

## Launching a Legal Field

**Outer Space: Politics and Law.** V. VERESHCHETIN, E. VASILEVSKAYA, and E. KAMENETSKAYA. Progress, Moscow, 1987 (U.S. distributor, Imported Publications Chicago). 131 pp. Paper, \$3.95. Translated from the Russian.

**American Space Law: International and Domestic.** NATHAN C. GOLDMAN. Iowa State University Press, Ames, 1988. xii, 374 pp. \$34.95.

**Outer Space: Problems of Law and Policy.** GLENN H. REYNOLDS and ROBERT P. MERGES. Westview, Boulder, CO, 1989. xvi, 349 pp. \$52.50.

Until quite recently, space law was regarded within the legal profession as the exotic preserve of a small subset of international lawyers and academicians concerned, for the most part, with broad issues of policy. The term "space law" (or "international space law") itself conveys an ethereal image, hints of pretension, and suffers from an all-too-obvious imprecision. (The name emerged and survives only because suggested alternatives—"astrolaw," "astronautical law," "etheronautical law," "interstellar law," "planetary law," and "satellite law," among others—are generally considered worse.) There seemed, as well, to be so little substance to space law that year after year, at high-level professional conferences, issues and arguments tended to reappear, together with the same supporting casts. Worst of all, from a practicing lawyer's point of view, there really didn't seem to be much prospect of legal work, or imminent fees, in space law.

All this seems to be changing with blurring speed. Thanks in no small part to the (anticipated) boom in space-based commercial opportunities, the past few years have witnessed an exponential growth in the number of lawyers whose practice relates more or less directly to activities in outer space. To be sure, few of the legal problems they deal with seem to be other than mundane: patents and other intellectual property rights need protecting (or challenging), export controls need hurdling, provision must be made for civil liability for damage to cargo, the web of administrative regulation attending government contracts must itself be attended to, and so on. Space law in the '80s bears scant resemblance to the heady stuff of the '60s, when a jurisprudence was

being invented to govern the activities of craft and astronauts regarded hopefully as "envoys of mankind in outer space." (The words, incidentally, are from the 1967 Outer Space Treaty, recalled not long ago in the title of an inspired book by George S. Robinson and Harold M. White, subtitled "A Declaration of First Principles for the Governance of Space Societies"; Smithsonian Institution Press, 1986.)

Already one can discern the formation of two distinct ranks among space law lawyers: one made up mainly of veterans who have been in it from the outset, for whom the normative core of space law is located in a series of multilateral treaties negotiated under United Nations auspices and adopted between 1967 and 1979, as viewed against a background of generally applicable principles of international law; the other made up mainly of newer recruits, concerned with domestic statutes and regulations, many unabashedly skeptical of the practicality of the U.N. treaties and, in some instances, of international law itself.

Vereshchetin, Vasilevskaya, and Kamenetskaya, members of the U.S.S.R. Academy of Sciences' Institute of State and Law who are the authors of *Outer Space: Politics and Law*, are cast from the earlier mold. Vereshchetin, the best known of the three, is a senior Soviet negotiator and advocate whose considerable international prestige is reflected in his election as vice president of the International Institute of Space Law. A number of his articles, including ones written in collaboration with his present coauthors, have appeared in Western legal journals. He has spoken frequently at space law conferences throughout the world. Consequently, one scarcely expected the unexpected in his new book. Still, its recent appearance here met with no little interest, since it is one of the very few books (only the third, by my count) devoted exclusively to issues of international space law written by Soviet experts to have been translated into English and distributed in the West. (The earlier ones were A. S. Piradov, Ed., *International Space Law* [Progress, 1976]; and G. Zhukov and U. Kolosov, *International Space Law* [Praeger, 1984].)

Whether it should have been published here, at this time, is questionable. From its specific content, and the works it cites, one

surmises that *Outer Space* was written before the end of 1985 or by early 1986 at the latest. It reverberates, in any event, with the angry rhetoric engendered by the Reagan Administration's decision to proceed with the development of the Strategic Defense Initiative, restrictive treaty commitments or principles of international law notwithstanding. Vereshchetin revels in legal argumentation, anyway, and the first essay in *Outer Space*, clearly his own (though never specifically identified as such), shows him at his combative best. In it, he carefully constructs a persuasive argument that SDI and related activities contradict letter and spirit of the U.N. Charter, space treaties (especially the 1972 Anti-Ballistic Missile Treaty), and core principles of general international law. Unfortunately, its harshness, especially its unduly sustained attack on jurisprudential views expounded by Vereshchetin's longtime American nemesis, Harry H. Almond (of the National Defense University), renders the work needlessly provocative at this time of remission in the history of the Cold War. One suspects that Vereshchetin himself would not disagree with this assessment.

The other three essays retrace familiar ground, being of interest chiefly for what they do not say: the absence, for instance, of once-prevalent complaints about the snoop and snatch capabilities of the Space Shuttle, and the notable caution with which the authors, in common with other Soviet experts, criticize positions taken by U.S. lawyers regarding the role of private enterprise in the exploitation of space-based resources. Perhaps the most useful aspect of the book lies in its rigorously reasoned censure of the militarization of outer space. It may not sit well with what I take to be a majority of the new breed of space law lawyers here but will not invariably suffer a loss of credibility on that account.

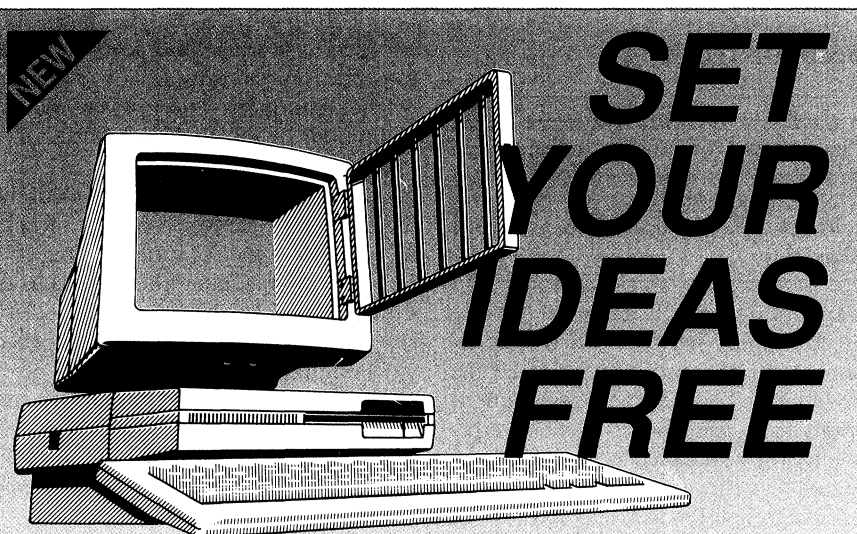
Nathan C. Goldman, a Houston lawyer, is clearly one of the new breed and boasts in the preface that his book, *American Space Law*, is "a milestone book in space law literature." It's nothing of the sort, as Goldman evidently realizes, since he quickly acknowledges that his claim is made "not because of the ideas within the book but because of [its] focus," which is none other than the shift that is occurring in the nature of space activity and the law regulating it. The disclaimer turns out to be unnecessary, for what Goldman has written is simply a primer: a sassy, opinionated, unmistakably idiosyncratic primer that should be approached with caution but that can rightly claim to be a uniquely lively read—no small accomplishment considering how dry the subject can be.

Goldman's book is divided about equally between the governing principles set forth in the U.N.-sponsored space law treaties and U.S. domestic legislation and administrative regulations, respectively. Goldman has little enough use for the former, especially the largely unratified Moon Treaty (1979), whose deference to the views of non-space-using states draws his ire and fire repeatedly and comes to symbolize, for him, the end of the era when space law was largely international law. He is on more congenial terms with U.S. law and administrative practice. Consequently, the half of his primer that deals with these subjects is less spicy but at the same time probably a surer guide for the otherwise uninitiated.

If Vereshchetin *et alii* represent the old and Goldman the new guard of space lawyers, Reynolds and Merges, two young lawyers recently turned law professors, are among the discerning few who actively seek to span the generations. *Outer Space* is designed for students, principally but by no means exclusively law students. It is in the nature of what the academic community insists upon calling a "casebook," though there are scarcely any cases in it and nothing but an anachronistic tradition is lost by calling it a "coursebook" instead. It consists chiefly of excerpts from articles, books, and miscellaneous reports, organized economically into sections on the development of space law, non-industry-specific problems (such as space-related trade issues), and industry-specific problems (such as those associated with remote sensing). Unlike Goldman, who also sees his book as suitable for use in the classroom but who stints on viewpoints other than his own, Reynolds and Merges afford students a range of informed thinking on just about every issue. Clearly by design, and again unlike Goldman's, their book sacrifices something in the way of details in the interest of getting students to focus instead upon issues of transcendent importance.

One wonders if their work will fulfill the authors' hopes that it will be used as an introductory text by busy practitioners. There is little reason to doubt, however, that it will shortly become the standard introduction in law school courses (or mini-courses) on space law, if not in its present edition then in subsequent ones. That one can speak so casually about subsequent editions of an introductory text dealing with space law is evidence enough that interest in the subject is no longer confined to a small circle of avid devotees.

EDWARD GORDON  
Albany Law School,  
Union University,  
Albany, NY 12208



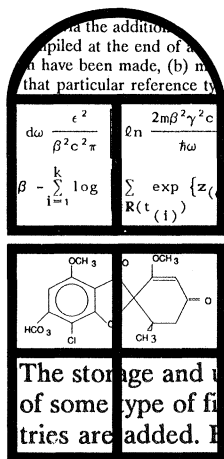
## ideaList

**ideaList** will set you and your data free from the prisons of regular PC database managers.

Designed for lightning-fast, full-text searching of bibliographical references and abstracts, **ideaList** can help you with all your other loosely-formatted data – notes, results, jottings and the rest.

- Finds any word, date or number in any record – in milliseconds – no matter how large your database or primitive your PC
- Variable-length fields and records – up to about 10 000 words each
- Many types of record in one database
- 194 ways to search
- Omnivorous importing – DBF and Medline, wordprocessor *etc* text files
- Flexible exporting (including re-formatting names/initials)
- Cross-referencing
- Familiar and complete editor (including clipboard)
- Windows-style screen
- Mouse support
- 16-record demo version available on request.

Price: only US\$195 – less 20% to academic buyers.



## VuwriterII

**VuwriterII** is a proper wordprocessor for scientists: fast, full-featured and IBM-compatible, yet as simple as ABC. Drop-down menus, helpful dialogue boxes and mouse support will have you running Vuwriter's slick editor, equation layouts and scientific fonts in next to no time.

- Full wordprocessor command set
- Maths/Greek fonts
- Windows-style, WYSIWYG display
- 15 levels of sub/super-script
- Vertically aligned proportional-space text
- Varying margins within pages
- Two files on screen
- Macros
- Mailmerge
- Spelling checker
- Epson/HP/PostScript support.
- Demonstration version available on request.

Price: \$493.75 – less 20% to academic buyers.

VuwriterII is a product of Vuman Computer Systems Ltd.

**Fax:** 011 44\* 865 721205. **Tel:** Peter Kibby on 011 44\* 865 240201 (6–12 am EST).  
**Prices:** USA/Canada only; airmail and support incl; subject to change without notice.

Please send me: \_\_\_\_\_ Name \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Zip \_\_\_\_\_  
\* area code from USA.

**Return coupon to:** Peter Kibby, Blackwell Scientific Software, BSP Inc, 3 Cambridge Center, Suite 208, Cambridge, MA 02142. Outside USA/Canada: Peter Kibby, Blackwell Scientific Software, BSP Ltd, Osney Mead, Oxford OX2 0EL, UK.

## Blackwell Scientific Software