
RECENT PUBLICATIONS

THE HART-FULLER DEBATE IN THE TWENTY-FIRST CENTURY. Edited by Peter Cane. Portland, Or.: Hart Publishing. 2010. Pp. ix, 297. \$75.00. In 1958, the *Harvard Law Review* published an exchange of articles between famed legal scholars H.L.A. Hart and Lon Fuller, framing one of the most renowned debates of twentieth-century jurisprudence — the contest between positive and natural law. In this volume, Professor Peter Cane collects essays written for a 2008 conference dedicated to reviewing and reimagining for the modern world the various themes of the Hart-Fuller debate. For instance, in the essay “The Hart-Fuller Debate’s Silence on Human Rights,” Professor Karen Knop posits that “the most obvious relevance of the Hart-Fuller debate for international human rights is that 50 years on, the role of morality in the debate is often played by international human rights law in the context of domestic adjudication” (p. 70), which thus provides “a ready-made place for international human rights in an exchange structured around positivism and the separation of law and morals” (p. 77). Other essay subjects include international criminal law, transitional societies, and legal pluralism. By collecting a series of engaging essays that update the essential themes of a decades-old exchange, Professor Cane demonstrates that good legal scholarship like the Hart-Fuller debate remains relevant and enlightening far beyond its initial context.

BECAUSE IT IS WRONG: TORTURE, PRIVACY, AND PRESIDENTIAL POWER IN THE AGE OF TERROR. By Charles Fried & Gregory Fried. New York, N.Y.: W.W. Norton & Co. 2010. Pp. 201. \$24.95. Since the 9/11 terrorist attacks, Americans have had to confront the delicate balance between the need for national security and the need to protect fundamental rights that at times stand in direct opposition to one another. In this accessible and timely book, Professors Charles and Gregory Fried turn a critical eye to the moral and legal inquiries of the War on Terror — from torture, to government surveillance, to the scope of executive power — and take on questions of both what it means to be human and live in a society, and what it means to be a *modern* human and live in *our* society. Drawing upon examples from current American and international law, religious texts, classical philosophy, contemporary cinema, and art from the Baroque through the modern periods, the authors draw a bright line between the intrinsic and the absolute, that which is “bad” but may be permissible and that which is “wrong” and must never be compromised (p. 36). In their search for an “intuition” about each of these difficult questions and for “what principle stands behind th[at] intuition,” the authors challenge and advance the dialogue surrounding the War on Terror for key actors, experts, and citizens alike (p. 55).