

## BOOK REVIEWS

*DEATH AT MIDNIGHT: THE CONFESSIONS OF AN EXECUTIONER.*  
By Donald A. Cabana. [Boston: Northeastern University Press. 1998. xii  
& (with index) 200pp. Paperback £14.95.]

From the cover charcoal drawing of the exterior of the Mississippi gas chamber to the title, *Death By Midnight* leads the prospective reader to believe its subject to be capital punishment. Surprisingly, only one third of the book is devoted to this topic. For the most part, *Death By Midnight* is a treatise on the author's twenty-five year professional life in the criminal correction establishment. This book is actually a chronicle of the inefficiencies of the American system of punishment of criminals in general. In that respect, the title is misleading to the unsuspecting reader.<sup>1</sup>

The author, a Massachusetts native and post-Vietnam- service graduate of Boston's Northeastern University, writes of his initial fascination with the prison system, which affected him a "like a powerful narcotic."<sup>2</sup> His service in the Air Force was a hiatus from the college work he had begun, and when he resumed, he aspired to attend law school. Hence, his choice of criminal justice as an undergraduate major was directed toward this goal. However, an internship at Massachusetts Correctional Institute persuaded him that prison work was his passion, and he promptly cast aside any thoughts of a career in the law. He writes of the illogic of this choice, conceding that he had always been irretrievably convinced that the embodiment of the Quaker concept which had spawned that American correctional system over 200 years earlier was so ineffective as to be an abysmal failure.<sup>3</sup>

Each of the eight chapters begins with a quotation from such luminaries as former U.S. Supreme Court Justices William O. Douglas and Thurgood Marshall, Horace Greeley, and the widow of the Reverend Martin Luther King. Cabana makes imposing use of photographs of the Mississippi penitentiary: its gas chamber; inmates harvesting vegetables and working the fields; a pre-1970s armed prison trusty; and the home of one corrections worker. The latter was the site of the corrections officer's fatal shooting by his prisoner-"houseboy" while Cabana served as warden. The one-page appendix, a compilation of facts and figures on capital punishment in the U.S.A., is unavoidably outdated. Drawn from statistics provided by the National Coalition Against the Death Penalty and Amnesty International, the author outlines the status as of 1996. To the chagrin of any opponent of capital punishment, the number of state killings increases almost as one set of statistics is published. For example, this reviewer's home state of Virginia executed a record 10 persons during 1998. Cabana's epilogue notes that this upward trend is reflected in the national figure.<sup>4</sup>

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<sup>1</sup> The title has, however a poignant meaning, which is revealed toward the end of Cabana's story.

<sup>2</sup> *DEATH AT MIDNIGHT* (hereafter "Cabana"), at 20.

<sup>3</sup> *Id.* at 19.

<sup>4</sup> *Id.* at 192.

Chapter 1, entitled "Full Circle", describes in detail the gas-chamber death of Connie Ray Evans, a young (age 27 when executed) convict for whom Cabana's duties as warden required him to issue the edict to carry out the jury's verdict and court's judgment, once all avenues of appeal had been exhausted. Cabana's close contact with Evan had resulted in a protective-natured friendship, and the impact of the experience of ordering and witnessing the killing of the prisoner who had become his friend ultimately caused the demise of his life in corrections. Cabana's story, with regard both to the procedure and the method, are graphic. For example, he refers to the "smell of [the] preparations of death."<sup>5</sup> Immediately after Evans had been put to death, Cabana emphatically announced to his wife that "I don't want to do this anymore."<sup>6</sup> He credits this experience with his personal transition to the belief that the death penalty is intrinsically wrong. After his initial discourse on Evans' execution, Cabana quixotically repeats this portion of the text, in part verbatim, in the book's concluding pages. Leaving the reader with a sense of *déjà vu*, this strange redundancy is both unnecessary and distracting. A summary revisit would have sufficed.

Following the first chapter the author commences his long digression into a biographical depiction of each progressive step of his professional sojourn, from rehabilitation counselor, to a first offender's unit, to the death row section, to case manager, to termination, re-employment, and ultimate appointment as warden. He takes the reader from his first job at the Massachusetts Institute, continuing through his move to the imposing and imperious Parchman prison in Mississippi, with detours into the Missouri and Florida prison systems, and his final return to Parchman in 1984. He offers the reader insights into the nadirs and zeniths of each successive post.

There are nonetheless needless distractions. Cabana seems obsessed with including detailed physical and personality descriptions of each mentor, colleague, and associate throughout his career, with accolades or disparagement for each. These details often are unnecessary insertions, apparently intended to serve as an exposé illustrating the need to "correct corrections" in the USA. They are generally only tangentially related to capital punishment *per se*. Although he appears to strive toward a chronology of his professional career, there are frequent and sudden flip-flops in sequence. Consequently, the reader is on occasion uncertain whether he is back in Massachusetts, Mississippi, Missouri, or Florida. These faults in presentation and format would have been easily solved with the use of an effective editor or collaborator. Furthermore, the author commits occasional grammatical errors. For example, he leaves dangling prepositions; uses reflexive pronouns as subjects and/or objects and conjunctions with no following object; and inserts excessive and unnecessary commas.<sup>7</sup>

To the reader who is trained in the law, *Death By Midnight* is at times frustrating for its paucity of explanatory text. The author only alludes to some of the more significant legal elements that make him so critical of the attempt to achieve justice through incarceration. For example, he mentions the housing of juvenile offenders with adult prisoners at

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<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 190.

<sup>7</sup> *See, e.g.*, respectively, "[w]hom she had been having sex with" (*id.* at 104.); "had arrived at (at151); and "myself among them" (at118) and "[t]he warden, myself, and the other deputy warden" (at125).

Parchman,<sup>8</sup> but there is no reference whatsoever as to when and why minors may find themselves in a facility which houses hardened criminals.<sup>9</sup> Moreover, there is no succinct explanation of the reasoning by the Supreme Court in two companion cases in 1972,<sup>10</sup> when it held the Georgia and Texas capital punishment statutes to violate the Eighth Amendments of the U.S. Constitution. (This section prohibits "cruel and unusual punishment"<sup>11</sup> and is the usual constitutional reference by opponents of capital punishment.) In this landmark decision, *Furman v. Georgia*,<sup>11</sup> the Court did not, as is frequently misstated, hold that the death penalty in general is unconstitutional. The constitutional difficulty with these laws was the absence of any guidance for juries in capital cases, leaving the decision-makers with unbridled discretion which resulted in arbitrary and capricious meetings out of the most ultimate of penalties. He simplistically states that "executions were once again approved by the Supreme Court in 1976...provided it was employed fairly and impartially."<sup>12</sup> The reader is left to wonder about the distinctions between the statutes later approved by the Court in 1976, and those which had been struck down in 1972. The 1976 decision resulted from several state capital punishment laws, which had been virtually identical to those in Georgia and Florida disapproved by the Court in 1972. The 1976 decision again involved companion cases. Statutes in North Carolina and Louisiana which had mandated the death penalty for specified crimes without any possibility of mitigating or aggravating circumstances, were held unlawful because juries had been stripped of any discretion whatsoever.<sup>13</sup> The Georgia, Texas and Florida statutes, however, were held to meet constitutional muster. The common characteristics in these three state laws were the elaborate statutory guidelines for juries, including factors that might be considered in mitigation or aggravation, and an automatic appeal of all verdicts imposing the death penalty.<sup>14</sup> A brief explanation of these holdings would have provided a significant perceptive element for the reader.

Furthermore, the author writes of his termination from his first position at Parchman as a result of his criticism of policies implemented by the new administration. He should have remarked upon the unconstitutionality of this act by an arm of the state, since the First Amendment includes the

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<sup>8</sup> *Id.* at 62.

<sup>9</sup> The age for waiver of juvenile court jurisdiction over a minor who is charged with the commission of a serious felony is established by state law in the U.S.A. Upon request by the state's attorney, the juvenile court conducts a hearing during which the offender's potential for rehabilitation in the juvenile court system and his prior track record of violations of the law, if any, are considered. The juvenile court then might waive jurisdiction and certify the offender as an adult, transferring him to an adult court for trial. A cursory explanation of this minimum age for waiver and types of charges for trial as an adult at the time of the author's work in Mississippi would have given this section more substance. At least this would have clarified the gravity of the offenses for which these youths had been convicted.

<sup>10</sup> Cabana at 108. His only reference to these momentous decisions is to the Court's conclusion, without stating the rule of law and holding.

<sup>11</sup> 408 U.S. 238 (1972).

<sup>12</sup> Cabana at 118.

<sup>13</sup> *Woodson v. North Carolina*, 428 U.S. 2809 (1976) and *Roberts v. Louisiana*, 428 U.S. 325 (1976).

<sup>14</sup> *Gregg v. Georgia*, 428 U.S. 153 (1976), *Jurek v. Texas*, 428 U.S. 262 (1976), and *Proffitt v. Florida*, 428 U.S. 242 (1976).

assurance of freedom of speech without encroachment by the government. (The first ten amendments to the U.S. Constitution - all adopted in 1791 and termed the Bill of Rights - are limitations upon federal infringement upon individual rights. Courts have construed the Fourteenth Amendment as subsuming all these limitations and applying them also to the individual states.) It is puzzling as to why Cabana does not comment upon his failure to challenge this patently unconstitutional dismissal.

He mentions inmate Nazareth Gates' lawsuit against the Mississippi prison system,<sup>15</sup> charging that its policies were unconstitutional. Nonetheless, he does not specify which policies were attacked nor on what constitutional basis. This reference is therefore a dangling one, and the reader is left uninformed except to be told that the case was not tried, but settled.<sup>16</sup> Cabana should have revealed the terms of this settlement if they in fact had been made public. Alternatively, it would have been preferable not to comment upon Gates' action at all.

Finally, Cabana attacks the inhumanity of the obvious suffering and brutality of the 1983 execution of Jimmy Lee Gray in the Mississippi gas chamber.<sup>17</sup> However, although he devotes some three pages<sup>18</sup> to the 1976 execution by electrocution of John Spinkelink in Florida, there is no comment as to the apparent pain during that execution, suffering that was evident and highly publicized. In fact, the Spinkelink execution caused adamant death penalty opponents to rail against the necessity for three jolts to be administered to Spinkelink and the duration of five minutes before the prisoner finally succumbed. Such gaps in the text are incomplete, inconsistent, and inexplicable.

These critical remarks are not intended to ignore the book's many commendable points. Cabana capably compares and contrasts the many variants among operations of prisons from state to state. His descriptions of Mississippi's probably unique former use of so-called "trusties"--providing firearms for "trusted" inmates and vesting them with authority over fellow prisoners--is most telling. Such intriguing vignettes of preferential treatment for selected inmates present an effective description of the internal operations of that institution. Cabana couples his upsetting revelations of atrocities committed among inmates with his critical analyses of how best to deal with some of the inevitable problems endemic to corrections.

The author's personal reflections often lend much meaning to his effort. His parallel of the slow and arduous death of a close friend from a growing brain tumor with the contemporaneous pre-execution process of Evans is dramatic indeed. Cabana successfully personalizes Evans and explains his conviction on the basis of testimony from his accomplice. The criminal law scholar or practitioner in Northern Ireland will likely be reminded of "Supergrass" informants in terrorism cases. The author effectively explains that many state laws place equal criminal responsibility upon the actual "trigger-puller" and other participant(s) in a

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<sup>15</sup> Cabana at 44 and 85.

<sup>16</sup> *Id.* at 85.

<sup>17</sup> *Id.* at 7 and 161.

<sup>18</sup> *Id.* at 119-121.

murder and/or robbery<sup>19</sup> and points out the drastic inequity of equal punishments for unequal culpabilities.

Cabana's expertise and his personal sincerity and impeccable ethics are evident throughout. One is left with the hope that such competent and caring managers are the rule within American prisons.

Death By Midnight struck this reviewer as a rough draft of what might have been a compelling book. However, a change of title to reflect the true thrust of Cabana's message, substantial changes in structure and organization, and some inclusion of explanatory information on significant features of the law are very much in order. This book is recommended only for the reader interested in corrections operations, but not for one hoping to augment his grasp of the essence of capital punishment.

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*PUBLIC HEROES, PRIVATE FELONS: ATHLETES AND CRIMES*  
*AGAINST WOMEN* By Jeff Benedict [Boston: Northeastern University  
 Press, 1997. xvii & 245pp. Hardback £23.95]

As professional sports command increased public attention the personal lives and behaviour of high profile athletes have come under greater scrutiny. When this involves illegal or socially deviant conduct extensive media attention is guaranteed. This is as true in the British Isles as it is in North America with athletes who engage in drug and alcohol abuse, domestic violence and sexually abusive conduct guaranteed to feature prominently in news bulletins and on the front pages. *Public Heroes, Private Felons* deals with the phenomenon of sexual and physical abuse of women by college and professional athletes in North America. These problems are not unique to North America and, despite the different bases on which sports are organised in these islands, the topics discussed should be of concern to those involved in the governance of sport on this side of the Atlantic. Nine chapters of the book deal to one extent or another with various incidents of sexual assault by athletes, one deals with domestic violence, while three proposals that might be implemented by the sports industry are briefly outlined in the final chapter.

College and professional sport in North America, it would seem, is characterised by "widespread mistreatment of women" (p25) with athletes having a "warped sense of what constitutes appropriate treatment of women" (p 155) and a "morally destitute, socially deprived (*sic.*) outlook" (p 185). This is the result of a system that recruits athletes from troubled backgrounds and places them in an environment where they are conditioned to behave without an appreciation of consequences and offers them little or no preparation for the exceptional public scrutiny to which they will be exposed. In this environment athletes pursue "deviant lifestyles" (p 154) and engage in "indiscriminate sexual relations" (p 172)

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<sup>19</sup> Indeed, the Supreme Court has affirmed state statutes permitting imposition of the death penalty for non-principals. See *Tison v. Arizona*, 458 U.S. 782 (1982).

and “socially degenerate behavior” (p 213). Coaches who are motivated by “ruthless self-serving greed” (p 221) turn a blind eye to such conduct and continue to recruit and select these delinquent athletes. While police and prosecuting authorities are likely to pursue these athletes more vigorously than would be the case were “ordinary” members of the community involved they face an uphill struggle with athletes being defended by highly experienced lawyers, described variously as “savvy” (p 88), “astute” (p 91) and “distinguished” (p 181), and juries being reluctant to record convictions against public heroes. This is disturbing in the extreme and in this context the proposals that are advanced – namely, the adoption of a code of conduct that expressly prohibits crimes of violence against women, the imposition of penalties by colleges, clubs and leagues against athletes who violate the code and a screening process that should minimise the recruitment of potentially violent athletes – are modest. Indeed, if the picture painted by Mr Benedict is accurate one might reasonably expect greater efforts on the part both of the sports industry and society to tackle this problem.

However, the story related by Mr Benedict fails to convince. It might well be that abusive treatment of women by athletes is as extensive as he suggests (although at one point he does refer to a “silent majority” (p 226) who support stricter disciplinary measures, suggesting that in fact abusive athletes form a minority) but little is offered in the way of hard evidence. Instead the author opted to relate a series of well-publicised incidents of sexual abuse and domestic violence. However, what could have been a set of illustrative case studies from which reliable conclusions might be drawn is reduced to the level of lurid anecdote by a style that is at best journalistic and at times worthy of a cheap novel. An example of the latter is the description of a particular offending athlete as “an imposing man with a crew cut and large muscles showing through his ripped T-shirt” (p 109). This is compounded by a shrill moralistic tone and I am not sure what offends the author more – criminal violence against women by athletes or their promiscuous (but lawful) personal behaviour. True, he attempts to identify their promiscuous lifestyles as the source of their violent conduct but this is more by way of assertion than reasoned conclusion.

This book deals with an important issue that should be of concern to sports administrators, lawyers and policy makers. It would be unrealistic to expect the author to provide answers but unfortunately he fails to ask pertinent questions. How extensive is violence against women by prominent athletes? Is this a sports problem or a societal problem? What is it about sport that demands a response on its part to egregious off-the-field conduct by athletes? Are athletes to be cast as role models in a sense that other equally high profile celebrities such as actors, rock stars and politicians are not? And if so why? If the representation of athletes by expensive lawyers places them in a better position than defendants who are represented by public defenders does this not reveal as much about the administration of criminal justice as it does about the sports industry? What conclusions about the jury system might be drawn from the high rate of acquittals of athletes by juries? Had these matters been considered and had the easy option of focusing on the shocking details of particular cases been avoided this could have been a valuable work. It can be expected that sports administrators on both sides of the Atlantic will be forced to deal with issues of this nature in the future, if only as a result of pressure from sponsors, television stations and other major investors in the industry. Unfortunately they will not find either a convincing case for a response by the industry to the phenomenon nor a workable strategy in this book.

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*EUROPEAN BUSINESS LITIGATION.* By Abla Mayss & Alan Reed.  
[Dartmouth Press: Ashgate 1998. 624 pp (with index). Hardback  
£67.50.]

The common law rules on jurisdiction and enforcement of foreign judgments and choice of law are complex and challenging. In recent years the Brussels and Lugano Conventions on Jurisdiction and the Enforcement of Judgments and the Rome Convention on Choice of Law in Contractual Matters have had a radical impact on private international law. Unfortunately, there have been few recent comprehensive commentaries on this new private international law regime. There have been a number of excellent commentaries on the two Conventions, but many of these are now sadly out of date and very few attempt to place the Conventions in context with the common law rules. Many general texts on conflict of laws exhibit a common law bias. These texts tend to adopt a historical approach and analyse the common law rules before dealing with the Conventions, treating them as exotic and unwelcome new developments. This runs contrary to the manner in which this area of the law should be treated. The Conventions are the first line of approach – only if the subject matter of a dispute falls outside their scope are the common law rules of relevance.

*European Business Litigation* confines its treatment to legal issues of relevance to commercial litigation within the European Union. Thus, while there is some discussion of common law rules such as *forum non conveniens*, this is confined to a consideration of whether these rules survive the entry into force of the Brussels Convention. The only exception to this approach is a brief chapter on the recognition and enforcement of judgments at common law. The book focuses on a number of different subjects: jurisdictional rules under the Brussels Convention, choice of law under the Rome Convention, choice of law in tort and recognition and enforcement of judgments under the Brussels Convention and at common law. The authors also give a brief overview of the operation of the Conventions to date.

This focus means that this work will be of considerable assistance to the practitioner and the more general reader alike. The book traces recent decisions of the English courts and of the European Court of Justice on the interpretation of the Convention. This is done in a clear and very readable manner. Anyone with an interest in the subject matter will find this a surprisingly enjoyable read.

Tracking developments in the interpretation of some of the Convention's more difficult articles is done in a very immediate way. These difficulties of interpretation are where problems have arisen. One instance is Article 5.1 concerning jurisdiction in contractual disputes. This provision of the Convention has attracted a considerable jurisprudence both before the English courts and the European Court of Justice. The scope of this provision has proved contentious – primarily because of its complex wording. Among the issues, which have been considered, are whether restitutionary claims can come within the scope of this provision. Despite protracted litigation before the English courts this question had not been satisfactorily answered. The authors engage some of the more contentious issues and are not slow to express their own views. While I would not agree with all of the views advanced this does make for an engaging read.

One of the most exciting aspects of the law in this area is its speed of development. This rate of change has already overtaken the book's contents. Since its publication, the Court of Justice has handed down a number of significant decisions. In addition, the debate on the future of the Brussels Convention has begun in earnest. The European Commission has put forward a document advocating radical amendment to the Convention. Unfortunately these proposed amendments were not to hand in sufficient time for their consideration in this book. Likewise, the Brussels 2 Convention on Jurisdiction and Recognition and Enforcement of Judgments in Family Law Matters has recently been signed by the EU Member States. This too was signed after publication of this work. This rate of change merely serves to point out how timely this work is. It is to be hoped that the authors have future editions in prospect.

In summary, the authors guide the reader through the other provisions of the Convention and related problems of private international law in a very direct and lucid manner.

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*TELECOMMUNICATIONS LAW HANDBOOK. By John Angel and Ian Walden. London: Blackstone Press. 1997. x & 987pp. Hardback £75.00]*

If we live in an information society, then telecommunications provide the vital infrastructure of that society, overtaking other forms of manufacturing and service industries as the prime sunrise enterprise coveted by states world-wide. Accordingly, a mighty subject is tackled in this book, and so it is not surprising that it requires just under 1000 pages in order to detail the law. That objective is made even more difficult by the "monumental" (p.ix) pace of change in the telecommunications sector, which arises not only from rapid technological innovation but also the spreading policy of the liberalisation of the market-place arising from the privatisation of state monopolies and the encouragement of entry and diversification. To cope with this agenda, the objective of the book is set out with precision: "to provide in a convenient and easily accessible form some of the main regulatory texts within telecommunications law." (p.ix) There is the further delimitation that the text is to concentrate on telephony rather than broadcasting.

The body of the book is set out in three unequal parts - one on the United Kingdom (the largest), followed by European Union law and then a brief foray into international (and comparative) law. There is an introduction to the whole, but, combined with the prelude to the United Kingdom section, it only amounts to just under three pages. Furthermore, there are a few annotations to the materials within each Part, but they are sporadic and again very brief - little more than references to cases or cross-references.

The "laws" in Part I, "United Kingdom", are detailed according first to source - primary legislation, secondary legislation and then "grey" laws - and then according to chronology. A significant part of the cursory introduction sections rightly relates to the establishment in 1981 and regulation of the major player, British Telecommunications plc. Most of the materials are about telecommunications licensing and regulation, and include the keynote Telecommunications Act 1984. The licensing arrangements and usage agreements form the major body of Part I. Since these are not as accessible as the statutes, the collection is valuable, but, with the aid of just a little more commentary, it should have pruned substantially. There is considerable overlap between the various licenses,

plus a lot of standard conditions which do not tell us anything about telecommunications. As a result, the potentially valuable messages are lost in a lot of static as one wades through almost 400 pages of corporate lawyer-speak.

Somewhat out of place in this agenda is the Interception of Communications Act 1985, which is presented as "the main provision designed to protect the privacy of users of telephony" (p.4). Some of the limits of this legislation are mentioned in the annotations, but without reference also to the Security Service Act 1989, the Intelligence Services Act 1994 and the Police Act 1997, an inadequate picture is given. This deficiency is characteristic of the book, which is weak on the treatment of individual rights. The authors are silent (at least until the final gasp on US law) about content and the rights of authors and consumers and concentrate instead upon corporate rights and duties. Given the vast amount which has been written and legislated (especially on pornography), this limit is understandable, but it should have been followed more consistently and explicitly.

The European Union laws in Part II have been motivated by several concerns. They include the encouragement of open markets, mainly inspired by Directorate-General IV which is hostile to potentially anti-competitive agreements and in favour of technical compatibility and open public procurement (though this latter aspect is not actually covered). More generally, there is a concern in the Directorate-General XVIII to encourage an "Information Society", perhaps most inspirationally advocated (or as inspirational as it gets for a document from the European Union) in the *Bangemann Report (Europe and the Global Information Society at: <http://www2.echo.lu/eudocs/en/bangemann.html>, 1994)*. In the light of these policy strands, the contents of this book are again narrow. They mainly relate to liberalisation of markets and the policing of anti-competitive arrangements. The materials include very detailed Commission decisions on proposed telecom mergers. The agenda of the facilitation of the Information Society is secondary. The *Bangemann Report* is not included, nor is there mention of the important initiatives and regulations to encourage European content in the electronic media (on which see Winn, D.B., *European Community and International Media Law*, Graham & Trotman, London, 1994). Rather like in Part I, there is a very brief excursion into regulation of individual rights, in this case data protection (p. 891), but this is not set in the context of the earlier instruments both of the European Union and of the Council of Europe. Nor is there any attempt to consider the debates going on in Europe about encryption.

Part III is called "International law" but also incorporates a foray into comparative law. The international law aspect comprises the regulatory activities of the International Telecommunications Union and, since 1994, the World Trade Organisation, which are seeking to carve out a role for themselves in these fields. The political tensions between these international regulators, the European Union and the United States are not explored. The comparative law consists mainly of the US Telecommunications Act 1996. There is an extremely brief mention on the final page (p.984) concerning the litigation on some of the controversial aspects of the Act, but publication deadlines presumably did not allow the incorporation of the decision in *ACLU v Reno* (138 L. Ed. 2d 874, 1997). It is legitimate for the authors to look at the United States as the largest and arguably most advanced telecommunications market in the world. However, in the context of a book with such a pronounced European flavour, it would arguably have been more interesting and relevant to compare another European jurisdiction (the Netherlands perhaps being the prime candidate) to gauge the progress of the United Kingdom.

Overall, reservations must be expressed about the limited conception of this book. It does little more than advert to some of the social consequences of the growth of the telecommunications sector, such as globalisation (see Castells, M., *The Rise of Network Society*, Blackwell, Oxford, 1996) and changes in working practices (see Susskind, R., *The Future of Law*, Oxford University Press, 1996). It is limited to the legal texts and does not include debates about the texts, such as the White Paper, *Competition and Choice: Telecommunications Policy for the 1990s* (Cm. 1461, 1991). Though broadcasting is not on the menu, one would expect to hear a little about the convergence of the future (trends now considered by the Department of Trade and Industry in *Regulating communications: approaching convergence in the information age*, Cm.4022, 1998). All of these limitations probably betray the origins of the book, which relate to the teaching of an LL.M. course within the University of London. The book therefore has the feel of being the successor to photocopied bundles of student handouts, which are of limited value without the excellent commentaries and discussion no doubt provided in class. The focus on original texts alone would be perhaps justifiable if those texts were devilishly hard to locate. Some of the licensing arrangements fall into this category, though, as noted above, they are greatly overdone. But inaccessibility hardly applies to statutory materials, and even the more arcane European Union materials can in the main be unearthed via a web search engine (such as EUR-Lex at <<http://europa.eu.int/eur-lex/en/index.html>>). There is certainly skill in collecting the sources and explaining their location, but one suspects that this type of exercise will in the future (especially once the Lord Chancellor delivers on his promise of a web-based statutes in force (see <<http://www.open.gov.uk/lcd/lawdatfr.htm>>) be delivered much more effectively by developing the authors' related web page (<<http://www.ccls.edu/~ccls/itlaw>>). A book would then deal with the much more intellectually challenging and interesting task of explaining, analysing and contextualising the source materials.

In conclusion, many reservations are here expressed about the conception of this enterprise, though it is delivered clearly and effectively according to its own limited lights. In addition, one sympathises with authors working in this field. As is stated by the European Commission in the BT-MCI merger decision, "It is particularly difficult to give a precise picture of the existing structure of this emerging market because its principal feature is that it is in constant evolution." (reproduced at p.769) Even so, much more could have been made of the exciting issues being faced on a global scale. We have here a glimpse of what is happening but by no means the digitally enhanced picture.

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