
BIBLIOGRAPHY OF RECENT BOOKS IN COMMUNICATIONS LAW

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The following is a selective bibliography of recent books in communications law and related fields. All were published in 2004. Accompanying each item is an annotation describing the contents and focus of the work. Bibliographies and other useful information in appendixes are noted.

FREEDOM OF SPEECH AND THE PRESS

AMPONSAH, PETER N. *Libel Law, Political Criticism, and Defamation of Public Figures: the United States, Europe, and Australia*. New York: LFB Scholarly Publishing, 2004. ISBN: 1593320116. 230 pages.

In this latest addition to the publisher's Law and Society series, Amponsah compares and contrasts the jurisprudential approaches to libel law in four distinct systems. In the United States, the United Kingdom, and Australia, the applicable legal principles are derived from the common law of each country; in the case of the European Court of Human Rights, the principles are based on international treaty. Chapters 1 and 2 examine the philosophical underpinnings of libel law. Chapter 3 is devoted to an historical analysis of doctrinal development. The book's final two chapters look closely at the case law of each jurisdiction to highlight the similarities and distinctions in the approaches of each. Endnotes and a substantial bibliography are included.

ANDSAGER, JULIE L ROBERT O. WYATT & ERNEST L. MARTIN. *Free Expression and Five Democratic Publics: Support for Individual and Media Rights*. Cresskill, N.J.: Hampton Press, 2004. ISBN: 1572735147. 291 pages.

Free Expression is a new contribution to the Hampton Press Communication and Law Series. The book describes and analyzes major surveys on public

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support for free expression in five cultures: the United States, Israeli Jews and Israeli Arabs, Russia and Hong Kong. The first two chapters provide background by examining in detail four important older studies of support for free expression and political tolerance in the United States. The remaining chapters focus on the five political and social cultures that were the subject of the surveys. The book contains many graphs and diagrams and a substantial bibliography.

BRAUN, STEFAN. *Democracy Off Balance: Freedom of Expression and Hate Propaganda Law in Canada*. Toronto: University of Toronto Press, 2004. ISBN: 0802089593. 384 pages.

Braun's study examines in detail the conflicts between Canadian hate crime legislation and the freedom of expression provisions of the 1982 Canadian Charter of Rights and Freedoms. The author examines the tensions involved from the viewpoints of political theory, law, and communications. His overall goal is to articulate a proper balance that is faithful to the core values of both hate legislation and freedom of speech in the Canadian system. The appendix contains the text of relevant Canadian statutes, a table of both Canadian and United States cases, a table of legislation, extensive endnotes, and a bibliography.

BRODY, STEVEN G. & BRUCE E. H. JOHNSON. *Advertising and Commercial Speech: a First Amendment Guide*. 2nd edition. New York: Practising Law Institute, 2004. 1 volume, loose-leaf format. ISBN: 1402404514.

The second edition of this one-volume loose-leaf treatise updates the 1999 edition that was produced under the authorship of P. Cameron DeVore and Robert D. Sack. This newer edition is published as part of the Practising Law Institute's Intellectual Property Law Library series. The book's first six chapters concentrate on the development of the commercial speech doctrine in the courts. Chapters 7 through 12 cover a variety of issues including defamation, disparagement, misappropriation, false advertising liability, and compelled commercial speech. The two largest chapters in the book, Chapters 13 and 14, address the issues of the regulation of the advertising medium and the regulation of advertising content. Chapter 14 includes a state-by-state discussion of attorney advertising. An extensive table of cases is included.

BRUSCHKE, JON & WILLIAM E. LOGES. *Free Press Vs. Fair Trials: Examining Publicity's Role in Trial Outcomes*. Mahwah, N.J.: Lawrence Erlbaum Associates, 2004. ISBN: 0805843256. 189 pages.

Bruschke and Loges address the issue of pretrial publicity from the perspective of the social scientist. They maintain that the answer to the question

whether the prejudice of pretrial publicity can be overcome by evidence and instructions at trial “is not a legal question, but an empirical one.” Chapter 2 reviews laboratory research on the issue. Chapter 3 examines field studies of actual trials. Chapter 4 attempts to synthesize the results of these empirical studies into a coherent media theory concerning pretrial publicity and its impact on the fairness of the court proceeding and its consequences. A bibliography and several appendixes are included.

GATLEY, CLEMENT PATRICK MILMO & W. V. H. ROGERS. *Law and Practice of Libel and Slander*. 10th edition. London: Sweet & Maxwell, 2004. ISBN: 0421800305. 1273 pages.

Gatley, a comprehensive single-volume treatise on the law of libel and slander in Great Britain, has appeared in ten editions in the eighty years since the original was published in 1924. Specifically the 10th edition reflects the passage of the Human Rights Act in 1998, the Defamation Act of 1996, and the new Civil Procedure Rules in 1999. The appendixes contain a collection of forms and precedents, relevant statutes, and approved libel awards.

KRANICH, NANCY C. *The Information Commons: a Public Policy Report*. New York: Free Expression Policy Project, Brennan Center for Justice at NYU School of Law, 2004. 58 pages.

Against the backdrop of increased control of information by media companies and increasing media consolidation, public policy advocates and cyber-activists have called for the development of an “information commons,” a mechanism for the public sharing of software, scholarly journals, and a wide range of critical information. A publication of the Free Expression Policy Project at the Brennan Center for Justice at NYU School of Law, this policy paper traces the development of the information commons movement, examines its theoretical and technological underpinnings, and explores policy recommendations and strategies needed to sustain the movement in the future. An online version of *The Information Commons* is available at the Free Expression Policy Project’s web site at <http://www.fepproject.org/policyreports/info-commons.contentsexsum.html>.

MACKINNON, CATHARINE A. *Women’s Lives, Men’s Laws*. Cambridge, Mass.: Belknap Press of Harvard University Press, 2005. ISBN: 0674015401. 558 pages.

Women’s Lives, Men’s Laws is a collection of speeches and articles by feminist legal scholar Catherine McKinnon over the past two decades. Though the 29 articles cover a wide range of the legal aspects of women’s issues, the final eleven articles are of particular relevance to the subject of this bibliogra-

phy. Essays 19 through 29 are entitled "Sexuality, Inequality, and Speech." The collection's final six articles—chapters 24-29—focus on pornography and First Amendment rights.

MASS MEDIA

ALEXANDER, S. L. *Media and American Courts: A Reference Handbook*. Santa Barbara, Ca.: ABC-CLIO, 2004. ISBN: 1576079791. 231 pages.

A new title in the publisher's Contemporary World Issues series, *Media and the American Courts* compiles a wide array of information on the relationship of the media and the American judicial system. In its first chapter the book provides an historical overview by summarizing high-profile cases from the 1907 Harry Thaw murder case (the socialite millionaire who killed architect Sanford White) through *Bush v. Gore*. Chapters 2 through 4 outline the legal issues involving media coverage of judicial proceedings, provide a chronology of significant legislation and cases that have shaped the law as it exists today, and include biographical sketches of judges, journalists and lawyers who have had a significant impact on free press/fair trial issues. Chapters 5 and 6 discuss available research on high-profile trials, the codes of conduct for lawyers, judges, and journalists, and organizations interested in media/courtroom issues. The book contains extensive bibliographies of both print and non-print resources.

CAREY, PETER & JO SANDERS. *Media Law*. London: Sweet & Maxwell, 2004. ISBN: 0421878207. 450 pages.

Media Law, the third edition of a title that first appeared in 1996, provides a concise overview of print, broadcast and electronic media in Great Britain. This new edition reflects the emergency of British privacy law, the increasing importance and influence of the Internet, and changes in regulatory structure. Chapter 1 sketches the sources of British media law. Chapters 2 through 7 address issues of reputation, copyright, privacy, obscenity, hate speech, and contempt. The final three chapters concern covering the courts, the Internet, and television. The appendixes comprise nearly 200 pages and include a glossary, the texts of major British legislation, various codes of conduct of broadcasting and journalism organizations, and a directory of useful addresses and web sites.

EINSTEIN, MARA. *Media Diversity: Economics, Ownership, and the FCC*. Mahwah, N.J.: L. Erlbaum Associates, 2004. ISBN: 0805842411. 249 pages.

This addition to the publisher's Communication Series surveys the ongoing debate on media consolidation and its impact on the diversity of programming

choices. The first chapter entitled "The FCC and Diversity" provides the background for Einstein's study. Chapters 2 and 3 examine the development of the financial interest and syndication rules. Chapter 4 details the structure of the television industry. Chapter 5 provides "quantitative analysis of the diversity of network television programming." Chapter 6 examines the process of program selection through interviews with network executives. The final chapter contains the author's view on diversity and how it can be fostered with the current realities of the television industry. A bibliography is included.

HALTOM, WILLIAM & MICHAEL J. MCCANN. *Distorting the Law: Politics, Media, and the Litigation Crisis*. Chicago: University of Chicago Press, 2004. ISBN: 0226314634. 347 pages.

Distorting the Law, a new title in the publisher's Chicago Series in Law and Society, is a detailed socio-legal analysis of the interplay of popular media and the contemporary tort reform movement. Part 1 of the book examines the primary advocates of the public debate: tort reformers, legal scholars, and the plaintiff's bar. Part 2 analyzes the character of media coverage of civil litigation in general, with special focus on tobacco litigation and the iconic McDonald's too-hot coffee brouhaha. The book's final chapter, entitled "Law through the Looking Glass of Mass Politics," presents the author's conclusions that current news coverage provides a "highly inadequate knowledge base" for understanding the complex reality of tort law practices. An extensive bibliography is included.

LEE, PAUL S., N. LOUIS LEUNG & CLEMENT Y. K. So, EDITORS. *Impact and Issues in New Media: Toward Intelligent Societies*. Cresskill, N.J.: Hampton Press, 2004. ISBN: 1572735422. 284 pages.

Impact and Issues, a new title in the Hampton Press Communication Series, is a collection of essays addressing the "potential and challenges" of new information and communication technologies. A range of topics are addressed including e-commerce, internet shopping, webcasting, telemedicine, telework, and pornography. While the focus of most of the essays is general in treatment, the book's final three chapters use Asia as a case study and focus specifically on its experience with new information technologies.

MILLS, KAY. *Changing Channels: the Civil Rights Case That Transformed Television*. Jackson: University Press of Mississippi, 2004. ISBN: 1578065194. 313 pages.

Changing Channels chronicles the fifteen-year legal challenge brought by civil rights activists against WLBT in Jackson, Mississippi. The television station's license renewal was twice challenged for largely ignoring civil rights

developments in the South, despite the fact that nearly 40% of its broadcast audience was African-American. These challenges for failure to broadcast in the public interest were twice rebuffed by the FCC. Eventually, a federal court in an opinion by then Circuit Judge Warren Burger, opened the way to a change in station ownership. The story of the WLBT challenge involves an array of well-known public figures, including Thurgood Marshall, Medgar Evers, Nicolas Johnson, Paul Porter, and Andrew Young. The book includes endnotes and a timeline of events.

OVERBECK, WAYNE. *Major Principles of Media Law*. Belmont, CA.: Thomson Wadsworth, 2004. ISBN: 05346191985. 605 pages.

Major Principles marks the 15th edition of this text for journalism students and includes developments through the 2002-2003 Supreme Court term. The first two chapters provide an overview of the United States legal system and the historical background of the First Amendment. The remaining ten chapters address communications law issues such as privacy, freedom of information, obscenity and the regulation of electronic media. Each chapter ends with an overview of the major issues discussed, a summary of the law in that area, and the texts of selected statutes and constitutional provisions.

PEARSON, MARK. *The Journalist's Guide to Media Law: Dealing With Legal and Ethical Issues*. 2nd edition ed. Crows Nest, NSW, Australia: Allen & Unwin, 2004. ISBN: 1865089141. 380 pages.

Pearson's *Guide* is written from the perspective of the working Australian journalist or journalism student, rather than that of a lawyer. His second edition reflects the growth of the Internet, revisions in the Australian journalist's code of ethics, and developments in defamation and privacy law in Australia since the publication of his first edition in 1997. Part 1 provides the legal background, describing the Australian legal system, media law, and freedom of the press. Part 2 focuses on reporting on crime and justice. Part 3 examines defamation in two chapters. The concluding two parts concern confidentiality, privacy, intellectual property, and the Australian regulatory system. The text of Pearson's narrative is reinforced with discussion questions, illustrative case references, and "lessons for journalists." A substantial bibliography is included.

ROSS, SUSAN DENTE. *Deciding Communication Law: Key Cases in Context*. Mahwah, N.J.: L. Erlbaum, 2004. ISBN: 0805846980. Various pagings.

After beginning with two chapters explaining the American legal system and some basic techniques for effectively reading legal documents, Ross divides the subject matter of communications into sixteen discrete modules. Each

module contains excerpts from one to five cases relevant to the subject matter. The author provides an introduction to each of the chapters. Each introduction provides background for the issues raised, specific recommendations for reading the type of legal analysis employed by the reprinted cases, a series of questions to guide that analysis, and suggestions for additional case readings.

ZELEZNY, JOHN D. *Cases in Communications Law: Liberties, Restraints, and the Modern Media*. 4th edition Belmont, CA.: Wadsworth, 2004. ISBN: 0534618030. 277 pages.

This fourth edition of the author's casebook on communications law is designed primarily for journalism students. The cases are organized into major categories with 4 to 7 cases arranged under eleven subjects such as the First Amendment, commercial speech, broadcast regulation, obscenity, etc. The cases themselves are highly edited to focus primarily on the communications issues. The book includes an introduction to reading legal opinions and a glossary of terms. Each unit contains a brief introduction to the subject matter of the cases that are included.

TELECOMMUNICATIONS

BRAMAN, SANDRA, EDITOR. *The Emergent Global Information Policy Regime*. New York: Palgrave Macmillan, 2004. ISBN: 1403903697. 262 pages.

Braman's collection of essays is a new addition to the publisher's International Political Economy Series. The essays address the application of regime theory to information policy. The book's first two chapters are written by the editor and elaborate the aptness of regime theory to an analysis of information policy. The additional eight papers in the collection apply this theoretical approach in the context of EU data protection, decision-making, private governance, and the Internet. A substantial bibliography is included.

BUIGUES, PIERRE & PATRICK REY, EDITORS. *The Economics of Antitrust and Regulation in Telecommunications: Perspectives for the New European Regulatory Framework*. Northampton, MA : Edward Elgar, 2004. ISBN: 1843765101. 467 pages.

Editors Buigues and Rey have compiled a collection of presentations delivered at a conference in Belgium in 2002. The fifteen articles attempt to "incorporate modern economic theory and tools into day-to-day antitrust casework" in the telecommunications sector. To achieve this interdisciplinary goal, each issue pairs a contribution by an economist and a European Commission antitrust official. Extensive background is provided by Part III, which reprints more than 150 pages of primary sources documents, including EC directives,

decisions, and recommendations.

FERGUSON, CHARLES H. *The Broadband Problem: Anatomy of a Market Failure and a Policy Dilemma*. Washington, D.C.: Brookings Institution Press, 2004. ISBN: 0815706448. 236 pages.

Ferguson's study examines the "failure (of the U.S. telecommunications industry) to move swiftly toward an open, competitive industry providing inexpensive high-speed Internet services" and the effects of this failure on that industry, the technology sector and the entire United States economy. The first two chapters provide an overview of the economic impact of the Internet both in the United States and throughout the world. Chapters 3 through 5 focus on the structure and performance of incumbent local exchange carriers (ILECs) and their reluctance to embrace a truly competitive approach to the provision of broadband services. The book's final two chapters examine policy alternatives and the author's recommendations for major policy changes.

GERADIN, DAMIEN & DAVID LUFF, EDITORS. *The WTO and Global Convergence in Telecommunications and Audio-Visual Services*. New York: Cambridge University Press, 2004. ISBN: 0521836115. 453 pages.

This book is a compilation of papers presented at the 2001 WTO international conference entitled "Telecommunications and Audio-visual Services in the Context of WTO: Today and Tomorrow." The editors describe the focus of the conference in terms of four major trends: expansion in international trade, deregulation and technological progress in the telecommunications sector, tension between WTO members on the issue of audio-visual services, and the process of convergence of the telecommunications and audio-visual sectors. The three main sections into which the papers are grouped largely reflect these trends. Chapters 2 through 6 address the international regulation of telecommunications, including accounting principles, anti-competitive practices, and trade rules. Chapters 7-10 address audio-visual services directly and focus on policy issues, content regulation, and regulatory frameworks. The book's final part—Chapters 11 through 15—addresses the convergence of telecommunication and audio-visual services at the international level.

HARAK, CHARLES & OLIVIA BAE WEIN. *Access to Utility Service: Regulated, De-Regulated and Unregulated Utilities, Deliverable Fuels, and Telecommunications*. 3rd edition ed. Boston: National Consumer Law Center, 2004. ISBN: 0943116104. 828 pages.

Access to Utility Service, now in its third edition, is a comprehensive guide to the many consumer issues that arise in the provision of a range of public utilities. Chapter 2, entitled "Regulation of Telephone Services and Telecom-

munications,” is the contribution most directly related to the subject of this bibliography. Chapters 3 and 4 discuss security deposits and the failure of landlords to provide utilities that may involve telecommunications services in certain settings. Chapters 11 and 12 relate to terminations of utilities service. The extensive appendixes contain the texts of primary materials. Appendix C contains relevant texts from the United States Code, the Federal Register, and the Code of Federal Regulations relating to telecommunications utilities. Additional source material is available in electronic format on the included CD-Rom.

LLOYD, FRANK. *Cable Television Law, 2004: Competition in Video, Internet & Telephony*. New York: Practising Law Institute, 2004. 2 volumes. ISBN: 1402404077.

These two volumes were prepared for the Practising Law Institute’s April 2004 program on cable television law. The more than 2,000 pages of the two course handbooks contain a wide variety of materials on the subject. Of special interest are the “recent developments” and “key issues” updates. Arnold and Porter’s “Recent Developments in Cable Law” (in Volume 1) is itself over 400 pages in length. There are also yearly updates on communications issues for local communities, broadcast signal carriage, and antitrust and competition issues.

NIHOUL, PAUL & PETER RODFORD. *EU Electronic Communications Law: Competition and Regulation in the European Telecommunications Market*. New York: Oxford University Press, 2004. ISBN: 019926340X. 802 pages.

Nihoul and Rodford’s work is a one-volume treatise on EU telecommunications law. The treatment presented in the book’s seven chapters is comprehensive, heavily footnoted, and both practical and theoretical in character. In fact, the author’s goal is to balance theoretical issues and practical guidance. Nihoul is an academic; Rodford a European Commission official. The introductory materials contain tables of cases, regulatory instruments, treaties and legislation, as well as a glossary of terms. The appendixes provide lists of relevant EU regulatory documents, information on the units within the EU regulatory framework, and directories of national competition and regulatory authorities.

Organisation for Economic Co-operation and Development. *Access Pricing in Telecommunications*. Paris: OECD, 2004. 221 pages. ISBN: 9264105921 This report of the Competition Committee of the Organization for Economic Co-operation and Development addresses the issues of the regulation of telecommunications access services and its pricing. This report, representing the Committee’s work from 2001 to 2003, addresses three specific areas. The first part examines the economic theory of access pricing. The second part ad-

dresses the practice of access pricing specifically in the telecommunications sector. Chapter 3 explores issues in the measurement of the costs of access services. Each chapter contains several illustrations and tables and endnotes. A glossary of terms and a short bibliography is also included.

PELTON, JOSEPH N., ROBERT J. OSLUND & PETER MARSHALL, EDITORS. *Communications Satellites: Global Change Agents*. Mahwah, N.J.: Lawrence Erlbaum Associates, 2004. ISBN: 0805849610. 387 pages.

Communications Satellites, a volume in the publisher's Telecommunications series, is a compilation of essays whose stated goal is to "explore how satellite communications have impacted and shaped the world and analyze how they might dictate events in the 21st century." The essays are drawn from many disciplines: technology, history, economics, politics, and social science. The goal of the collection is to present a broad view of the impact of this technology to date and attempt to assess its societal effect in the new century.

SCHULZ, WOLFGANG & THORSTEN HELD. *Regulated Self-Regulation As a Form of Modern Government: an Analysis of Case Studies From Media and Telecommunications Law*. Eastleigh : University of Luton Press, 2004. ISBN: 1860205976. 102 pages.

Using the telecommunications sector as a case study, authors Schulz and Held explore the new models of regulatory governance in the increasingly de-regulated and privatized marketplace. Chapter 2 focuses on Australia as a case study. Chapter 3 examines Malaysia, Great Britain, and, to a lesser extent, Canada and the United States. The authors propose an approach and a "tool-kit" of what they describe as "regulated self-regulation."

SUBRAHMANYAN, ARJUN, EDITOR. *The Preston Gates Guide to Telecommunications in Asia / [Editor, Arjun Subrahmanyam]*. 2004 edition. Hong Kong: Asia Law & Practice, 2004.

The 2004 Preston Gates Guide is divided into two main sections: Industry Focus and Country Focus. The first section consists of three lead articles on third generation mobile services, cellular backhaul and privatization. The Country Focus section provides short summaries of telecommunication developments in eleven Asian countries and the United States. The appendix contains a directory of telecommunications agencies and organizations in Asia.

TESKE, PAUL E. *Regulation in the States*. Washington, D.C.: Brookings Institution Press, 2004. ISBN: 0815783124. 275 pages.

Teske's essays examine how states regulate and the impact of state regulatory institutions on policy and economic outcomes. The first three chapters

provide the theoretical background of the study and methodology of the case studies that make up the core of the book. A variety of regulatory areas serve as case studies for the author's quantitative analysis. Telecommunications is the focus of Chapter 4, but the studies also address electricity, insurance, savings institutions, hospitals, the professions, and environmental regulation. The book's last four chapters provide the author's conclusions derived from his cross-industry studies. An extensive bibliography is included.

