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

unavoidably clash with the laws of the land. Therefore, certain legal notions intended to provide some form of conditionality to the incorporation principle (such as the distinction between self-executing and non-self-executing treaties and the principle of last-in-time rule in the case of a clash between international and federal laws) are invalid. For example, Paust suggests, the very fact that human rights are inalienable invalidates any additional considerations over their applicability and debunks legislative superiority in the case of a clash with principles of international legality informed by human rights.

Paust's argument has weighty implications, not only for the interdependence between US and international law, but also for the relationships between the three branches of US government. Paust adamantly defends the claim that the executive branch is bound by international law and must be held accountable when it acts in violation of international law. This places the President in a situation of confrontation with congressional and judicial control. Thus, for instance, Paust laments presidential proclamations that maintain reservations on, or seek to enact exceptions to, the implementation of international treaties (such as the granting of presidential pardons to violators of international law). Yet Paust is also critical of congressional legislative activities that seek to circumvent the spirit of international law. Here, he contends, the courts play a special role, particularly in protecting citizens from violations of international legal principles by the legislative and executive branches of government. Finally, making use of the same argument, Paust also criticizes the implementation procedures of certain policies. Specifically, he is critical of the practice of denaturalizing and deporting alleged Nazi war criminals, who he feels should be treated as suspects of international criminal law and hence should be prosecuted as such. As international law is characterized by universal jurisdiction, the United States government also has a universal duty to enforce the law of nations.

This is a very solidly argued and well-documented book, but not every scholar of international law will be swayed by the author's argument. Of the possible criticisms of this book, I suspect, some may revolve around Paust's unnecessarily strong and overburdened conception of international law. Most clearly in the opening chapter of the book, Paust appears to be defending an essentialist conception of international common law, i.e. a perspective that posits international law as a steady factor, not determined by elites, states or other elements of force and whim, but directly and fully reflecting the common will of all. Writes Paust, 'customary law of nations is human law' and, therefore, 'each nation-state, indeed each human being, is a participant in . . . customary international law' (at 1, 3). It seems to me that this argument is either naïve and optimistic, consciously or not concealing any of the forces involved in the creation of that which actually passes for internationally binding law, or idealistic and misguided, in that it presupposes a concept of universally legitimated international law manifested in existing systems of international law. It is one thing to argue, as Paust correctly does, that the Supreme Court and other judicial authorities defend a conception of international law as reflecting the general consent of all people, but it is an altogether different matter to suggest that this is also what international law actually is. Such a concept of international law confuses the perspective of the participant with the perspective of the observer. Relatedly, Paust occasionally defends a moral attitude on the basis of a common international humanity so vigorously that he fails to uncover the dynamics of factual national resistance. And if perhaps a more idealized understanding of international common law is implied (as a standard of critique for existing law), it should be clear that both national as well as international legal systems would have to be scrutinized.

Yet, despite this reviewer's reservations, one cannot but appreciate Paust's commitment to retaining a universal respect for rights and a common humanity in light of, and indeed often in spite of, national legislations

and executive decision-making. After reading this book, few international law scholars will wish to defend their positions on related matters without taking into account this author's eloquently formulated arguments.

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Tietenberg, Tom (ed.). ***The Economics of Global Warming***. Cheltenham, UK, Brookfield, VT: Edward Elgar Publishing Limited, 1997. Pp. xxii, 619. Index. $195.

Human-induced global warming has received extensive attention in the environmental economics literature. There are several reasons for the important role that economics plays in the issue of climate change. First, effective mitigation strategies must reduce the fossil fuel use, which is central in the functioning of the world's economies. Second, since carbon dioxide is a uniformly mixed pollutant, the temporal and spatial allocation of overall greenhouse gas emissions can exclusively follow the rule of economic efficiency. Third, the fact that the location of emissions is of little importance means that economic instruments, like a CO_2 tax or tradeable emission permits, can play a major role.

The Economics of Global Warming, edited by Tom Tietenberg, a leading US environmental economist, provides a thorough overview of the contribution of economic theory until 1995 to the debate on global warming. It is part of the 'International Library of Critical Writings in Economics' series, which, in presenting a selection of the most important articles on particular themes, provides a valuable reference for students, researchers, and lecturers.

Tietenberg groups the articles around three main themes: damage, costs and optimal control strategy (Part II), instrument choice (Part III), and ethics and intergenerational discounting (Part IV). Since each essay emphasizes a different aspect of the problem, or follows a different approach, the theme groups are illuminated from various perspectives, providing the reader with an idea of the diversity of the debate. Part I comprises three articles: the problem of cooperation among countries (Barrett, 1990), introductory thoughts on the problem of global warming (Schelling, 1992), and Chichilnisky and Heal's (1993) essay on global warming as a risk to society. This last would have been more fruitfully placed in a later chapter on hedging strategies. Except for Schelling's piece, the articles cannot be considered helpful introductory pieces. A better introductory reading could have been, for instance, Nordhaus' text on 'Economic Approaches to Greenhouse Warming', published in Dornbusch and Poterba's *Global Warming* (1991).

Part II is well organized. The sub-chapters and the individual articles build upon each other. This part examines efforts to value the damages caused by global warming, to calculate the costs of reducing the release of greenhouse gas emissions into the atmosphere, and to search for optimal response strategies by comparing both the costs and the benefits of taking action. Most studies that estimate the damages caused by global warming have focused on the agricultural sector. The essays selected by Tietenberg estimate the damages caused by global warming to US agricultural production (Mendelsohn, Nordhaus and Shaw, 1994) and the agricultural vulnerability to climate change in developed and developing countries (Rosenzweig and Parry, 1994). The third analysis is the study by Cline (1992), which also includes non-agricultural damages such as the economic value of the loss of species and human life.

The section on the cost of control estimates begins with the two influential studies by Whalley and Wigle (1991) and Jorgenson and Wilcoxen (1993). They use different approaches to identify the costs of cutting CO_2 emissions. Whereas Jorgenson and Wilcoxen apply a disaggregated model to estimate the impact of a carbon tax in the US, Whalley and Wigle use a general equilibrium model with highly aggregated data. Following is Nordhaus' (1991) estimation of marginal and total cost functions of CO_2 reduction by combining existing estimates of control costs. The section