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Book Review of *The Law of Contracts*, 4th ed by S.M. Waddams

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national Commercial Arbitrations (1985); a list of signatories to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) complete with ratification date and entry into force date; membership of the World Trade Organization complete with entry into force or membership date; WIPO Expedited Arbitration Rules; and a directory of arbitral and other related institutions.

Babak Barin has put together a useful collection of international dispute resolution rules which ought to be a part of anyone's library collection who practices, studies or is interested in this growing area.

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Agency Law Primer. By Cameron Harvey. Toronto: Carswell, 1999. xli, 291 p. Includes bibliographical references and index. ISBN 0-459-26297-1 (hardcover) \$72.00.

Agency Law Primer is, as the title suggests, a Canadian introduction to agency law. It is aimed at students and lawyers who have not studied agency law and provides more detail than reading the *Canadian Encyclopedic Digest* on agency, but not a great deal more. As the preface states, it is not intended to be a replacement for either *Bowstead and Reynolds on Agency* or Fridman's *The Law of Agency*.

The book begins by discussing the creation and scope of agents' authority. It then examines contractual rights and liabilities of principals and agents with third parties; admissions, representations and warranties given by an agent; duties and rights of agents; and finally, termination of the agency relationship. There is also a short chapter on crimes and torts in relation to agency.

This book is best suited for an academic library for the first year student. A litigator at my firm who used the text found it much too superficial to be helpful in the area she was interested in which was vicarious liability. This book looks at agency from the perspective of contracts rather than tort. To the extent that a private law library may want to purchase this item, commercial lawyers will likely find it more useful.

Agency Law Primer includes an index and an extensive appendix which digests mostly Canadian but also United Kingdom cases. An article by University of Manitoba law professor Linda Vincent, *Compromising Positions: The Unauthorized Settlement of Lawsuits by Lawyers*, is also included in the appendix.

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The Law of Contracts. By S.M. Waddams. 4th ed. Toronto: Canada Law Book, 1999. clxxxii, 599 p. Includes bibliographical references, table of cases, table of statutes and index. ISBN 0-88804-288-4 (hardcover) \$140.00.

For those who are familiar with previous editions of the Waddams text on contract law, this fourth edition will meet expectations. The text is a comprehensive treatment of its subject. It differs, however, from what a reader unfamiliar with Waddams' style might anticipate from a general contract law treatise.

Waddams does not approach the subject from what first year law professors refer to as a "black letter" perspective on the law. Instead, he brings an analytical discourse to his presentation of various elements of contract law. Students or researchers of the subject may be disappointed to find fewer quick answers than discussions of the origins of legal rules and where the law should go in future. This is not to say that the principles of contract law are not covered. They are presented, but the principles are accompanied by and often challenged with analysis of social and historical forces influencing the development of legal policy and notions of justice. Researchers in fact will find some contracts topics analyzed in significantly greater detail by Waddams than in some other secondary materials.

This text differs from others in the structure of the presentation as well. Perhaps because the content is driven so much by legal policy, one will find some topics described and organized in non-traditional or unexpected ways. The book's chapters are organized into six parts: Introduction, Enforceability, Contracts and Third Parties, Excuses for Non-Performance, Capacity, and Remedies. A comparison with other leading secondary materials on contract law shows that this is a different organizational approach than is often used.

The table of contents, referencing paragraph numbers, is well organized and contains sufficient detail to allow the researcher to find the sections of the text that pertain to the issue researched. As well, the index has been designed in such a way that the researcher should be able to find discussions pertaining to a chosen topic even if the language in which the topic is described or the place of the topic in the book is different than expected.

For example, the index entry for *consensus ad idem*, often considered one of the basic elements of a contract, refers to three paragraphs in the text. As might be expected, two of these are in the first substantive chapter which discusses the requirements of the bargain that is at the heart of a contract. In neither of these paragraphs, however, is the phrase *consensus ad idem* actually used. Thus, the index usefully points the researcher to a discussion of the concept even though it is expressed in different terms than the researcher used. The third reference, appearing in a chapter on intention, does use the phrase. (It also offers an explanation as to why it does not appear in the earlier discussion: Waddams does not pre-

fer the phrase because it connotes an emphasis on subjective intention that is inappropriate for contractual interpretation.)

The Waddams text on contract law should be a component of most law library collections on the subject. Students are likely to find the Waddams text a valuable resource for understanding contract law principle and policy. Practitioners may find it of assistance in developing reasoned arguments or opinions on various contracts issues. Researchers from both these groups will be able to use this text in efforts to understand more fully the policy and justice underpinnings of many contracts principles and issues. Because it does not always provide the quickly accessed, quotable answers that some other resources might offer, the Waddams text probably should not stand as a library's only treatise on contract law. Nevertheless, it is an important complement to the black letter presentations of contract law offered by other secondary sources.

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Black's Law Dictionary. Edited by Bryan A. Garner. 7th ed. St. Paul, Minn: West Group, 1999. xxiii, 1738 p. Includes bibliographical references and other appendices. ISBN 0-314-22864-0 (standard) \$49.95 U.S. ISBN 0-314-24130-2 (deluxe thumb-index) \$84.95 U.S.

New Editor-in-Chief Bryan Garner states that the seventh edition of *Black's Law Dictionary* is the result of a major overhaul. It's been modernized. Terms like *cyberstalking*, *parental kidnapping* and *reproductive rights* are among the 4,500 entirely new entries. All 20,000 remaining entries have been rewritten. It's been rearranged.

Legal maxims have been removed from the dictionary proper and relocated in Appendix A. The *U.S. Constitution*, *U.N. Universal Declaration of Human Rights*, U.S. Supreme Court time chart, U.S. federal circuits map, list of British regnal years, and list of works cited are also in the appendices.

Features familiar from the *Oxford English Dictionary* are incorporated for the first time. More than 2,000 scholarly quotations have been added, and readers are encouraged to submit published quotations that discuss legal terminology for possible inclusion in future editions. In the preface, Garner says that he and his colleagues have "examined the writings of specialist scholars rather than looking only at judicial decisions."

Not everyone agrees that the substitution of quotations for case citations is an improvement. Rod Borlase, JD, MLS (University of Houston Law Center) takes West to task for "promoting a great lexicographer as suitable replacement for judicial authority." You can read his review subtitled "Don't Discard your Old Sixth Edition" at <http://www.law.uh.edu/guides/blacks7th.html>. Whether or not you hang onto the

1990 edition for greater access to U.S. jurisprudence, every law library will need to have the current edition of this standard in its reference collection as well.

Amazon.com lists 19 titles by Texas lawyer and lexicographer Bryan Garner. First published by Oxford University Press (*A Dictionary of Modern Legal Usage* in 1987 and 1995, *The Elements of Legal Style* in 1991), Garner was named Editor-in-Chief of *Black's Law Dictionary* in 1994. He conducts legal writing seminars for judges and attorneys through his Dallas firm LawProse.

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Clemency: The Future of the Death Penalty. By A.L. Stubbs. Clemency Books, P.O. Box 7602 FDR Station, New York, N.Y. 1015-7602 USA, 1999. xv, 163 p. Includes appendices, bibliography and index. ISBN 0-9672803-0-3 (softcover) \$19.95 U.S.

Human rights activism, like any other endeavour, runs the risk over time of becoming rigid, uncreative and complacent in the pursuit of its goals and sometimes needs to look outside of its order for revitalization. Therefore, I looked forward to reviewing this self-proclaimed "action handbook for abolitionists and activists." The preface of *Clemency: the Future of the Death Penalty*, in fact, claims to be the "first book devoted to strategic planning for abolitionists and human rights advocates. For the first time, strategists can coordinate campaigns to save the lives of death row inmates."

Admittedly, such a proclamation was met with skepticism, as it suggested that Ms. Stubbs was not familiar with the many documented and co-ordinated efforts of human rights activists and abolitionists worldwide. (See, for example, Amnesty International's Fair Trial Manual, first published December 1998, AI Index: POL 30/02/98, available on their website at <http://www.amnesty.org>.) Ultimately, Ms. Stubbs' book fell short of its promises. While certainly well-meaning, *Clemency* is less a handbook than a brainstorming session, with many ideas, some tried and true, some novel, thrown together for further investigation but never explored.

The book is divided into four chapters unhelpfully titled "The Death Penalty is a Crime," "Clemency is the Difference Between Life and Death," "International Strategy," and "Clemency is the Future of the Death Penalty." The table of contents also lists the many subtitles of the short compositions within the book. Some sections urge specific action while others highlight specific issues (e.g. abortion in prisons) or provide background information with statistics and case studies. The very short length of these sections (one to