

then proceeds to discuss how it was adopted and adapted to work in the international courts. By comparing how the procedural rules function in the two legal systems, the authors clearly explain the evolution of the rules as applied in the international sphere. In the chapter on witness preparation, the distinction between an adversarial and inquisitorial process are particularly important. In evaluating the appeals process, some of the key factors are the level of review (error of law or de novo) and if the appeals court can impose a stronger punishment.

Throughout all of these substantive chapters, the founding documents for the international criminal courts, as well as other international law texts, are examined for how they structure the courts. In addition, there are numerous examples from cases as heard in the international courts. For example, in the plea bargaining chapter part of the discussion is on the controversial nature of plea bargaining in courts such as the ICTY and ICTR. The trial of Slobodan Milosevic is used as an example of the difficulties of self-representation and assigning counsel, especially when the defendant is disruptive.

International Criminal Procedure is a well-written book that provides a clearly understandable overview of the rules of procedure and evidence as established in the major international criminal courts. The chapters contain detailed footnotes and there is an extensive table of cases and a good index. The only item lacking was a final concluding chapter to pull together the discussion and provide overarching thoughts on the topic. However, this does not take away from the book's overall usefulness. *International Criminal Procedure* would be a valuable addition for any collection with a focus on criminal law and international law.

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War Powers: The Politics of Constitutional Authority. By Mariah Zeisberg. Princeton, N.J.: Princeton University Press, 2013. Pp. 276. ISBN 978-0-691-15722-1. US \$29.95.

While the U.S. Constitution provides Congress with the power to declare war, the U.S. has engaged in many military conflicts without a declaration of war. In some of these conflicts, the President claimed the power to deploy military forces and members of Congress protested that the President's actions were unconstitutional. When these interbranch disputes

over the Constitution's distribution of power occur, it is easy to look for a clear answer, an ultimate arbiter to decide which side is correct.

In *War Powers: The Politics of Constitutional Authority*, Mariah Zeisberg argues that we should resist this impulse. Zeisberg argues against the settlement thesis, the idea that the Constitution can clearly tell us which branch is acting legitimately. Rather than asking whether a military action is legal or not, Zeisberg suggests we think of military decisions by the President and Congress as having more or less constitutional authority. She proposes using a set of standards she calls the relational conception. The relational conception contains two sets of standards: substantive and processualist.

The substantive standards mean we should examine how well the President is fulfilling his obligation to defend the nation, and how well Congress is exercising its powers over military actions through the constitutional authorizations to declare war and issue letters of marquis and reprisal. The processualist standards mean we should consider to what extent the executive and legislature are making independent judgments about going to war, using their respective governance capabilities, and engaging in a dialogue with each other.

This relational conception may initially seem a bit nebulous, so the case studies that form the bulk of the book are valuable for showing how the relational conception can be used to assess the constitutional authority of various military actions. Zeisberg considers examples from as early as the Mexican War to as recently as the Iran-Contra investigation. Zeisberg's historical description is sufficient for most readers, and is closely tied with her arguments. The book is heavily footnoted; a bibliography at the end of the book would have been helpful.

Zeisberg is a political scientist, and she focuses on understanding how we can improve executive-legislative relations to make military decisions that fit well with each branch's constitutional powers and institutional competencies. I found myself wishing we could find a way to discover clear, legal/illegal answers to these questions. However, Zeisberg makes a persuasive case that the Constitution does not precisely dictate each branch's war powers and assigning these powers will inevitably be political. The relational conception recognizes the political nature of these conflicts and helps us think about how war powers can be exercised in a way that is more consistent with our constitutional model of government.

War Powers is recommended for academic collections in law and political science. Professors looking for interesting examples of executive-legislative conflict or uses of war powers will find excellent material in this book.

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Design of Constitutions. Edited by Stefan Voigt. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing, 2013. Pp. v, 758. ISBN: 978-0-85793-790-2. US\$425.00.

Design of Constitutions is a 758-page anthology edited by Stefan Voigt, Director of the Institute of Law and Economics at the University of Hamburg in Germany. The book is No. 36 of Edward Elgar's "Economic Approaches to Law" series edited by Judge Richard A. Posner and Francesco Parisi. The book contains previously published articles and book chapters and centralizes for scholars in a one-volume work the literature on constitutional design published from 1995–2010. This collection of reprints omits papers on the same topic published in the two-volume 2003 *Constitutional Political Economy* set published in Edward Elgar's "International Library of Critical Writings in Economic" series.

Because the essays in this collection come from different publications, they appear in different font types and sizes, and retain their original pagination. The compilation, however, adds continuous pagination. While the compilation has no index, readers can search through the e-book version, if they access via Edgaronline, by keyword.

In his introductory chapter, Stefan Voigt gives an overview of the literature in the field and a summary of the papers reproduced in the anthology. According to Voigt, the book concerns the "deliberate creation of constitutions" with a focus on the economics of constitutional design or applied constitutional economics. While the articles should interest scholars of constitutional political economy and constitutional law and economics, Voigt specifically expresses the hope that the collected essays will encourage rational choice scholars to work on the issues raised.

Voigt organizes the remaining 23 chapters in the following five parts: Part I: "Getting Started: State of the Art and Conceptual Issues"; Part II: "The Relevance of Procedure for..."; Part III: "Basic Rights"; Part IV: "State Organization" (with sub-parts on electoral systems, form of government, bicameralism, federalism, and direct democracy); and Part V: "Beyond Conventional Perspectives." There is no concluding chapter.

Part I, "Getting Started," begins with Dennis C. Mueller's overview of the literature on constitutional political economy in Europe. Then Donald L. Horowitz provides a history of post-1989 constitution-making in which he critiques "a desire to graft one institution on to another rather than to design an ensemble of institutions." Horowitz stresses that divided societies need to look at other divided societies when designing their constitutions. His paper is