Hart Publishing
Legal Philosophy 2019

Contact Us

Ordering and customer services enquiries

Hart Publishing has 4 distributors worldwide:

UK, EU & Rest of World: Macmillan Distribution Ltd
Cromwell Place, Hampshire International Business Park, Lime Tree Way, Basingstoke, RG24 8YJ, UK
UK +44 (0)1256 302692 / orders@macmillan.co.uk
EU and ROW +44 (0)1256 302890 / exportregion1@macmillan.co.uk

USA: Independent Publishers Group
814 N. Franklin Street, Chicago, IL 60610, USA
+1 800 888 4741 / orders@ipgbook.com

Canada: Pearson Education Canada
Attn: Order Services, 26 Prince Andrew Place, Don Mills, Ontario, M3C 2T8, Canada
+1 800 567 3800 / customerservice.canada@pearsoned.com

Australia: Bloomsbury Publishing Pty Ltd
Level 4, 387 George Street, Sydney, 2000 NSW, Australia
+61 2 8820 4900 / au@bloomsbury.com

Hart Publishing Office

Hart Publishing, Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, UK
Tel: +44 (0)1865 598648 E: mail@hartpub.co.uk

Sign up for Hart Publishing Email alerts!

Hart Publishing offers an email alert service. By signing up to our email list you will be notified about new books in your areas of interest, upon publication. As a member of the email list you will be eligible to receive a 10% discount on all Hart books.

Register through our website: **www.bloomsburyprofessional.com/uk/customer/newsletter**

 @hartpublishing  HartPublishing2  hartpublishing  Hart Publishing

Proposals

We are always happy to discuss new ideas with prospective authors and to read and review manuscripts and book proposals.

For information on the subject areas that we publish in and a detailed explanation of our processes please visit our website: **www.bloomsburyprofessional.com/uk/Hart/Proposals/**

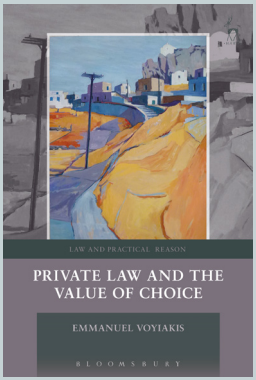
If you have an idea for a book please email one of our publishing team:
Sinéad Moloney sinead@hartpub.co.uk
Roberta Bassi roberta@hartpub.co.uk
Kate Whetter katew@hartpub.co.uk
Rosamund Jubber rosamund@hartpub.co.uk

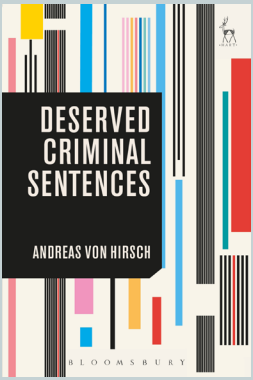
Alternatively, you may write to them at our office address shown above.

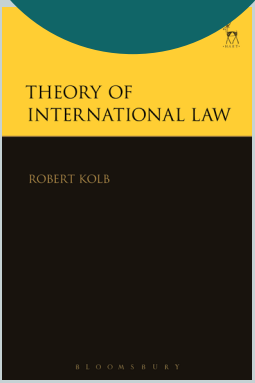
Below is a selection of Legal Philosophy titles that have recently been reprinted in affordable paperback format.

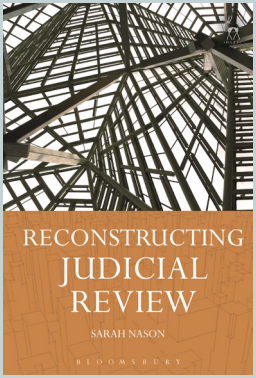
Order your copy today at **www.hartpublishing.co.uk**!

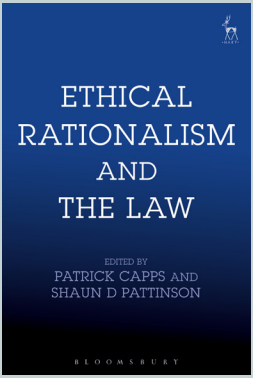
New in paperback titles

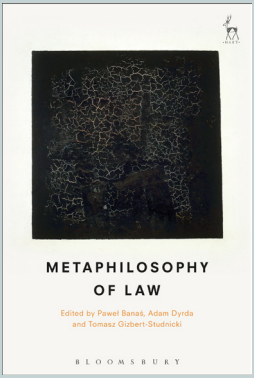


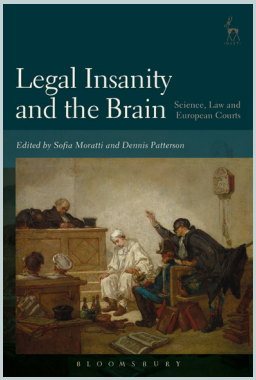


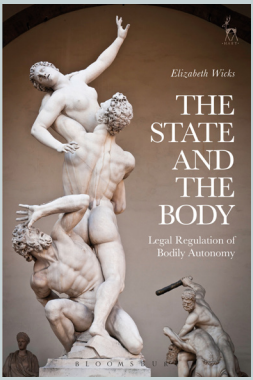


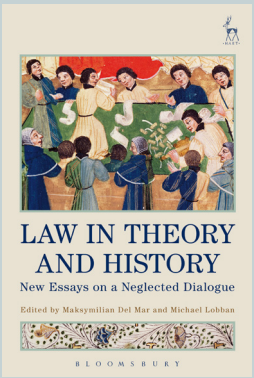












eBooks

Almost all of our books are now available in eBook format - either in Adobe PDF or epub format, or both.
Our website shows which eBook versions we currently have available for any particular book, and also enables customers to purchase these directly.

eBooks for Individuals

Individuals are now able to purchase a selection of our eBooks from the following outlets:

• Hart Publishing Website • Kindle (epub (mobi) only) • Gardners • Google • Nook/Barnes and Noble (epub only) • Apple (epub only) • Kobo (epub only) • Perlego • Texidium • Unizin • Ingram

eBooks for Libraries

Libraries and Institutions can purchase our eBooks in pdf format, either individually or in collections and for perpetual ownership or short-term rental from:

• Dawsonera • EBSCO • IGroup • Proquest (MyiLibrary, EBL, Ebrary) • Baobab • Kortext

Libraries can also purchase our eBooks from
BLOOMSBURY COLLECTIONS

Bloomsbury Collections provide:

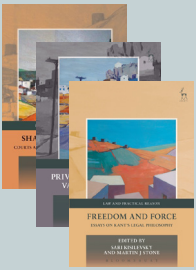
- Instant access to quality research from Bloomsbury's award-winning Academic & Professional division and provides libraries with a flexible way to build eBook collections
- Downloadable and printable chapter PDFs without DRM restriction
- Unlimited access via IP authentication and other access models (eg Athens/Shibboleth)
- MARC records, DOI at book and chapter level and usage stats including COUNTER4

Now available on a title-by-title basis!

LIBRARIANS: TO REGISTER FOR TRIALS, QUOTES AND MORE VISIT
www.bloomsburycollections.com

Collection	No. of titles
Hart Publishing 2014	96
Hart Publishing 2015	87
Hart Publishing 2016	101
Hart Publishing 2017	110
Hart Publishing 2018	108
Hart Publishing 2019	131
CH Beck - Hart - Nomos 2014	4
CH Beck - Hart - Nomos 2015	7
CH Beck - Hart - Nomos 2016	20
CH Beck - Hart - Nomos 2017	1
CH Beck - Hart - Nomos 2018	9
CH Beck - Hart - Nomos 2019	10
Comparative Law & Legal History	47
Competition Law	48
Constitutional & Administrative Law	72
Contract, Tort & Restitution	68
Corporate & Financial Law	30
Criminal Law & Justice	73
Environmental Law	14
European Law	100
Family & Social Law	37
Human Rights Law	51
Intellectual Property Law	21
International Law	111
Labour & Discrimination Law	22
Legal Philosophy	60
Litigation & Civil Procedure	22
Medical Law & Ethics	24
The Law of Property & Trusts	36

Legal Philosophy Series



Law and Practical Reason

General Editor: George Pavlakos

The intention of this series is that it should encompass monographs and collections of essays that address the fundamental issues in legal philosophy. The foci are conceptual and normative in character, not empirical. Studies addressing the idea of law as a species of practical reason are especially welcome. Recognizing that there is no occasion to sharply distinguish analytic and systematic work in the field from historico-critical research, the editors also welcome studies in the history of legal philosophy. Contributions to the series, inevitably crossing disciplinary lines, will be of interest to students and professionals in moral, political, and legal philosophy.

European Academy of Legal Theory Series

General Editors: Mark Van Hoecke and François Ost

This series, published under the auspices of the European Academy of Legal Theory, encompasses original works on legal theory, including the winner of the European Award for Legal Theory. This is an award made biennially to the author of the best European doctoral thesis in the area of legal theory and philosophy of law.

Vienna Lectures on Legal Philosophy

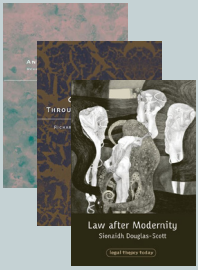
Series Editors: Alexander Somek, Christoph Bezemek and Michael Potacs

The *Vienna Lectures* series showcases the major current themes in legal philosophy, and the leading international thinkers in the discipline. Published bi-annually, and focusing on specific problems and phenomena, the series reflects the richness and diversity of the subject, cutting across subject and intellectual boundaries that sometimes restrict broader philosophical enquiry. In addition the series offers a perspective on legal philosophy from modern day Vienna, reinvigorating the city's rich history in the subject, and providing a new regular international forum for collaboration and discussion.

International Studies in the Theory of Private Law

Series Editors: Hugh Collins, Christian Joerges and Gunther Teubner

This series of books, edited by a distinguished international team of legal scholars, aims to investigate the normative and theoretical foundations of the law governing relations between citizens. The series welcomes a diverse range of theoretical approaches in the examination of these issues including approaches using socio-legal methods, economics, critical theory, systems theory, regulation theory, and moral and political theory.



Legal Theory Today

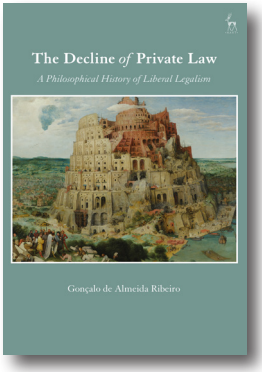
Founding Editor: John Gardner

The aim of this series is to publish concise contemporary studies in legal theory which offer a rigorous and crystal-clear treatment of their subject matter as well as an original point of view, developing and challenging established lines of thought. The series has two objectives: first, to provide an authoritative and vibrant re-evaluation of the state of legal theory today, which will serve in the long term as a reputable scholarly resource; and second, to provide students with a large selection of inexpensive and accessible books appropriate to the wide variety of legal-theory courses and modules now taught in universities.

Osgoode Readers

The *Osgoode Readers* offer interdisciplinary and cosmopolitan treatments of the essential elements of a variety of legal fields. Each chapter in an *Osgoode Reader* takes the form of a critical synthesis providing a succinct, engaging overview and analysis of contemporary issues and problems that are both shaping and being shaped by the law. The core of each *Osgoode Reader* consists of newly written chapters that build on each contributor's recent field-leading work, alongside chapters that are revised versions of recently published articles that have been thoroughly reworked to suit the focus and flow of the reader.

Legal Philosophy Titles (2018-2020)



The Decline of Private Law

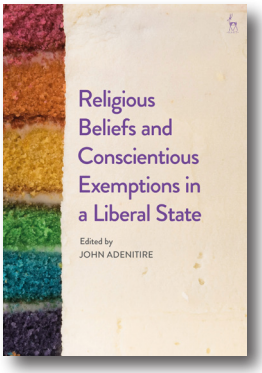
A Philosophical History of Liberal Legalism

Gonçalo de Almeida Ribeiro

This book is a large-scale historical reconstruction of liberal legalism, from its inception in the mid-nineteenth century, the moment in which the jurists forged the alliance between political liberalism and legal expertise embodied in classical private law doctrine, to the contemporary anxiety about the possibility of both a liberal solution to the problem of political justification and of law as a respectable form of expert knowledge. Each stage in the history is a moment of synthesis between a substantive and a methodological idea. The former is the liberal political theory of the period, purporting to provide a solution to the problem of political justification. The latter is a conception of legal method or science, supposedly vindicating the access of the expert to the political choices embodied in the law. Thus, each moment in the history of liberal legalism integrates a political theory with a jurisprudential conception. Although it reaches the unsettling conclusion that liberal legalism has largely failed by its own standards, the book urges us to avoid quietism, scepticism or cynicism, in the hope that a deeper understanding of the fragility of our values and institutions inspires a more thoughtful, broadminded and nurtured citizenship.

Gonçalo de Almeida Ribeiro *is Professor of Law at Universidade Católica Portuguesa and Judge of the Constitutional Court of Portugal.*

May 2019 | 344pp | Hbk | 9781509907908 | RSP: £75



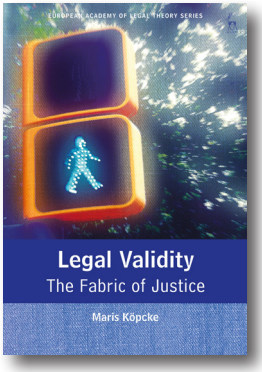
Religious Beliefs and Conscientious Exemptions in a Liberal State

Edited by John Adenitire

The central focus of this edited collection is on the ever-growing practice, in liberal states, to claim exemption from legal duties on the basis of a conscientious objection. Traditional claims have included objections to compulsory military draft and to the provision of abortions. Contemporary claims include objections to anti-discrimination law by providers of public services, such as bakers and B&B hoteliers, who do not want to serve same-sex couples. The book investigates the practice, both traditional and contemporary, from three distinct perspectives: theoretical, doctrinal (with special emphasis on UK, Canadian and US law) and comparative. Cumulatively, the contributors provide a comprehensive set of reflections on how the practice is to be viewed and carried out in the context of a liberal state.

John Adentire *is a PhD candidate in law at the University of Cambridge and a lecturer in law at the University of Birmingham.*

Jun 2019 | 312pp | Hbk | 9781509920938 | RSP: £75



Legal Validity

The Fabric of Justice

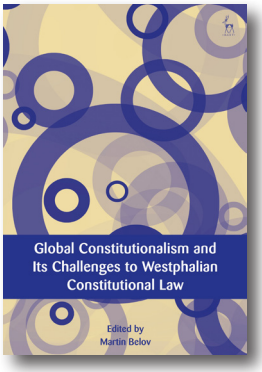
Maris Köpcke

Critical human interests are affected on a daily basis by appeal to past decisions deemed to be 'legally valid'. They include statutes, deportation orders, judgments, mortgage contracts, patents and wills. Through the technique of validity, lawyerly reasoning settles morally pressing matters in a way that largely bypasses moral argument. Legal philosophy has paid considerable attention to validity criteria, but it has neglected to explore validity's point: whether, and if so how, the pervasive technique of validity can contribute to a legal system's ability to realise justice and human rights.

This book shows that validity can help a political community to foster justice precisely because validity does not primarily turn on moral considerations. Validity serves to both allocate, and limit, a distinct kind of power, a power that is key to forging valuable forms of enterprise and commitment in pursuit of individual and collective self-direction. By entrusting the capacity to decide to those who, in justice, ought to bear it, validity can enable persons and institutions to rally the resources and opportunities that only large-scale behavioural convergence can afford, thereby weaving a fabric of just relationships within the systemic framework of law.

Maris Köpcke *is a Research Fellow at the Faculty of Law, University of Oxford, and a Lecturer at the Faculty of Law, University of Barcelona.*

Jan 2019 | 200pp | Hbk | 9781849466868 | RSP: £60



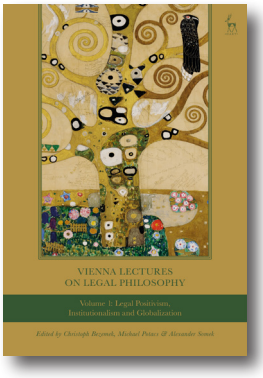
Global Constitutionalism and Its Challenges to Westphalian Constitutional Law

Edited by Martin Belov

Westphalian constitutionalism has shaped our understanding of politics, socio-political institutions and personal and political freedom for centuries. It is historically based in the foundations of Western modernity, such as humanism and rationalism, and is organised around familiar principles of national sovereignty, the rule of law, the separation of powers, and democracy. But since the end of the twentieth century, global constitutionalism has gradually emerged, challenging both the constitutional ideology and the constitutional design of Westphalian constitutional law. 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. This book will be of great interest to scholars of constitutional law and theory, particularly those with an interest in globalisation and supranationalism.

Martin Belov *is Chief Assistant Professor in Constitutional Law at the University of Sofia 'St. Kliment Ohridski', Faculty of Law, Bulgaria.*

May 2018 | 232pp | Hbk | 9781509914883 | RSP: £55



Vienna Lectures on Legal Philosophy, Volume 1

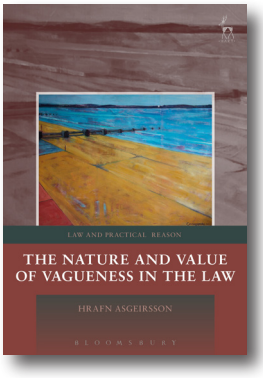
Legal Positivism, Institutionalism and Globalisation

Edited by Christoph Bezemek, Michael Potacs and Alexander Somek

The first volume of the *Vienna Lectures on Legal Philosophy* series illustrates the remarkable scope of contemporary legal philosophy. It introduces methodological questions rooted in national academic discourses, discusses the origin of legal systems, and contrasts constitutionalist and monist approaches to the rule of law with the institutionalist approach most prominently and vigorously defended by Carl Schmitt. The issue at the core of these topics is which of these perspectives is more plausible in an age defined both by a 'postnational constellation' and the re-emergence of nationalist tendencies; an age in which the law increasingly cancels out borders only to see new frontiers erected.

Christoph Bezemek *is Professor of Law at the University of Graz, Austria.* ***Michael Potacs*** *is Professor of Law at the Vienna University of Economics and Business, Austria.* ***Alexander Somek*** *is Professor of Law at the University of Vienna, Austria, and Global Affiliated Professor of Law at the University of Iowa, USA.*

Jun 2018 | 152pp | Hbk | 9781509921713 | RSP: £50



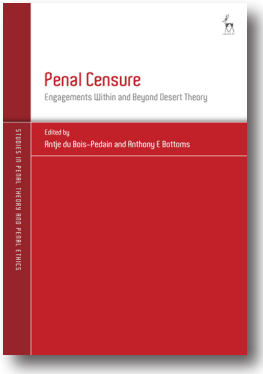
The Nature and Value of Vagueness in the Law

Hrafn Asgeirsson

Lawmaking is - paradigmatically - a type of speech act: people make law by saying things. It is natural to think, therefore, that the content of the law is determined by what lawmakers communicate. However, it is sometimes vague what content they communicate, and even when it is clear, the content itself is sometimes vague. In this monograph, Hrafn Asgeirsson examines the nature and consequences of these two linguistic sources of indeterminacy in the law. The aim is to give plausible answers to three related questions: In virtue of what is the law vague? What might be good about vague law? How should courts resolve cases of vagueness? Asgeirsson argues that vagueness in the law is sometimes a good thing, although its value should not be overestimated. He also proposes a strategy for resolving borderline cases, arguing that textualism and intentionalism - two leading theories of legal interpretation - in a significant sense often complement rather than compete with each other.

Hrafn Asgeirsson *is Postdoctoral Research Fellow at the University of Iceland.*

Feb 2020 | 192pp | Hbk | 9781849466066 | RSP: £63



Penal Censure

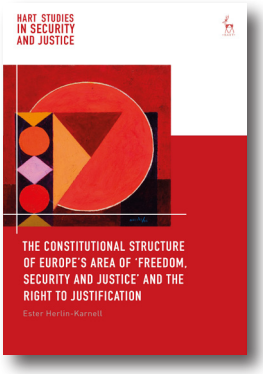
Engagements Within and Beyond Desert Theory

Edited by Antje du Bois-Pedain and Anthony E Bottoms

This exploration of penal censure is inspired by the 40th anniversary of the publication of Andreas von Hirsch's *Doing Justice*, which opened up a fresh set of issues in theorisation about punishment that eventually led von Hirsch to ground his proposed model of desert-based sentencing on the notion of penal censure. Von Hirsch's work thus provides an obvious starting-point for an exploration of the importance of censure for the justification of punishment, both within his theory of just deserts and from the perspectives of other theoretical approaches. It also provides an opportunity for engaging with censure more broadly from philosophical, sociological–anthropological and individual–psychological perspectives. The essays in this collection map the conceptual territory of censure from these different perspectives, address issues for desert theory that arise from fuller understandings of censure, and consider afresh the role of censure within the jurisprudence of punishment. They show that analyses of censure from different vantage points can significantly enrich punishment theory, not least by providing a conceptual basis for perceiving common ground between and thus connecting different strands of penal theory.

Antje du Bois-Pedain *is Reader in Criminal Law and Philosophy at the University of Cambridge, and Fellow of Magdalene College, Cambridge.* ***Anthony E Bottoms*** *is Emeritus Professor at the Institute of Criminology at the University of Cambridge and Life Fellow of Fitzwilliam College, Cambridge.*

Apr 2019 | 328pp | Hbk | 9781509919789 | RSP: £65



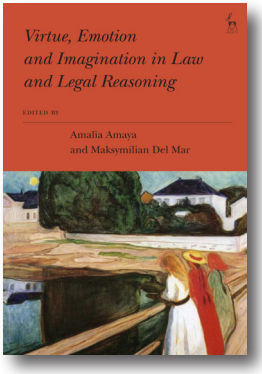
The Constitutional Structure of Europe's Area of 'Freedom, Security and Justice' and the Right to Justification

Ester Herlin-Karnell

This book explores the implications of freedom as a non-domination-oriented view for understanding EU security regulation and its constitutional implications. At a time when the European borders are under pressure and with the refugee and migration crisis, which escalated in 2015, the idea of exploring a constitutional theory for the 'Area of Freedom, Security and Justice' (AFSJ) might seem to be a utopian project. This appears especially true in the light of the increased threat of terrorism in Europe (and on a global scale) and where the expanding EU security agenda is often advanced through the administrative law path, in contrast to the constitutional trajectory. Add to this the prolonged financial crisis, which continues to cast a long shadow on the future development of EU integration, and which suggests that Europe needs to 're-invent itself' beyond the sphere of economics. Therefore, it is precisely because of the current uncertainties regarding the progress of the EU and the constitutional law project that a constitutional take on the AFSJ is of particular importance. The book investigates the meaning of non-domination and the idea of justice and justification in the area of EU security regulation. In doing so, it focuses on the development of an AFSJ, what it means, and why it represents a fascinating example of contemporary constitutional law with interacting layers of security regulation, human rights law and transnational legal theory at its core.

Ester Herlin-Karnell *is Professor in EU Law, University Research Chair of EU Constitutional Law and Justice, and the Director of the VU Centre for European Legal Studies at the Free University of Amsterdam.*

Apr 2019 | 200pp | Hbk | 9781509912490 | RSP: £70



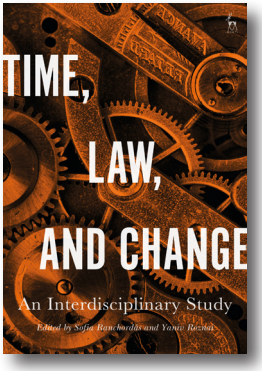
Virtue, Emotion and Imagination in Law and Legal Reasoning

Edited by Amalia Amaya and Maksymilian Del Mar

What is the role and value of virtue, emotion and imagination in law and legal reasoning? These new essays, by leading scholars from both law and philosophy, offer striking and exploratory answers to this neglected question. The collection takes a holistic approach, inquiring as to the connections and relations between virtue, emotion and imagination. In addition to the principal focus on adjudication, essays in the collection also engage with a variety of different legal, political and moral contexts: e.g. criminal law sentencing, the Black Lives Matter movement and professional ethics. A number of different areas of the law are addressed, including criminal law, constitutional law and tort law. Issues explored include: the benefits and limits of empathy in legal reasoning; the role of attention and perception in judicial reasoning, the identification of judicial virtues (such as compassion and humility) and judicial vices (such as callousness and partiality); the values and dangers of certain imaginative devices (e.g. personification); and the interactive and social dimensions of virtue, emotion and imagination.

Amalia Amaya *is Professor of Law at the National Autonomous University of Mexico.* ***Maksymilian Del Mar*** *is Reader in Legal Theory at Queen Mary, University of London.*

Jan 2020 | 240pp | Hbk | 9781509925131 | RSP: £70



Time, Law, and Change

An Interdisciplinary Study

Edited by Sofia Ranchordás and Yaniv Roznai

Offering a unique perspective of an overlooked subject, the relationship between time, change, and lawmaking, this edited collection brings together world-leading experts to consider how time considerations and social, political, and technological change affect the legislative process, the interpretation of laws, and the definition of the powers of the executive and the ability of legal orders to promote innovation.

Divided into four parts, each part considers a different form of interaction between time and lawmaking.

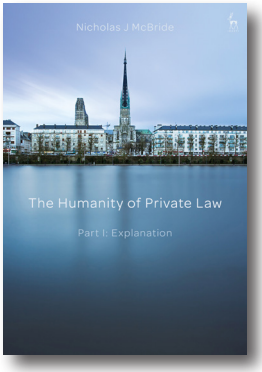
The first part offers both legal, theoretical, and historical perspectives on the influence of time and change on legal interpretation, legislative quality, and constitutional resilience.

The second part offers the reader an analysis of the phenomenon of inter-temporality in the constitutional process as well as a theoretical and empirical reflection upon the meaning of the principle of legal certainty and legitimate expectations.

The third part of the book analyses how specific times shape the law. By 'specific times' the editors wish to refer to situations that put the rule of law or citizens' protection at stake in different ways. The fourth part addresses the complex relationship between technological change and lawmaking.

Sofia Ranchordás *is Chair of European and Comparative Public Law and Rosalind Franklin Fellow at the University of Groningen.* ***Yaniv Roznai*** *is a Senior Lecturer at the Radzyner School of Law, Interdisciplinary Center Herzliya.*

Feb 2020 | 304pp | Hbk | 9781509930937 | RSP: £75



The Humanity of Private Law

Part I: Explanation

Nicholas J McBride

The Humanity of Private Law presents a new way of thinking about English private law. Making a decisive break from earlier views of private law, which saw private law as concerned with wealth-maximisation or preserving relationships of mutual independence between its subjects, the author argues that English private law's core concern is the flourishing of its subjects.

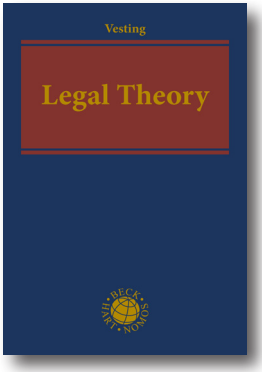
THIS VOLUME
- presents a critique of alternative explanations of private law;
- defines and sets out the key building blocks of private law;
- sets out the vision of human flourishing (the RP) that English private law has in mind in seeking to promote its subjects' flourishing;
- shows how various features of English private law are fine-tuned to ensure that its subjects enjoy a flourishing existence, according to the vision of human flourishing provided by the RP;
- explains how other features of English private law are designed to preserve private law's legitimacy while it pursues its core concern of promoting human flourishing;
- defends the view of English private law presented here against arguments that it does not adequately fit the rules and doctrines of private law, or that it is implausible to think that English private law is concerned with promoting human flourishing.

A follow-up volume will question whether the RP is correct as an account of what human flourishing involves, and consider what private law would look like if it sought to give effect to a more authentic vision of human flourishing.

The Humanity of Private Law is essential reading for students, academics and judges who are interested in understanding private law in common law jurisdictions, and for anyone interested in the nature and significance of human flourishing.

***Nicholas J McBride** is a Fellow of Pembroke College, Cambridge. He was formerly a Fellow of All Souls College, Oxford.*

Dec 2018 | 296pp | Hbk | 9781509911950 | RSP: £80



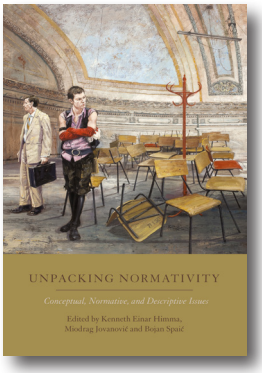
Legal Theory

Thomas Vesting

This new textbook offers an important new guide to legal theory in its contemporary context. It reflects recent jurisprudential debates on what the theory of law should look like in a legal landscape where media and communication play an increasingly central role. Firstly, it offers a guide to the fundamental principles and basic concepts of the theory of law. In so doing, it lays the foundations of the legal theory; the formation of legal systems; and the application of laws. In the second part, these basic theoretical principles are explored through the prism of the contemporary context, with particular emphasis on the impact of communication.

***Thomas Vesting** is a Professor at Goethe-Universität, Frankfurt am Main.*

Jul 2018 | 208pp | Hbk | 9781509923830 | RSP: £95



Unpacking Normativity

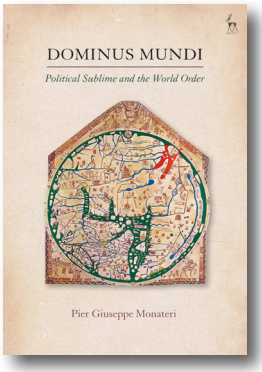
Conceptual, Normative, and Descriptive Issues

Edited by Kenneth Einar Himma, Miodrag Jovanovic and Bojan Spaic

This book provides a new and wide-ranging study of law's normativity, examining conceptual, descriptive and empirical dimensions of this perennial philosophical issue. It also contains essays concerned with, among other issues, the relationship between semantic and legal normativity; methodological concerns pertaining to understanding normativity; normativity and legal interpretation; and normativity as it pertains to transnational law. The contributors come not only from the usual Anglo-American and Western European community of legal theorists, but also from Latin American and Eastern European communities, representing a diversity of perspectives and points of view – including essays from both analytic and continental methodologies. With this range of topics, the book will appeal to scholars in transnational law, legal sociology, normative legal philosophy concerned with problems of state legitimacy and practical rationality, as well as those working in general jurisprudence. It comprises a highly important contribution to the study of law's normativity.

Kenneth Einar Himma *is Continuing Visiting Professor at the Faculty of Law, University of Belgrade.* ***Miodrag Jovanovic*** *is a Full Professor in Jurisprudence at the Faculty of Law, University of Belgrade.* ***Bojan Spaic*** *is an Assistant Professor in General Jurisprudence and Philosophy of Law at the Faculty of Law, University of Belgrade.*

Nov 2018 | 288pp | Hbk | 9781509916245 | RSP: £80



Dominus Mundi

Political Sublime and the World Order

Pier Giuseppe Monateri

This monograph makes a seminal contribution to existing literature on the importance of Roman law in the development of political thought in Europe. In particular it examines the expression 'dominus mundi', following it through the texts of the medieval jurists – the Glossators and Post-Glossators – up to the political thought of Hobbes. Understanding the concept of dominus mundi sheds light on how medieval jurists understood ownership of individual things; it is more complex than it might seem; and this book investigates these complexities. The book also offers important new insights into Thomas Hobbes, especially with regard to the end of dominus mundi and the replacement by Leviathan. Finally, the book has important relevance for contemporary political theory. With fading of political diversity Monateri argues "that the actual setting of globalisation represents the reappearance of the Ghost of the Dominus Mundi, a political refoulé – repressed – a reappearance of its sublime nature, and a struggle to restore its universal legitimacy, and take its place." In making this argument, the book adds an important original vision to current debates in legal and political philosophy.

Pier Giuseppe Monateri *is Professor of Law at the University of Torino. He is a member of the International Academy of Comparative Law (New York), l'Accademia delle Scienze (Bologna) and la Société de Législation Comparée (Paris).*

Sep 2018 | 210pp | Hbk | 9781509911752 | RSP: £60

Peter Häberle on Constitutional Theory

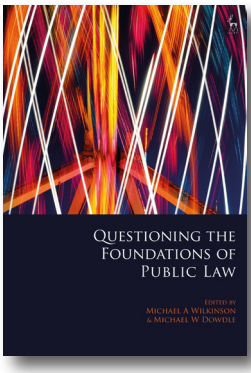
Constitution as Culture and the Open Society of Constitutional Interpreters

Edited by Markus Kotzur

Peter Häberle, one of the most eminent constitutional lawyers in Germany and beyond, has devoted over four decades of academic work to one central idea: that processes of constitutionalisation are cultural processes and their outcome, the constitution, thus qualifies as an emanation of culture itself. This volume introduces six seminal centrepieces of Häberle's constitutional cosmos to an English-speaking audience. His reflections on "Fundamental Rights in the Welfare State" introduced a "flexible dogmatic of human rights" according to which all human rights can be conceived social rights. "The open society of constitutional interpreters" and the classical piece on "Preambles in the text and context of constitutions" revolutionised constitutional interpretation theory. In his article on human dignity, Häberle paved the way for conceptualising this notion as a textual foundation of constitutional Democracies. The last two papers present the rationale for a cultural concept of constitutions and apply to the European plane, too. This book will allow readers to get to know Peter Häberle as a scholar who wants to discover the world beyond positive law.

Markus Kotzur *is Professor of Public International Law and European Law at the University of Hamburg.*

Jul 2018 | 320pp | Hbk | 9781509926299 | RSP: £90



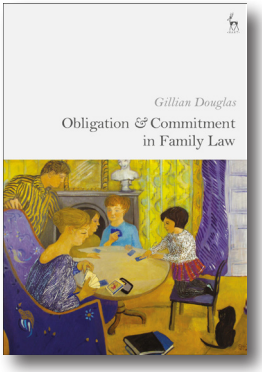
Questioning the Foundations of Public Law

Edited by Michael A Wilkinson and Michael W Dowdle

In 2010, Martin Loughlin, Professor of Public Law at the LSE, published *Foundations of Public Law*, 'an account of the foundation of the discipline of public law with a view to identifying its essential character'. The book has become a landmark in the field, and it has been said, notably by one of its major critics, that it now provides the 'starting point' for any deeper inquiry into the subject. The purpose of this volume is to engage critically with *Foundations* – conceptually, comparatively and historically – from the viewpoints of public law, private law, political, social and legal theory, as well as jurisdictional perspectives including the UK, US, India, and Continental Europe. Scholars 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.

Michael A Wilkinson *is Associate Professor of Law at the London School of Economics and Political Science.* ***Michael W Dowdle*** *is Associate Professor of Law at National University Singapore.*

May 2018 | 320pp | Hbk | 9781509911677 | RSP: £70



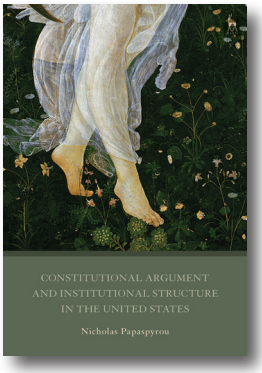
Obligation and Commitment in Family Law

Gillian Douglas

A tension lies at the heart of family law. Expressed in the language of rights and duties, it seeks to impose enforceable obligations on individuals linked to each other by ties that are usually regarded as based on love or blood. 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. Increasingly, the idea of commitment has been offered as the key organising principle for the recognition of family relationships, often as a means of rebutting claims that family ties are becoming attenuated, but the meaning and scope of this concept have not been explored. 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.

Gillian Douglas *is Executive Dean and Professor of Law at The Dickson Poon School of Law, King's College London.*

Apr 2018 | 304pp | Hbk | 9781782258520 | RSP: £65



Constitutional Argument and Institutional Structure in the United States

Nicholas Papaspyrou

US constitutional jurisprudence often conflates two distinct enquiries: how to interpret the Constitution and how to allocate interpretive authority. This book explains the distinct role of judgements about interpretive authority in constitutional practice. It argues that these judgements do not determine what qualifies as good constitutional argument, and cannot substitute for it. Rather, they specify the division of labour between the political branches and the judiciary in forming applicable constitutional determinations.

This explanation of the structure of constitutional reasoning sets the stage for the development of a normative theory about each enquiry. The book advances a theory of substantive constitutional argument. It argues that constitutional interpretation is a special kind of practical reasoning, aiming to construct and specify morally sound accounts of the Constitution and surrounding constitutional practice. Yet, this task is entrusted to a scheme of institutions, as agents of free and equal citizens. The standard of review is an interlocking component of that scheme, regulating the judicial assignment. As such, it should aim to facilitate best performance of the overall interpretive task, so that the judicial process settles on appropriate constitutional determinations; grounded on morally sound reasons that reach all citizens and uphold the fundamental commitments to freedom and equal citizenship.

Nicholas Papaspyrou *is Assistant Professor of Public Law at the University of Athens, Greece.*

Mar 2018 | 304pp | Hbk | 9781509917174 | RSP: £65

Contact Us

Ordering and customer services enquiries

Hart Publishing has 4 distributors worldwide:

UK, EU & Rest of World: Macmillan Distribution Ltd
Cromwell Place, Hampshire International Business Park, Lime Tree Way, Basingstoke, RG24 8YJ, UK
UK +44 (0)1256 302692 / orders@macmillan.co.uk
EU and ROW +44 (0)1256 302890 / exportregion1@macmillan.co.uk

USA: Independent Publishers Group
814 N. Franklin Street, Chicago, IL 60610, USA
+1 800 888 4741 / orders@ipgbook.com

Canada: Pearson Education Canada
Attn: Order Services, 26 Prince Andrew Place, Don Mills, Ontario, M3C 2T8, Canada
+1 800 567 3800 / customerservice.canada@pearsoned.com

Australia: Bloomsbury Publishing Pty Ltd
Level 4, 387 George Street, Sydney, 2000 NSW, Australia
+61 2 8820 4900 / au@bloomsbury.com

Hart Publishing Office

Hart Publishing, Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, UK
Tel: +44 (0)1865 598648 E: mail@hartpub.co.uk

Sign up for Hart Publishing Email alerts!

Hart Publishing offers an email alert service. By signing up to our email list you will be notified about new books in your areas of interest, upon publication. As a member of the email list you will be eligible to receive a 10% discount on all Hart books.

Register through our website: **www.bloomsburyprofessional.com/uk/customer/newsletter**

 @hartpublishing  HartPublishing2  hartpublishing  Hart Publishing

Proposals

We are always happy to discuss new ideas with prospective authors and to read and review manuscripts and book proposals.

For information on the subject areas that we publish in and a detailed explanation of our processes please visit our website: **www.bloomsburyprofessional.com/uk/Hart/Proposals/**

If you have an idea for a book please email one of our publishing team:
Sinéad Moloney sinead@hartpub.co.uk
Roberta Bassi roberta@hartpub.co.uk
Kate Whetter katew@hartpub.co.uk
Rosamund Jubber rosamund@hartpub.co.uk

Alternatively, you may write to them at our office address shown above.