is the answer to this question that explains why the establishment of a 'minority inquiry' (cf. Max Weber's suggestion) empowering the opposition to set up a committee of inquiry against the will of the majority was crucial to the success of the whole system: the political majority considered to be 'the government' is in fact both the executive branch *and* its supporting majority in parliament. The line between powers to be separated is not only drawn between legislative and executive branch, but also between minority in parliament and majority in parliament. Thus, in order to establish some kind of control over 'the government', a constitutional minority right to set up committees of inquiry has to be vested in the minority/opposition in parliament. By doing away with the sacred majority principle (and attributing prosecutor's powers to the committees of inquiry), control becomes effective and successful. In France, to take another example, there is a different situation. There, the parliament as a whole is in a kind of minority situation relative to the strong executive branch. Thus, the provisions on investigative powers of parliamentary committees will have a different shape.

The author's focus on formal aspects of the Member States' constitutional orders probably explains why the chapters on the European level also remain mainly descriptive. The principal result of the comparative analysis is that parliamentary inquiry exists in the Member States. Therefore, some kind of parliamentary inquiry device on the European level would appear to be logical. The author notes, though, that the European practice to date does not really seem convincing in terms of effective control. Most committees of inquiry so far have mainly been concerned with the preparation of legislation. At this point, the book does not really offer an explanation or remedy.

One could have taken the analysis one step further by asking against whom the investigative power of committees of inquiry would typically be directed at the EU level, and how this power could be enforced. One answer could have been to view the European Parliament as a structural minority when compared to other stronger players at the European level, such as the Commission or the Council, which would make the question of enforcement crucial.

A general point is that the European constitutional order simply does not resemble traditional constitutional orders. Thus, as the author himself acknowledges, the European Parliament does not resemble traditional parliaments, which probably explains why traditional concepts of control may not work for it. One would have hoped to find some new ideas at this point, such as the possibility of joint Member State parliaments/European Parliament committees of inquiry. In sum, the book will provide a useful starting point for further research on an interesting subject that is bound to remain on the agenda.

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Kahin, Brian, and Charles Nesson (eds). ***Borders in Cyberspace***. Cambridge, Massachusetts and London: The MIT Press, 1997. Pp. xi, 374. Index. $25.

The assertion that the Internet defies limitations of physical space and time, erasing national borders, is commonplace in the burgeoning literature on cyberspace. This useful collection of essays explores the implications of that assertion, emphasizing the challenges which the Global Information Infrastructure (GII) poses for national and international regulatory schemes and institutions. The first half of the book focuses on issues inherent in the nature of cyberspace, including globalization, erosion of national control, and arbitrage, as well as associated procedural issues of jurisdiction, enforcement, harmonization and alternative dispute resolution. The second half of the book offers analyses of transnational problems in six substantive areas: intellectual property, censorship, privacy, encryption, government information and consumer protection.

The volume as a whole establishes that, contrary to its popular image as an unregulated zone, the GII is policed under many

overlapping, contradictory regimes. While the GII eradicates spatial and temporal 'borders', it also creates new borders between the virtual and physical worlds and among an assortment of 'cyber-entities', including networks, newsgroups, private lists, etc. Nations, states, standard-setting entities and private enterprises all seek to establish rules governing transactions which resist categorization by geography, nationality or substantive legal area. There is no lack of regulation, merely a lack of effective enforcement. Disharmony between regulatory schemes permits arbitrage as information businesses relocate activities to take advantage of divergent regimes offering strong or weak intellectual property rights, favourable encryption and privacy policies, or 'data havens'.

The authors offer a variety of remedies ranging from centralizing solutions, such as federal pre-emption and international harmonization and enforcement, to self-regulation by GII entities and development of a separate discipline of 'cyberlaw'. That the proposals vary widely and tend to be long on generalities and short on specifics accurately reflects the current debate on cyberspace regulation. Two minor caveats must be noted: despite the international flavour of the articles, most of the authors are from the United States and there is a decided focus on the US role in the GII; and, as with most print works in this rapidly changing field, readers must be wary of post-publication developments – the article on free speech, for example, predates the Supreme Court's decision in *ACLU v. Reno*, which struck down certain provisions of the Communications Decency Act. These minor quibbles notwithstanding, the volume offers an excellent introduction to the evolving debate over cyberspace governance.

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Paust, Jordan J. ***International Law as Law of the United States***. Durham, NC: Carolina Academic Press, 1996. Pp. xi, 491. $45.

In *International Law as Law of the United States*, Professor Jordan Paust has brought together in one volume 15 papers debating the relationship between international and national systems of law, specifically as it pertains to the laws of the United States in contrast to those of the international community. All but one of the book's chapters are revised versions of previously published articles, which brings a certain lack of coherence to the volume, particularly as some of the chapters are very short, others more lengthy, and because the book lacks a distinct Conclusion. Yet, this is not overly disagreeable as Paust's work can be placed in the best tradition of those scholarly works that make the strongest possible case for an argument by reiterating one thesis again and again, demonstrating how it applies to various related dimensions of a core focus of concern. It may suffice here to briefly outline Paust's main argument and to illustrate its import for a selected number of issues of international law.

The basic contention of this book is that the principles and dictates of international law are directly incorporable in United States law. One of the main arguments for this thesis is the author's conviction that the Founders explicitly declared the law of nations to be part of the law of the land. International law, in other words, is, according to Paust, factually incorporated in the US legal system through its embodiment in the Constitution. This claim is carefully documented through detailed textual analyses of the US Constitution, judicial judgments, and executive decisions and congressional legislation, the latter two of which are mostly criticized by Paust when, and because, they are at odds with the incorporation argument.

Among the consequences of the claim that mandates flowing from international treaties are supreme federal law, according to Paust, is that customary international law does not