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Contents

Arbitration and ADR	4
Banking and Financial Law	4
Company, Corporate and Commercial Law	5
Competition Law	5
Constitutional and Administrative Law	6
Contract, Tort and Restitution Law	11
Criminal Law, Criminology and Policing	13
Energy, Environmental and Natural Resources Law	14
Equity and Trusts	15
European Law	16
Family Law	20
General Law	21
Human Rights	22
Immigration, Asylum, Refugee and Citizenship Law	23
International and Comparative Criminal Law	25
International Economic and Trade Law	26
International Investment Law	26
IT & Technology Law	27
Labour Law	28
Law and Humanities	28
Legal Biography	29
Legal History	29
Legal Philosophy	30
Litigation and Civil Procedure	31
Maritime and Shipping Law	31
Medical Law	32
Media Law	32
Private International Law	32
Property Law	33
Public International Law	33
Social Welfare Law	34
Socio-Legal Studies	35
Tax Law	36
Representatives, Agents & Distributors	37

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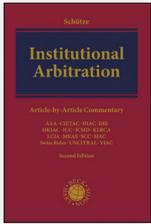
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2ND EDITION

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Institutional Arbitration

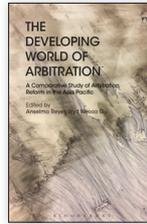
Article by Article Commentary

Edited by Rolf A Schütze, Thümmel, Schütze & Partner

This seminal text offers a comprehensive article-by-article commentary on the rules of arbitration by the leading institutions, including AAA, DIS, ICC, PCA, LCIA and ISCA. Edited by an experienced arbitrator,

scholar and practitioner and with contributions from leading global arbitration specialists, this is an essential reference point for all those practising in the field.

UK July 2020 • 1808 pages
 HB 9781509923915 • £400.00 / \$545.00
 Beck/Hart
 World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



The Developing World of Arbitration

A Comparative Study of Arbitration Reform in the Asia Pacific

Edited by Anselmo Reyes, Doshisha University, Kyoto & Weixia Gu, University of Hong Kong

This book provides an up-to-date and comprehensive analysis of the ways in which arbitration law and practice have recently been reformed in Asia Pacific jurisdictions.

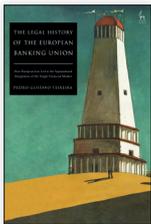
Leading contributors across the Asia Pacific region analyse 12 major jurisdictions representing varying patterns and degrees of development, whether driven from top down, bottom up, or by some hybrid impetus.

Setting the arbitration systems and reforms of each investigated jurisdiction in the context of its economic, political, and judicial dynamics, this book presents, for the first-time, a cross-jurisdiction comparative and contextual study of the developing world of arbitration in the Asia Pacific and contributes to comparative international arbitration literature from an Eastern perspective.

UK June 2020 • 352 pages
 PB 9781509939817 • £45.00 / \$61.00
 Previously published in HB 9781509910182
 ePub 9781509910205 • £40.50 / \$50.50
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The Legal History of the European Banking Union

How European Law Led to the Supranational Integration of the Single Financial Market

Pedro Gustavo Teixeira, ECB and Institute for Law and Finance

How was the Banking Union, the most advanced legal and institutional integration in the single market, created?

This book answers this question by providing a sweeping historical account of European law. It identifies five integration periods of the single financial market, intertwined with the development of global finance. Providing a far-reaching explanation of the legal and institutional rationality of the European Banking Union, this book demonstrates that the Banking Union is not an accident of history or simply the product of the existential crisis of the Monetary Union. It has deep roots in the evolutionary process of European law and its functional rationality: the drive towards ever more supranational integration.

December 2020 • 288 pages
 HB 9781509940622 • £75.00 / \$100.00
 ePub 9781509940646 • £67.50 / \$83.76
 ePdf 9781509940639 • £67.50 / \$83.76
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Secured Credit in Europe

From Conflicts to Compatibility

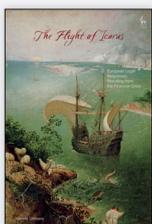
Teemu Juutilainen, University of Turku

This book seeks the optimal way to promote compatibility between systems of proprietary security rights in Europe, focusing on security rights over tangible movables and receivables. Based on comparative research, it proposes how best to tackle cross-border problems impeding trade and finance, notably uncertainty of enforceability and unexpected loss of security rights. It offers an extensive analysis of the academic literature of more recent years that has appeared in English, German, the Scandinavian languages and Finnish. The author organises the concrete means of promoting compatibility into a centralised substantive approach, a centralised conflicts-approach, a local conflicts-approach and a local substantive approach. The centralised approaches develop EU law, and the local approaches Member State laws. The substantive approaches unify or harmonise substantive law, while the conflicts approaches rely on private international law. The author proposes determining the optimal way to promote compatibility by objective-based division of labour between the four approaches. The objectives developed for that purpose are derived from the economic functions of security rights, the conditions for legal evolution and a transnational conception of justice.

This book is an important contribution to the future of secured transactions law in Europe and more widely. It will be of interest to academics, policymakers and legal practitioners involved in this field.

July 2020 • 360 pages
 PB 9781509940240 • £45.00 / \$61.00
 Previously published in HB 9781509910069
 ePub 9781509910083 • £40.50 / \$50.50
 ePdf 9781509910076 • £40.50 / \$50.50
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The Flight of Icarus

European Legal Responses Resulting from the Financial Crisis

Yiannis Drossos, Athens Law School

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October 2020 • 352 pages
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Shaping the Corporate Landscape

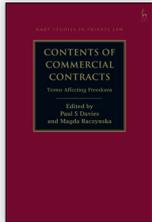
Towards Corporate Reform and Enterprise Diversity

Edited by Nina Boeger, University of Bristol & Charlotte Villiers, University of Bristol

This book investigates a diverse range of corporate governance models that are emerging as alternatives to the shareholder corporation, including employee-owned, cooperative and social enterprises. The contributors are leading scholars from various backgrounds including law, management and organisation studies, finance and accounting, as well as experienced professionals and policy makers with expertise in social and cooperative business models and the role of employees in the corporation.

June 2020 • 424 pages
 PB 9781509939831 • £35.00 / \$48.00
 Previously published in HB 9781509914302
 ePub 9781509914326 • £31.50 / \$39.41
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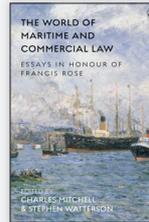
Terms Affecting Freedoms

Edited by Paul S Davies, University College London & Magda Raczynska, University College London

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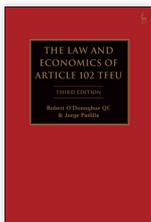
The World of Maritime and Commercial Law

Essays in Honour of Francis Rose

Edited by Charles Mitchell, University College London & Stephen Watterson, University of Cambridge

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April 2020 • 432 pages
 HB 9781509932429 • £95.00 / \$130.00
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COLLECTIONS 3RD EDITION

The Law and Economics of Article 102 TFEU

Robert O'Donoghue QC, Brick Court Chambers & Jorge Padilla, Compass Lexecon

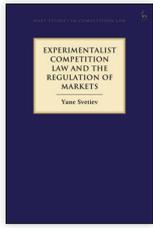
This seminal text offers an authoritative treatment of the legal and economic principles that underpin the application of Article 102 TFEU to the behaviour of dominant firms.

Traditional concerns of monopoly behaviour (predatory pricing, refusals to deal, excessive pricing, tying and bundling, discount practices and unlawful discrimination) are treated in detail through a review of economic principles, case law and recent economic and legal writings. In addition, the major constituent elements of Article 102 TFEU, such as market definition, dominance, effect on trade and applicable remedies are considered at length.

The third edition includes a new chapter on Abuses In Digital Platforms, an extensively revised chapter on standards, and analysis of key cases such as *Intel*, *MEO*, *Google Android*, *Google Shopping*, *AdSense*, and *Qualcomm*.

August 2020 • 1236 pages
 HB 9781509940868 • £250.00 / \$340.00
 ePub 9781509942961 • £225.00 / \$278.42
 ePdf 9781509942978 • £270.00 / \$333.86
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Outstanding scholarship exploring the full range of issues in modern in competition law



Experimentalist Competition Law and the Regulation of Markets

Yane Svetiev, *University of Sydney*

This book charts the emergence of experimentalist governance in the implementation of EU competition law as a response to uncertainty and the limits of hierarchical enforcement in an increasingly dynamic and heterogeneous economic environment. It argues that an experimentalist evolution of competition law and market regulation attenuates concerns about the competitive strictures of EU law on national economic and regulatory institutions.

The book contributes to ongoing debates about the current state of EU competition law and provides an innovative account of emergent enforcement trends and its future direction. Through a focus on experimentalist governance, the book provides guidance on completing experimentalist infrastructures for market regulation, as well as on the role of courts in triggering and sustaining experimentalist solutions. As such, it offers a novel perspective on implementing competition law in the EU and beyond.

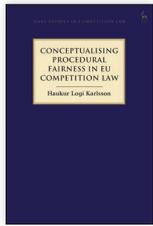
November 2020 • 208 pages

HB 9781509910670 • £70.00 / \$95.00

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Conceptualising Procedural Fairness in EU Competition Law

Haukur Logi Karlsson, *Reykjavik University*

What constitutes a fair procedure when it comes to EU competition law?

This innovative book seeks to understand the philosophical considerations at the core of conflicting procedural fairness arguments in EU competition

law practice. The author argues for a conceptualisation of procedural fairness as a distributional issue that can be solved by a practical fairness theory and a comprehensive methodology. To illustrate the usefulness of the conceptualisation, three procedural fairness problems from recent EU competition law practice are analysed:

- the *KME-Chalkor* cases;
- the *Groupe Gascogne* cases; and
- the regulatory question about using a collective redress mechanism for private enforcement of EU competition law.

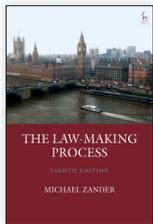
September 2020 • 192 pages

HB 9781509935413 • £75.00 / \$100.00

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Series: Hart Studies in Competition Law • Hart Publishing



The Law-Making Process

Michael Zander, *London School of Economics and Political Science (Emeritus)*

As a critical, in-depth analysis of the law-making process, this book has no equal.

It deals with all the stages and forms of law-making:

- the preparation of legislation;
- its passage through Parliament;
- statutory interpretation;
- the operation of the rules of precedent in judicial decision-making;
- the many facets of judicial law-making; and
- the machinery of law reform.

The new edition covers the operation of EU law in the UK after Brexit. It also covers pre-Brexit events such as the unprecedented legislation by backbench MPs to stop a No Deal Exit from the EU and the two great Supreme Court decisions over the triggering of Brexit and the prorogation of Parliament.

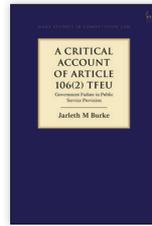
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A Critical Account of Article 106(2) TFEU

Government Failure in Public Service Provision

Jarleth Burke, *Tilburg Law and Economics Centre*

This book offers a sceptical perspective on how EU law applies to public services.

Article 106(2) provides that other Treaty rules may be disapplied in order to sustain a Service of General Economic Interest (SGEI). The rhetorical presentation of Article 106(2) is as a strict exception. As a result, Article 106(2) is often presented as a threat to Europe's public service tradition. This book challenges those shibboleths by using the concept of government failure. The author uses a market feasibility test incorporating the concept of market failure to expose laxity in the review of general interests under Article 106(2).

July 2020 • 256 pages

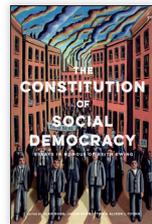
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Series: Hart Studies in Competition Law • Hart Publishing



The Constitution of Social Democracy

Essays in Honour of Keith Ewing

Edited by Alan Bogg, *University of Bristol*, Jacob Rowbottom, *University of Oxford* & Alison L Young, *University of Cambridge*

This book is based upon the papers written by a group of leading international scholars on the 'constitution of social democracy', delivered at a conference to celebrate Professor Keith Ewing's scholarly legacy in labour law, constitutional law, human rights and the law of democracy.

The chapters explore the development of social democracy and democratic socialism in theory and political practice from a variety of comparative, legal, and disciplinary perspectives. The contributors consider whether legal norms can and should contribute to the constitution of social democracy. It could not be more timely in addressing these fundamental constitutional questions at the intersection of law, democracy, and political economy.

July 2020 • 512 pages

HB 9781509916573 • £110.00 / \$150.00

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ePdf 9781509916597 • £99.00 / \$123.19

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A First Nations Voice in the Australian Constitution

Shireen Morris, *Macquarie Law School*

This book makes the legal and political case for Indigenous constitutional recognition through a constitutionally guaranteed First Nations voice, as advocated by the historic Uluru Statement from the Heart. It argues that a constitutional amendment

to empower Indigenous peoples with a fairer say in laws and policies made about them and their rights, is both constitutionally congruent and politically achievable.

Morris explores the historical, political, theoretical and international contexts underpinning the contemporary debate, before delving into the constitutional detail to craft a compelling case for change.

August 2020 • 344 pages
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Beyond the Republican Revival

Non-Domination, Positive Liberty and Sortition

Eric Ghosh, *University of New England, NSW*

This is the first book-length treatment of both the non-positive and the positive-liberty strands of the republican revival in political and constitutional theory. The revival of the republican political tradition has been a major theoretical development in the last few decades.

The book explains and critiques major historical and normative claims found in the two strands. The book also proposes an alternative interpretation of liberty from that found in the republican revival.

Finally, the book looks beyond the two strands' focus on liberty. It draws on the republican device of sortition (selection by lot) to throw light on the democratic legitimacy of judges deciding bill-of-rights matters. It proposes instead the use of constitutional juries.

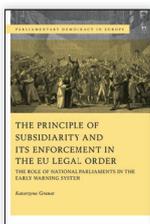
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 ePdf 9781509925476 • £54.00 / \$67.75
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Parliamentary Democracy in Europe

Editors: *Nicola Lupo and Robert Schütze*

Insights into rules and conventions shaping parliaments and parliamentary democracy in Europe

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The Principle of Subsidiarity and its Enforcement in the EU Legal Order

The Role of National Parliaments in the Early Warning System

Katarzyna Granat, *Durham University*

The book offers the first legal analysis of the Early Warning System (EWS) enriched by a comprehensive empirical analysis of the actual activities of national parliaments.

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Parliamentary Oversight of the Executives

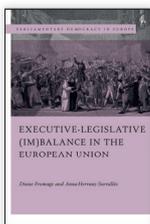
Tools and Procedures in Europe

Elena Griglio, *LUISS University of Rome*

The oversight of the executive is a key function of parliament but recently the influence of parliament on policy-making has been diluted. This book plots trends in parliaments across Europe, to illustrate points of convergence and divergence. It compares tools and methods that parliaments develop to bolster their crucial oversight role. The author demonstrates that the oversight of the executives, more than law-making, is a pivotal dimension to enable parliaments in Europe gaining democratic control over decision-making.

September 2020 • 288 pages
 HB 9781509925681 • £75.00 / \$100.00
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Executive-legislative (Im)balance in the European Union

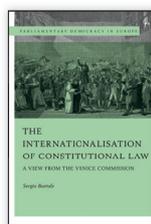
Edited by *Diane Fromage & Anna Herranz-Surrallés*, *Maastricht University*

This book offers a (re-)assessment – from a multidisciplinary perspective – of the balance between executive and legislative powers at both national and European levels ten years after Lisbon.

It asks whether parliaments were truly empowered, or whether this change was in reality much curtailed in the wake of the Eurocrisis and other recent challenges. It firstly examines the imbalance that exists between executive and legislative powers in a multilevel perspective. Secondly, it considers Member States, from an individual and comparative perspective. Finally, it explores the executive-legislative relations in those policy areas which are particularly sensitive to governments.

January 2021 • 288 pages
 HB 9781509930005 • £80.00 / \$110.00
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The Internationalisation of Constitutional Law

A View from the Venice Commission

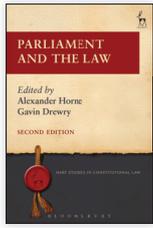
Sergio Bartole, *University of Trieste*

In this book one of the longest standing members of The Venice Commission reflects on the work of the institution to show how constitutional law in Europe (and beyond) has become increasingly borderless.

Over nine chapters, the book tracks the work of the Commission, illustrating the law both in action and in its broader political and historical context. It looks at its treatment of the judiciary and judicial conflicts including the crisis of the rule of law in Central Eastern Europe Member States of the European Union. Finally it suggests how all this can only be sensibly understood as a feature of the broader trend towards the internationalisation of constitutional law.

December 2020 • 160 pages
 HB 9781509941476 • £75.00 / \$100.00
 ePub 9781509941483 • £67.50 / \$83.76
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 Series: Parliamentary Democracy in Europe • Hart Publishing

Hart Studies in Constitutional Law



Parliament and the Law

Edited by Alexander Horne, University College London & Gavin Drewry, Royal Holloway, University of London

This book provides a wide-ranging overview of the fascinating ways in which the law applies to, and impacts upon, the UK Parliament and considers how recent changes to the UK's constitutional arrangements have affected Parliament as an institution.

In the book leading constitutional lawyers, political scientists and parliamentary officials discuss a number of issues of topical concern, such as:

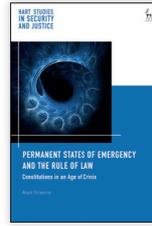
- the operation of parliamentary privilege
- the powers of Parliament's select committees
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- devolution
- English Votes for English Laws
- Members' conduct
- the governance of both Houses
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- parliamentary sovereignty
- Parliament and human rights, and
- the administration of justice.

June 2020 • 408 pages
 PB 9781509939633 • £25.00 / \$35.00
 Previously published in HB 9781509908714
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Hart Studies in Security and Justice

Editors: Liora Lazarus and Ben Saul

A cutting-edge body of scholarship on the most pressing and controversial issues of our time



Permanent States of Emergency and the Rule of Law

Constitutions in an Age of Crisis

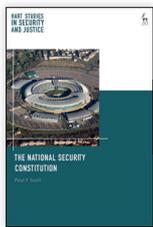
Alan Greene, Durham University

This book explores the impact that oxymoronic 'permanent' states of emergency have on the validity and effectiveness of constitutional norms and, ultimately, constituent power.

It challenges the idea that many constitutional orders are facing permanent states of emergency due to the 'objective nature' of threats facing modern states today, arguing instead that the nature of a threat depends upon the subjective assessment of the decision-maker.

In light of this, it further argues that robust judicial scrutiny and review of these decisions is required to ensure that the temporariness of the emergency is a legal question and that the validity of constitutional norms is not undermined by their perpetual suspension.

August 2020 • 256 pages
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 ePub 9781509906178 • £63.00 / \$78.84
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The National Security Constitution

Paul F Scott, University of Glasgow

This book addresses the various ways in which modern approaches to the protection of national security have impacted upon the constitutional order of the United Kingdom.

It outlines and assesses the constitutional significance of the three primary elements of the United Kingdom's response to the possibility of terrorism and other phenomena that threaten the security of the state:

- the body of counter-terrorism legislation which has grown up in the last decade and a half
- the evolution of the law of investigatory powers, and
- (to the extent relevant to the domestic constitution) the law governing international military action and co-operation.

September 2020 • 344 pages
 PB 9781509941155 • £42.99 / \$58.95
 Previously published in HB 9781509911011
 ePub 9781509911028 • £76.50 / \$94.85
 ePub 9781509911035 • £76.50 / \$94.85
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Parliament's Secret War

Veronika Fikfak, University of Cambridge & Hayley Hooper, University of Oxford

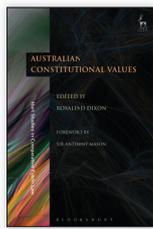
This book offers a critical inquiry into Parliament's role in the war prerogative since the beginning of the twentieth century, evaluating whether the UK's decisions to engage in conflict meet the recognised standards of good governance: accountability, transparency and participation.

The analysis reveals a number of persistent problems in the decision-making process, including Parliament's lack of access to relevant information, government 'legalisation' of parliamentary debates which frustrates broader discussions of political legitimacy, and the skewing of debates via the partial public disclosure of information based upon secret intelligence.

The book offers solutions to these problems to reinvigorate parliamentary discourse and to address government withholding of classified information.

June 2020 • 272 pages
 PB 9781509939824 • £35.00 / \$48.00
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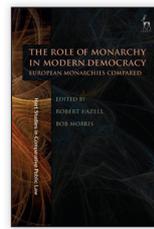


Australian Constitutional Values

Edited by Rosalind Dixon, University of New South Wales

In this book leading Australian constitutional lawyers and scholars address the relevance and scope of various substantive constitutional values. The essays consider how the values might affect the Court's approach to constitutional interpretation in various contexts. It is essential reading for anyone seeking a deeper understanding of Australia's constitutional system.

June 2020 • 336 pages
 PB 9781509939510 • £40.00 / \$55.00
 Previously published in HB 9781509918409
 ePub 9781509918416 • £36.00 / \$45.57
 ePdf 9781509918423 • £36.00 / \$45.57
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The Role of Monarchy in Modern Democracy

European Monarchies Compared

Edited by Robert Hazell & Bob Morris, University College London

How much power does a monarch really have? How much autonomy do they enjoy? Who regulates the size of the royal family, their finances, the rules of succession? These are some of the questions considered in this collection of essays.

The book is written by experts from Belgium, Denmark, Luxembourg, the Netherlands, Norway, Spain, Sweden and the UK. It considers the constitutional and political role of monarchy, its powers and functions, how it is defined and regulated, the laws of succession and royal finances, relations with the media, the popularity of the monarchy and why it endures.

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 HB 9781509931019 • £65.00 / \$90.00
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The Flight of Icarus

European Legal Responses Resulting from the Financial Crisis

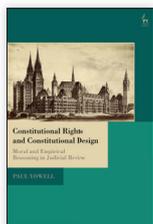
Yiannis Drossos, Athens Law School

This book provides a detailed analysis of the institutional transformations brought about by the financial crisis, focusing on the institution-building course of Europe and the Constitution-bending course in several Member States.

The book discusses the seemingly contradictory interplay between the national and European institutions and law resulting from the crisis, arguing that the anti-crisis exceptionality constitutes the matrix of the new normality of the reformed European economic governance.

The author carries out a critical analysis of the new economic governance and its case-law with constant references to relevant political episodes, key economic figures and to the law preceding modes and rules.

October 2020 • 352 pages
 HB 9781509933808 • £85.00 / \$115.00
 ePub 9781509933815 • £76.50 / \$94.85
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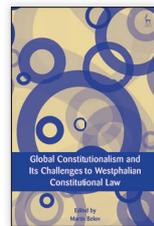
Constitutional Rights and Constitutional Design

Moral and Empirical Reasoning in Judicial Review

Paul Yowell, University of Oxford

This book explores the idea that courts were not designed for moral and empirical reasoning. It argues that, in comparison to legislatures, the institutional capacities of courts are deficient. Legislatures are better equipped than courts for deliberating and decision-making in regard to the kinds of factual and moral issues that arise in constitutional rights cases.

August 2020 • 186 pages
 PB 9781509940301 • £30.00 / \$40.00
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 ePub 9781509913602 • £58.50 / \$72.68
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Global Constitutionalism and Its Challenges to Westphalian Constitutional Law

Edited by Martin Belov, University of Sofia (St Kliment Ohridski)

This book critically assesses the structural and functional transformations in the Westphalian constitutional tradition produced by the emergence of supranational and global constitutionalism. In so doing, it evaluates the theory of global constitutionalism, its legal and socio-political limits, and important issues concerning the supranational constitutionalism of the EU. This leads to an articulation of the constitutional theory of the emerging post-Westphalian constitutionalism, examining its development during a period of significantly increased access to and sharing of information, increased mobility and more open statehood, as well as the rise of human rights and its encounter with populism and nationalism.

September 2020 • 232 pages
 PB 9781509941186 • £29.99 / \$40.95
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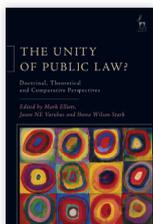
Tax Law, State-Building and the Constitution

Dominic de Cogan, University of Cambridge

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The Unity of Public Law?

Doctrinal, Theoretical and Comparative Perspectives

Edited by Mark Elliott, University of Cambridge, Jason NE Varuhas, University of Melbourne & Shona Wilson Stark, University of Cambridge

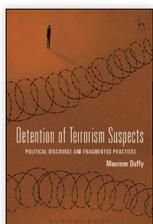
This book contains papers from the 2nd Public Law Conference that took place in Cambridge in 2016.

Part 1 offers doctrinal and theoretical perspectives. Some chapters seek to articulate a unifying framework for understanding public law, while others seek to demonstrate the plurality of public law through the method of legal taxonomy. A number of chapters analyse whether different fields such as human rights and administrative law are merging.

Part 2 offers comparative perspectives, charting and analysing convergence and divergence across common law systems. Specific topics include standing, proportionality, human rights, remedies, use of foreign precedents, legal transplants, and disunity and unity among subnational jurisdictions.

August 2020 • 472 pages
PB 9781509940264 • £45.00 / \$61.00
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Detention of Terrorism Suspects

Political Discourse and Fragmented Practices

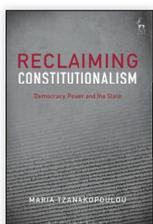
Maureen Duffy, University of Calgary

This book considers how biased political discourse has been used to create accepted political narratives that ultimately impact terrorism detention practices, with examples including the detentions at Guantanamo Bay and security certificates in Canada.

The book suggests that biased political discourse has fuelled public misconceptions about terrorism, which have then led to problematic legal enactments, supported by those misconceptions. It introduces this idea by presenting current examples, such as some of the language used by US President Donald Trump regarding terrorism. It then critiques political arguments that began after 9/11, many of which are still foundational as terrorism detention practices evolve.

June 2020 • 320 pages
PB 9781509939541 • £35.00 / \$48.00
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Reclaiming Constitutionalism

Democracy, Power and the State

Maria Tzanakopoulou, King's College London

This book argues that the constitutional phenomenon remains attached to the state, despite the recent advent of theories of global constitutionalism. The author argues that the primary aim of constitutionalism is to create social peace and to shield, rather than to limit, the power of political elites in any given state.

In light of the connection between social conflict and constitutionalism, the book explores the conditions for and locations of the former. From the state and the EU to the global level, it considers the role of citizenship, national identities, democracy, power, and ideology, and concludes that the state is the only site that satisfies the prerequisites for social conflict.

June 2020 • 232 pages
PB 9781509939626 • £30.00 / \$40.00
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Strangers Next Door?

Indonesia and Australia in the Asian Century

Edited by Tim Lindsey & Dave McRae, The University of Melbourne

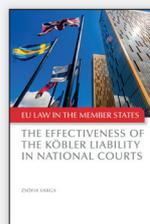
This book brings together insiders and leading observers to critically assess the state of Australia-Indonesia relations and their future prospects,

offering insights into why the relationship is so important for Australia, why it is so often in crisis, and what this means for the future.

The book spans a diverse range of subjects, including;

- political relations and diplomacy
- security and defence
- the economy and trade
- Islam
- education
- development
- the arts
- legal cooperation
- the media
- women, and
- community ties.

June 2020 • 576 pages
PB 9781509939640 • £45.00 / \$61.00
Previously published in HB 9781509918164
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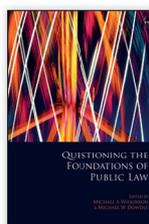
The Effectiveness of Köbler Liability in National Courts

Zsófia Varga, Loyens & Loeff Luxembourg S.à r.l., Avocats à la Cour

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October 2020 • 272 pages
HB 9781509939190 • £75.00 / \$100.00
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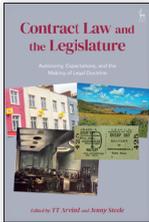
Questioning the Foundations of Public Law

Edited by Michael A Wilkinson, London School of Economics and Political Science & Michael W Dowdle, University Singapore

The purpose of this volume is to engage with Martin Loughlin's *Foundations of Public Law* - conceptually, comparatively and historically - from the viewpoints of public law, private law, and political, social and legal theory, as well as from jurisdictional perspectives including the US, India, and Continental Europe.

Contributors also consider the legacy and continuing relevance of *Foundations* in the light of developments in transnational law, global law and regional integration in the European Union.

September 2020 • 320 pages
PB 9781509941162 • £37.99 / \$51.95
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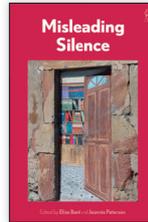
Contract Law and the Legislature

Autonomy, Expectations, and the Making of Legal Doctrine

Edited by TT Arvind & Jenny Steele, University of York

This book revisits some of the key debates about the nature and shape of contract law, in light of the impact that statutes have had on its development. With contributions from leading contract law scholars, it fills a significant gap in existing theoretical and doctrinal analyses of contract law, which rely primarily on cases to put forward accounts of the general principles and structure of contract law.

August 2020 • 488 pages
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Misleading Silence

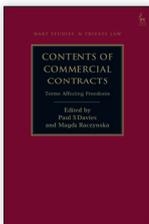
Edited by Elise Bant, The University of Western Australia & Jeannie Marie Paterson, The University of Melbourne

This book brings together a team of outstanding scholars from across the globe to explore the treatment of misleading silence in private law doctrine and theory, embracing a comparative analysis. Whereas previous studies have been contractual in focus, here the topic is explored from across the full spectrum of private law. Its approach encompasses equitable, common law and statutory principles and draws on theoretical, historical, cross-disciplinary and doctrinal perspectives. This is truly a landmark publication in private law, with no equivalent in the common law world.

October 2020 • 384 pages
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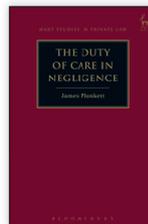
Contents of Commercial Contracts

Terms Affecting Freedoms

Edited by Paul S Davies & Magda Raczynska, University College London

Freedom of contract is a great strength of English law; indeed it is a key reason why English law is often the law of choice. But the terms of commercial contracts often restrict freedom of action. This book considers such terms. Leading commentators take stock of recent developments such as increased reliance on good faith/discretion and the rise of smart contracts. In so doing, they make original contributions to ongoing debates concerning the limits to parties' freedom of contract.

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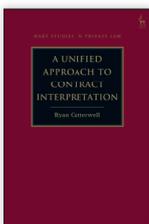


The Duty of Care in Negligence

James Plunkett, Victorian Bar, Melbourne

This book provides a detailed analysis and overview of the duty of care enquiry, drawing on both academic analyses and judicial experience in leading common law systems. A new structure through which duty problems can be analysed is also proposed. The book provides readers with fresh insights and clarity of the subject.

June 2020 • 256 pages
 PB 9781509939527 • £25.00 / \$35.00
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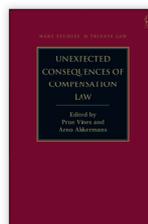
A Unified Approach to Contract Interpretation

Ryan Catterwell, University of Queensland

This important book offers a systematic exposition of interpretation/construction in contract law. It also goes further, suggesting practical solutions to disputes regarding questions of interpretation. The book argues that interpretation is not simply about establishing what words mean; it is a process through which objective intention is inferred from the choice of words in a contract. The interpretive process involves four steps:

- formulate the question of interpretation in dispute;
- explore competing answers to the question;
- analyse the admissible material supporting each interpretation; and
- weigh and balance the competing considerations.

July 2020 • 320 pages
 HB 9781509927579 • £80.00 / \$110.00
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 ePub 9781509927593 • £72.00 / \$89.92
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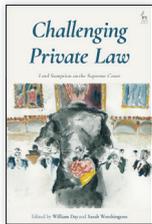


Unexpected Consequences of Compensation Law

Edited by Prue Vines, University of New South Wales & Arno Akkermans, Vrije Universiteit, Amsterdam

Taking a refreshing and insightful approach this book considers the actual (and sometimes negative) effect of compensation law on people seeking redress. Tort law, workers' compensation, medical law, industrial injury law and other schemes are examined. The unintended consequences the book uncovers includes ongoing physical and mental illness, failure to rehabilitate, the impact on social security entitlements and medical care. Offering a truly interdisciplinary approach, it draws on contributors from lawyers, psychologists, and medical practitioners from multiple jurisdictions including Australia, the Netherlands, Canada, Italy and the UK.

September 2020 • 256 pages
 HB 9781509927999 • £70.00 / \$95.00
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Challenging Private Law

Lord Sumption on the Supreme Court

Edited by William Day & Sarah Worthington, University of Cambridge

Lord Sumption has been one of the most influential judges of his generation. This book critically reflects on the important and controversial issues posed by his jurisprudence. Using Lord Sumption's

contributions as a springboard, the book contains a selection of essays that consider 'where next' in relation to topics such as:

- contractual interpretation;
- tortious duties of care;
- compensatory damages;
- proprietary restitution; and
- piercing the corporate veil.

The book covers a broad range of areas in private law including contract, tort, unjust enrichment, equity, company and commercial law, as well as private international law and civil procedure.

November 2020 • 368 pages
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 ePub 9781509934881 • £90.00 / \$112.10
 ePdf 9781509934898 • £90.00 / \$112.10
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Networks of Collaborative Contracts for Innovation

Pablo Marcello Baquero, HEC Paris Business School

With the rise of automation and artificial intelligence, the companies that will succeed in the future are those who operate under a constant state of innovation.

This book explores the contractual basis for innovation, examining the legal challenges raised by contracts to innovate. On the one hand, it examines empirical studies analysing how these agreements are structured in order to overcome the inherent uncertainty of innovative activity. On the other hand it develops the legal doctrine governing contracts to innovate, in particular the notion of duty of loyalty to the contractual network, providing suggestions on how to concretise it in different situations.

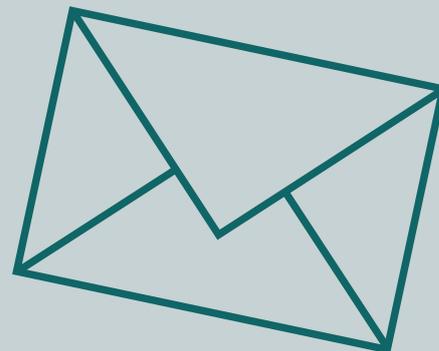
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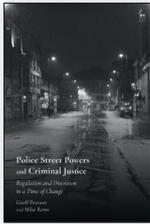


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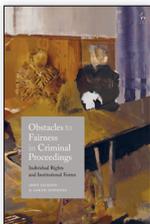
Police Street Powers and Criminal Justice

Regulation and Discretion in a Time of Change

Geoff Pearson, *The University of Manchester* & Mike Rowe, *University of Liverpool Management School*

This book analyses the utilisation, regulation and legitimacy of police powers. Drawing upon six-years of ethnographic research in two police forces in England, this book uncovers the importance of time and place, supervision and monitoring, local policies and law. Covering a period when the police were under intense scrutiny and subject to austerity measures, the authors contend that the concept of police culture does not help us understand police discretion. They argue that change is a dominant feature of policing and identify fragmented responses to law and policy reform, varying between police stations, across different policing roles, and between senior and frontline ranks.

July 2020 • 248 pages
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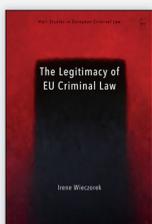
Obstacles to Fairness in Criminal Proceedings

Individual Rights and Institutional Forms
Edited by John D Jackson, University of Nottingham & Sarah J Summers, University of Zurich

This book considers the way in which the focus on individual rights may constitute an obstacle to ensuring fairness in criminal proceedings. It draws together scholars from the disciplines of law, philosophy and sociology to challenge various normative assumptions underpinning our understanding of fairness in criminal proceedings, covering topics such as;

- the right to a fair trial
- innocence and the burden of proof
- the right of silence
- judicial impartiality
- the right to counsel
- the role of counsel in criminal proceedings
- expediency
- written records of statements
- plea concession, and
- pre-trial impropriety.

July 2020 • 344 pages
PB 9781509940233 • £45.00 / \$61.00
Previously published in HB 9781782258353
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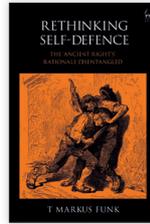


The Legitimacy of EU Criminal Law

Irene Wieczorek, *University of Durham*

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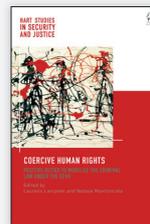
Rethinking Self-Defence

The 'Ancient Right's' Rationale Disentangled

T Markus Funk, Perkins Coie & The University of Colorado School of Law

Self-defence – the 'ancient right' – has never been more relevant than in the present era of widespread calls for criminal justice reform. This book substantially advances the patinaed discussion by introducing a comprehensive, value-centric approach to thinking about the defence's deeper rationale. It tackles core issues, such as the relative importance of the state's claimed monopoly on force, procedural justice, the need to shore up the justice system's legitimacy and creditworthiness, everyone's presumptive 'right to life,' and the importance of ensuring equal standing between citizens. In doing so, the book breaks new ground by addressing public perceptions of 'just' and 'right' outcomes, as well as the emphasis legal systems place (and should place) on state power.

December 2020 • 264 pages
HB 9781509934171 • £80.00 / \$110.00
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ePdf 9781509934195 • £72.00 / \$89.92
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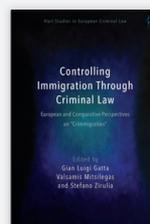
Coercive Human Rights

Positive Duties to Mobilise the Criminal Law under the ECHR

Edited by Laurens Lavrysen, Human Rights Centre, Ghent University & Natasa Mavronicola, University of Birmingham

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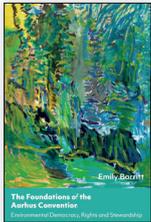
Controlling Immigration Through Criminal Law

European and Comparative Perspectives on "Crimmigration"

Edited by Gian Luigi Gatta, University of Milan, Valsamis Mitsilegas, Queen Mary, University of London & Stefano Zirulia, University of Milan

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The Foundations of the Aarhus Convention

Environmental Democracy, Rights and Stewardship

Emily Barritt, *King's College London*

This important book offers an innovative analysis of the Aarhus Convention. The book digs deep

into the foundations of the Convention, illuminating its ambitious potential through the lens of three foundational purposes – environmental rights, democracy and stewardship. In so doing, it both contributes to our understanding of the Convention and our understanding of three important purposes that inhabit environmental law, unravelling and reassembling them to build meaning into our broad-brush descriptions.

October 2020 • 176 pages • HB 9781509915279 • £65.00 / \$90.00
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ePdf 9781509915262 • £58.50 / \$72.68
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Environmental Adjudication

Emma Lees, *University of Cambridge* & Ole Pedersen, *University of Newcastle*

This book provides a detailed study of the role of adjudication in environmental law. It examines theoretical issues concerning the role of judges and other adjudicators, taking account of different legal cultures and contexts, exploring the pressures which

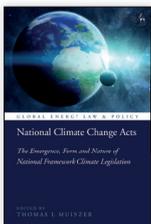
rest on the shoulders of adjudicators when navigating the tensions between maintaining neutrality, resolving disputes, and providing guidance for future courts and decision-makers. In addition, it identifies the main adjudicatory 'avenues' which exist in the context of the environmental law of England and Wales and explores the relationship between adjudication and coherence before concluding with an exploration of what constitutes 'good' environmental adjudication.

September 2020 • 224 pages • HB 9781509931460 • £65.00 / \$90.00
ePub 9781509931477 • £58.50 / \$72.68
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Global Energy Law and Policy

Editors: Peter Cameron, Pieter Bekker and Volker Roeben

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National Climate Change Acts

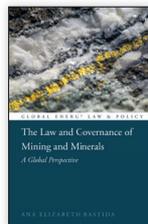
The Emergence, Form and Nature of National Framework Climate Legislation

Edited by Thomas L Muinzer, *University of Aberdeen*

This groundbreaking book by the world's leading climate law scholars provides the first comprehensive study of national Climate Change Acts.

In addition to containing broad internationalist chapters, national case study chapters are included that focus on individual countries and provide analytical depth. A final chapter draws together the threads of the book's foregoing contributions to deduce generalisable conceptual insights based on current knowledge and experience. Uniquely, the book provides a conceptual model for Climate Change Acts that will inform the development of national framework climate legislation.

November 2020 • 256 pages • HB 9781509941711 • £75.00 / \$95.00
ePub 9781509941735 • £67.50 / \$83.76
ePdf 9781509941728 • £67.50 / \$83.76
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The Law and Governance of Mining and Minerals

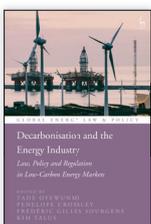
A Global Perspective

Ana Elizabeth Bastida, *University of Dundee*

This book lays out a disciplinary matrix from a global perspective for the law and governance applicable to mining and minerals, taking account

of the key challenges of achieving the goals of Agenda 2030 and the transition to low-carbon economies. This perspective encompasses the international, transnational, national, sub-national and local levels of ordering of social relations applicable to mining and minerals. The book engages with current developments on critical minerals for a carbon-constrained future and it identifies a research agenda for further studies in this fast-changing field.

December 2020 • 208 pages • HB 9781849463454 • £70.00 / \$95.00
ePub 9781782255680 • £63.00 / \$78.84
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Decarbonisation and the Energy Industry

Law, Policy and Regulation in Low-Carbon Energy Markets

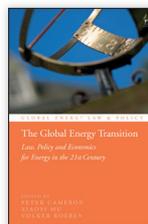
Edited by Tade Oyewunmi, *University of Vermont*, Penelope Crossley, *The University of Sydney*, Frédéric Gilles Sourgens, *Washburn University* & Kim Talus, *Tulane University*

This timely book examines the legal and regulatory dynamics of energy transitions in the context of emerging trends towards decarbonisation and growth in low-carbon energy solutions globally.

Focusing on the nexus between law, regulation, and institutions, it explores 'how' and to 'what extent' institutions can effectively facilitate more reliable, sustainable, and secure energy systems.

Given the contemporary decarbonisation and transition trends, this book highlights the key trade-offs and potential solutions in the pathways to a cleaner and sustainable energy industry.

November 2020 • 416 pages • HB 9781509932900 • £90.00 / \$120.00
ePub 9781509932924 • £81.00 / \$101.01
ePdf 9781509932917 • £81.00 / \$101.01
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The Global Energy Transition

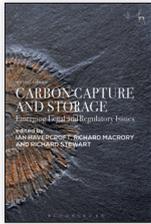
Law, Policy and Economics for Energy in the 21st Century

Edited by Peter Cameron, Xiaoyi Mu & Volker Roeben, *University of Dundee*

Combining insights from the disciplines of energy economics with law and political science, this ground-breaking collection brings together leading experts reflecting on key issues such as:

- the global governance of the energy value-chain
- regulation, understood here as rule-making to further the universal public objective of transitioning to a novel energy system, and
- the role of private actors in the energy transition.

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Carbon Capture and Storage

Emerging Legal and Regulatory Issues

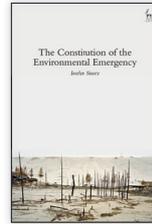
Edited by Ian Havercroft, Global CCS Institute, Richard Macrory, Brick Court Chambers & Richard Stewart, New York University

'...a comprehensive analysis of numerous topical aspects of CCS regulation...the breadth of the contributions together with the sharp analysis of

thought provoking qualities of several chapters make the book a rewarding read.' David Langlet, *Carbon and Climate Law Review*

Following its publication in 2011, this book quickly became required reading for all those interested in, or engaged by, the need to implement regulatory approaches to Carbon Capture and Storage (CCS). This revised and updated edition critically assesses developments in the field.

July 2020 • 400 pages
PB 9781509939497 • £35.00 / \$48.00
Previously published in HB 9781509909582
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The Constitution of the Environmental Emergency

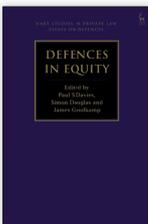
Jocelyn Stacey, University of British Columbia

This book argues for a reframing of environmental law. It starts from the premise that all environmental issues confront lawmakers as emergencies.

Environmental issues pose a fundamental challenge to law because it is impossible to reliably predict

which issues contain the possibility of an emergency and what to do in response to such an unforeseen event. These features undermine the conventional understanding of the rule of law. This book argues that approaching environmental issues from the emergency perspective leads us to an understanding of the rule of law that requires public justification.

August 2020 • 296 pages
PB 9781509940271 • £35.00 / \$48.00
Previously published in HB 9781509920273
ePub 9781509920280 • £63.00 / \$78.84
ePdf 9781509920297 • £63.00 / \$78.84
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Defences in Equity

Edited by Paul S Davies, University College London, Simon Douglas, University of Oxford & James Goudkamp, University of Oxford

This book addresses defences to liability arising in equity. The essays range from those adopting a mainly doctrinal approach to others that explore the law from a more philosophical perspective. Some essays concentrate on specific defences, while others are concerned with the links between defences, or with how defences relate to the structure of the law of equity generally.

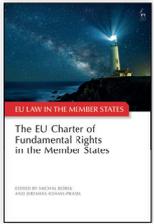
One aim of the book is to shed light on equitable doctrines by analysing them through the lens of defences. The essays offer original contributions to this complex, important but neglected field of scholarly investigation. The contributors – judges, practitioners and academics – are all distinguished jurists. The essays are addressed to all of the major common law jurisdictions.

September 2020 • 392 pages
PB 9781509941117 • £44.99 / \$60.95
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EU Law in the Member States

Editors: *Jeremias Adams-Prassl and Michal Bobek*

A forum for exploring the impact of landmark CJEU judgments and secondary legislation across the EU



The EU Charter of Fundamental Rights in the Member States

Edited by *Michal Bobek, Court of Justice of the European Union & Jeremias Adams-Prassl, University of Oxford*

This magisterial work provides a crucial guide to the EU Charter of Fundamental Rights. Leading lawyers from across the member states examine and assess implementation at the national level and discuss the comparative context. Authoritative and rigorous, this is one of the most significant examinations of the Charter and its implementation.

November 2020 • 544 pages
 HB 9781509940912 • £135.00 / \$180.00
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The Effectiveness of Köbler Liability in National Courts

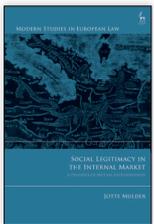
Zsófia Varga, Loyens & Loeff Luxembourg S.à r.l., Avocats à la Cour

This is the first book to offer a comprehensive analysis on the life of the Köbler liability principle in the Member States. The author thoroughly examines the national jurisprudential and legislative acceptance of the state liability principle for breaches of EU law by national courts and explores the existence of alternative remedies available in case of such breaches. The conclusions, based on a systematic assessment of 300 judgments from the 28 Member States, lead to a reconsideration of the role of the Köbler doctrine in the system of judicial remedies against violation of EU law by national supreme courts.

October 2020 • 272 pages
 HB 9781509939190 • £75.00 / \$100.00
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Modern Studies in European Law

Refreshing new takes on EU law



Social Legitimacy in the Internal Market

A Dialogue of Mutual Responsiveness
Jotte Mulder, University of Utrecht

This book analyses the social legitimacy of internal market law by discussing what has come to be known as the argument from transnational effects and the development of an adjudicative model for the European Court of Justice that can be termed 'socially responsive'. Drawing on the historical insights of Karl Polanyi it argues that the internal market can only be held to be socially legitimate where it supports the requirement for further market integration while still responding to social practices and values within the member states. The book presents in-depth studies of the case law of the Court in the areas of EU free movement, competition and state aid law.

September 2020 • 288 pages
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Framing Convergence with the Global Legal Order

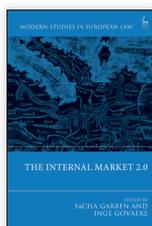
The EU and the World
 Edited by *Elaine Fahey, City Law School, City, University of London*

This interdisciplinary book explores the concept of convergence of the EU in the global legal order. It captures the actions, law-making and practice of the EU as a cutting-edge actor in the world promoting convergence 'against the grain'. In a dynamic 'twist' the book uses methodology to reflect upon some of the most changing dimensions of current global affairs.

Four key themes are probed:

- framing EU convergence
- global trade against convergence
- the EU as the exceptional internationalist, and
- framing convergence through methodology.

October 2020 • 256 pages
 HB 9781509934379 • £85.00 / \$115.00
 ePub 9781509934386 • £76.50 / \$94.85
 ePdf 9781509934393 • £76.50 / \$94.85
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The Internal Market 2.0

Edited by Sacha Garben, College of Europe & Inge Govaere, Ghent University

This book offers a re-assessment of EU internal market law and policy, much needed in our increasingly digitised world and in the context of the EU's changing political and constitutional setting. It examines why some crucial doctrinal questions still remain unanswered, and provides proposals for a future-proof approach. In so doing it offers a critique of this central pillar of the EU project and suggests how it might be reinvented.

December 2020 • 352 pages
 HB 9781509939039 • £85.00 / \$115.00
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The EU Better Regulation Agenda

A Critical Assessment

Edited by Sacha Garben, College of Europe & Inge Govaere, Ghent University

This book presents insights from economics, political science and legal scholarship to produce a seminal overview of regulation in the EU. Furthermore, to provide full understanding, it examines institutional practice, where the Agenda is made and shaped on a daily basis. Hence, the book features contributions from the perspective of the work of the main EU institutions: the European Commission, the Parliament, the Council and the Court of Justice.

September 2020 • 256 pages
 PB 9781509941131 • £36.99 / \$49.95
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Illegally Staying in the EU

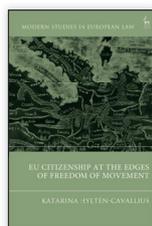
An Analysis of Illegality in EU Migration Law

Benedita Menezes Queiroz, European University Institute

This book analyses the illegality of a third-country national's stay by examining the boundaries of the concept of illegality at the EU level. Having found that the holistic conceptualisation of illegality falls short of adequacy, the book moves on to consider situations that fall outside the traditional binary of legal and illegal under EU law.

The cases of unlawfully staying EU citizens and of non-removable illegally staying third-country nationals are examples of groups of migrants who are categorised as atypical. By looking at these two examples the book reveals the fragmentation of legal statuses in EU migration law and the ill-fitting and unsatisfactory categorisation of migrants.

June 2020 • 232 pages
 PB 9781509939848 • £30.00 / \$40.00
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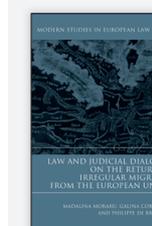
EU Citizenship at the Edges of Freedom of Movement

Katarina Hyltén-Cavallius, Aarhus University

This book critically analyses the case law on EU Citizenship in relation to its personal free movement rights, its status on the primary law level, and EU fundamental rights protection. The book exposes the legal space where EU citizenship variably loses or gains legal relevance for the individual, and questions how this space can be overcome.

The chapters offer a thorough analysis of the core personal free movement rights of residence, family reunification, equal treatment and equal political participation.

November 2020 • 224 pages
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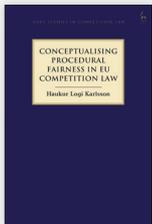


Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union

Edited by Madalina Moraru, Masaryk University (Brno), Galina Cornelisse, Vrije Universiteit Amsterdam & Philippe De Bruycker, European University Institute

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August 2020 • 528 pages
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Conceptualising Procedural Fairness in EU Competition Law

Haukur Logi Karlsson, Reykjavik University

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EU eIDAS-Regulation

Article-by-Article Commentary

Edited by Alessio Zaccaria, University of Verona, Martin Schmidt-Kessel, University of Bayreuth, Reiner Schulze, University of Münster & Alberto M Gambino, European University of Rome

This book provides rule-by-rule commentaries on the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market.

The book is written by an international group of contributors and provides analysis from different European countries. In order to assess the arising legal issues, the contributions to this book reflect both aspects of the eIDAS regulation: on one hand the technological-neutral approach intended by this regulation, but also the nevertheless technically-determined definitions and provisions of this very specific field of law.

January 2020 • 400 pages
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 World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

Hart Studies in European Criminal Law

Editors: Katalin Ligeti, Valsamis Mitsilegas and Anne Weyembergh

Works of the highest intellectual rigour from the ECLAN network on European criminal law, justice and policy



The Fight Against Impunity in EU Law

Edited by Luisa Marin, University of Padua & Stefano Montaldo, University of Turin

This timely book is the first comprehensive appraisal of the fight against impunity in the context of European integration.

The first section examines the scope of the notion of impunity, and its role in the EU decision-making process and in the development of EU competences. Subsequent sections discuss the implications of impunity - and of the fight against it - in a variety of complementary domains, namely the allocation of criminal jurisdiction, mutual recognition instruments, the rise of new surveillance technologies and the external dimension of the Area of Freedom, Security and Justice.

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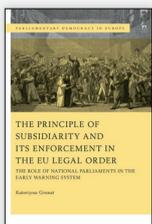


The Legitimacy of EU Criminal Law

Irene Wiecek, University of Durham

This book investigates and critically appraises the European Union's approach to criminalisation. It looks into what justifications for the resort to criminal law are envisaged within the EU legal order. Moreover, it further enquires into whether these choices are consistent with the EU constitutional identity as a 'fundamental rights sensitive' supranational organisation.

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The Principle of Subsidiarity and its Enforcement in the EU Legal Order

The Role of National Parliaments in the Early Warning System

Katarzyna Granat, Durham University

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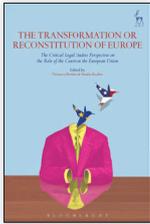


Executive-legislative (Im)balance in the European Union

Edited by Diane Fromage & Anna Herranz-Surrallés, Maastricht University

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The Transformation or Reconstitution of Europe

The Critical Legal Studies Perspective on the Role of the Courts in the European Union

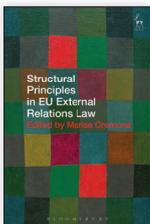
Edited by Tamara Perišin, University of Zagreb & Siniša Rodin, Court of Justice of the European Union

This innovative study seeks to examine the role of the courts in the EU from the American critical legal studies perspective.

The book explores:

- whether and how judges embed policy choices or even ideologies in their decisions
- how the ECJ acts to ensure the legitimacy of its decisions
- the ideology of European integration
- the selection of judges
- rules on internal and external movement, and
- the role of academics in shaping the narratives of EU integration.

June 2020 • 256 pages
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Previously published in HB 9781509907250
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Structural Principles in EU External Relations Law

Edited by Marise Cremona, European University Institute

This book identifies a set of 'structural principles' as a legal norm-category governing EU external relations; it explores the scope, content and function of those principles that may be categorised as structural. With an ambitious scope, and a stellar line-up of experts in the field, the collection offers a truly innovative perspective on the role of law in EU external relations.

June 2020 • 336 pages
PB 9781509939657 • £35.00 / \$48.00
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Humanitarian Admission to Europe

The Law Between Promises and Constraints

Edited by Marie-Claire Foblets, University of Leuven & Luc Leboeuf, Max Planck Institute for Social Anthropology

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June 2020 • 384 pages
HB 9781509939671 • £100.00 / \$135.00
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The Collaborative Economy and EU Law

Vassilis Hatzopoulos, Panteion University of Athens

This book provides a comprehensive overview of the collaborative economy in the context of the EU legal landscape. It analyses the novelties introduced by the collaborative economy and discusses the specific regulatory needs and instruments employed therein, most notably self-regulation.

Further, it aims to elucidate the legal status of the parties involved (traders, consumers, prosumers) in these multi-sided economies, and their respective roles in the provision of services and delves into a sector-specific examination of the relevant EU rules, especially on data protection, competition, consumer protection and labour law.

June 2020 • 320 pages
PB 9781509939619 • £35.00 / \$48.00
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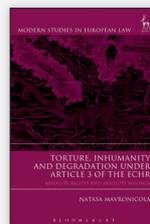
Parliamentary Oversight of the Executives

Tools and Procedures in Europe

Elena Griglio, LUISS University of Rome

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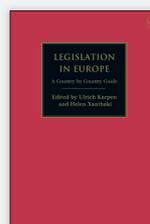
Torture, Inhumanity and Degradation under Article 3 of the ECHR

Absolute Rights and Absolute Wrongs

Natasa Mavronicola, University of Birmingham

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Legislation in Europe

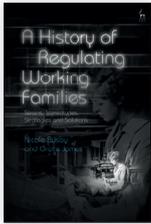
A Country by Country Guide

Edited by Ulrich Karpen, University of Hamburg & Helen Xanthaki, University College London

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October 2020 • 448 pages
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COLLECTIONS



A History of Regulating Working Families

Strains, Stereotypes, Strategies and Solutions

Nicole Busby, University of Glasgow & Grace James, University of Reading

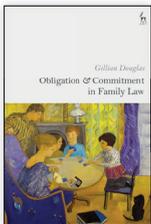
This book critiques how working families in the UK have been subject to regulation. It has two aims:

- To chart the development of the UK's law and policy framework by focusing on the post-war era and the growth and decline of the welfare state, considering a longer historical trajectory where appropriate.
- To suggest an alternative policy approach based on Martha Fineman's vulnerability theory in which the vulnerable subject replaces the liberal subject as the focus of legal intervention. This reorientation enables a more inclusive and cohesive policy approach and has great potential to contribute to the reconciliation of the unresolved conflict between paid work and care-giving.

August 2020 • 184 pages
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NEW IN PB

COLLECTIONS



Obligation and Commitment in Family Law

Gillian Douglas, King's College London

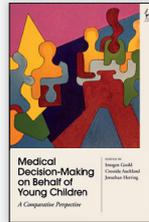
Taking a contextual approach that draws on history, sociology and social policy as well as law and legal theory, this book examines the concept of obligation as it has been developed in family law and the difficulties the law has had in translating

it from a theoretical and ideological concept into the basis of enforceable actions and duties.

The book traces how the notion of commitment is understood and how far it has come to be used as a rationale for imposing the core legal obligations which underpin care and caring within families.

August 2020 • 304 pages
 PB 9781509940288 • £35.00 / \$48.00
 Previously published in HB 9781782258520
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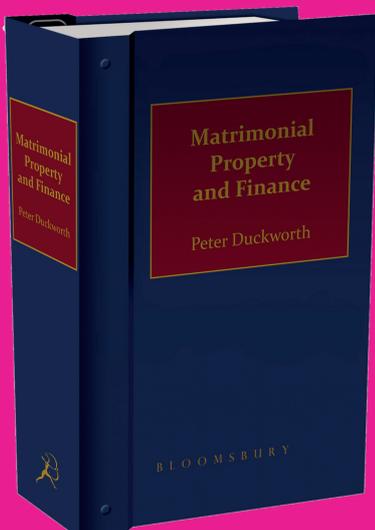
Planning the Future of Cross Border Families

A Path Through Coordination

Edited by Ilaria Viarengo & Francesca C Villata, University of Milan

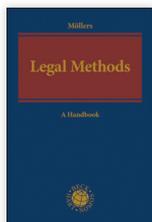
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Legal Methods

Thomas M J Möllers, University of Augsburg

This book provides lawyers with over 100 legal interpretation figures that are used by lawyers worldwide to justify their legal decisions. The book puts lawyers in a position to develop - step by step - a solution for an unsolved legal problem.

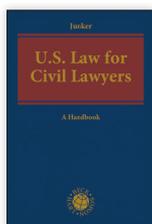
The book covers;

- legal sources
- classic and modern figures of interpretation
- the challenging concretisation and construction of law
- influence of the constitution and European law as a higher-ranking law
- determination of the limits of permissible further development of the law, and
- the hermeneutics of facts.

The book benefits from a combination of classic and modern methodology, numerous examples from literature and jurisprudence and coverage of several cases.

January 2020 • 608 pages
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US Law for Civil Lawyers

A Practical Reference Guide

Kirk W Junker, University of Cologne

This book explains various areas of private, public and criminal practice in the United States, as well as US legal research, to the audience of practising civil lawyers who may interact with US lawyers.

A special feature of the book is that every term of art, regardless of which field of law, is translated into both German and French in accompanying footnotes on each page.

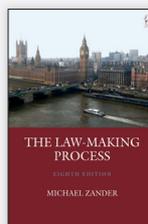
In addition, every chapter includes "Practice Tips," "Checklists for Practice," and illustrative "Examples," each of which is clearly marked in a separate box. Some chapters offer tables, example draft documents and templates to make the book easy to use as a reference book.

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The Law-Making Process

Michael Zander, London School of Economics and Political Science (Emeritus)

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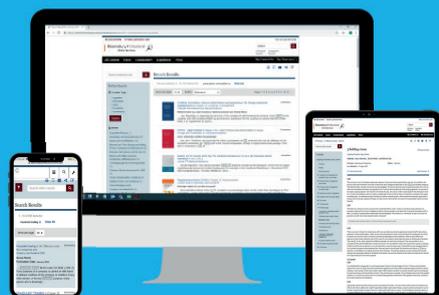
Lord Devlin

Justice John Sackar, Supreme Court of New South Wales

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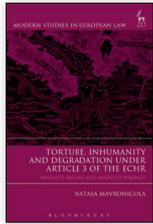
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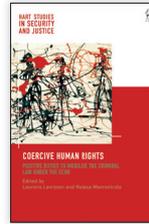
Torture, Inhumanity and Degradation under Article 3 of the ECHR

Absolute Rights and Absolute Wrongs
Natasa Mavronicola, University of Birmingham

This book theorises and concretises the idea of 'absolute rights' in human rights law. It develops a theoretical framework for delimiting absolute rights and examines how the absolute character of the right enshrined in Article 3 of the European Convention on Human Rights (ECHR), which provides that 'no one shall be subjected to torture or to inhuman or degrading treatment or punishment', informs the right's interpretation.

Few legal standards carry as much significance and contestation as this right. It is hoped that this book might contribute fruitfully towards countering attempts to dispute, undermine or circumvent the absolute character of the right, and offer the groundwork for transparently and coherently (re)interpreting the right's substantive contours in line with its absolute character.

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Coercive Human Rights

Positive Duties to Mobilise the Criminal Law under the ECHR

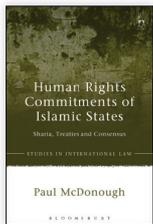
Edited by Laurens Lavrysen, Ghent University & Natasa Mavronicola, University of Birmingham

This collection focuses on the rich jurisprudence of the European Court of Human Rights to explore four interlocking themes surrounding the issue of coercive

human rights:

- (1) Duties to mobilise the criminal law as a means of delivering human rights protection.
- (2) Factors that contribute to a readiness to demand coercive measures, including discrimination and vulnerability.
- (3) The most pressing challenges for the ECtHR's coercive duties doctrine, including:
 - how it relates to theories and rationales of criminalisation and criminal punishment;
 - its implications for the fundamental tenets of human rights law itself; and
 - its relationship to transitional justice objectives.
- (4) The (prospective) evolution of coercive human rights doctrine and its application within national jurisdictions.

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Human Rights Commitments of Islamic States

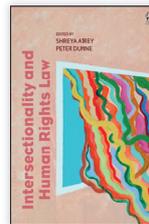
Sharia, Treaties and Consensus
Paul McDonough, European University Institute

This book examines the legal nature of 'an' Islamic state and the human rights it commits to uphold. It offers the first study into Islamic constitutions to map the relationship between Sharia and the state in terms of institutions and an assessment of the place of Sharia in the national legal order.

The book unites three strands of analysis:

- the compatibility of Sharia with the rights enunciated in UN treaties;
- the patterns of adherence of Islamic states to human rights treaties; and
- the compatibility of international Islamic human rights declarations with UN standards.

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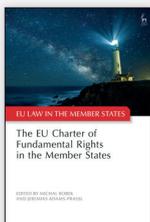
Intersectionality and Human Rights Law

Edited by Shreya Atrey, University of Oxford & Peter Dunne, University of Bristol

This collection of essays explores how the complexity of human identity and disadvantage affects the articulation, realisation, violation and enforcement of human rights. It uses

intersectionality theory as a lens for examining whether the human rights discourse, based on its universal and common values, is equipped to capture and respond to the difference in people's lived experience of rights. In particular, it analyses the experience of those who find themselves at the margins of human rights, eg those who are severally and severely disadvantaged because of their race, religion, gender, age, disability, sexual orientation, class etc.

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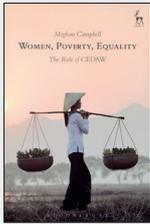


The EU Charter of Fundamental Rights in the Member States

Edited by Michal Bobek, Court of Justice of the European Union & Jeremias Adams-Prassl, University of Oxford

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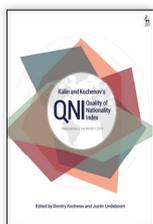
Women, Poverty, Equality

The Role of CEDAW

Meghan Campbell, *University of Birmingham*

This book examines the potential of equality and non-discrimination at international law to redress gender-based poverty. It offers a sophisticated assessment of how the international human rights treaties, specifically the Convention on the Elimination of Discrimination Against Women (CEDAW), which contains no obligations on poverty, can be interpreted and used to address gender-based poverty. The author argues that the CEDAW should serve as an authoritative international standard setting exercise that can activate international accountability mechanisms and inform the domestic interpretation of human rights.

June 2020 • 328 pages
PB 9781509939480 • £30.00 / \$40.00
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Kälin and Kochenov's Quality of Nationality Index

An Objective Ranking of the Nationalities of the World

Edited by *Dimitry Kochenov & Justin Lindeboom, University of Groningen*

This useful book ranks the objective value of all nationalities as legal statuses of attachment to states. Using a wide variety of strictly quantifiable data to gauge the opportunities presented and limitations imposed by nationalities on their holders, the book provides a comprehensive ranking of the intrinsic quality of each citizenship status in the world. Both the internal value (economic opportunities, human development and peace and stability) and the external value (including the number and quality of visa-free travel and, crucially, settlement destinations) of all the nationalities in the world are measured, only to reveal a reality that the quality of nationalities is not correlated with the power and prestige of issuing states.

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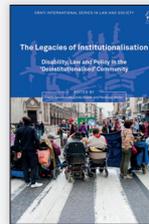


A First Nations Voice in the Australian Constitution

Shireen Morris, *Macquarie Law School*

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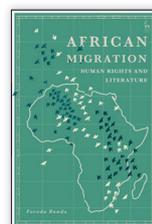
The Legacies of Institutionalisation

Disability, Law and Policy in the 'Deinstitutionalised' Community

Edited by *Claire Spivakovsky, University of Melbourne, Linda Steele, University of Technology Sydney & Penelope Weller, RMIT University*

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African Migration, Human Rights and Literature

Fareda Banda, *SOAS, University of London*

This innovative book looks at the topic of migration through the prism of law and literature. The author uses a rich mix of novels, short stories, literary realism, human rights and comparative literature to explore the experiences of African migrants and asylum seekers.

The book is divided into two. Part one is conceptual and focuses on art activism and the myriad ways in which people have sought to 'write justice.' Part two moves from the general to consider the intersections of gender and status focusing on women, LGBTI individuals and children.

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Humanitarian Admission to Europe

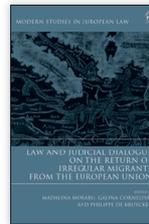
The Law Between Promises and Constraints

Edited by Marie-Claire Foblets, University of Leuven & Luc Leboeuf, Max Planck Institute for Social Anthropology

Bringing together contributions from legal scholars and practitioners, this book contributes to a broader reflection on the extent to which policy controversies on humanitarian admission to Europe are channeled and managed through law.

The book is divided into four parts. The first part identifies the international and European legal obligations that are binding on both the EU and the Member States, and the constraints they impose – potentially and actually – when dealing with migrants who are outside EU territory. The second part studies the legal framework of humanitarian admission in three Member States (Germany, Italy and Belgium), as well as the related procedures and practices. The third part focuses on the experiences of those seeking humanitarian admission, including how they mobilise the law to obtain legal access to Europe. It presents the results of ethnographic fieldwork conducted among refugees in a refugee camp in Uganda who are seeking resettlement, as well as the testimony of the lawyer who defended a Syrian family applying for a humanitarian visa in Belgium in a landmark case that was litigated before the CJEU (*X and Y v Belgium*). The fourth part discusses the prospects for future developments in the EU legal and policy framework, including attempts at reforming the EU Visa Code and establishing a Union resettlement framework.

June 2020 • 384 pages
 HB 9781509939671 • £100.00 / \$135.00
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 World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union

Edited by Madalina Moraru, Masaryk University (Brno), Galina Cornelisse, Vrije Universiteit Amsterdam & Philippe De Bruycker, European University Institute

This book examines the implementation of the Return Directive from the perspective of judicial dialogue. The book brings together leading legal scholars, judges and practitioners to discuss the interaction and dialogue between domestic judiciaries and European courts in the implementation of European return policy.

The book answers questions such as;

- what constitutes inadequate implementation of the Directive and under which conditions can judicial dialogue solve it?
- how can judges ensure that the right balance is struck between effective return procedures and fundamental rights? and
- why do we see different patterns of judicial dialogue in the Member States when it comes to particular questions of return policy, for example regarding the use of detention?

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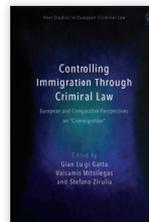


EU Citizenship at the Edges of Freedom of Movement

Katarina Hyllén-Cavallius, Aarhus University

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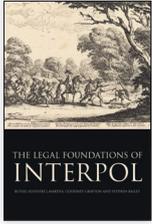
Controlling Immigration Through Criminal Law

European and Comparative Perspectives on "Crimmigration"

Edited by Gian Luigi Gatta, University of Milan, Valsamis Mitsilegas, Queen Mary, University of London & Stefano Zirulia, University of Milan

This book provides a critical analysis of the current trends leading to the criminalisation of irregular migrants, asylum seekers and those who engage in "humanitarian smuggling" and the national and common policies calling for a broader use of criminal law measures and measures alike. It explores the measures used to protect borders and their impact in terms of effectivity and their ability to strike a fair balance between security and the protection of human rights. It draws on the perspective of lawyers and criminologists to give the broadest possible understanding of the issues at play.

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The Legal Foundations of INTERPOL

Rutsel Silvestre J Martha, Lindeborg Counsellors at Law, Courtney Grafton, Twenty Essex & Stephen Bailey, Lindeborg Counsellors at Law

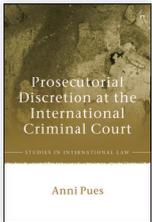
This timely new edition provides a complete update of the internal and external law regulating INTERPOL.

The book examines:

- the legal status of INTERPOL;
- the jurisprudence of the Commission for the Control of INTERPOL's Files;
- the procedures to challenge INTERPOL's interventions (including red notices);
- the assistance that INTERPOL gives to its members in the context of the law of international responsibility; and
- the structure and role of INTERPOL's organs, including the General Secretariat, the Executive Committee and the General Assembly.

Retaining the clarity of expression and expert analysis that were hallmarks of the first edition, this book is required reading for practitioners and scholars alike.

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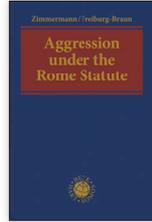
Prosecutorial Discretion at the International Criminal Court

Anni Pues, University of Glasgow

This timely book provides a comprehensive guide to, and rigorous analysis of, prosecutorial discretion at the International Criminal Court. It is the first study to take the reader through all the key stages of the Prosecutor's decision-making

process. Starting from preliminary examinations and the decision to investigate, the book also explores case selection processes and plea agreements, culminating in the question of how to end engagement in specific country situations. With its unique combination of legal theory and specific policy analysis, it addresses broader questions that will be relevant to other international and hybrid criminal courts and tribunals.

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Aggression under the Rome Statute

Edited by Andreas Zimmermann & Elisa Freiburg, University of Potsdam

This book analyses the crime of aggression as covered by the Rome Statute of the International Criminal Court.

Starting from the legal history of its inclusion in 2010, it analyses the relevant articles 8bis, 15bis and 15ter of the Rome Statute and covers;

- the definition of the crime of aggression
- the exercise of jurisdiction over the crime of aggression through State referrals and the proprio motu powers of the ICC Prosecutor, and
- the exercise of jurisdiction over the crime of aggression through UN Security Council referrals.

The book also covers developments on the crime of aggression and the ICC post-2017 and addresses the various challenges towards activating the Court's jurisdiction.

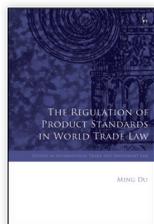
January 2020 • 208 pages
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Studies in International Trade and Investment Law

Editors: *Gabrielle Marceau, Krista Nadakavukaren Schefer, Federico Ortino and Gregory Shaffer*

Original scholarly analysis of emerging and significant issues in international trade and investment law

COLLECTIONS



The Regulation of Product Standards in World Trade Law

Ming Du, Durham University

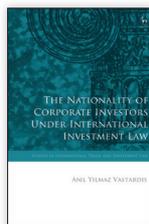
This book has two purposes. The first is to provide a critical analysis of how governmental, private and hybrid product standards are regulated in the GATT/WTO legal framework. The second is to explore the impact that WTO disciplines may have on the composition, function and decision-making process of various standard-setting bodies, through the lens of a series of selected case studies including the EU eco-labelling scheme, ISO standards, and private standards such as the FSC.

The book analyses what role, if any, the WTO may play in making product standards applied in international trade embody not only technological superiority, but also substantive and procedural fairness, such as deliberation, representativeness, openness, transparency, due process and accountability.

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The Nationality of Corporate Investors under International Investment Law

Anil Yilmaz Vastardis, University of Essex

This book analyses corporate nationality under international investment law, covering the ICSID Convention and the investment treaty framework.

The book examines different understandings of corporate personality and nationality under a selection of major jurisdictions and public international law. It also offers an in-depth analysis of approaches found in ICSID arbitral awards and in investment treaty practice, distilling the problematic areas and discussing the impacts of the areas of concern. It evaluates the techniques developed to address problems and puts forward suggestions for effective and balanced solutions to the questions of corporate nationality and personal scope of investment protection.

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4TH EDITION



International Investment Law

Reconciling Policy and Principle

Surya P Subedi QC, University of Leeds

'...This book [...] goes beyond stating what the law is and focuses on controversies occurring within this area of the law... an excellent introduction to this complex area of international law for newcomers to the subject'
 Kate Miles, *Australian International Law Journal*

The updated edition of this acclaimed book offers a critical overview of the law of foreign investment, incorporating a thorough analysis of the principles and standards of treatment available to foreign investors in international law.

It is authoritative and multi-layered, offering an analysis of the key issues and an insightful assessment of recent trends in the case law, from both developed and developing country perspectives.

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The Impact of Investment Treaty Law on Host States

Enabling Good Governance?

Mavluda Sattorova, University of Liverpool

This book unpacks existing assumptions concerning the effects of international investment law on host states. By combining doctrinal, empirical, and comparative analysis and unveiling the emerging 'nationally felt' responses to international investment norms, the book facilitates a more informed understanding of the present contours and the nature of the interplay between international investment norms and national realities.

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 ePdf 9781509901975 • £27.00 / \$34.48
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Is Law Computable?

Critical Perspectives on Law and Artificial Intelligence

Edited by Simon Deakin & Christopher Markou, University of Cambridge

What does computable law mean for the autonomy, authority, and legitimacy of the legal system?



These essays, by a group of leading international scholars, address some of the fascinating questions raised by the encroachment of Artificial Intelligence (AI) into aspects of legal process, administration, and culture. Weighing near-term benefits against the longer-term, and potentially path-dependent, implications of replacing human legal authority with computational systems, this volume pushes back against the more uncritical accounts of AI in law and the eagerness of scholars, governments, and LegalTech developers, to overlook the more fundamental - and perhaps 'bigger picture' - ramifications of computable law.

November 2020 • 320 pages
 HB 9781509937066 • £80.00 / \$110.00
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EU Digital Law

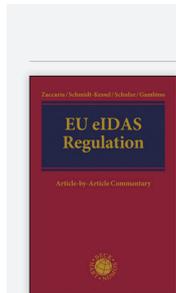
Article-by-Article Commentary

Edited by Reiner Schulze & Dirk Staudenmayer, University of Münster

This Commentary contains an in-depth, article-by-article analysis of core provisions concerning the supply of digital content, from the pre-contractual information duties and cancellation rights to

conformity and portability of digital content. The contributors are legal experts from across the EU. Their comments give not only detailed explanations of the background and purpose of the provisions in order to assist interpretation, but also indicate potential difficulties and solutions in order to ease transposition and implementation of the rules on the supply of digital content. The book is an essential guide for legislators, practitioners and scholars.

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 HB 9781509923595 • £275.00 / \$375.00
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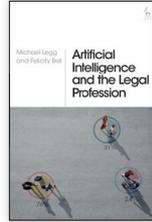
EU eIDAS-Regulation

Article-by-Article Commentary

Edited by Alessio Zaccaria, University of Verona, Martin Schmidt-Kessel, University of Bayreuth, Reiner Schulze, University of Münster & Alberto M Gambino, European University of Rome

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Artificial Intelligence and the Legal Profession

Michael Legg, University of New South Wales & Felicity Bell, University of New South Wales

How are new technologies changing the practice of law?

With examples and explanations drawn from the UK, US, Canada, Australia and other common law countries, as well as from China and Europe, this book considers the opportunities and implications for lawyers as artificial intelligence (AI) becomes commonplace in legal service delivery. It examines what lawyers do in the practice of law and where AI will impact this work. It also explains the important continuing role of the lawyer. It argues that professionalism and legal ethics are a key source of why and how lawyers will continue to be needed in an AI world.

October 2020 • 368 pages
 HB 9781509931811 • £75.00 / \$100.00
 ePub 9781509931828 • £67.50 / \$83.76
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 Hart Publishing



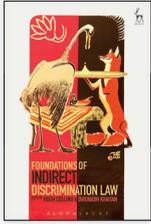
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Pablo Marcello Baquero, HEC Paris Business School

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Foundations of Indirect Discrimination Law

Edited by Hugh Collins & Tarunabh Khaitan, University of Oxford

This book, with contributions by leading scholars of discrimination law from North America and Europe, explores the various facets of the law of indirect discrimination, interrogating its foundations, history,

legitimacy, purpose, structure, and relationship with other legal concepts.

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The Constitution of Social Democracy

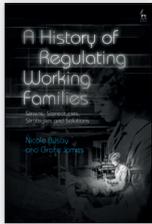
Essays in Honour of Keith Ewing

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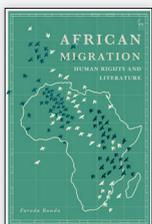
Smart Public Procurement and Labour Standards

Pushing the Discussion after RegioPost

Edited by Albert Sanchez-Graells, University of Bristol

This book assesses the limits that the revised EU rules and the more recent ECJ case law impose on socially-orientated smart procurement and, more generally, critically reflects on potential future developments in this area of intersection of several strands of EU economic law.

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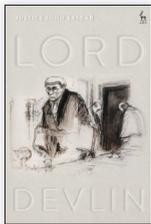


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Fareeda Banda, SOAS, University of London

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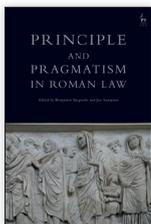
Lord Devlin

Justice John Sackar, Supreme Court of New South Wales

This important book looks at the life, influences and impact of Lord Devlin, a leading lawyer of his generation and one of the most recognised figures in the judiciary, thanks to his role in the John Bodkin Adams trial and the Nyasaland Commission of Inquiry.

Starting with his earliest days as a school boy before moving on to his later years, the author draws a compelling picture of a complex, brilliant man who shaped not just the law, but society more generally, in post-war Britain.

October 2020 • 256 pages
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Principle and Pragmatism in Roman Law

Edited by Benjamin Spagnolo, Trinity College, Cambridge & Joe Sampson, Magdalen College, Oxford

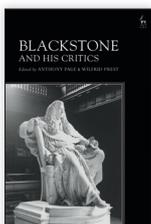
This edited collection presents an interesting and original series of essays on the roles of principle and pragmatism in Roman private law.

The book traverses key areas of Roman law to examine the explanatory power of - and delineate interactions between - abstract, doctrinal principle, and pragmatic, real-world problem-solving.

Essays canvassing sources of law, property, succession, contracts and delicts sketch the varied roles of theoretical narratives - whether internal to Roman doctrine or derived from external influence - and of practical, policy-based solutions in the jurists' thought.

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Blackstone and His Critics

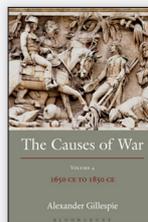
Edited by Anthony Page, University of Tasmania & Wilfrid Prest, University of Adelaide

This collection focuses on Blackstone's critics and detractors. Leading scholars examine the initial reception of the Commentaries in the context of debates over law, religion and politics in eighteenth-century Britain and Ireland.

Having shown Blackstone's volumes to be a contested work of the Enlightenment, the remaining chapters assess critical responses to Blackstone on family law, the status of women and legal education in Britain and America. While Blackstone and his Commentaries have been widely lauded and memorialised in marble, this volume highlights the extent to which they have also attracted censure, controversy and disparagement.

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 PB 9781509940295 • £35.00 / \$48.00
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The Causes of War

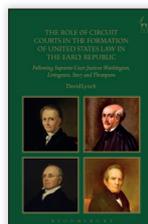
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Alexander Gillespie, University of Waikato

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The Role of Circuit Courts in the Formation of United States Law in the Early Republic

Following Supreme Court Justices Washington, Livingston, Story and Thompson

David Lynch, Liverpool John Moores University

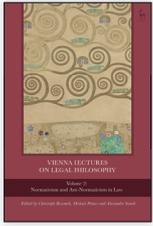
This book highlights the contribution of four Associate Justices (Washington, Livingston, Story and Thompson) as presiding judges of their respective circuit courts during the Marshall era. The author undertook a reading of over 1,800 mainly circuit opinions and over 2,000 original letters, which reveal the sources of law upon which the justices drew and their efforts through correspondence to achieve consistency across the circuits. The documents examined present insights into momentous social, political and economic issues facing the Union and demonstrate how these justices dealt with them.

June 2020 • 256 pages
 PB 9781509939473 • £35.00 / \$48.00
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Vienna Lectures on Legal Philosophy

Editors: Alexander Somek, Christoph Bezemek and Michael Potacs

Fresh perspectives on current themes and leading international thinkers in legal philosophy.



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Normativism and Anti-normativism in Law

Edited by Christoph Bezemek, University of Graz, Michael Potacs, University of Vienna & Alexander Somek, University of Vienna

This second volume in the series presents 11 chapters dedicated to normativist and anti-normativist approaches to law.

The book focuses on the question: What is law? Is it a set of obligations imposed on courts and officials to guide their conduct and to assess the conduct of others? Or is it the result of settlements reached by opposing sides that accept arrangements and understandings to sustain peaceful cooperation?

With contributions from some of the leading scholars in the field, the collection presents a balanced and nuanced assessment of what is perhaps the most controversial debate in contemporary legal philosophy today.

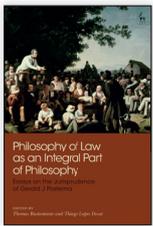
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Philosophy of Law as an Integral Part of Philosophy

Essays on the Jurisprudence of Gerald J Postema

Edited by Thomas Bustamante & Thiago Lopes Decat, Federal University of Minas Gerais

This edited collection includes contributions from expert legal philosophers and considers the work of Gerald J Postema.

The chapters dig deep into important camps of Postema's rich theoretical project including:

- the value of the rule of law;
- the ideal of integrity in adjudication;
- his works on analogical reasoning;
- the methodology of jurisprudence; and
- dialogues with Joseph Raz, Frederick Schauer and HLA Hart.

It includes an original article by Professor Postema, in which he develops his conception of the rule of law and replies to some objections to previous works, and an interview in which he provides a fascinating and unique insight into his philosophy of law.

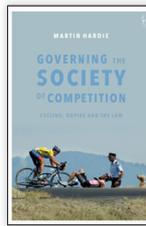
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Governing the Society of Competition

Cycling, Doping and the Law

Martin Hardie, University of Dili, Timor-Leste

This book uses contemporary social theory to consider the manner in which the making and implementation of law and governance is changing in the global context. It explores this through a study of the deployment of the global anti-doping apparatus including the World Anti-Doping Code and its institutions with specific reference to professional cycling, a sport that has been at the forefront of some of the most celebrated doping cases and controversies in recent years. Critically, it argues that the changes to law and governance are not restricted to sport and anti-doping, but are actually inherent to broader processes associated with neoliberalism and social and behavioural surveillance affecting all aspects of society and its political institutions.

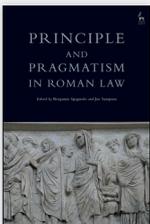
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Edited by Simon Deakin & Christopher Markou, University of Cambridge

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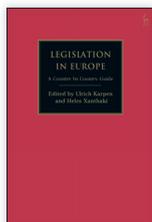
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Legislation in Europe

A Country by Country Guide

Edited by Ulrich Karpen, University of Hamburg & Helen Xanthaki, University College London

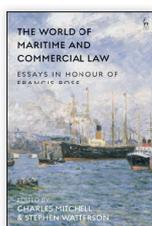
Following on from the first volume, this unique book is the only collection of native analyses of the status of legislation in 30 European jurisdictions plus the EU.

Each chapter, written by a national authority in the legislative field, presents and critically assesses:

- the national constitutional environment and its connection with EU law;
- the nature and types of legislation;
- the legislative process;
- the drafting process;
- jurisprudence conventions; and
- the training of drafters.

The book opens with a comparative chapter on these six themes and an analysis of trends and best practices in Europe.

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The World of Maritime and Commercial Law

Essays in Honour of Francis Rose

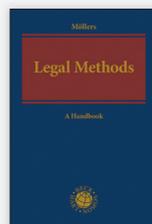
Edited by Charles Mitchell, University College London & Stephen Watterson, University of Cambridge

This collection of 20 essays contains work by legal scholars, practitioners, and judges, all internationally renowned for their expertise in the field.

The book covers a large range of topics including:

- the law governing maritime collisions
- carriage of goods by sea
- marine insurance
- choice of law rules affecting the ownership of ships
- the Privy Council's role in resolving questions of private international law
- the Sale of Goods Act 1979
- the rules of contractual interpretation
- negotiating damages for breach of contract
- the illegality defence to private law claims
- tracing misapplied funds
- the application of private law rules to cryptocurrency disputes, and
- developments in the law of directors' duties.

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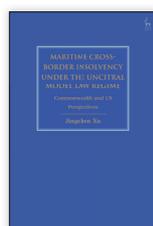


Legal Methods

Thomas M J Möllers, University of Augsburg

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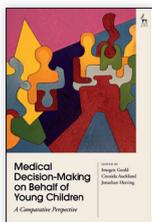


Maritime Cross-Border Insolvency under the UNCITRAL Model Law Regime

Commonwealth and US Perspectives
Jingchen Xu, National University of Singapore

This book considers issues regarding the treatment of maritime creditors in insolvency proceedings, the determination of the "centre of main interest" of an offshore shipping company and the scope of a debtor's assets. The author uses a comparative law analysis, selecting four leading shipping countries – Australia, the UK, the US, and Singapore – and examining their approaches of resolving the conflicts between maritime law and bankruptcy law. The book also proposes a solution to help eliminate the ambiguity that occurred in maritime cross-border insolvency cases under the UNCITRAL Model law regime, with an eye to enhancing the development of the shipping industry.

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Medical Decision-Making on Behalf of Young Children

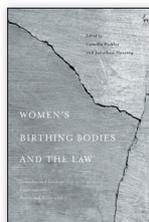
A Comparative Perspective

Edited by Imogen Goold, University of Oxford, Cressida Auckland, London School of Economics and Political Science & Jonathan Herring, University of Oxford

In the wake of the Charlie Gard and Alfie Evans cases, a wide-ranging international conversation was started regarding alternative thresholds for intervention. This interdisciplinary collection provides a comparative perspective on these issues by bringing together analysis from a range of jurisdictions across Europe, North and South America, Africa and Asia.

Contextualising the differences and similarities, and drawing out the cultural and social values that inform the approach in different countries, this volume is highly valuable to scholars across jurisdictions, not only to inform their own local debate on how best to navigate such cases, but also to foster inter-jurisdictional debate on the issues.

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Women's Birthing Bodies and the Law

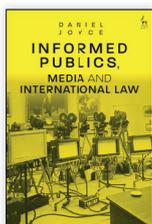
Unauthorised Intimate Examinations, Power and Vulnerability

Edited by Camilla Pickles, Durham University & Jonathan Herring, University of Oxford

This is the first book to unpack the legal and ethical issues surrounding unauthorised intimate examinations during labour. The book uses feminist, socio-legal and philosophical tools to explore the issues of power, vulnerability and autonomy and includes contributions from leading feminist philosophers, healthcare professionals, and academics in healthcare and law.

The collection challenges the perception that the law adequately addresses different manifestations of unauthorised medical touch through the lens of women's experiences of unauthorised vaginal examinations during labour. The book unearths several broader themes that are of huge significance to lawyers and healthcare professionals such as the legal status of women and their bodies.

November 2020 • 216 pages
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 ePub 9781509937592 • £54.00 / \$67.75
 ePdf 9781509937585 • £54.00 / \$67.75
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Informed Publics, Media and International Law

Daniel Joyce, University of New South Wales

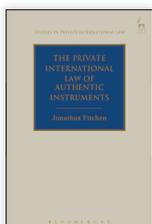
This book considers the significance of informed publics from the perspective of international law. It does so by analysing international media law frameworks and the mediatization of international law in institutional settings. This exposes the complexity of the interrelationship between international law and the media, but also points to the dangers involved in international law's associated and increasing reliance upon the mediated techniques of communicative capitalism – such as publicity – premised upon an informed international public whose existence many now question.

November 2020 • 192 pages
 HB 9781509930418 • £55.00 / \$75.00
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Studies in Private International Law

Editor: Paul Beaumont

Innovative books on the perennial, as well as emerging, problems thrown up by international litigation



The Private International Law of Authentic Instruments

Jonathan Fitchen, University of Aberdeen

This book equips lawyers with the information necessary to understand what a notarial authentic instrument is (and is not) and what it can (or cannot) be used to do in the course of contentious or non-contentious legal proceedings.

The book takes a two-part approach. Part one focuses on an explanation of the nature of the foreign legal concept of an authentic instrument, setting out the modes of creation, typical domestic evidentiary effects and the typical domestic options to challenge such authentic instruments.

Part two then examines and analyses authentic instruments under specific European Union private international law Regulations, focusing on the different cross-border legal effects allowed and procedures that apply to each.

November 2020 • 464 pages
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Planning the Future of Cross Border Families

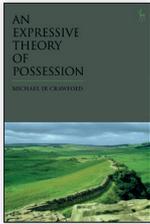
A Path Through Coordination

Edited by Ilaria Viarengo & Francesca C Villata, University of Milan

This book offers an exhaustive overview of the regulatory framework of private international law in family and succession matters. The book addresses current features of the Brussels IIa, Rome III, Maintenance and Succession Regulations, the 2007 Hague Protocol, the 2007 Hague Recovery Convention and new Regulations on Property Regimes.

The contributions are authored by more than 30 experts in cross-border family and succession matters. They introduce social and cultural issues of cross-border families, set up the scope of all EU family and succession regulations, examine rules on jurisdiction, applicable law and recognition and enforcement regimes and focus on the current problems of EU family and succession law.

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 HB 9781509919864 • £170.00 / \$230.00
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 ePdf 9781509919888 • £153.00 / \$189.72
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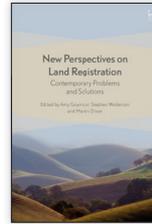
An Expressive Theory of Possession

Michael J R Crawford, *University of New South Wales*

This book challenges the conventional wisdom that possession is an irredeemably ambiguous concept and aims to demonstrate that possession is in fact far simpler than generations of lawyers have been led to believe.

Fusing traditional legal analysis with insights from philosophy and economics, and covering both theoretical and doctrinal problems in property law, the book provides a coherent explanation of possession and its role in law and life.

July 2020 • 232 pages
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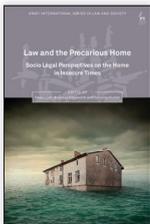
New Perspectives on Land Registration

Contemporary Problems and Solutions
 Edited by Amy Goymour, Stephen Watterson & Martin Dixon, *University of Cambridge*

In this book leading land law scholars, Law Commissioners, judges, and Registry lawyers unpick key technical controversies, and expose underlying theoretical and policy concerns with regards to the Land Registration Act 2002. Core issues addressed in the book include:

- the legitimate ambitions of registration regimes;
- the nature and security of title afforded by registration;
- the resolution of priority disputes affecting registered titles;
- the relationship between the general law and the registration regime; and
- new challenges presented by modern technological developments.

June 2020 • 496 pages
 PB 9781509939534 • £55.00 / \$75.00
 Previously published in HB 9781509906031
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 ePub 9781509906055 • £49.50 / \$61.59
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Law and the Precarious Home

Socio-Legal Perspectives on the Home in Insecure Times

Edited by Helen Carr, *Kent Law School*, Brendan Edgeworth, *University of New South Wales* & Caroline Hunter, *York Law School*

This book explores the emergent and internationally widespread phenomenon of precariousness, specifically in relation to the home. The authors, international leaders in their field, map out the complex reality of the insecure home by examining the many ways in which precariousness is manifested in legal and social change across a number of otherwise very different jurisdictions.

By applying innovative work done by socio-legal scholars in other fields such as labour law and welfare law to the home, the book offers a broader theoretical understanding of contemporary 'precarisation' of law and society.

September 2020 • 360 pages
 PB 9781509941124 • £39.99 / \$54.95
 Previously published in HB 9781509914609
 ePub 9781509914586 • £72.00 / \$89.92
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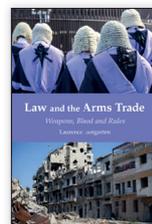
Jus ad Bellum

The Law on Inter-State Use of Force
 Stuart Casey-Maslen, *University of Pretoria*

This work expounds, for those in practice and beyond, the rules of international law governing the inter-state use of force. The book clarifies the law as it stands today, explaining its many complexities and controversies, such as when non-state actors

may be attacked in another state and when consent is validly given to foreign intervention. The interrelationships between jus ad bellum and the law of armed conflict/international humanitarian law, the law of neutrality, and international human rights law are also illuminated, along with important concepts such as the 'responsibility to protect' and humanitarian intervention.

August 2020 • 256 pages
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Law and the Arms Trade

Weapons, Blood and Rules

Laurence Lustgarten, *University of Oxford*

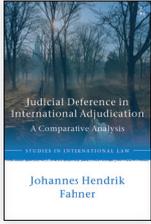
This ground-breaking book offers an extensive legal analysis - grounded in public law, EU, and international law - of arms trade regulation, integrated with insights drawn from international relations.

The book examines the export control regimes of eight leading nations - the USA, Russia, the UK, France, Germany, Sweden, China, and India - with chapters contributed by leading experts in the field of law and international relations.

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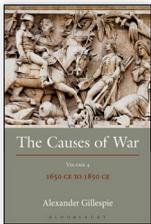
A Comparative Analysis

Johannes Hendrik Fahner, *University of Amsterdam*

Should international adjudicators review decisions de novo or show deference to domestic authorities? This book investigates how various international courts and tribunals have responded to this question and discusses whether different forms of deference are justified in international adjudication.

It proposes a distinction between epistemic deference, which is based on the superior capacity of domestic authorities to make factual and technical assessments, and constitutional deference, which is based on the democratic legitimacy of domestic decision-making. The book concludes that epistemic deference is a prudent acknowledgement of the limited expertise of international adjudicators, whereas the case for constitutional deference depends on the relative power of the reviewing court.

August 2020 • 312 pages
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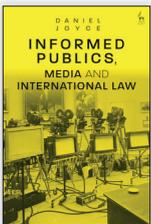
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This series of volumes charts the causes of war from 3000 BCE to the present day. This volume (IV) covers the years 1650 to 1800. Written by a leading international lawyer the books use, as their principal materials, the documentary history of international

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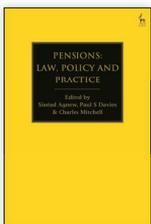


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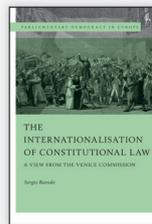
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State pensions are the largest item in the UK social security budget and three-quarters of UK employees are members of a workplace pension scheme. Yet despite their social and economic importance and the fascinating legal issues they generate, pensions have not been the subject of sustained academic attention. That gap is addressed by this important collection which examines various aspects of pensions law, policy and practice, including the regulatory environment, trustees' powers and duties, law and social change, employment, human rights, and succession. By facilitating a dialogue between practitioner and academics, it moves this crucial area of law into the mainstream of legal scholarship.

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Invisible Institutionalisms

Collective Reflections on the Shadows of Legal Globalisation

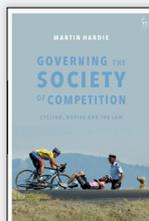
Edited by Swethaa S Ballakrishnen, University of California Irvine & Sara Dezalay, Cardiff University

Taking its cue from theoretical and ideological calls to challenge globalisation as a dynamic of

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Based on empirical studies of “frontier-zones” of legal globalisation in India, Pakistan and Latin America, the book adopts an original format. Framed as a relational dialogue between newer as well as more prominent scholars within the field, from various cores through to postcolonial academic peripheries, it questions structural variables in the shadows of legal globalisation and how scholars build a space for critique.

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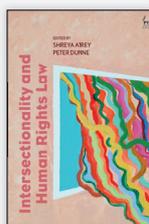
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Intersectionality and Human Rights Law

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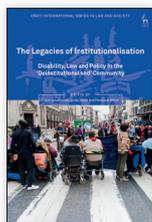
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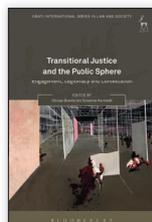
Disability, Law and Policy in the ‘Deinstitutionalised’ Community

Edited by Claire Spivakovsky, University of Melbourne, Linda Steele, University of Technology Sydney & Penelope Weller, RMIT University

This is the first book to examine the legal dynamics of deinstitutionalisation. It considers the extent to which some contemporary laws, policies and practices affecting people with disabilities are moving towards the promised end point of enhanced social and political participation in the community, while others may instead reinstate, continue or legitimate historical practices associated with this population’s institutionalisation.

Bringing together 20 contributors from the UK, Ireland, Canada, Australia, Spain and Indonesia, the book speaks to overarching themes of segregation and inequality, interlocking forms of oppression and rights-based advancements in law, policy and practice.

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Transitional Justice and the Public Sphere

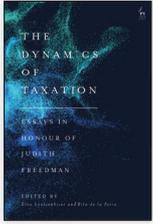
Engagement, Legitimacy and Contestation

Edited by Chrisje Brants, Northumbria University & Susanne Karstedt, Griffith University

This book looks at the question of transparency within the framework of transitional justice. Bringing together scholars from across the disciplinary spectrum, the collection analyses the issue from socio-legal, cultural studies and practitioner perspectives.

Taking a three-part approach, it firstly discusses basic principles guiding justice globally before exploring courts and how they make justice visible. Finally, the collection reviews the interface between law, transitional justice institutions and the public sphere.

March 2020 • 360 pages
 PB 9781509936892 • £35.00 / \$48.00
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The Dynamics of Taxation

Essays in Honour of Judith Freedman

Edited by Glen Loutzenhiser, University of Oxford & Rita de la Feria, University of Leeds

This book brings together a landmark collection of essays on tax law and policy to celebrate the legacy of Professor Judith Freedman. It focuses on the four areas of taxation scholarship to which she made her

most notable contributions:

- taxing small businesses and individuals
- tax avoidance
- corporate tax reform in a domestic, EU and international setting, and
- tax administration.

The strength and diversity of the contributors to this book highlight the breadth of Professor Freedman's impact within tax scholarship. The list encompasses some of the most renowned taxation experts worldwide including lawyers and economists; academics and practitioners; from Britain, Canada, Portugal, Australia, Germany, Italy, Malta, Ireland, and Ukraine.

October 2020 • 304 pages
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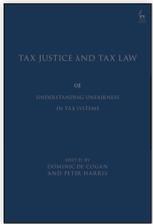
Tax Law, State-Building and the Constitution

Dominic de Cogan, University of Cambridge

This book looks at how tax is intertwined with constitutional law and the state in the UK's history including topics such as;

- tax devolution
 - scrutiny and reform of tax legislation
 - the protection of taxpayers, and
 - the domestic legal processing of international rules and problems.
- The author presents and interrogates five key claims;
- there is an overlap between the concerns of tax and constitutional lawyers
 - the tax system is affected by constitutional change
 - decisions taken in the tax field are likely to have a reverse influence on the constitution
 - these relationships are heavily context-dependent
 - by acknowledging tax as an important part within the constitution we might understand both tax and constitutional law better.

August 2020 • 224 pages
HB 9781509923540 • £60.00 / \$80.00
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Tax Justice and Tax Law

Understanding Unfairness in Tax Systems

Edited by Dominic de Cogan & Peter Harris, University of Cambridge

In this book a stellar cast of contributors from four continents consider a range of different approaches to, and ideas about, the nature of tax justice. The chapters cover areas such as:

- attempts to reform tax policy by technical means through the OECD's Base Erosion and Profits Shifting project and otherwise;
- features of international tax arrangements that influence the level of tax revenues that developing countries can derive from natural resources;
- the evolution of protest movements against governments and large businesses;
- the ways in which tax systems might reinforce the existing disadvantages of women, minorities and the old; and
- the application of wider philosophical and economic theories to tax systems.

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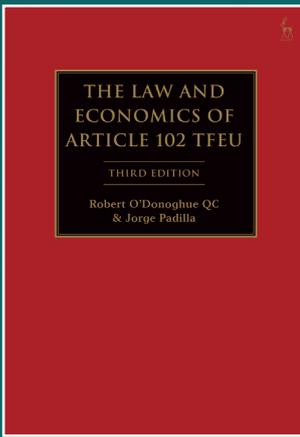
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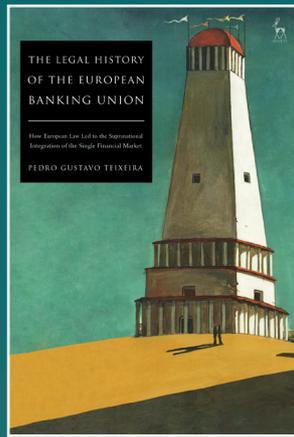
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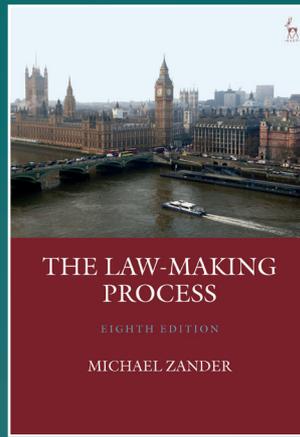
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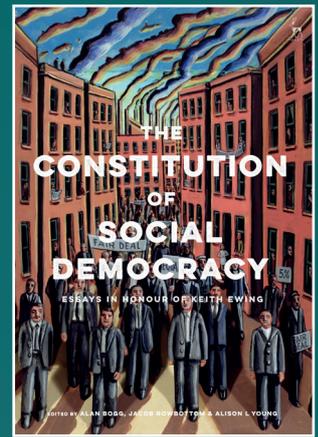
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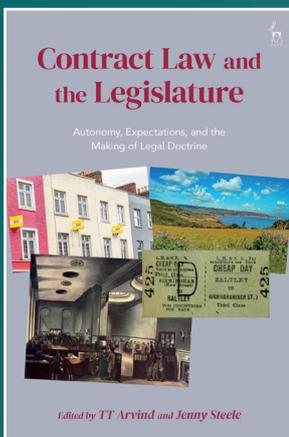
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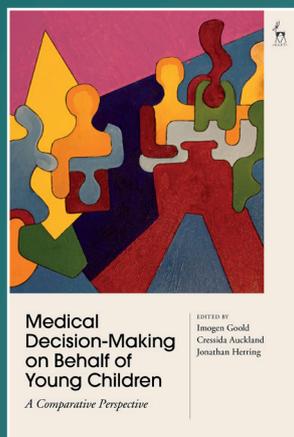
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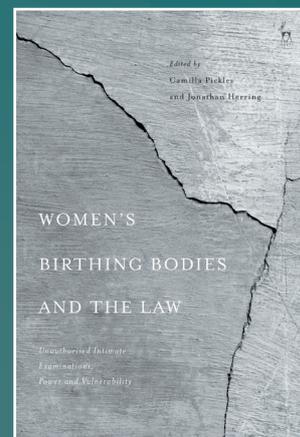
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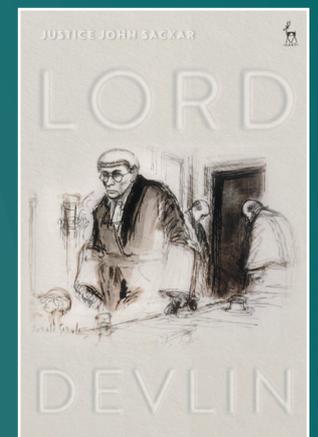
PAGE 11



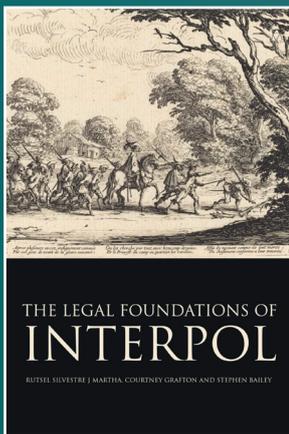
PAGE 32



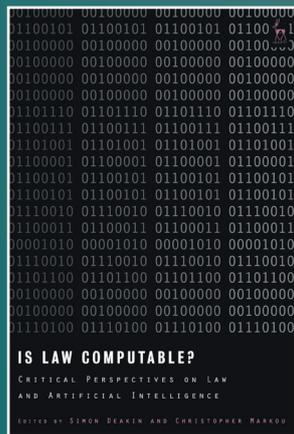
PAGE 32



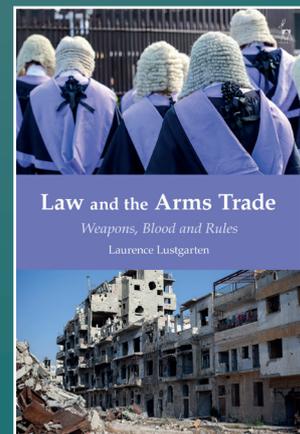
PAGE 29



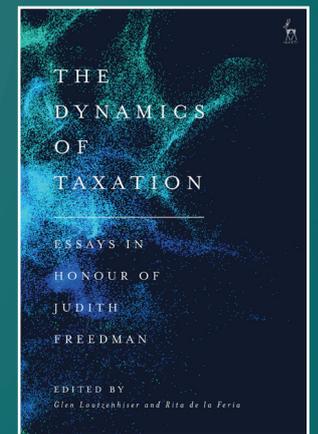
PAGE 25



PAGE 27



PAGE 33



PAGE 36

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