

Hart Publishing

Good Books for Lawyers

January - July
2020



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PUBLISHING

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Welcome to our first ever bi-annual catalogue

This year we mark the coming of spring with our publishing programme for the first half of 2020. Those eagle-eyed readers might notice that titles now appear in different subject categories and new in paperback titles are included in the main catalogue. We would love to hear what you think!

But our catalogue is only as good as our authors who once again this year deliver some truly excellent publications. It is a bumper year for *Studies in Private International Law* with five titles publishing (pg 43). We publish the first volume of the magisterial work *Lawyers in 21st-Century Societies* edited by Richard L Abel, Ole Hammerslev, Hilary Sommerlad and Ulrike Schultz (pg 47). We are delighted to see new editions of classic textbooks such as Andrew Burrows' *A Casebook on Contract* (pg 21) and Louise Gullifer and Jennifer Payne's *Corporate Finance Law* (pg 16).

Finally, congratulations to Loveday Hodson and Troy Lavers and all the contributors to *Feminist Judgments in International Law* which has been awarded the 2020 ASIL Certificate of Merit for a Preeminent Contribution to Creative Scholarship.

Sinéad Moloney

Editorial Director, February 2020



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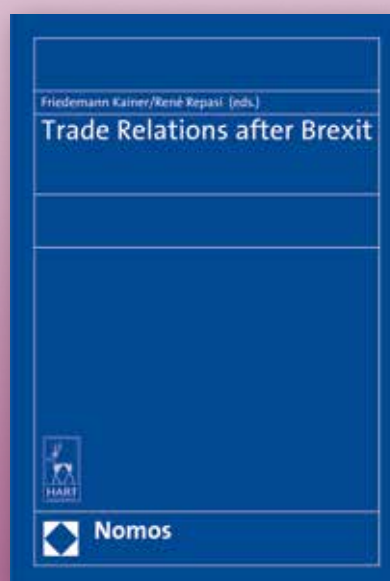
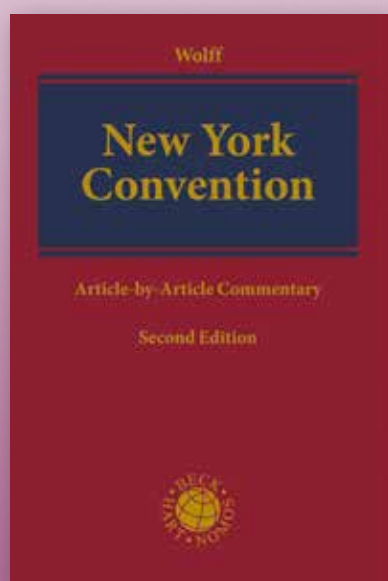
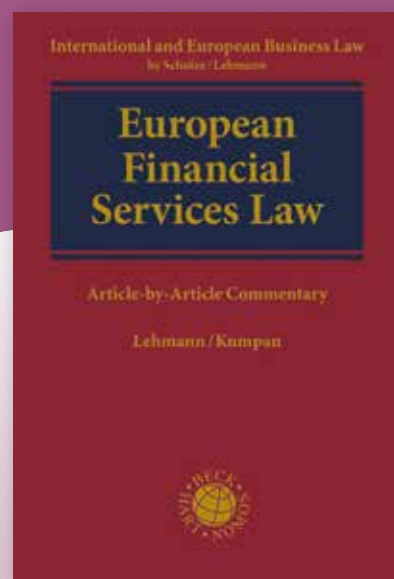
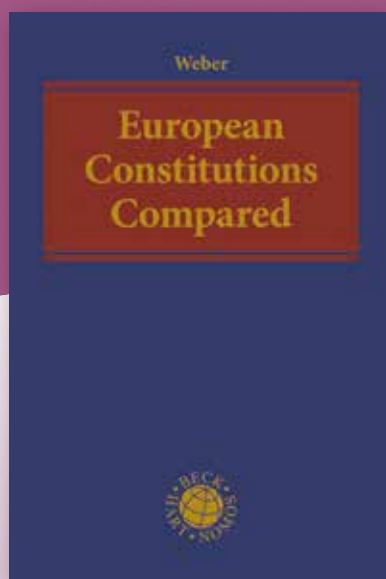
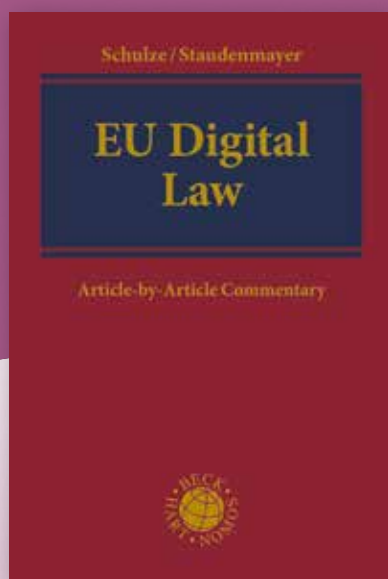
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Sharpen your knowledge of the latest issues in Judicial Review with the help of experts in the field

Delegates to the conference will earn 6 CPD points

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'Very good mix of topics and style of speakers'

'I really enjoy this conference'

'It is the second time I have attended the conference and its quality was excellent again this year. You seem to have a fairly winning formula... '

'Felt lucky to be able to hear some of the accomplished people on the panel! Excellent event.'

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- Professor Steve Peers – Brexit
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Hart Publishing Series



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Series Editor: Paul De Hert

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European Competition Law Annual

Current Editors: Philip Lowe, Mel Marquis and Giorgio Monti

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Finnish Yearbook of International Law

Editor-in-Chief: Tuomas Tiittala

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Series Editors: Katalin Ligeti, Valsamis Mitsilegas and Anne Weyembergh

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Editor: James Goudkamp

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Current Editors: Ben McFarlane and Sinéad Agnew

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Irish Yearbook of International Law

Current Editors: Fiona de Londras and Siobhán Mullally

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Ius Commune Casebooks for the Common Law of Europe

Series Editor: Dimitri Droshout

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Series Editor: Nicholas J McBride

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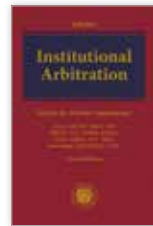

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The General Part

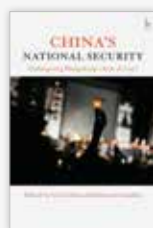
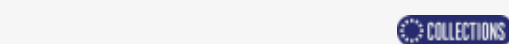
Yuanshi Bu, University of Freiburg

Nowadays, the codification of the entire civil law is rare. Nevertheless, lawmakers have decided to create the first Civil Code of the People's Republic of China. It will comprise of a General Part and separate books covering the law of personality,

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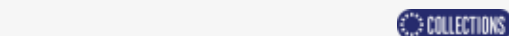
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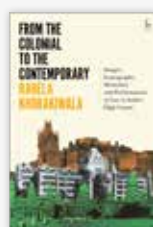
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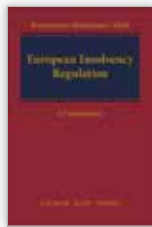
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The Relevant Market in Dynamic Contexts in the EU and the US

Viktoria H S E Robertson, University of Graz

Market definition is coming under attack as an analytical tool, with its feasibility being questioned.

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Fighting Cross-Border Cartels

The Perspective of the Young and Small Competition Authorities

Pierre Horna, United Nations Conference on Trade and Development

This is the first detailed treatment of the approaches taken to enforce competition laws against cross-border cartels (CBCs) from the

perspective of young and small competition authorities.

Clearly structured and extensively referenced, the book analyses the extent of the harms caused by CBCs and issues associated with tackling them at a transnational level. It explains why past solutions have failed and proposes novel ideas on how to improve cooperation and coordination in certain types of CBC investigations. The proposals are based on primary source information and observations made by the author as part of his work in the UN, and interviews with leading enforcers.

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Competition, Effects and Predictability

Rule of Law and the Economic Approach to Competition

Bruce Wardhaugh, University of Manchester

This is the first book to explore the tension between Europe's economic approach, the US's rule of reason, and the rule of law in the legal analysis of competition cases. It shows that fault lines where these tension comes to the fore are most evident when looking at:

- the assumptions in and choice of analytic method;
- the institutional agents driving this effects-based approach and their competency to use and assess the results of the methodology they demand;
- and, the nature and stability of the legal principles used in modern effects-based competition analysis.

Through a forensic examination of these flash points the book forcefully argues that this economic approach to competition law represents a threat to the rule of law. Controversial and thought-provoking, this is an important new contribution to theory of competition law.

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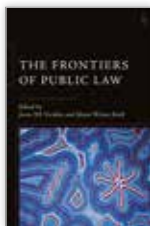
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Kamala Dawar, University of Sussex

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The Frontiers of Public Law

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

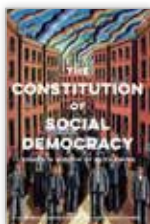
This major collection contains selected papers from the third Public Law Conference, held at the University of Melbourne in 2018.

In common with the books from the previous Public Law Conferences, it offers authoritative insights by leading academics and senior judges from across the common law world into the important issues emerging in public law.

It explores the cutting-edge issues at the intersection of public law and other fields and focuses on four principal frontiers:

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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 in theory and political practice from a variety of comparative, legal, and disciplinary perspectives. This collection could not be more timely in addressing these fundamental constitutional questions at the intersection of law, democracy, and political economy.

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Joanna Bell, University of Oxford

Ambitious and thought-provoking, this book is an important new statement on administrative law.

It considers the nature of administrative law doctrine and adjudication by looking at:

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- the importance of recognising the complexity and variety of administrative law's anatomy in procedural review, legitimate expectations and standing, and
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Revolutionary Constitutionalism

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Edited by Richard Albert, The University of Texas at Austin

This book contains contributions from leading scholars in public law who engage critically with Bruce Ackerman's path-breaking book *Revolutionary Constitutions*. The book also features a rebuttal chapter by Ackerman in which he responds directly to the contributions.

Some contributors advance Ackerman's theory, others attack it, and others refine it - but all agree that the ideas in the book reset the terms of debate on important subjects in constitutionalism: from the promise and perils of populism to the causes and consequences of democratic backsliding, from the optimal models of constitutional design to the forms and limits of constitutional amendment, and from the role of courts in politics to how we identify when the mythical "people" have spoken.

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This book offers the first detailed and comparative analysis of the content and role of common law constitutional rights in judicial decision-making.

There is a developing body of legal reasoning in the United Kingdom Supreme Court that has championed common law constitutional rights. Indeed various members of the senior judiciary have asserted the primary role of common law constitutional rights and critiqued legal arguments based first and foremost on the Human Rights Act 1998.

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Decisions, Division and Diversity

Rachel Cahill-O'Callaghan, University of Cardiff

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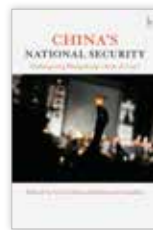
Information Rights

A Practitioner's Guide to Data Protection, Freedom of Information and other Information Rights

Philip Coppel QC, Cornerstone Barristers, London

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Endangering Hong Kong's Rule of Law?

Edited by Cora Chan, University of Hong Kong & Fiona de Londras, University of Birmingham

This timely and important book explores the risks of introducing national security legislation in Hong Kong and considers Hong Kong's sources of resilience against encroachments on its rule of law that may come under the guise of national security.

World-renowned scholars in comparative public law and national security law present both scholarly and practical perspectives on how Hong Kong may succeed in resisting pressure to advance China's security interests through repressive law. The book considers what may be needed to maintain its rule of law once China's 50-year commitment to Hong Kong's autonomy ends in 2047.

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CONSTITUTIONAL AND ADMINISTRATIVE LAW



Lawmaking in Multi-level Settings

Legislative Challenges in Federal Systems and the European Union

Edited by Patricia Popelier, University of Antwerp, Helen Xanthaki, University of London, William Robinson, Institute of Advanced Legal Studies, London, João Tiago Silveira, University of Lisbon & Felix Uhlmann, University of Zurich

Lawmaking is challenging enough in a national setting but even more complex in multi-level settings. Laws must respect the autonomy of the component units, yet be effective and coherent. In a multi-level setting, lawmakers must implement a legislative framework for laws drawn up at a central level. The challenges faced in so doing are explored in this important collection. Covering all multi-tiered systems, it pays particular attention to the EU, where tensions between autonomy and efficacy are most evident. With experts from various fields in both the academic and practitioner sphere, it gives the broadest perspective to this complex area of lawmaking.

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Constitutional Bricolage

Thailand's Sacred Monarchy vs The Rule of Law

Eugénie Mérieau, Harvard Law School

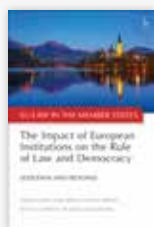
Exploring the unique constitutional model in operation in Thailand, this book provides a comprehensive and critical account of the Thai 'mixed constitutional monarchy' from its origins to the present day.

the present day.

It investigates the hybridised semi-authoritarian, semi-liberal monarchy that exists in Thailand and considers the institutionalised nature of the Thai monarchy by studying its constitutional texts in light of local doctrine.

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Individual eBook 9781509927708 • £70.20 / \$77.14
Library eBook 9781509927715
Series: Constitutionalism in Asia • Hart Publishing



The Impact of European Institutions on the Rule of Law and Democracy

Slovenia and Beyond

Matej Avbelj, New University, Slovenia & Jernej Letnar Cernic, New University, Slovenia

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European Constitutions Compared

Albrecht Weber, University of Osnabruck

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May 2019 • 224 pages
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Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Judicial Review of Immigration Detention in the UK, US and EU

From Principles to Practice

Justine N Stefanelli, American Society of International Law

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January 2020 • 248 pages
HB 9781509930456 • £75 / \$100
Hart Publishing

CONSUMER LAW

 COLLECTIONS



Access to Justice for the Chinese Consumer

Handling Consumer Disputes in Contemporary China

Ling Zhou, Chinese University of Hong Kong

This book offers a socio-legal exploration of the local organisation of consumer complaint processing and dispute resolution in the People's Republic of China – now the second largest consumer market in the world – and how the consumer, both ordinary and 'professional', experiences the local system.

Drawing on detailed analysis of an impressive amount of empirical data, this book highlights local Chinese understandings and practice styles of 'mediation'. By illustrating the processes available at the local level giving access to justice for aggrieved consumers, this innovative book provides a unique contribution to comparative consumer law studies in Asia and elsewhere.

April 2020 • 176 pages
HB 9781509931057 • £55 / \$75
Individual eBook 9781509931071 • £59.40 / \$65.19
Library eBook 9781509931064
Series: Civil Justice Systems • Hart/Beck
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

 NEW IN PB

 COLLECTIONS



Consumer Vulnerability and Welfare in Mortgage Contracts

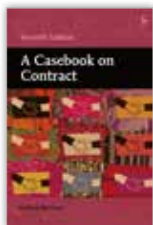
Irina Domurath, University of Amsterdam

March 2020 • 224 pages
PB 9781509936939 • £30 / \$40
Hart Publishing

CONTRACT, TORT AND RESTITUTION LAW

 TEXTBOOK

 NEW EDITION



A Casebook on Contract

Andrew Burrows, University of Oxford

This is the seventh, fully updated, edition of Professor Burrows' casebook, offering law students the ideal way to discover and understand contract law through reading highlights from the leading cases.

The book covers the undergraduate contract law course in a series of clearly presented and carefully structured chapters. The author provides an expert introduction to each topic and his succinct notes and questions seek to guide students to a proper understanding of the cases. The relevant statutes are also set out along with a principled analysis of them.

In addition to cross-references to further discussion in the leading textbooks, an innovative feature is the summary of leading academic articles.

June 2020 • 992 pages
PB 9781509936144 • £36.99 / \$49.95
Individual eBook 9781509936151 • £39.95 / \$43.46
Library eBook 9781509936168
Hart Publishing

 COLLECTIONS



The Humanity of Private Law

Part II: Evaluation

Nicholas J McBride, University of Cambridge

This radical and prophetic sequel to Part I of *The Humanity of Private Law*:

- criticises the vision of human flourishing that currently underlies English private law;

- argues that human flourishing involves seeking to lead a truthful life;

- explores the implications of this alternative account of human flourishing for the way private law: (i) deals with fraud; (ii) safeguards people's freedom of speech and attention capacities; (iii) protects people from hateful and degrading treatment; and (iv) enables people to make fresh starts in their lives;

- considers whether and when it would be legitimate for the courts to transform English private law in the ways suggested in this book.

May 2020 • 224 pages
HB 9781509911998 • £70 / \$95
Individual eBook 9781509912001 • £75.60 / \$82.58
Library eBook 9781509912018
Hart Publishing

CONTRACT, TORT AND RESTITUTION LAW



The Law of Estoppel

Michael Barnes QC, Wilberforce Chambers

This comprehensive work contains an account of all the forms of estoppel in operation today, including estoppel by record (*res iudicata*), as well as of the associated doctrine of election.

The book covers each form of estoppel to help identify the main elements which have to be proved to establish the estoppel and then goes on to explain each element in detail with its various components. At the end of each chapter a brief summary of the estoppel is included so as to guide readers to any question important in any particular case. The book also covers the developments in the law of estoppel in the last few years.

February 2020 • 984 pages
HB 9781509909384 • £225 / \$305
Individual eBook 9781509909391 • £243 / \$265.14
Library eBook 9781509909407
Hart Publishing



Reconceptualising Strict Liability for the Tort of Another

Christine Beuermann, University of Newcastle

Adopting a novel approach, this book examines how to resolve difficulties experienced by courts in imposing strict liability for the tort of another. Looking beyond the traditional classifications of 'vicarious liability' and 'liability for breach of a

non-delegable duty of care', it explains all instances of strict liability for the tort of another in terms of the various relationships in which the courts impose such liability. It shows there is a unifying feature to these various relationships. That feature is authority. Using this feature, a new expositive framework is constructed within which strict liability for the tort of another is understood.

November 2019 • 240 pages
HB 9781509917532 • £60 / \$80
Individual eBook 9781509917549 • £64.80 / \$70.62
Library eBook 9781509917556
Series: Hart Studies in Private Law • Hart Publishing



Wrongful Enrichment

A Study in Comparative Law and Culture

Nahel Asfour, Tel-Aviv University

January 2020 • 216 pages
PB 9781509935154 • £30 / \$40
Series: International Studies in the Theory of Private Law • Hart Publishing



The Code Napoléon Rewritten

French Contract Law after the 2016 Reforms

Edited by John Cartwright, University of Oxford & Simon Whittaker, University of Oxford

February 2020 • 536 pages
PB 9781509936557 • £45 / \$61
Series: Studies of the Oxford Institute of European and Comparative Law • Hart Publishing



Revolution and Evolution in Private Law

Edited by Sarah Worthington, University of Cambridge, Andrew Robertson, University of Melbourne & Graham Virgo, University of Cambridge

May 2020 • 376 pages
PB 9781509938230 • £40 / \$55
Hart Publishing



The Future of Contract Law in Latin America

The Principles of Latin American Contract Law

Edited by Rodrigo Momberg, University of Valparaíso & Stefan Vogenauer, Max Planck Institute for European Legal History

January 2020 • 352 pages
PB 9781509935147 • £40 / \$55
Series: Studies of the Oxford Institute of European and Comparative Law • Hart Publishing



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 construction 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. This 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.

June 2020 • 256 pages
HB 9781509927579 • £70 / \$95
Individual eBook 9781509927586 • £75.60 / \$82.58
Library eBook 9781509927593
Series: Hart Studies in Private Law • Hart Publishing



Better Regulation in EU Contract Law

The Fitness Check and the New Deal for Consumers

Edited by Esther van Schagen, Utrecht University & Stephen Weatherill, University of Oxford

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December 2019 • 232 pages
HB 9781509928354 • £70 / \$95
Series: Studies of the Oxford Institute of European and Comparative Law • Hart Publishing

CRIMINAL LAW



Accessorial Liability after *Jogee*

Edited by Beatrice Krebs, University of Reading

Hailed as a 'moment of genuine legal history' the judgment in *R v Jogee* [2016] UKSC 8 abolished the head of liability known as parasitic accessory liability and replaced it with (re-stated) principles of assisting and encouraging, fundamentally changing the law of accessibility liability.

This edited collection, with contributions by experts in the field of complicity, examines this ground-breaking case. It looks at subsequent Court of Appeal decisions and cases from other jurisdictions that re-considered their own joint enterprise principles in the wake of *Jogee* and provides solutions to the problems it created for criminal law theory and practice.

January 2020 • 296 pages
HB 9781509918898 • £70 / \$95
Individual eBook 9781509918904 • £75.60 / \$82.58
Library eBook 9781509918881
Hart Publishing



Sentencing Rape

A Comparative Analysis

Graeme Brown, University of Durham

This book presents an in-depth comparative study of sentencing practice for rape in England and Wales, Scotland, Ireland, Canada, New Zealand, and South Africa.

It provides a thorough review of the literature on the physical and psychological effects of rape; the literature on the seriousness of the offence; and the victim's role in sentencing. It also examines recent socio-legal research on technology-facilitated sexual violence and considers the implications for sentencing.

The book critically analyses judicial approaches to rape sentencing and suggests possible reforms to rape sentencing in 'non-guideline' jurisdictions, with the aim of establishing general principles for sentencing rape.

April 2020 • 344 pages
HB 9781509917570 • £75 / \$100
Individual eBook 9781509917587 • £81 / \$89.10
Library eBook 9781509917594
Hart Publishing



The Construction of Guilt in China

An Empirical Account of Routine Chinese Injustice

Yu Mou, SOAS, University of London

This ground-breaking book examines the functional deficiency of the Chinese criminal justice system in preventing innocent individuals from being wrongly accused and convicted. The book draws on insights from the author's own empirical data obtained from systematic observation of the daily routines within Chinese criminal justice institutions.

Set within a broad socio-legal context, the book outlines the strategic interrelationships between key legal actors and the deep-seated legal culture embedded in practice. The author traces criminal case files to expose the deficiency of integrity within the system and the structural injustices that follow.

April 2020 • 280 pages
HB 9781509913022 • £70 / \$95
Individual eBook 9781509913039 • £75.60 / \$82.58
Library eBook 9781509913046
Series: Studies in International and Comparative Criminal Law • Hart Publishing



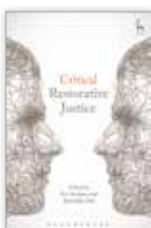
Nationalist Socialist Criminal Law

Continuity and Radicalization

Kai Ambos, Georg-August-University of Göttingen

Building on existing trends, this innovative study interprets Nazi criminal law as a racist, nationalist, and totalitarian construct which naturally developed from the anti-liberal tendencies of the German criminal law of the Weimar Republic. This interpretation is borne out by the systematic analysis of relevant texts. It also shows how the system was received in Latin America, underlining its continuity. This challenges the notion that the criminal law of the Nationalist Socialist regime was unexpected and unrelated to anything that preceded or predated it. It gives an important new perspective to legal historians of one of the darkest historical periods.

November 2019 • 208 pages
HB 9781509936786 • £75 / \$100
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Critical Restorative Justice

Edited by Ivo Aertsen, University of Leuven & Brunilda Pali, University of Leuven

March 2020 • 352 pages
PB 9781509936908 • £35 / \$48
Hart Publishing



The Right to Say No

Marital Rape and Law Reform in Canada, Ghana, Kenya and Malawi

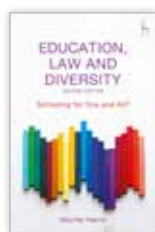
Edited by Melanie Randall, Western University, Jennifer Koshan, University of Calgary & Patricia Nyaundi, Kenya National Commission on Human Rights

February 2020 • 328 pages
PB 9781509936694 • £30 / \$40
Hart Publishing

EDUCATION LAW

 COLLECTIONS

 2ND EDITION



Education, Law and Diversity

Schooling for One and All?

Neville Harris, University of Manchester

This new edition provides an extensively updated critical analysis of how the education system responds to social diversity and how the relevant social and cultural rights of individuals and groups, including children's rights, are affected.

Focusing on the law in England, but with reference to other jurisdictions, it looks at:

- types of school (including faith and selective schools)

- the school curriculum
- choice of school
- the position of religion in schools
- equal access
- out-of-school settings, and
- duties towards children with special needs and disabilities.

The second edition also includes substantial new material on a range of issues, including relationships and sex education, exclusion from school, home education, equality, counter-extremism and academisation.

January 2020 • 616 pages
HB 9781509906703 • £85 / \$115
Individual eBook 9781509906710 • £91.80 / \$99.96
Library eBook 9781509906727
Hart Publishing

ENERGY, ENVIRONMENTAL AND NATURAL RESOURCES LAW

 COLLECTIONS



The Role of Multilateral Environmental Agreements

A Reconciliatory Approach to Environmental Protection in Armed Conflict

Britta Sjøstedt, Lund University

This is the first in-depth scholarly examination of how environmental treaties can apply in wartime to protect the environment. It suggests that - apart from the protection offered under the law of armed conflict - environmental treaties or multilateral agreements (MEAs) can complement and strengthen environmental protection in times of armed conflict. The book analyses the latest developments in the area including a study of the work of the International Law Commission on the topic.

May 2020 • 304 pages
HB 9781509922536 • £80 / \$110
Individual eBook 9781509922543 • £86.40 / \$94.53
Library eBook 9781509922550
Series: Studies in International Law • Hart Publishing

 COLLECTIONS



Irresolute Clay

Shaping the Foundations of Modern Environmental Law

Richard Macrory, Brick Court Chambers

This book provides exclusive insights into the current position of environmental law in the United Kingdom as well as the future challenges faced at this time of profound change. It offers a personal account of the inside stories as experienced by one of the key architects of modern environmental law. Taking a thematic approach it charts the fundamental tenets of the subject (influencing public policy, developing the academic discipline of environmental law, environmental courts and tribunals) from their inception to the present day.

April 2020 • 192 pages
HB 9781509928118 • £25 / \$35
Individual eBook 9781509928125 • £27 / \$30.42
Library eBook 9781509928132
Hart Publishing

 NEW IN PB

 COLLECTIONS



Environmental Crime in Europe

Edited by Andrew Farmer, Institute for European Environmental Policy, Michael Faure, Erasmus University & Grazia Maria Vagliasindi, University of Catania

April 2020 • 392 pages
PB 9781509937455 • £35 / \$48
Series: Modern Studies in European Law • Hart Publishing

EQUITY AND TRUSTS

**Guernsey Trust Law**

Tony Pursall, Mourant Ozannes & Matthew Guthrie

This book is a comprehensive treatise of Guernsey trust law providing answers for practitioners advising on Guernsey trusts and trustees administering them. In particular, it provides a detailed analysis of the provisions of the Trusts (Guernsey) Law 2007 (as amended), a consideration of Guernsey trust cases, relevant case law from Jersey (such as *Alhamrani*), cases from other jurisdictions, and analysis of the legal principles underpinning Guernsey trust law.

March 2020 • 400 pages
HB 9781509919307 • £150 / \$200
Individual eBook 9781509919314 • £162 / \$177.12
Library eBook 9781509919321
Hart Publishing

**The Ownership of Goods and Chattels**

Stephen Hackett, 3 Hare Court

This book provides the first comprehensive and accessible account of the law on acquiring, surrendering and transferring ownership rights in goods and chattels. These are issues that have the potential to present themselves in contentious and non-contentious matters of various kinds, for example in the contexts of testamentary and lifetime gifts and the law of mixtures, finding and bailment. It will therefore be of interest to a broad range of practitioners, as well as academics with an interest in property.

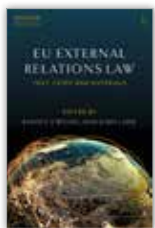
January 2020 • 184 pages
HB 9781782258568 • £40 / \$55
Individual eBook 9781782258575 • £43.20 / \$47.80
Library eBook 9781782258582
Hart Publishing

**Rationalising Constructive Trusts**

Ying Khai Liew, University of Melbourne

January 2020 • 416 pages
PB 9781509935161 • £45 / \$61
Series: Hart Studies in Private Law • Hart Publishing

EUROPEAN LAW

**EU External Relations Law**

Text, Cases and Materials

Ramses A Wessel, University of Groningen & Joris Larik, Leiden University

On publication, this textbook had an immediate impact on teaching in its field. This new, fully updated edition retains the hallmarks of that success: ie its dual perspective, looking at questions from both the EU constitutional and international law perspective. Key policy areas explored include trade, security, environment and justice and home affairs. Taking a 'text, cases and materials' approach, it ensures students gain a meaningful understanding of vital primary documents and milestone cases. The commentary provides interpretative and substantive guidance. Each chapter ends with a 'big picture' discussion, providing coherence to the diverse and complex material and stimulates critical discussion.

April 2020 • 536 pages
PB 9781509926763 • £44.99 / \$60.95
Individual eBook 9781509926756 • £48.58 / \$53.24
Library eBook 9781509926749
Hart Publishing

**The Fundamental Rights of Companies**

EU, US and International Law Compared

Peter J Oliver, Université Libre de Bruxelles and Monckton Chambers

This is the first comprehensive examination of the fundamental rights of companies under EU law and the ECHR. It also contains a detailed comparison with the case law of the US Supreme Court and a chapter devoted to international law. Although no rights are fully entrenched in English law, it serves as a major point of reference on numerous issues (eg the 'Gay Cake' case). Case law covering all the principle substantive rights (eg speech, property, privacy, procedural rights in competition cases) is examined in great depth. The author contends that companies must enjoy some fundamental rights, but highlights the grave consequences of granting them excessive rights. On this pressing but overlooked issue, he proposes a middle course.

July 2020 • 208 pages
HB 9781841136899 • £63 / \$85
Individual eBook 9781509901371 • £68.04 / \$74.97
Library eBook 9781509901364
Hart Publishing

EUROPEAN LAW



European Court Procedure

A Practical Guide

Viktor Luszcz, Previous Référénaire at the General Court of the EU

No lawyer appearing before the EU Courts should be without this magisterial reference. Giving a detailed and practice-oriented overview of the entire litigation procedure before the EU

judiciary, it is required reading. The study includes a discussion of the significant case law developments in wake of recent reforms, explaining the resulting changes in the Courts' practice. It will enable practising lawyers to present their cases effectively, while at the same time offering valuable guidance to national judges dealing with cases raising points of EU law. Moreover, it provides insights into the reasoning process of the EU Courts, which will be of interest to scholars in the field, and is built around a structure that facilitates its use as a teaching material.

June 2020 • 544 pages
HB 9781841130538 • £150 / \$200
Individual eBook 9781782252658 • £162 / \$177.12
Library eBook 9781509900916
Hart Publishing



Trade Relations after Brexit

Edited by Friedemann Kainer, University of Mannheim & René Repasi, European Research Centre for Economic and Financial Governance

The United Kingdom's exit from the EU represents the first large-scale reversal of European integration. It will, in particular, have a transformative impact on trade relations with

the European continent. In this book, both lawyers and economists explore the challenges that arise with respect to the Brexit negotiations. Looking at and beyond the withdrawal agreement to future trade relations between both parties, they lay out a reliable and realistic blueprint for the negotiation process. The expert insights into the legal, economic, and political factors at play make this required reading for all those interested in how Brexit finally concludes.

September 2019 • 415 pages
HB 9781509925513 • £110 / \$150
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Fundamental Rights and Mutual Trust in the Area of Freedom, Security and Justice

A Role for Proportionality?

Ermioni Xanthopoulou, Brunel Law School

This book explores the relationship of mutual trust and fundamental rights in the Area of Freedom,

Security and Justice (AFSJ) of the European Union and asks whether there is any role for proportionality. After thoroughly reviewing the relationship, the book offers a comprehensive framework of proportionality and explores its impact on the protection of fundamental rights in a mutual trust environment. Drawing on case-studies of EU criminal law and asylum law the book offers a carefully constructed analysis with useful parallels for readers.

April 2020 • 224 pages
HB 9781509922253 • £70 / \$95
Individual eBook 9781509922260 • £75.60 / \$82.58
Library eBook 9781509922277
Series: Modern Studies in European Law • Hart Publishing



The Division of Competences between the EU and the Member States

Reflections on the Past, the Present and the Future

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

February 2020 • 360 pages
PB 9781509936540 • £35 / \$48
Series: Modern Studies in European Law • Hart Publishing



The Use of Force and Article 2 of the ECHR in Light of European Conflicts

Hannah Russell, Northern Ireland Human Rights Commission

March 2020 • 304 pages
PB 9781509936915 • £35 / \$48
Series: Modern Studies in European Law • Hart Publishing



The European Union under Transnational Law

A Pluralist Appraisal

Matej Avbelj, New University, Slovenia

May 2020 • 192 pages
PB 9781509938254 • £25 / \$35
Series: Modern Studies in European Law • Hart Publishing

EUROPEAN LAW



The Juridification of Individual Sanctions and the Politics of EU Law

Eva Nanopoulos, Queen Mary University of London

This book sheds light on the constitutive dynamics and causes of developments in the field of sanctions with a focus on the juridification of individual sanctions at the European level.

First the author revisits the phenomenon of individualisation – moving beyond the conventional narrative that individual sanctions emerged because of humanitarian and effectiveness concerns – and situates the ‘smarting’ of sanctions within the context of broader structural transformations characterised by the consolidation of the global neoliberal order.

Second, the book explores why the role of law has been so pronounced in the European context by unearthing the connections between EU law and capitalist order building.

February 2020 • 352 pages
HB 9781509909797 • £80 / \$110
Individual eBook 9781509909803 • £86.40 / \$94.53
Library eBook 9781509909810
Series: Modern Studies in European Law • Hart Publishing



Sixty Years of European Integration and Global Power Shifts

Perceptions, Interactions and Lessons
Edited by Julien Chaisse, City University of Hong Kong

How have sixty years of case law and regulatory activity transformed the European Union and by extension the world?

This book provides the answer by critically analysing the key features of EU integration and how this integration is perceived, both internally and externally. It also explores the EU's interactions with a number of other countries and organisations, charting its role in global governance. This important book holds up a mirror to one of the world's key global powers.

February 2020 • 520 pages
HB 9781509933723 • £85 / \$115
Individual eBook 9781509933730 • £91.80 / \$99.96
Library eBook 9781509933747
Series: Modern Studies in European Law • Hart Publishing



Private Regulation and Enforcement in the EU

Finding the Right Balance from a Citizen's Perspective

Edited by Madeleine de Cock Buning, Utrecht University & Linda Senden, Utrecht University

Can private actors be trusted to regulate and enforce significant aspects of people's daily lives: from environmental and social protection to the areas of food safety, advertisement and financial markets?

This innovative book investigates the trust vested in private actors from the perspective of European citizens. It explores whether private actors live up to citizens' expectations or whether more should be done to safeguard citizens' interests. Several cross-cutting studies across different policy fields explore how private regulation and enforcement is embedded in EU law.

May 2020 • 480 pages
HB 9781509919529 • £95 / \$130
Individual eBook 9781509919536 • £102.60 / \$111.92
Library eBook 9781509919543
Hart Publishing



Questioning EU Citizenship

Judges and the Limits of Free Movement and Solidarity in the EU

Edited by Daniel Thym, University of Konstanz

April 2020 • 344 pages
PB 9781509937516 • £35 / \$48
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Unity in Adversity

EU Citizenship, Social Justice and the Cautionary Tale of the UK

Charlotte O'Brien, University of York

March 2020 • 304 pages
PB 9781509936953 • £30 / \$40
Series: Modern Studies in European Law • Hart Publishing



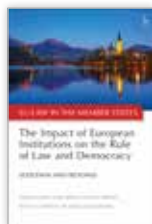
The Rule of Law in the European Union

The Internal Dimension

Theodore Konstadinides, University of Essex

January 2020 • 200 pages
PB 9781509935178 • £25 / \$35
Series: Modern Studies in European Law • Hart Publishing

EUROPEAN LAW



The Impact of European Institutions on the Rule of Law and Democracy

Slovenia and Beyond

Matej Avbelj, New University, Slovenia & Jernej Letnar Cernic, New University, Slovenia

Since 2010 the EU has been plagued by crises of the rule of law and democracy, spreading from Central and Eastern Europe, which have caught many by surprise. This important new work states that this surprise is unjustified. It shows how the perceived success of earlier enlargement was simply that: perceived. Taking Slovenia as their case study, the authors argue that as a Member state, it fares even worse than its contemporary constitutionally-backsliding central European counterparts. On the basis of this more nuanced, legal, economic and sociological approach, a better understanding of the crisis can be gained and more workable solutions prescribed.

April 2020 • 304 pages
HB 9781509915057 • £70 / \$95
Individual eBook 9781509915064 • £75.60 / \$82.58
Library eBook 9781509915040
Series: EU Law in the Member States • Hart Publishing



Better Regulation in EU Contract Law

The Fitness Check and the New Deal for Consumers

Edited by Esther van Schagen, Utrecht University & Stephen Weatherill, University of Oxford

This book is the first critical investigation of EU better regulation from the contract law perspective. The Commission's 'New Deal for EU Consumers' implements both the Better Regulation Guidelines and the combined evaluation of multiple Directives in the form of a 'fitness check'. This allows difficulties and best practices at a national level to be explored as demonstrated by experience with the EU's Unfair Terms Directive. Both the fitness check and the impact assessment should facilitate critical reflection on the design of EU contract law. This book asks questions to assess if, ultimately, the potential of better regulation is being realised.

December 2019 • 232 pages
HB 9781509928354 • £70 / \$95
Individual eBook 9781509928361 • £75.60 / \$82.58
Library eBook 9781509928378
Series: Studies of the Oxford Institute of European and Comparative Law • Hart Publishing



EU Anti-Discrimination Law Beyond Gender

Edited by Uladzislau Belavusau, University of Amsterdam & Kristin Henrard, Erasmus University of Rotterdam

March 2020 • 392 pages
PB 9781509938681 • £30 / \$40
Hart Publishing



Regulating Risks in the European Union

The Co-production of Expert and Executive Power

Edited by Maria Weimer, University of Amsterdam & Anniek de Ruijter, University of Amsterdam

February 2020 • 296 pages
PB 9781509936601 • £30 / \$40
Hart Publishing



Intelligence Law and Policies in Europe

A Handbook

Edited by Jan-Hendrik Dietrich, Federal University of Administrative Science & Satish Sule, European Commission

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January 2020 • 800 pages
HB 9781509926176 • £195 / \$265
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Allocating Authority

Who Should Do What in European and International Law?

Edited by Joana Mendes, University of Luxembourg & Ingo Venzke, University of Amsterdam

May 2020 • 312 pages
PB 9781509938223 • £35 / \$48
Hart Publishing

EUROPEAN LAW



European Insolvency Regulation

A Commentary

Edited by Moritz Brinkmann, University of Bonn

The new European Insolvency Regulation (Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings) heralds significant reform of insolvency law. The central changes include:

its extension to preventive insolvency proceedings; the creation of publicly accessible online insolvency registers; the curtailment of 'forum shopping'; and the facilitation of cross-border coordination. A team of insolvency law professionals (judges, practitioners, and academics) expertly guide the reader through the Regulation article-by-article. Their focus is not just limited to the new provisions, they also examine relevant case law of the European Court of Justice and Member States.

October 2019 • 608 pages
HB 9781509924110 • £200 / \$270
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



European Constitutions Compared

Albrecht Weber, University of Osnabrück

This is one of the most ambitious and authoritative examinations of the institutional setting of European constitutions. It provides a systematic study of constitutional principles and organisation of state powers. A coherent structure organises

the material into the following categories: terminology; notion and functions of constitutions; sources; constituent and amending power; protecting the constitution; directive principles; fundamental principles; division of powers and functions; parliament; heads of state; government and administration; the judiciary. This clear, consistent approach gives shape to a broad-ranging, complex body of law, allowing the reader to navigate it with confidence.

May 2019 • 224 pages
HB 9781509931545 • £130 / \$175
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



The Court of Justice of the European Union

Multidisciplinary Perspectives

Edited by Mattias Derlén, Umeå University & Johan Lindholm, Umeå University

May 2020 • 248 pages
PB 9781509938278 • £30 / \$40
Series: Swedish Studies in European Law • Hart Publishing



The European Union and International Dispute Settlement

Edited by Marise Cremona, European University Institute, Anne Thies, University of Reading & Ramses A Wessel, University of Groningen

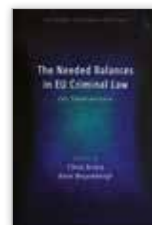
January 2020 • 320 pages
PB 9781509935116 • £35 / \$48
Hart Publishing



The Italian Parliament in the European Union

Edited by Nicola Lupo, LUISS Guido Carli University & Giovanni Piccirilli, LUISS Guido Carli University

February 2020 • 384 pages
PB 9781509936670 • £30 / \$40
Series: Parliamentary Democracy in Europe • Hart Publishing



The Needed Balances in EU Criminal Law

Past, Present and Future

Edited by Chloé Brière, Université Libre de Bruxelles & Anne Weyembergh, Université Libre de Bruxelles

April 2020 • 472 pages
PB 9781509937493 • £45 / \$61
Series: Hart Studies in European Criminal Law • Hart Publishing

FAMILY LAW



A Failure of Proportion

Non-Consensual Adoption in England and Wales

Samantha M Davey, University of Essex

This book focuses on the circumstances in which non-consensual adoption may be regarded as a proportionate measure and when less severe forms of intervention, such as long-term foster

care or kinship care, may also meet children's needs while providing protection to children's rights under the European Convention on Human Rights. The book emphasises the need to scrutinise children's and parents' rights throughout the process, not simply when parents appeal against the making of an adoption order, and to routinely consider key provisions from the United Nations Convention on the Rights of the Child when determining whether an adoption order is a proportionate measure.

June 2020 • 208 pages
HB 9781509929139 • £60 / \$80
Individual eBook 9781509929146 • £64.80 / \$70.62
Library eBook 9781509929153
Hart Publishing



Brussels IIa - Rome III

An Article-by-Article Commentary

Edited by Christoph Althammer, University of Regensburg

[SEE PAGE 44](#)

March 2019 • 464 pages
HB 9781509930883 • £195 / \$265
Beck/Hart

World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Rewriting Children's Rights Judgments

From Academic Vision to New Practice

Edited by Helen Stalford, University of Liverpool, Kathryn Hollingsworth, Newcastle Law School & Stephen Gilmore, King's College London

March 2020 • 616 pages
PB 9781509936885 • £40 / \$55
Hart Publishing

GENDER AND THE LAW

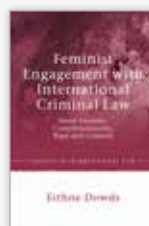


Feminist Judgments of Aotearoa New Zealand

Te Rino: A Two-Stranded Rope

Edited by Elisabeth McDonald, University of Canterbury, Rhonda Powell, University of Canterbury, Mamari Stephens, University of Wellington & Rosemary Hunter, University of Kent

March 2020 • 576 pages
PB 9781509936960 • £45 / \$61
Hart Publishing



Feminist Engagement with International Criminal Law

Norm Transfer, Complementarity, Rape and Consent

Eithne Dowds, Queen's University, Belfast

[SEE PAGE 34](#)

January 2020 • 280 pages
HB 9781509921898 • £70 / \$95
Series: Studies in International Law • Hart Publishing

GENERAL LAW

**US Law for Civil Lawyers**

A Practical Reference Guide

Kirk W Junker, University of Cologne

This book is a must read for civil lawyers requiring an understanding of the US legal system. Each chapter is written by a recognised specialist in their field. As a practitioner's guide, it ensures that that every term of art, regardless of the field of

law, is translated into both German and French. That practical focus continues with practice tips, checklists, and illustrative examples, clearly set out in the text. Tables, example draft documents and templates make the book easy to use as a reference guide. A comprehensive introduction by its the editor gives context and coherence to the study.

January 2020 • 304 pages

HB 9781509936618 • £120 / \$160

Nomos/Hart

World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

**ROSE QC***Hilary Heilbron QC, practising barrister and international arbitrator, London***SEE PAGE 39**

November 2019 • 416 pages

PB 9781509933631 • £12.99 / \$17.95

Hart Publishing

HUMAN RIGHTS

**Human Rights Imperialists**

The Extraterritorial Application of the European Convention on Human Rights

Conall Mallory, Newcastle University

This book explores the challenges posed by the extraterritorial application of the European Convention on Human Rights. It does so by reflecting on how the issue has been approached

by the primary interpreters of the treaty: the Strasbourg Court, state parties and national courts. This is achieved through a detailed engagement with the previous jurisprudence on the Convention's extraterritorial application, and a particular focus on the activities of British authorities and judges during and after the Iraq War (2003). The analysis enables a clear understanding of how the law has developed as well as exploring possible solutions to the challenge.

April 2020 • 242 pages

HB 9781509914739 • £70 / \$95

Individual eBook 9781509914753 • £75.60 / \$82.58

Library eBook 9781509914746

Hart Publishing

**Business and Human Rights**

The Obligations of the European Home States

Dalia Palombo, University of St Gallen

This book argues for a reconfiguration of the relationship between multinational enterprises and individuals, both of which have been profoundly changed by globalisation. It demonstrates that,

under the European Convention on Human Rights, States have extraterritorial obligations to secure the rights of victims vis-à-vis European multinationals. It puts forward an innovative business and human rights litigation strategy that would allow for advocates to file cases against European states at the European Court of Human Rights. The goal is to empower victims from developing countries against European States which are failing to hold multinational enterprises to account for human rights abuses.

February 2020 • 304 pages

HB 9781509928033 • £75 / \$100

Individual eBook 9781509928040 • £81 / \$89.10

Library eBook 9781509928057

Hart Publishing

**Common Law Constitutional Rights***Edited by Mark Elliott, University of Cambridge & Kirsty Hughes, University of Cambridge***SEE PAGE 19**

April 2020 • 352 pages

HB 9781509906864 • £75 / \$100

Hart Publishing

**Protecting Human Rights and Building Peace in Post-Violence Societies***Nasia Hadjigeorgiou, University of Central Lancashire***SEE PAGE 46**

February 2020 • 272 pages

HB 9781509923427 • £70 / \$95

Series: Human Rights Law in Perspective • Hart Publishing

HUMAN RIGHTS



The Human Right to a Dignified Existence in an International Context

Legal and Philosophical Perspectives

Edited by Logi Gunnarsson, University of Potsdam, Ulrike Mürbe, University of Potsdam & Norman Weiß, University of Potsdam

How does the foundational role of human dignity co-exist with more concrete demands of addressing basic human needs such as ending poverty? The expert voices in this collection connect with general philosophical reasoning to answer that question. Their legal and political arguments are based on recent rulings of regional courts and international human rights bodies. Taking the discussion out of the realm of abstract, they not only discuss obligations resulting from human rights, they also ask which institutions or corporations are responsible for their realisation.

July 2019 • 160 pages
HB 9781509934072 • £40 / \$55
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



The Fundamental Rights of Companies

EU, US and International Law Compared

Peter J Oliver, Université Libre de Bruxelles and Monckton Chambers

[SEE PAGE 25](#)

July 2020 • 208 pages
HB 9781841136899 • £63 / \$85
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IMMIGRATION, ASYLUM, REFUGEE AND CITIZENSHIP LAW



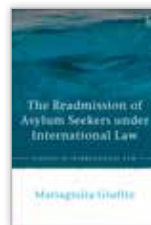
Judicial Review of Immigration Detention in the UK, US and EU

From Principles to Practice

Justine N Stefanelli, American Society of International Law

Immigration detention is considered by many states necessary when implementing immigration policy. Despite its key role, the law on detention is vague, leaving courts adjudicating with scant legal tools at their disposal. This book explores such adjudications in the lower courts of the UK and the US, contrasting them with judgments of the Court of Justice of the European Union. Although using similar tests to establish legality, outcomes significantly differ. A key factor in this divergence is the role that fundamental rights play in each jurisdiction. By evaluating almost 200 judgments, this book compares the laws on detention in three jurisdictions, making recommendations for improvement.

January 2020 • 248 pages
HB 9781509930456 • £75 / \$100
Individual eBook 9781509930463 • £81 / \$89.10
Library eBook 9781509930470
Hart Publishing



The Readmission of Asylum Seekers under International Law

Mariagiulia Giuffrè, Edge Hill University

This timely book explores the extent to which readmission can hamper refugees' access to protection. It looks at the questions which lie at the junction of migration control and refugee law standards. Though it draws mainly on

European law, notably the European Convention of Human Rights, it also examines other international frameworks, including those at the United Nations level and instruments such as the Refugee Convention. It offers an analysis of both the legal and policy questions at play in order to ensure its full engagement with widely-disputed cases concerning readmission agreements, deportation with assurances, and interception at sea.

February 2020 • 408 pages
HB 9781509902491 • £80 / \$110
Individual eBook 9781509902521 • £86.40 / \$94.53
Library eBook 9781509902507
Series: Studies in International Law • Hart Publishing

INTELLECTUAL PROPERTY LAW



Copyright Protection of Unpublished Works in the Common Law World

Patrick Masiyakurima, University of Leicester

Drawing on a rich array of sources, this timely book provides a rigorous analysis of the issues connected with the copyright protection of unpublished works in the common law world, including recent British and Australian attempts at reforming copyright exceptions.

The types of unpublished works analysed include letters, diaries, manuscripts, photographs, memoranda, sketches, private journals, government records and drafts intended for future publication.

This engaging work asks whether copyright in unpublished works is justified, a task which is prosecuted from historical, normative and legal perspectives, and contributes to the understanding of why cumulative protection of unpublished works emerged, and how exceptions to rights in unpublished works evolved.

March 2020 • 240 pages
HB 9781509916962 • £65 / \$90
Individual eBook 9781509916986 • £70.20 / \$77.14
Library eBook 9781509916979
Hart Publishing



Patent Games in the Global South

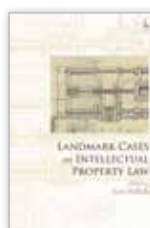
Pharmaceutical Patent Law-Making in Brazil, India and Nigeria

Amaka Vanni, Legal Scholar and Documentary Filmmaker

SEE PAGE 35

February 2020 • 256 pages
HB 9781509927395 • £65 / \$90

Series: Studies in International Trade and Investment Law • Hart Publishing



Landmark Cases in Intellectual Property Law

Edited by Jose Bellido, University of Kent

January 2020 • 416 pages
PB 9781509935109 • £34.99 / \$47.95
Series: Landmark Cases • Hart Publishing

INTERNATIONAL AND COMPARATIVE CRIMINAL LAW

 COLLECTIONS



The Amicus Curiae in International Criminal Justice

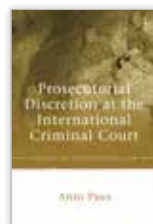
Sarah Williams, University of New South Wales, Hannah Woolaver, University of Cape Town & Emma Palmer, Griffith University

Who can appear as an *amicus curiae* and when can they do so? What functions do – and should – *amici* perform? How do judges decide whether to accept *amicus* submissions? What impact might *amicus* participation have on the efficiency, fair trial rights, judicial decision-making and the legitimacy of an institution?

This book answers these questions with a focus on six international criminal tribunals, particularly the International Criminal Court. The book also draws on comparative analysis from inter-state and human rights tribunals, and key national jurisdictions. The book provides a comprehensive and fresh take on an important mechanism in international criminal justice.

February 2020 • 424 pages
HB 9781509913329 • £80 / \$110
Individual eBook 9781509913336 • £86.40 / \$94.53
Library eBook 9781509913343
Series: Studies in International and Comparative Criminal Law • Hart Publishing

 COLLECTIONS



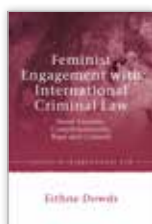
Prosecutorial Discretion at the International Criminal Court

Anni Poes, 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 that takes 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, 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.

June 2020 • 224 pages
HB 9781509928682 • £75 / \$100
Individual eBook 9781509928699 • £81 / \$89.10
Library eBook 9781509928705
Series: Studies in International Law • Hart Publishing

 COLLECTIONS



Feminist Engagement with International Criminal Law

Norm Transfer, Complementarity, Rape and Consent

Eithne Dowds, Queen's University, Belfast

This work develops the feminist strategy of 'norm transfer': ie that feminist informed standards at the international level should move into domestic contexts. Taking the definition of rape at the International Criminal Court (ICC) as a case study, it offers a new perspective on the relationship between consent and coercion. As well as arguing that the definition of rape needs revision, the book goes further by setting out draft legislative amendments to the ICC 'Elements of Crimes' and its Rules of Procedure and Evidence. Moving onto the domestic landscape, it drafts amendments to the United Kingdom (UK) Sexual Offences Act 2003 and to the Youth Justice and Criminal Evidence Act 1999.

January 2020 • 280 pages
HB 9781509921898 • £70 / \$95
Individual eBook 9781509921904 • £75.60 / \$82.58
Library eBook 9781509921911
Series: Studies in International Law • Hart Publishing



Evidence in International Criminal Procedure

A Commentary

Edited by Kai Ambos, Georg-August-University of Göttingen, Alexander Heinze, Georg-August-University of Göttingen & Philipp Ambach, International Criminal Court

This commentary brings together the relevant body of law on evidence at international criminal courts and tribunals and provides both a detailed description and analysis thereof. This includes a critical assessment of differing approaches across the institutions as well as jurisprudential trends and developments. It therefore serves as a comprehensive guide to the law on evidence and international criminal procedures for practitioners and scholars alike.

March 2020 • 800 pages
HB 9781509924134 • £350 / \$475
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

 NEW IN PB  COLLECTIONS



Redefining Organised Crime: A Challenge for the European Union?

Edited by Stefania Carnevale, University of Ferrara, Serena Forlati, University of Ferrara & Orsetta Giolo, University of Ferrara

April 2020 • 408 pages
PB 9781509937691 • £40 / \$55
Series: Hart Studies in European Criminal Law • Hart Publishing

 NEW IN PB  COLLECTIONS



Transitional Justice and the Prosecution of Political Leaders in the Arab Region

A Comparative Study of Egypt, Libya, Tunisia and Yemen

Noha Aboueldahab, Brookings Doha Center

February 2020 • 200 pages
PB 9781509936403 • £25 / \$35
Series: Studies in International and Comparative Criminal Law • Hart Publishing

INTERNATIONAL ECONOMIC AND TRADE LAW



WTO Law and Domestic Regulation

Wolfgang Weiß, *German University of Administrative Sciences Speyer*

Does WTO law impact on domestic autonomy and if so, how? This is the central question explored in this important work. It identifies and analyses the mechanisms in WTO law that interfere with domestic law and act as a restraint on the regulatory autonomy of WTO members. But it goes further than simply identifying a problem; it suggests how WTO law can be conceptualised to enhance the policy space of its members. Demonstrating flexibilities in interpreting and applying WTO principles and exploring interpretive conceptions, it charts a pathway to the greater allocation of policy leeway to WTO members.

January 2020 • 512 pages
HB 9781509937998 • £160 / \$220
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Patent Games in the Global South

Pharmaceutical Patent Law-Making in Brazil, India and Nigeria

Amaka Vanni, *Legal Scholar and Documentary Filmmaker*

Winner of the 2018 SIEL–Hart Prize in International Economic Law

This thought-provoking book takes three examples of emerging markets (Brazil, India, and Nigeria) and tells their stories of pharmaceutical patent law-making.

Adopting historiographical and socio-legal approaches, focus is drawn to the role of history and to how social networks shape the framing of, and subsequently the responses to, national implementation of international patent law.

This book makes an original and useful contribution to the understanding of how both states and non-state actors conceptualise, establish and interpret pharmaceutical patents law, and its domestic implications on medicines access, public health and development.

UK February 2020 • 256 pages
HB 9781509927395 • £65 / \$90
Individual eBook 9781509927418 • £70.20 / \$77.14
Library eBook 9781509927401
Series: Studies in International Trade and Investment Law • Hart Publishing



Public Procurement and Labour Rights

Towards Coherence in International Instruments of Procurement Regulation

Maria Anna Corvaglia, *University of Birmingham*

January 2020 • 296 pages
PB 9781509935185 • £30 / \$40
Series: Studies in International Trade and Investment Law
Hart Publishing



New York Convention

Article-by-Article Commentary

Edited by Reinmar Wolff, *University of Marburg*

[SEE PAGE 13](#)

November 2019 • 752 pages
HB 9781509923854 • £250 / \$340
Beck/Hart

World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Trade Relations after Brexit

Edited by Friedemann Kainer, *University of Mannheim* & René Repasi, *European Research Centre for Economic and Financial Governance*

[SEE PAGE 26](#)

September 2019 • 415 pages
HB 9781509925513 • £110 / \$150
Nomos/Hart

World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

IT AND TECHNOLOGY LAW



Data Protection and Privacy

Data Protection and Democracy

Edited by Dara Hallinan, FIZ Karlsruhe – Leibniz Institute for Information Infrastructure, Ronald Leenes, Tilburg University, Serge Gutwirth, Vrije Universiteit Brussel & Paul De Hert, Vrije Universiteit Brussel

This volume collects a selection of papers presented at the International Conference on Computers, Privacy and Data Protection (2019). The topics explored are more relevant than ever, especially in light of the raft of electoral scandals concerning voter profiling. These include: the substance and essence of the right to data protection; public registers and data protection; modelling and verification in data protection impact assessments; and the protection of children's digital rights in the GDPR.

Discussing open issues as well as daring approaches, this book will serve as an insightful resource at a time when the scale and impact of data processing on society is becoming ever starker.

January 2020 • 336 pages
HB 9781509932740 • £50 / \$68
Individual eBook 9781509932764 • £54 / \$59.76
Library eBook 9781509932757
Series: Computers, Privacy and Data Protection • Hart Publishing



Big Data and Law

Edited by Maria Cristina Caldarola, CUBIC & Joachim Schrey, Noerr

Today data is viewed as the oil of the 21st century, and a source of significant business profits. However, only those with a clear understanding of the legal landscape can safely exploit its potential. This book illuminates the law of Big

Data. It explores personal and non-personal data (technical data or anonymous data). This distinction is crucial as both might originate from different rightholders and may be subject to different national laws. With helpful integrated guidelines and graphic illustrations, it provides essential practice-oriented support. It is written for lawyers, managing directors, auditors, and data protection officers.

April 2020 • 304 pages
HB 9781509931934 • £200 / \$270
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Space Law

Edited by Stephan Hobe, University of Köln

Regulating human activity in outer space is increasingly important as the realm is developed by space tourism, military activities and satellite launches. This study describes the legal grounds for such undertakings. It opens with an overview of the history of space flight and space law as well as

discussing international space law. It goes on to set out the national and international legal regime for space activities. Finally, it discusses the main legal and legislative tasks of the future. Recognising how novel the subject is, it includes illustrations and chapter summaries to quickly orientate the reader in this fascinating field.

June 2019 • 400 pages
HB 9781509924097 • £200 / \$270
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Data Protection and Privacy

The Age of Intelligent Machines

Edited by Ronald Leenes, Tilburg University, Rosamunde van Brakel, Vrije Universiteit Brussel, Serge Gutwirth, Vrije Universiteit Brussel & Paul De Hert, Vrije Universiteit Brussel

April 2020 • 256 pages
PB 9781509937486 • £25 / \$35
Series: Computers, Privacy and Data Protection
Hart Publishing



EU Digital Law

Edited by Reiner Schulze, University of Münster & Dirk Staudenmayer, University of Münster

The 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. It will be an essential guide for legislators, practitioners and scholars.

March 2020 • 1504 pages
HB 9781509923595 • £275 / \$375
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Intelligence Law and Policies in Europe

A Handbook

Edited by Jan-Hendrik Dietrich, Federal University of Administrative Science & Satish Sule, European Commission

The Snowden documents revealed a surveillance practice of unimagined scope. No longer the preserve of state organisations or political decision-makers; technical innovation allows mass surveillance of individuals' communication. The media and politicians have responded with demands for legal limitations of such practices. This book explores intelligence activities in Europe spanning from chapters on intelligence operations to intelligence cooperation within different policies in Europe, within and outside the EU. Political, social and historical analyses are brought into context with the legal discourse. Suitable for academics and practitioners, this is an important and much needed resource on intelligence law.

January 2020 • 800 pages
HB 9781509926176 • £195 / \$265
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

LABOUR AND DISCRIMINATION LAW



The Right to Strike in International Law

Jeffrey Vogt, Solidarity Center, Janice Bellace, University of Pennsylvania, Lance Compa, Cornell University, K D Ewing, King's College London, John Hendy QC, Old Square Chambers, Klaus Lörcher, Former Legal Adviser to the European Trade Union Confederation &

Tonia Novitz, University of Bristol

Combining the voices of leading European and US labour law academics and practitioners, this book does not merely refute the claim by the International Organization of Employers that the right to strike is not protected in international law; it is the only complete and exhaustive analysis on this subject. Based on extensive legal research, it finds that the right to strike not only enjoys the protection of international law but indeed has attained the status of customary international law. The book was originally developed as a direct response to the employers' claim made at the 2012 International Labour Conference.

March 2020 • 272 pages
HB 9781509933556 • £65 / \$90
Individual eBook 9781509933570 • £70.20 / \$77.14
Library eBook 9781509933563
Hart Publishing



Re-Inventing Labour Law Enforcement

A Socio-Legal Analysis

Louise Munkholm, Roskilde University

This book investigates labour law enforcement from a socio-legal perspective. It analyses how local Italian enforcement actors promote the protection of workers in Prato – a city that has seen a significant influx of Chinese migrants who run small workshops as part of the local clothing industry. Many of the Chinese firms fail to live up to core labour standards, such as maximum working hours, safety and health at work and payment of social security contributions. Based on interviews, observations and document material, the book analyses the strategies and practices employed by three types of local enforcement actors (inspectors, unionists and consultants) in their efforts to assist Chinese firms in improving their level of labour law compliance.

April 2020 • 192 pages
HB 9781509926374 • £60 / \$80
Individual eBook 9781509926381 • £64.80 / \$70.62
Library eBook 9781509926398
Hart Publishing



Restatement of Labour Law in Europe

Vol II

Edited by Bernd Waas, University of Frankfurt & Guus Heerma van Voss, Leiden University

This second volume in a magisterial examination of the rules governing employment in the EU looks at atypical employment relationships. It offers an opening restatement, with comparative commentary on how fixed-term employment relationships, part-time employment relationships and temporary agency work is regulated by law. The book goes on to systematically explore the national regulatory framework of the individual member states as well as several other European countries. In this area, which is largely shaped by EU law in many countries, the commonalities and differences with regard to the relevant regulatory issues are examined. This important new project provides the definitive survey of labour law in Europe today.

January 2020 • 1112 pages
HB 9781509912476 • £175 / \$236
Individual eBook 9781509912469 • £189 / \$206.46
Library eBook 9781509912452
Hart Publishing



The Constitution of Social Democracy

Essays in Honour of Keith Ewing

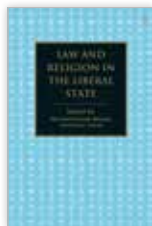
Edited by Alan Bogg, University of Bristol, Jacob Rowbottom, University of Oxford & Alison L Young, University of Cambridge

[SEE PAGE 18](#)

May 2020 • 416 pages
HB 9781509916573 • £110 / \$150
Hart Publishing

LAW AND RELIGION

COLLECTIONS



Law and Religion in the Liberal State

Edited by Md Jahid Hossain Bhuiyan, Southeast University, Bangladesh & Darryn Jensen, Australian National University

This work brings together reflections on the relationship between religion and the law from the perspectives of different sub-traditions within the broader liberal project. Looking at the UK, European, US and international law regulatory environment, it plots how liberal states accommodate religion. Contributors pay particular attention to the question in the face of contemporary challenges faced by secular authority and religious beliefs.

May 2020 • 240 pages
HB 9781509926336 • £65 / \$90
Individual eBook 9781509926343 • £70.20 / \$77.14
Library eBook 9781509926350
Hart Publishing

COLLECTIONS



Why Religious Freedom Matters for Democracy

Comparative Reflections from Britain and France for a Democratic 'Vivre Ensemble'

Myriam Hunter-Henin, University College London

Should an employee be allowed to wear a religious symbol at work?

Should a religious employer be allowed to impose constraints on employees' private lives for the sake of enforcing a religious work ethos?

Should an employee be allowed, on religious grounds, to refuse to work with customers of the opposite sex or of a same-sex sexual orientation?

Through a comparative analysis of French and English solutions, this book explores how judges decide these issues and fills a gap in the literature, by defending a democratic approach, which highlights the vital connections between religious freedom, pluralism and democracy.

May 2020 • 160 pages
HB 9781509904747 • £50 / \$68
Individual eBook 9781509904754 • £54 / \$59.76
Library eBook 9781509904761
Series: Hart Studies in Comparative Public Law • Hart Publishing

COLLECTIONS



Freedom of Religion

An Ambiguous Right in the Contemporary European Legal Order

Edited by Hedvig Bernitz, Stockholm University & Victoria Enkvist, Uppsala University

This book presents a variety of perspectives on, and interpretations of, the concept of freedom of religion in different European countries and against the background of the European Convention of Human Rights, the EU Charter of Fundamental Rights and other international treaties. The book contains contributions by leading legal scholars working in the field in Sweden, the Nordic countries and wider Europe.

February 2020 • 224 pages
HB 9781509935864 • £80 / \$110
Individual eBook 9781509935871 • £86.40 / \$94.53
Library eBook 9781509935888
Series: Swedish Studies in European Law • Hart Publishing

NEW IN PB

COLLECTIONS

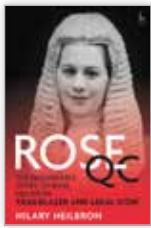


The Rule of Law, Freedom of Expression and Islamic Law

Hossein Esmaeili, Flinders University, Irmgard Marboe, University of Vienna & Javaid Rehman, Brunel University

April 2020 • 312 pages
PB 9781509937462 • £35 / \$48
Hart Publishing

LEGAL BIOGRAPHY



ROSE QC

Hilary Heilbron QC, practising barrister and international arbitrator, London

Re-issued to celebrate the centenary of women first entering the legal profession, this fascinating biography provides a unique and memorable insight into the remarkable life of Rose Heilbron QC (later Dame Rose Heilbron), one of England's most famous lawyers of the 20th century. She was one of the two first women King's Counsel and the first senior woman Judge in England. Charting her rise to prominence and success against the odds it tells how she championed many women's causes in an era when it was not fashionable to do so. Written by her daughter, it offers an intimate portrait of a towering and trailblazing figure.

November 2019 • 416 pages
PB 9781509933631 • £12.99 / \$17.95
Hart Publishing



Irresolute Clay

Shaping the Foundations of Modern Environmental Law

Richard Macrory, Brick Court Chambers

[SEE PAGE 24](#)

April 2020 • 192 pages
HB 9781509928118 • £25 / \$35
Hart Publishing



A Man of Many Flags

Memoirs of a War Crimes Investigator

M Cherif Bassiouni

[SEE PAGE 45](#)

April 2020 • 208 pages
HB 9781509934492 • £20 / \$27
Hart Publishing

LEGAL EDUCATION AND THE LEGAL PROFESSION



The Enterprising Barrister

Organisation, Culture and Changing Professionalism

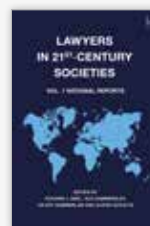
Atalanta Goulondris, City, University of London

What is it like working as a barrister in the 21st century?

This book provides the first empirical overview of the depth, scope and effects of a multi-faceted reform programme that has been imposed on the independent Bar in the last 30 years.

Based on interviews with, and observation of, barristers and chambers' staff, the book identifies key changes that have taken place at the Bar and explores how these are reshaping and reformulating barristers' professionalism and working culture. It further considers what these changes mean for the prospects of the Bar in England and Wales.

May 2020 • 176 pages
HB 9781509928767 • £60 / \$80
Individual eBook 9781509928774 • £64.80 / \$70.62
Library eBook 9781509929085
Hart Publishing



Lawyers in 21st-Century Societies

Vol. 1: National Reports

Edited by Richard L Abel, UCLA (Emeritus), Ole Hammerslev, University of Southern Denmark, Hilary Sommerlad, University of Leeds & Ulrike Schultz, FernUniversität in Hagen (Retired)

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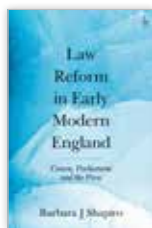
April 2020 • 976 pages
HB 9781509915149 • £250 / \$340
Hart Publishing



International Perspectives on the Regulation of Lawyers and Legal Services

March 2020 • 304 pages
PB 9781509936946 • £35 / \$48
Hart Publishing

LEGAL HISTORY



Law Reform in Early Modern England

Crown, Parliament and the Press

Barbara J Shapiro, University of California, Berkeley

This book provides an illuminating commentary of law reform in the early modern era (1500–1740)

and views the moves to improve law and legal institutions in the context of changing political and governmental environments in this period.

It considers two law reform movements: the moderate movement which had a lengthy history and whose chief supporters were the governmental and parliamentary elites, and which focused on improving existing law and legal institutions, and the radical reform movement, which was concentrated in the revolutionary decades and which sought to overthrow the common law, the legal profession and the existing system of courts.

February 2020 • 280 pages
HB 9781509934218 • £65 / \$90
Individual eBook 9781509934225 • £70.20 / \$77.14
Library eBook 9781509934232
Hart Publishing



English Legal Histories

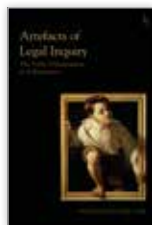
Ian Ward, Newcastle University

This book presents an exciting and innovative approach to the study of English law. Written in an accessible style, designed for both a student and a broader audience, it takes the reader beyond the narrower confines of legal doctrines and cases, and invites them to consider the myriad contexts within which English law has been shaped; the politics, the economics, the art, the poetry.

Reaching from the Reformation through to the age of Reform, it tells stories, the 'histories', of English law. Histories of the constitution and government, of crime and contracts, tort and trespass, property and equity. Of the people who made that law, those who wrote it, and those who suffered it.

January 2020 • 648 pages
PB 9781509912292 • £75 / \$100
Individual eBook 9781509912308 • £81 / \$89.10
Library eBook 9781509912315
Hart Publishing

LEGAL PHILOSOPHY



Artefacts of Legal Inquiry

The Value of Imagination in Adjudication

Maksymilian Del Mar, Queen Mary University of London

What is the value of fictions, metaphors, figures and scenarios in adjudication?

Drawing on the philosophy of imagination, the theory and history of rhetoric, and the cognitive humanities, this book offers an interdisciplinary defence of the importance of artefactual language and imagination in adjudication.

It sets out the three models of inquiry, artefacts and imagination, before going on to examine four case studies:

- fictions
- metaphors
- figures, and
- scenarios.

The book argues that artefacts and related processes of imagination are valuable insofar as they enable inquiry in adjudication, ie the social process of making insight into what values, vulnerabilities and interests might be at stake in a case and in cases like it in the future.

March 2020 • 496 pages
HB 9781849468138 • £70 / \$95
Individual eBook 9781509936199 • £75.60 / \$82.58
Library eBook 9781509936182
Hart Publishing



Virtue, Emotion and Imagination in Law and Legal Reasoning

Edited by Amalia Amaya, University of Edinburgh and National Autonomous University of Mexico & Maksymilian Del Mar, Queen Mary University of London

What is the role and value of virtue, emotion and imagination in law and legal reasoning?

This collection of papers from both legal scholars and philosophers takes a holistic approach to this neglected question, examining relations between virtue, emotion and imagination.

Examples of contexts examined include:

- adjudication
- criminal law sentencing
- the Black Lives Matter movement, and
- professional ethics.

Examples of issues explored include:

- benefits and limits of empathy in legal reasoning
- the role of attention and perception in judicial reasoning
- identification of judicial virtues and judicial vices
- values and dangers of certain imaginative devices, and
- interactive and social dimensions of virtue, emotion and imagination.

February 2020 • 288 pages
HB 9781509925131 • £70 / \$95
Individual eBook 9781509925148 • £75.60 / \$82.58
Library eBook 9781509925155
Hart Publishing

LEGAL PHILOSOPHY



The Humanity of Private Law

Part II: Evaluation

Nicholas J McBride, *University of Cambridge*

SEE PAGE 21

UK May 2020 • US May 2020 • 224 pages
HB 9781509911998 • £70 / \$95
Individual eBook 9781509912001 • £75.60 / \$82.58
Library eBook 9781509912018
Hart Publishing

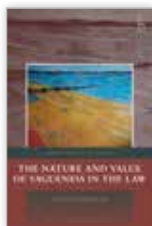


Democracy and Ontology

Agonism between Political Liberalism,
Foucault and Psychoanalysis

Irena Rosenthal, *University of Amsterdam*

May 2020 • 228 pages
PB 9781509938285 • £30 / \$40
Series: European Academy of Legal Theory Series
Hart Publishing



The Nature and Value of Vagueness in the Law

Hrafn Asgeirsson, *University of Surrey*

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.

This book examines the nature and consequences of these two linguistic sources of indeterminacy and answers three related questions:

1. In virtue of what is the law vague?
2. What might be good about vague law?
3. How should courts resolve cases of vagueness?

April 2020 • 216 pages
HB 9781849466066 • £65 / \$90
Individual eBook 9781509904457 • £70.20 / \$77.14
Library eBook 9781509904440
Series: Law and Practical Reason • Hart Publishing



Time, Law, and Change

An Interdisciplinary Study

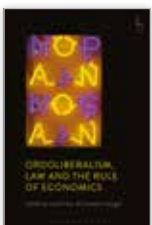
Edited by Sofia Ranchordás, *University of Groningen* & Yaniv Roznai, *Interdisciplinary Center Herzliya*

This edited collection brings together world-leading experts to consider how time and social, political, and technological change affect the legislative process, the interpretation of laws, the powers of the executive and the ability of legal orders to promote innovation.

The book addresses three main themes:

- the influence of time and change on law-making, legal interpretation, legislative quality, and constitutional resilience
- the phenomenon of inter-temporality in the constitutional process as well as a theoretical and empirical reflection upon the principles of legal certainty and legitimate expectations, and
- the complex relationship between technological change and lawmaking.

April 2020 • 408 pages
HB 9781509930937 • £75 / \$100
Individual eBook 9781509930944 • £81 / \$89.10
Library eBook 9781509930951
Hart Publishing



Ordoliberalism, Law and the Rule of Economics

Edited by Josef Hien, *University of Milan* & Christian Joerges, *Hertie School of Governance, Berlin*

April 2020 • 344 pages
PB 9781509937509 • £40 / \$55
Hart Publishing



The Idea of a Pure Theory of Law

An Interpretation and Defence

Christoph Kletzer, *King's College London*

May 2020 • 156 pages
PB 9781509938292 • £25 / \$35
Hart Publishing

MARITIME AND SHIPPING LAW



Commercial Maritime Law

Edited by Melis Özdel, University College London

This book unravels the complexities of bridging the gap between common law and civil law in commercial maritime law and discusses whether the title 'Commercial Maritime Law' will remain a misnomer despite the countless attempts at harmonisation. In the book, internationally renowned legal scholars and practitioners discuss the areas in which the common law and civil law are divided; the impact of these differences on the drafting and ratification of international conventions; the search for a common framework; and the procedural aspects of the common law and civil law divide in commercial maritime law.

April 2020 • 208 pages
HB 9781849466752 • £70 / \$95
Individual eBook 9781509901050 • £75.60 / \$82.58
Library eBook 9781509901043
Hart Publishing

MEDIA LAW



Information Rights

A Practitioner's Guide to Data Protection, Freedom of Information and other Information Rights

Philip Coppel QC, Cornerstone Barristers, London

Data protection, freedom of information (FOI), environmental and other information rights are all comprehensively and authoritatively covered in the latest, two-volume edition of this highly acclaimed work. The leading practitioner text in the field, it has been approvingly cited in the courts and tribunals, from the Supreme Court to the First-tier Tribunal.

The enlarged reach of the work reflects the evolution of information rights. The 1,200-page commentary draws succinct principles from over 2,000 cited cases, including all UK courts and tribunals and the CJEU. Extensive statutory and other material is included in the second volume.

An essential tool for the judiciary, for those involved in data protection, privacy, or FOI and environmental law, and for all in or dealing with government.

March 2020 • 2308 pages
HB Pack 9781509922246 • £200 / \$270
Individual eBook 9781509922475 • £199.99 / \$217.32
Library eBook 9781509922482
Hart Publishing



A Free and Regulated Press

Defending Coercive Independent Press Regulation

Paul Wragg, University of Leeds

This thought-provoking monograph provides a systematic reconceptualisation of press freedom and press regulation. In a major departure from orthodox norms, the book argues that press

freedom and coercive independent press regulation are not mutually exclusive; that newspapers could be made to compensate their victims, through regulation, without jeopardising their free speech rights; that their perceived public watchdog status does not exempt them; and, ultimately, that mandatory press regulation is not unconstitutional. In doing so, the book questions our most deeply-held, intuitive beliefs about the press and its role in society.

June 2020 • 288 pages
HB 9781509927234 • £70 / \$95
Individual eBook 9781509927258 • £75.60 / \$82.58
Library eBook 9781509927241
Hart Publishing



Positive Free Speech

Rationales, Methods and Implications

Edited by Andrew T Kenyon, University of Melbourne & Andrew Scott, London School of Economics and Political Science

Underpinning rationales for freedom of speech imply that the concept also has important positive aspects, and that to be truly 'democratic' the contemporary polity requires more than negative freedom.

This book considers matters including media diversity or pluralism, the concept of voice and access to the public sphere, access to information, and the need to rethink the audience in relation to public speech.

This edited collection:

- interrogates the rationales of positive free speech
- considers the legislative and juridical methods by which it is more fully reflected in contemporary states, and
- analyses the range of practical contexts in which its valorisation has significant implications.

May 2020 • 208 pages
HB 9781509908295 • £65 / \$90
Individual eBook 9781509908301 • £70.20 / \$77.14
Library eBook 9781509908318
Hart Publishing



The Illusion of the Free Press

John Charney, Pontificia Universidad Católica de Valparaíso, Chile

May 2020 • 216 pages
PB 9781509938247 • £25 / \$35
Hart Publishing

PRIVATE INTERNATIONAL LAW



Rethinking Judicial Jurisdiction in Private International Law

Party Autonomy, Categorical Equality and Sovereignty

Milana Karayanidi, Trinity College Dublin

This book explores the theory and practice of judicial jurisdiction within the field of private

international law.

Focusing on the existing rules of jurisdiction in the European Union and the Russian Federation the book offers a fresh analysis on the values justifying the power of courts to hear and decide cross-border disputes. The author demonstrates the need for a re-conceptualisation of jurisdiction with the focus on the interests of private actors, and proposes ways to improve the current rules.

February 2020 • 272 pages

HB 9781509924776 • £75 / \$100

Individual eBook 9781509924783 • £81 / \$89.10

Library eBook 9781509924790

Series: Studies in Private International Law • Hart Publishing



Place of Performance

A Comparative Analysis

Chukwuma Okoli, TMC Asser Institute and PC Mbadiwe & Co

This book provides an unprecedented analysis on the place of performance. The book challenges the approach of the European legislator for not explicitly giving special significance to the place

of performance in determining the applicable law in the absence of choice for commercial contracts. It also contains an analogy to matters of foreign country mandatory rules, and the coherence between jurisdiction and choice of law. It concludes by proposing a revised Article 4 of Rome I Regulation, which could be used as an international solution for those who wish to reform their choice of law rules.

May 2020 • 288 pages

HB 9781509936205 • £80 / \$110

Individual eBook 9781509936212 • £86.40 / \$94.53

Library eBook 9781509936229

Series: Studies in Private International Law • Hart Publishing



Clawback Law in the Context of Succession

Jayne Holliday, University of Aberdeen

This book offers a global solution for determining the law applicable to a claim to clawback an *inter vivos* gift from a third party within the context of a succession. The book aims to identify an appropriate and applicable legal framework which

supports legal certainty for cross-border estate planning and protects the legitimate expectations of the relevant parties. This is an area of private international law that has yet to be handled satisfactorily as can be seen by the inadequate treatment of clawback from third parties in the 1989 Hague Convention on the Law Applicable to Succession to the Estates of Deceased Persons, and the 2012 EU Succession Regulation.

April 2020 • 240 pages

HB 9781509932320 • £70 / \$95

Individual eBook 9781509932337 • £75.60 / \$82.58

Library eBook 9781509932344

Series: Studies in Private International Law • Hart Publishing



Economic Sanctions in EU Private International Law

Tamás Szabados, ELTE Eötvös Loránd University

Economic sanctions are instruments of foreign policy but they also have the power to affect legal relations between private parties. In such cases, the court or arbitration tribunal seized must decide whether to give effect to the economic sanction

in question. A coherent EU foreign policy position would assume a uniform approach by the EU concerning the application of economic sanctions but, as this book illustrates, this is simply not the case. Exploring the application of economic sanctions by Member States' courts and arbitral tribunals, a surprising degree of divergence can be seen. This book argues that this can be explained by the divergence of Member States' private international law approaches.

January 2020 • 280 pages

HB 9781509933518 • £80 / \$110

Individual eBook 9781509933525 • £86.40 / \$94.53

Library eBook 9781509933532

Series: Studies in Private International Law • Hart Publishing



Private International Law in Nigeria

Chukwuma Okoli, TMC Asser Institute and PC Mbadiwe & Co & Richard Oppong, Thompson Rivers University

This instructive and practical book examines the rules, principles, and doctrines in Nigerian law for resolving cases involving cross-border issues. It is

the first book-length treatise devoted to the full spectrum of private international law issues in Nigeria.

Drawing on over 500 Nigerian cases, relevant statutes, and academic commentaries, this book examines jurisdiction in interstate and international disputes, choice of law, the enforcement of foreign judgments and international arbitral awards, domestic remedies affecting foreign proceedings, and international judicial assistance in the service of legal processes and taking of evidence.

May 2020 • 480 pages

HB 9781509911134 • £100 / \$135

Individual eBook 9781509911141 • £108 / \$118.44

Library eBook 9781509911165

Series: Studies in Private International Law • Hart Publishing



Cross-Border Litigation in Europe

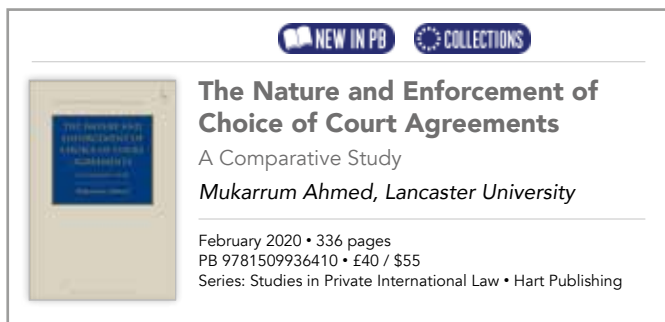
Edited by Paul Beaumont, University of Aberdeen, Mihail Danov, University of Exeter, Katarina Trimmings, University of Aberdeen & Burcu Yüksel, University of Aberdeen

March 2020 • 864 pages

PB 9781509936922 • £45 / \$61

Series: Studies in Private International Law • Hart Publishing

PRIVATE INTERNATIONAL LAW



The Nature and Enforcement of Choice of Court Agreements

A Comparative Study

Mukarrum Ahmed, Lancaster University

February 2020 • 336 pages
PB 9781509936410 • £40 / \$55
Series: Studies in Private International Law • Hart Publishing



Brussels IIa - Rome III

An Article-by-Article Commentary

Edited by Christoph Althammer, University of Regensburg

In this globalised world, European and international family law is increasingly important. This commentary is the authority on the cornerstones of European divorce law: the Rome III Regulation

on enhanced cooperation in the field of separation and divorce and the Brussels IIa Regulation on the recognition and enforcement of judgments in matrimonial matters and custody matters (European Marriage Regulation). Both are directly applicable, making up the central tenet of divorce law in Europe. They are of paramount importance in binational family law cases. The commentary is supplemented by other material, for example the Hague Convention on the Protection of Children.

March 2019 • 464 pages
HB 9781509930883 • £195 / \$265
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



The Private International Law of Companies in Europe

Edited by Carsten Gerner-Beuerle, University College London, Federico M Mucciarelli, University of Modena, Edmund-Philipp Schuster, London School of Economics and Political Science & Mathias Siems, Durham University

Can firms freely choose their place of corporation and by extension the applicable law? Can they subsequently reincorporate in another country, effectively changing that country's law?

In the European Union, the answer to these questions must be considered through the prism of freedom of establishment and the corresponding case law of the Court of Justice. Beyond some general principles, however, there is considerable diversity between the laws of Member States. This book provides an analysis of the relevant law of all Member States, making it an essential tool when considering how to establish a corporate entity in the European Union.

September 2019 • 800 pages
HB 9781509923878 • £250 / \$340
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)

PROPERTY LAW



An Expressive Theory of Possession

Michael J R Crawford, University of New South Wales

This book challenges the conventional wisdom that possession is an ambiguous and amorphous concept. It sets out that the key to understanding the nature and function of possession in the law

is to appreciate that the possession 'rule' is, first and foremost, a spontaneously emergent phenomenon.

Possession describes those acts that, as a matter of an extra-legal convention, constitute the accepted way in which we stake our claim to resources from cinema seats to cattle stations.

Fusing traditional legal analysis with insights from philosophy and economics, this book provides a coherent explanation of possession and its role in law and life.

June 2020 • 208 pages
HB 9781509929924 • £65 / \$90
Individual eBook 9781509929931 • £70.20 / \$77.14
Library eBook 9781509929948
Hart Publishing



The Law of Estoppel

Michael Barnes QC, Wilberforce Chambers

[SEE PAGE 22](#)

February 2020 • 984 pages
HB 9781509909384 • £225 / \$305
Hart Publishing



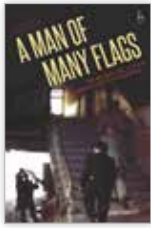
The Ownership of Goods and Chattels

Stephen Hackett, 3 Hare Court

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January 2020 • 184 pages
HB 9781782258568 • £40 / \$55
Hart Publishing

PUBLIC INTERNATIONAL LAW

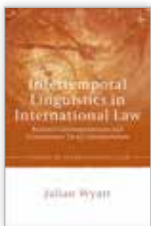
**A Man of Many Flags**

Memoirs of a War Crimes Investigator
M Cherif Bassiouni

This fascinating memoir of a towering figure in international law gives an immediate and personal eye-witness account into the operation of international events from the tumultuous post war period to the opening years of the new millenium.

M Cherif Bassiouni was personally connected to some of the most historically relevant moments of the past century: the Suez War; the Camp David Accords; the fall of Muammar el-Qaddafi in Libya and the establishment of the International Criminal Court. A true global citizen – raised in Egypt, educated in Europe and later émigré to the United States – his life cut across cultures and religions.

April 2020 • 208 pages
HB 9781509934492 • £20 / \$27
Individual eBook 9781509934508 • £21.60 / \$23.90
Library eBook 9781509934515
Hart Publishing

**Intertemporal Linguistics in International Law**

Beyond Contemporaneous and Evolutionary Treaty Interpretation

Julian Wyatt, Australian National University

This book examines, and offers a much-needed solution to, a specific problem central to the ever-increasing number of international legal disputes: how to interpret a treaty with terms that change in meaning over time. Using an analytical approach inspired by the comparative method and drawing on specific concepts from external fields including private law, legal theory and linguistics, it restructures the most relevant international case law around a new conceptual framework that offers fresh insight into the process of treaty interpretation. It gives international lawyers a predictable and appropriate method for solving this complex problem of international law.

December 2019 • 336 pages
HB 9781509929498 • £80 / \$110
Individual eBook 9781509929504 • £86.40 / \$94.53
Library eBook 9781509929511
Series: Studies in International Law • Hart Publishing

**The Responsibility to Protect and the Failures of the United Nations Security Council**

P M Butchard, Edge Hill University

What can be done if the United Nations Security Council fails to protect people from mass atrocities?

This book takes a fresh look at the responsibility to protect and offers new and compelling insights into the powers and limits of the UN Security Council. In a persuasive and detailed examination of the legal framework, the author identifies options for coercive measures to be taken beyond the Council that could be used to break the deadlock, including through the General Assembly and regional organisations.

April 2020 • 304 pages
HB 9781509930807 • £80 / \$110
Individual eBook 9781509930814 • £86.40 / \$94.53
Library eBook 9781509930821
Series: Studies in International Law • Hart Publishing

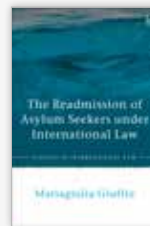
**The Role of Multilateral Environmental Agreements**

A Reconciliatory Approach to Environmental Protection in Armed Conflict

Britta Sjostedt, Lund University

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May 2020 • 304 pages
HB 9781509922536 • £80 / \$110
Series: Studies in International Law • Hart Publishing

**The Readmission of Asylum Seekers under International Law**

Mariagiulia Giuffrè, Edge Hill University

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February 2020 • 408 pages
HB 9781509902491 • £80 / \$110
Series: Studies in International Law • Hart Publishing

PUBLIC INTERNATIONAL LAW



The Human Right to a Dignified Existence in an International Context

Legal and Philosophical Perspectives

Edited by Logi Gunnarsson, University of Potsdam, Ulrike Mürbe, University of Potsdam & Norman Weiß, University of Potsdam

SEE PAGE 32

July 2019 • 160 pages
HB 9781509934072 • £40 / \$55
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



The Right to Strike in International Law

Jeffrey Vogt, Solidarity Center, Janice Bellace, University of Pennsylvania, Lance Compa, Cornell University, K D Ewing, King's College London, John Hendy QC, Old Square Chambers, Klaus Lörcher, Former Legal Adviser to the European Trade Union Confederation & Tonia Novitz, University of Bristol

SEE PAGE 37

March 2020 • 272 pages
HB 9781509933556 • £65 / \$90
Hart Publishing



Protecting Human Rights and Building Peace in Post-Violence Societies

Nasia Hadjigeorgiou, University of Central Lancashire

This book critically examines the relationship between protecting human rights and building peace in post-violence societies. It explores the

conditions that must be present, and strategies that should be adopted, for the former to contribute to the latter.

Through an interdisciplinary and comparative analysis of four case studies: Bosnia-Herzegovina, Cyprus, Northern Ireland and South Africa, the book identifies the conditions that can support the effective use of human rights as peacebuilding tools. Developing these, the book recommends a series of strategies that peacebuilders should adopt and rely on.

February 2020 • 272 pages
HB 9781509923427 • £70 / \$95
Individual eBook 9781509923434 • £75.60 / \$82.58
Library eBook 9781509923441
Series: Human Rights Law in Perspective • Hart Publishing



The Irish Yearbook of International Law, Volume 13, 2018

Edited by Siobhán Mullally, National University of Ireland, Galway & Fiona de Londras, University of Birmingham

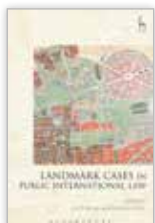
This new volume of the *Yearbook* includes a

symposium on law and peacekeeping, and an article on the rights of migrants and refugees under the ECHR from Judge Paulo Pinto de Albuquerque.

On an annual basis, the *Yearbook* presents peer-reviewed academic articles and book reviews on general issues of international law. Designated correspondents provide reports on international law developments in Ireland, Irish practice in international bodies, and the law of the European Union as relevant to developments in Ireland. In addition, the *Yearbook* reproduces key documents that reflect Irish practice on contemporary issues of international law.

April 2020 • 344 pages
HB 9781509936717 • £180 / \$245
Individual eBook 9781509936724 • £194.40 / \$211.89
Library eBook 9781509936731
Series: Irish Yearbook of International Law • Hart Publishing

NEW IN PB



Landmark Cases in Public International Law

Edited by Eirik Bjorge, University of Bristol & Cameron Miles, 3 Verulam Buildings

April 2020 • 640 pages
PB 9781509937707 • £35 / \$48
Series: Landmark Cases • Hart Publishing

SOCIO-LEGAL STUDIES



Lawyers in 21st-Century Societies

Vol. 1: National Reports

Edited by Richard L Abel, UCLA (Emeritus), Ole Hammerslev, University of Southern Denmark, Hilary Sommerlad, University of Leeds & Ulrike Schultz, FernUniversität in Hagen (Retired)

The world's legal professions have undergone dramatic changes since publication of the landmark *Lawyers in Society* in 1988.

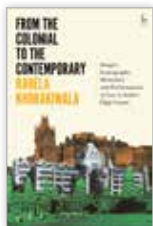
This is the first of two volumes in which scholars from a range of disciplines, countries and cultures document and analyse those changes.

National reports from 46 countries address the impact of globalisation and neoliberalism on:

- legal professions
- changes in lawyer demography
- legal education
- production structures
- distribution of lawyers across roles, and
- access to justice.

The reports demonstrate the dramatic transformations of professional rationales, labour markets, working practices and the multiple contingencies of the roles of lawyers in societies experiencing increasing juridification within a new geopolitical order.

April 2020 • 976 pages
HB 9781509915149 • £250 / \$340
Individual eBook 9781509915156 • £270 / \$294.48
Library eBook 9781509915163
Hart Publishing



From the Colonial to the Contemporary

Images, Iconography, Memories, and Performances of Law in India's High Courts

Rahela Khorakiwala, Independent Researcher

The historical tension between Indian and British notions of justice is at the centre of this ethnographic study of the first three colonial high courts of India, at Calcutta, Bombay, and Madras.

Based on interviews with judges, lawyers and staff at the courts, this book considers:

- the impact of the architecture of the courts
- the contestation around the renaming of the high courts
- debates over the use of English versus regional languages
- forms of addressing the court
- the dress worn by different court actors
- rules on photography, video recording, live telecasting, and
- ceremony and ritual that exists in daily proceedings.

January 2020 • 296 pages
HB 9781509930654 • £70 / \$95
Individual eBook 9781509930661 • £75.60 / \$82.58
Library eBook 9781509930678
Series: series • Hart Publishing



Spaces of Care

Edited by Loraine Gelsthorpe, University of Cambridge, Perveez Mody, University of Cambridge & Brian Sloan, University of Cambridge

Coordinated by the Cambridge Socio-Legal Group this edited collection interrogates the ways in which the interdisciplinary study of care challenges and provokes a reassessment of the points of connection and disjuncture between care and governance, ethics, and public, personal and professional identities.

Leading lawyers, anthropologists, sociologists and criminologists reflect on specific aspects of conceptualising caring relations in 'spaces' including:

- communities of care and abandonment
- self-care and kinship care
- spaces as 'gaps' in care
- the meanings of marketised care, and
- the ways in which care is constructed and constrained in different ways in venues such as homes, prisons, workplaces and virtual spaces.

April 2020 • 280 pages
HB 9781509929634 • £65 / \$90
Individual eBook 9781509929641 • £70.20 / \$77.14
Library eBook 9781509929658
Hart Publishing



Time, Law, and Change

An Interdisciplinary Study

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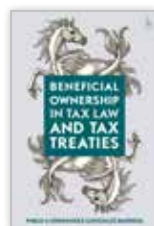
Stephen Daly, King's College London

There is now almost universal acceptance that tax law is overly complex and indeterminate; and yet, there has to date been no comprehensive assessment of the role of the tax authority in the current arrangement.

This timely and ambitious work explains the deficiencies in the current system, highlighting the pitfalls for taxpayers and practitioners as well as the potential remedies, and assessing potential reforms.

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Beneficial Ownership in Tax Law and Tax Treaties

Pablo A Hernández González-Barreda, Universidad Pontificia Comillas

This book explores the concept of beneficial ownership in equity law and in the domestic tax laws of the United Kingdom, Canada and the United States, as well as its varied and increasing

uses in international tax law. The book draws a roadmap for dealing with beneficial ownership in tax law and international tax law, highlighting those common misconceptions that can be avoided by understanding the origins of the concept and its engagement with equity, as well as the differences with tax law. Offering both academic commentary and a practitioner focus, the book will be of the utmost interest to practitioners and scholars from common and civil law countries dealing with tax and estate law.

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