. The *Manual* also contains ten appendixes with primary information, benefit tables, sample applications, and addresses of regional offices. The book is written in a question and answer format, with answers given in simple language and accompanied by practical examples to illustrate each point. A section I found both practical and valuable dealt with documents that can be presented to the Social Security Administration to determine age in lieu of a birth certificate. The lack of

birth certificates is a major problem for some people from Mexico and Latin America. I personally experienced this dilemma when my father retired, and I know of many families who have also faced this problem. The *Manual* has an index that I found very useful for locating desired information. The table of contents also serves as a guide to the information contained in the book.

¶49 The *Manual* is not a research guide, but a self-help guide. It was written specifically for the layperson who is interested in obtaining practical information concerning social security and medicare matters and does not speak English. I would highly recommend this book to public libraries and other public social services institutions that work with Spanish-speaking people. It would also be very good for law school and law firm libraries that deal with Spanish-speaking clientele. The translation of the *Manual* is a good one that retains Tomkiel's simple and straightforward style. I feel that this book should be published annually to stay abreast of the changes in social security and medicare benefits.

Ungar, Mark. *Elusive Reform: Democracy and the Rule of Law in Latin America*. Boulder, Colo.: Lynne Rienner Publishers, 2002. 273p. \$55.

Reviewed by Jessica Wimer

¶50 A major challenge in modern Latin American democratic reform and political development is establishing a rule of law. Rule of law measures must be adopted to ensure successful democratic consolidation; without them attempts to create democratic institutions will be undermined and those institutions that are created will not survive. Current political unrest in countries such as Venezuela illustrates the unstable political climate that has hindered past attempts. Crucial elements of a rule of law include an independent, effective judiciary, state accountability to the law, and citizen accessibility to the judiciary or other mechanisms that ensure personal liberty. In *Elusive Reform: Democracy and the Rule of Law in Latin America*, author Mark Ungar studies Latin American democratic reform attempts and analyzes past patterns of reform and continuing obstacles facing Latin American countries as they struggle to establish a rule of law.

¶51 Ungar lays the groundwork by first describing the executive dominance and judicial disarray that typify the current legal culture throughout Latin America, and then explaining that these aspects are both impetus for reform as well as obstacles to real change. Ungar attributes the success or failure of any attempt at reform or the maintenance of a rule of law to the presence or absence of the following factors: a clear separation of powers, judicial review, and methods in place that ensure individual rights and judicial access. While noting that a variety of influences can affect democratic reform in each of these three broad areas, Ungar centers his discussion on political influences facing the agencies held responsible for enforcing the law. His analysis reveals the interrelationship of these agencies with different governmental bodies and political concepts, including the state and the rule of law, the police, independent judicial functioning, judicial councils, judicial access, and community justice. Each chapter outlines real and potential obstacles, successful

measures that have been implemented, and how these measures are connected with the essential elements of the rule of law. Ungar is careful to highlight the potential weaknesses in future reform attempts inherent in each of these areas.

¶52 This book is appropriate for many individuals, from those who just desire a primer on the current Latin American political situation to those who wish to supplement more advanced research. Ungar is able to synthesize a wealth of information and present it in a clear and understandable manner due to his straightforward style of writing and consistent method of organization. By focusing on only well-defined, key issues he is able to reveal a great amount without overwhelming the reader. Ungar begins each chapter with a general explanation of the topic, then uses the case study model to illustrate real world examples of the topic. These examples are usually set in Argentina or Venezuela. After drawing from the case study those elements that help or hinder the promotion of a rule of law, Ungar concludes each chapter by predicting the success or challenges of democratic reform in the context of the topic being discussed.

¶53 Ungar supports his statements with the extensive note sections that end each chapter and provides a complete bibliography of sources at the end of the book. He also includes a table of contents and an index. The index is thorough and includes appropriate entry terms. The weakest of the organizational elements is the table of contents. While it does provide a page reference for the beginning of each chapter, it provides rather perfunctory location information that leaves readers to largely fend for themselves. Luckily a list of tables is included to aid the reader. Also helpful is the glossary, an especially valuable resource for the reader inexperienced in Latin American politics because of the many foreign and unique terms used throughout the book.

¶54 Ungar is an assistant professor of political science at Brooklyn College, City University of New York, where he teaches international and comparative politics. His past works focus on human rights issues and Latin American politics. Despite the fact that many existing resources discuss various rule of law issues in general, this particular book makes a valuable contribution to an academic library's collection because it focuses specifically on Latin America and that region's current political situation. It is important to note that this book should not be acquired to serve as a traditional reference book. *Elusive Reform* is not a book that will direct the reader to other sources; it does not provide lists or guides to the documents associated with the various reform efforts. Rather it is an in-depth analysis of selective successes and failures in democratic reform attempts.