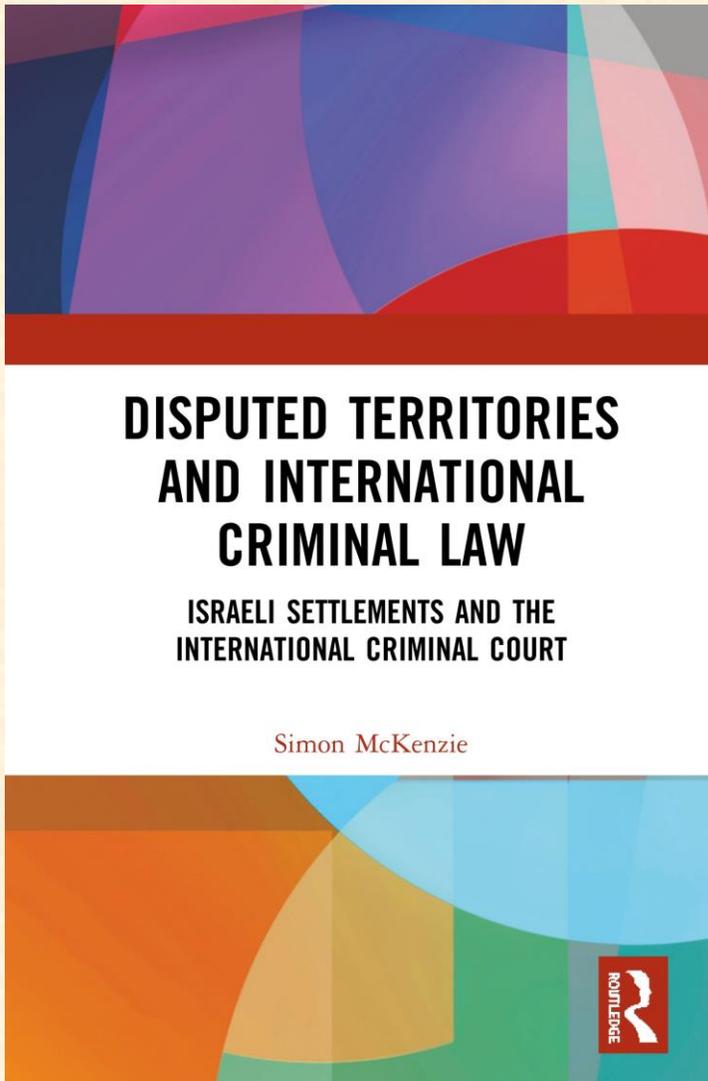


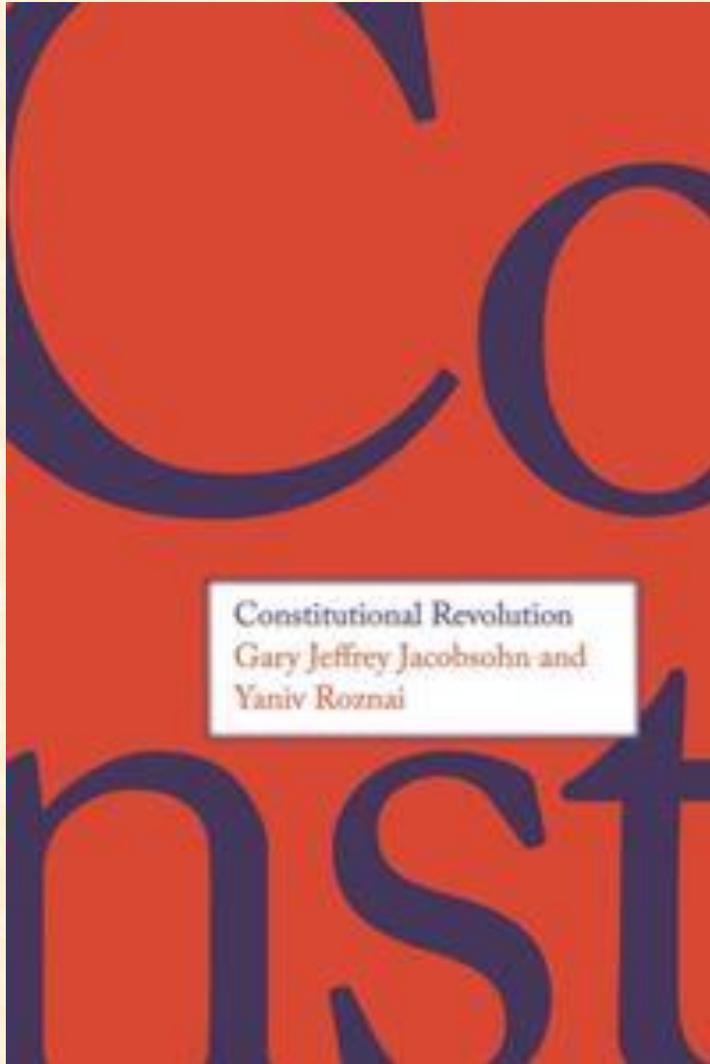
New books in Law Library

February 2021



It has been over 50 years since the beginning of the Israeli occupation of the Palestinian Territories. It is estimated that there are over 600,000 Israeli settlers living in the West Bank and East Jerusalem, and they are supported, protected, and maintained by the Israeli state. This book discusses whether international criminal law could apply to those responsible for allowing and promoting this growth, and examines what this application would reveal about the operation of international criminal law. It provides a comprehensive analysis of how the Rome Statute of the International Criminal Court could apply to the settlements in the West Bank through a close examination of the potential operation of two relevant Statute crimes: first, the war crime of transfer of population; and second, the war crime of unlawful appropriation of property. It also addresses the threshold question of whether the law of occupation applies to the West Bank, and how the principles of individual criminal responsibility might operate in this context. It explores the relevance and coherence of the legal arguments relied on by Israel in defence of the legality of the settlements and considers how these arguments might apply in the context of the Rome Statute. The work also has wider aims, raising questions about the Rome Statute's capacity to meet its aim of establishing a coherent and legally effective system of international criminal justice.

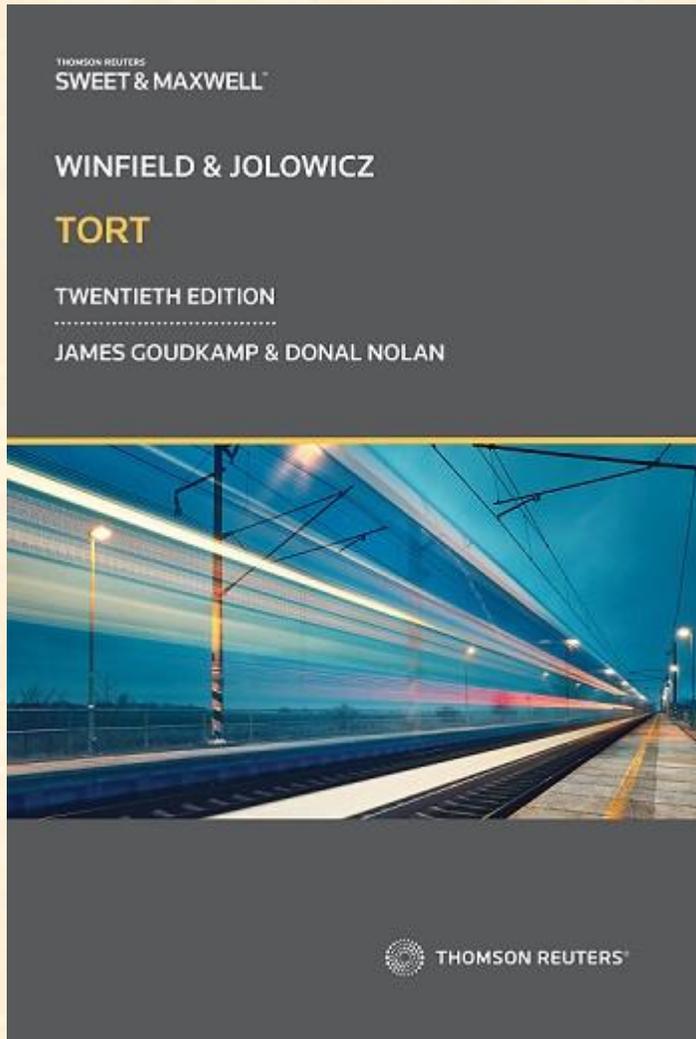
Link to the book in the catalogue: <https://bit.ly/37hNdmb>



An examination of how constitutional paradigms change.

Few terms in political theory are as overused, and yet as under-theorized, as constitutional revolution. In this book, Gary Jacobsohn and Yaniv Roznai argue that the most widely accepted accounts of constitutional transformation, such as those found in the work of Hans Kelsen, Hannah Arendt, and Bruce Ackerman, fail adequately to explain radical change. For example, a "constitutional moment" may or may not accompany the onset of a constitutional revolution. The consolidation of revolutionary aspirations may take place over an extended period. The "moment" may have been under way for decades or there may be no such moment at all. On the other hand, seemingly radical breaks in a constitutional regime actually may bring very little change in constitutional practice and identity. Constructing a clarifying lens for comprehending the many ways in which constitutional revolutions occur, the authors seek to capture the essence of what happens when constitutional paradigms change.

Link to the book in the catalogue: <https://bit.ly/2OLB56B>

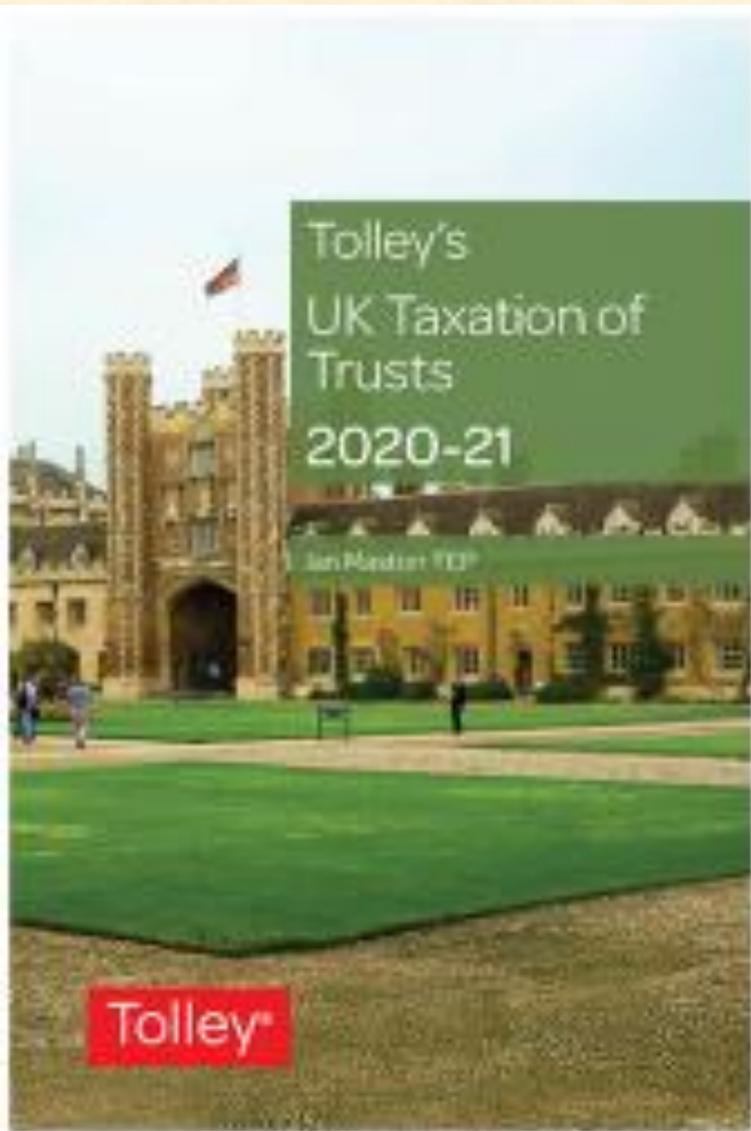


The leading work on the law of torts, *Winfield and Jolowicz on Tort* provides the definitive guidance that students need in order to excel. It is trusted by practitioners to provide clear and accurate statements of the law.

Centred firmly on English law but covers the significant developments in Commonwealth countries and, where appropriate, European systems of tort law.

Contains all of the latest case law and legislative developments.

Link to the book in the catalogue: <https://bit.ly/3rUd7UT>



UK Taxation of Trusts is a portal for clear understanding of income tax, capital gains tax and inheritance tax on the various types of trusts. It also contains UK and offshore resident trusts and references to the Revenue Trust Manual.

Link to the book in the catalogue: <https://bit.ly/3jTnc1F>

OXFORD

The Law of International Human Rights Protection

SECOND EDITION



WALTER KÄLIN and JÖRG KÜNZLI

Based, in particular, on a wide-ranging analysis of international case-law, the book focuses on the sources and scope of application of human rights and a discussion of their substantive guarantees. Further chapters describe the different mechanisms to monitor the implementation of human rights obligations, ranging from the regional human rights courts in Africa, the Americas and Europe and the UN treaty bodies to the international criminal tribunals, the International Court of Justice and the UN Security Council. The book is based on an understanding of human rights as legal concepts that address basic human needs and vulnerabilities, and highlights the indivisibility of civil and political rights on the one and economic, social and cultural rights on the other hand. It also highlights the convergence of international human rights and international humanitarian law and the interlinkages with international criminal law as well as general international law, in particular the law of state responsibility.

Link to the book in the catalogue: <https://bit.ly/3rVyLli>

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(See page iii for details)

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New limits on federal preemption of state credit and mortgage laws

Link to the book in the catalogue: <https://bit.ly/3qqGiyy>

ROBERT ALEXY

A Theory of
Constitutional
Rights

OXFORD

In any country where there is a Bill of Rights, constitutional rights reasoning is an important part of the legal process. As more and more countries adopt Human Rights legislation and accede to international human rights agreements, and as the European Union introduces its own Bill of Rights, judges struggle to implement these rights consistently and sometimes the reasoning behind them is lost. Examining the practice in other jurisdictions can be a valuable guide.

Robert Alexy's; classic work, available now for the first time in English reconstructs the reasoning behind the jurisprudence of the German Basic Law and in doing so provides a theory of general application to all jurisdictions where judges wrestle with rights adjudication.

In considering the features of constitutional rights reasoning, the author moves from the doctrine of proportionality, procedural rights and the structure and scope of constitutional rights, to general rights of liberty and equality and the problem of horizontal effect. A new postscript written for the English edition considers critiques of the Theory since it first appeared in 1985, focusing in particular on the discretion left to legislatures and in an extended introduction the translator; argues that the theory may be used to clarify the nature of legal reasoning in the context of rights under the British Constitution.

Link to the book in the catalogue: <https://bit.ly/3b7uWcl>

INTERSENTIA STUDIES ON COURTS AND JUDGES

Collective Judging in Comparative Perspective

Counting Votes and Weighing Opinions

Birke Häcker and Wolfgang Ernst (eds.)



 INTERSENTIA

This book provides insight into modern collective judicial decision-making. Courts all over the world sit in panels of several judges, yet the processes by which these judges produce the courts' decisions differ markedly. Judges from some of the world's most notable judicial bodies, in both the civilian and the common law tradition and from supra-/international courts, share their experiences and reflect on the challenges to which their collective endeavour gives rise. They address matters such as the question of panel constitution, the operation of rapporteur systems, pre- and post-hearing conferences, the hearing procedure itself, the nature of the interaction between the judicial panel and parties' advocates, the extent to which a unitary judgment of the court or at least a single majority judgment is required or deemed desirable, and how it is ultimately arrived at through different voting mechanisms. The judicial views are supplemented by a number of academic commentaries. Collective Judging in Comparative Perspective serves as an inspiration for future court design.

Link to the book in the catalogue: <https://bit.ly/3pxHy1H>

ART, CULTURAL HERITAGE,
AND THE LAW

Cases and Materials

FOURTH EDITION

PATTY GERSTENBLITH

CAROLINE ACADEMIC PRESS

The fourth edition retains the basic structure of the earlier editions while updating all relevant case law, legislation, and policies. It includes cutting-edge legal developments, such as *Cariou v. Prince*, the Berkshire Museum deaccessioning decision, *Trustees of the Corcoran Gallery v. District of Columbia*, the Knoedler Gallery cases, Foreign Sovereign Immunities Act cases (*Williams v. National Gallery of Art*, *Philipp v. Federal Republic of Germany*, *Rubin v. Iran*, and *DeCsepel v. Hungary*), *Konowaloff v. Metropolitan Museum of Art*, *Okinawa Dugong v. Mattis*, *Navajo Nation v. Dep't of Interior*, and *Navajo Nation v. Urban Outfitters*. Treatment of new legislation includes the Holocaust Era Art Recovery Act, the Foreign Cultural Exchange Jurisdictional Immunity Clarification Act, and the Protect and Preserve International Cultural Property Act. A new section examines the intersection of human rights and cultural heritage, while expanded sections address the use of civil forfeiture in art recovery cases, museum policies on acquisition of antiquities and the use of proceeds realized from the sale of art works from museum collections, and comparative analysis of market country implementation of the 1970 UNESCO Convention.

Link to the book in the catalogue: <https://bit.ly/3jW9IIM>

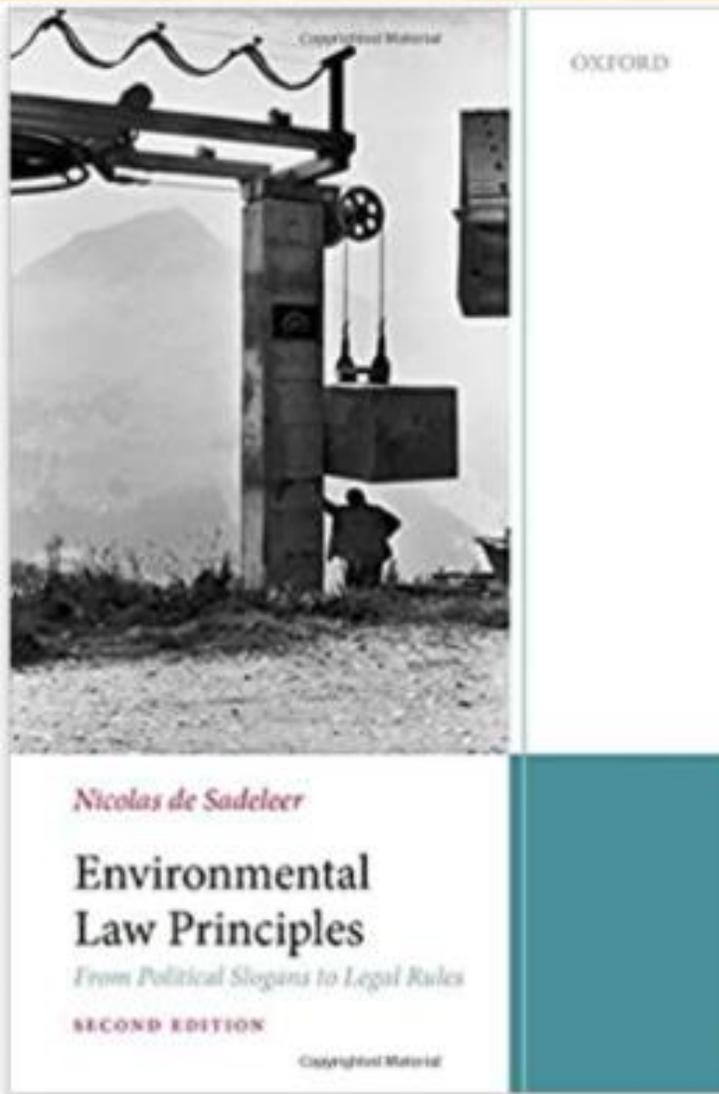
THE PSYCHOLOGY OF
PROPERTY LAW

STEPHANIE M. STERN
& DAPHNA LEWINSOHN-ZAMIR

WITH A PREFACE BY *Linda J. Demaine*

The Psychology of Property Law explains how assumptions about human judgement, decision-making and behavior have shaped different property rules and examines to what extent these assumptions are supported by the research. Employing key findings from psychology, the book considers whether property law's goals could be achieved more successfully with different rules. In addition, the book highlights property laws and conflicts that offer productive areas for further behaviorally-informed research. The book critically addresses several topics from property law for which psychology has a great deal to contribute. These include ownership and possession, legal protections for residential and personal property, takings of property by the state, redistribution through property law, real estate transactions, discrimination in housing and land use, and remedies for injury to property.

Link to the book in the catalogue: <https://bit.ly/3rXE0HA>



This book traces the evolution of environmental principles from their origins as vague political slogans reflecting fears about environmental hazards to their embodiment in enforceable laws. Environmental law has always responded to risks posed by industrial society but the new generation of risks have required a new set of environmental principles, emerging from a combination of public fears, science, ethics, and established legal practice. This book shows how three of the most important principles of modern environmental law grew out of this new age of ecological risk: the polluter pays principle, the preventive principle, and the precautionary principle. Since the first edition was published, the principles of polluter-pays, prevention, and precaution have been encapsulated in a swathe of legislation at domestic and international level. Courts have been invoking environmental law principles in a broad range of cases, on issues including GMOs, conservation, investment, waste, and climate change. As a result, more States are paying heed to these principles as catalysts for improving their environmental laws and regulations. This edition will integrate to a greater extent the relationship between environmental principles and human rights. The book analyses new developments including the EU Charter of Fundamental Rights, the case law of the European Court of Human Rights, which has continuously carved out environmental duties from a number of rights enshrined in the European Convention of Human Rights, and the implementation of the UNECE Convention on Access to Information.

Link to the book in the catalogue: <https://bit.ly/3pjDa68>



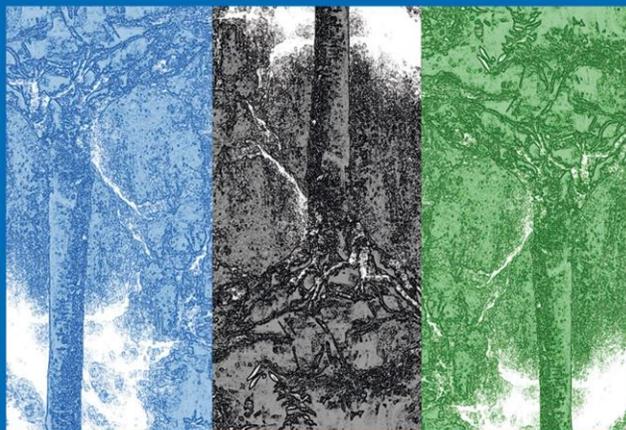
This book examines how the European Union has changed during Brexit and because of Brexit, while also reflecting on the developments of the EU besides Brexit and beyond Brexit. It argues that the withdrawal of the United Kingdom from the EU—the first ever case of disintegration since the start of the European integration process—creates an urgent need to reform the EU. In fact, while the EU institutions and its Member States have remained united in their negotiations vis-à-vis the UK, Brexit has created transitional problems for the EU, and exposed other serious fissures in its system of governance which need to be addressed moving forward. As the EU goes through another major crisis in the form of the response to the Covid-19 pandemic, the case for increasing the effectiveness and the legitimacy of the EU grows stronger. In this context, the book analyses the plan to establish a Conference on the Future of Europe, considering its precedents and discussing its prospects.

Link to the book in the catalogue: <https://bit.ly/3ppVfzi>

OXFORD

New Legal Approaches to Studying the Court of Justice

Revisiting Law in Context

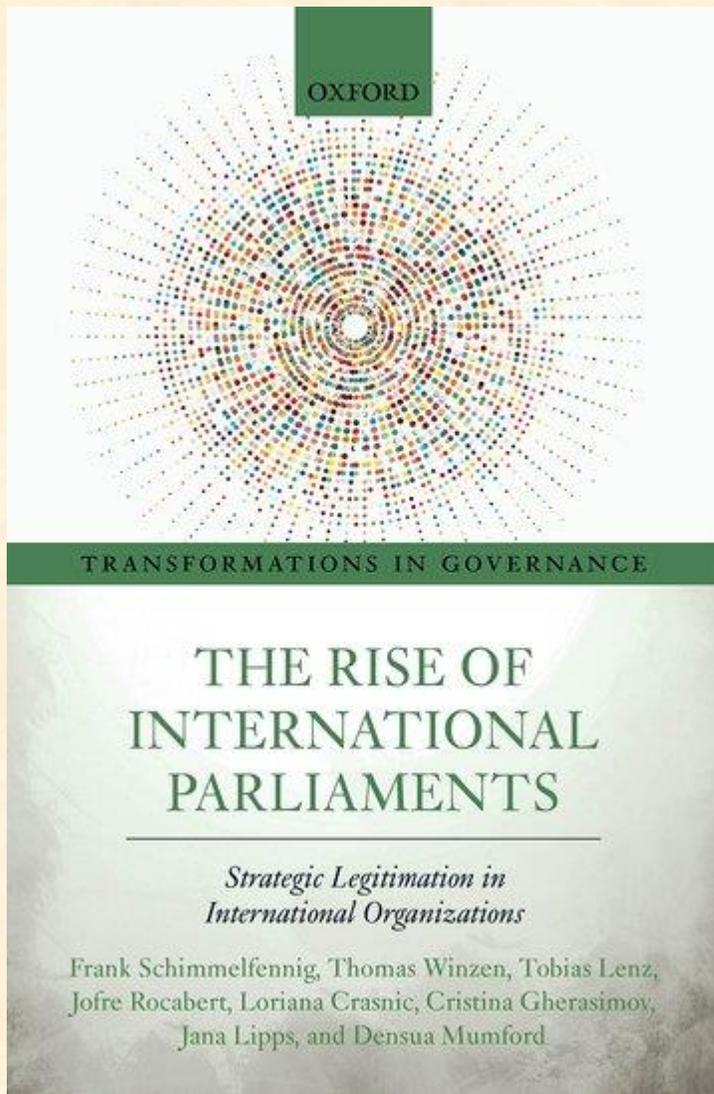


Edited by

Claire Kilpatrick and Joanne Scott

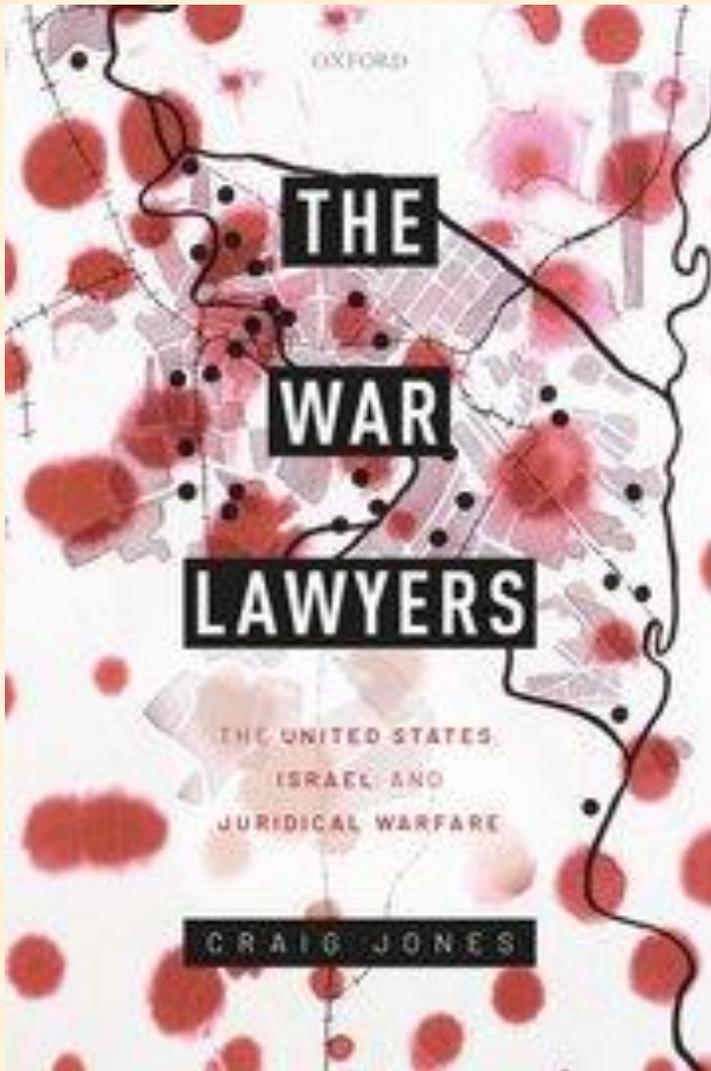
At the beginning of 2015, the Court of Justice opened its archives, which created a new and challenging primary source for those studying the Court of Justice: the dossiers de procédure which contain much more than the contemporary documents published by the Court. This volume includes five chapters which analyse the activities of the Court of Justice from a highly diverse range of non-doctrinal perspectives. However, they also highlight significant new developments at the Court itself which attract attention and deserve analysis. Thus, the idea behind this volume is to make available new tools and approaches through which the activities of the Court of Justice can be studied. It shows a more intense engagement with scholars across disciplines to reflect on law and courts, with the Court of Justice as a central focus, and new methods (such as network citation analysis) and sources (such as the Court's archives) being discovered and developed. It also shows a more intense and deeply knowledgeable engagement with EU law and the Court of Justice by non-legal scholars, such as the new sociologies and histories of the Court of Justice. These and other new approaches have spawned productive and ongoing conversations across disciplines.

Link to the book in the catalogue: <https://bit.ly/3jU5ta3>



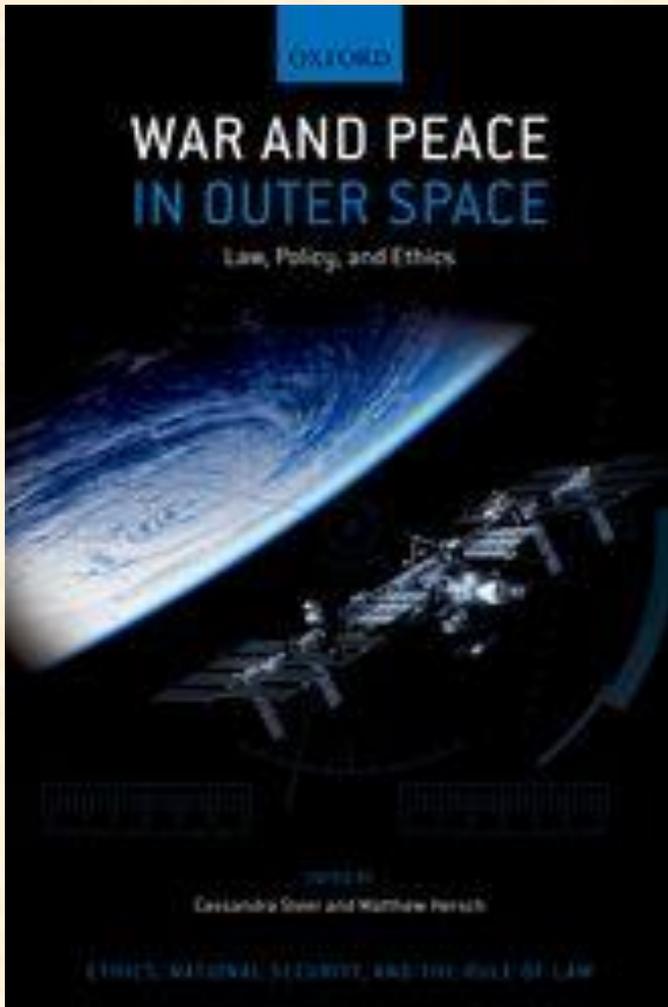
International parliamentary institutions (IPIs) are on the rise. Around the world, international organizations have increasingly established or affiliated parliamentary assemblies. At the same time, IPIs have generally remained powerless institutions with at best a consultative role in the decision-making process of international organizations. This book pursues the question why the member states of international organizations create IPIs but do not vest them with relevant institutional powers. It argues that neither the functional benefits of delegation nor the internalization of democratic norms provide convincing answers to this question. Rather, IPIs are an instrument of strategic legitimation. By establishing IPIs that mimic a highly esteemed domestic democratic institution, governments seek to ensure that audiences at home and in the wider international environment recognize their IOs as democratically legitimate. At the same time, they seek to avoid being effectively constrained by IPIs in international governance. In a statistical analysis covering the world's most relevant international organizations and a series of case studies from diverse world regions, we find two major varieties of international parliamentarization. IOs with general purpose and high authority create and empower IPIs to legitimate their region-building projects domestically. Alternatively, IOs are induced to create parliamentary bodies by international diffusion.

Link to the book in the catalogue: <https://bit.ly/3ppR9r1>



The War Lawyers examines the laws of war interpreted and applied by military lawyers to aerial targeting operations carried out by the US military in Iraq and Afghanistan, and the Israel military in Gaza. Drawing on interviews with military lawyers and others, this book explains why some lawyers became integrated in the chain of command whereby military targets are identified and attacked, whether by manned aircraft, drones and/or ground forces, and with what results. This book shows just how important law and war lawyers have become in the conduct of contemporary warfare, and how it is understood. Jones argues that circulations of law and policy between the U.S. and Israel have expanded the scope of what constitutes a legitimate military target, contending that the involvement of war lawyers in targeting operations not only constrains military violence, but also enables, legitimises, and sometimes even extends it.

Link to the book in the catalogue: <https://bit.ly/3qqQEym>



Historically, strategic restraint was the dominant approach among nations active in outer space, all of whom understood that continued access to and use of space required holding back on threats or activities which might jeopardize the status quo of peace in space. However, recently there has been a discernible shift in international rhetoric toward a more offensive approach to defense in space. The US move toward establishing a “Space Force” has been echoed by similar announcements in France and Japan. India launched an antisatellite weapon test and announced proudly that it thereby joined the elite group of China, Russia, and the United States, who have all demonstrated this capability in the past. As technologies in space advance, along with our terrestrial dependence on space-based systems for our peaceful civilian lives and for support of terrestrial warfare, the political stability of this vulnerable environment comes under threat. These factors, combined with a lack of transparency about actual capabilities and intentions on the part of all major players in space, creates a cyclical escalation which has led some commentators to describe this as a return to a Cold War–type arms race and to the foreseeability of a space-based conflict. Due to many unique characteristics of the space domain, an armed conflict in space would be catastrophic for all players, including neutral States, commercial actors, and international civil society. Due to the specificity of the space domain, specialized expertise must be provided to decision makers, and interdisciplinary opinions must be sought from a multitude of stakeholders. To that end, this volume provides a wide spectrum of perspectives from experts who have engaged together at a conference hosted by the Center for Ethics in the Rule of Law to discuss these issues. Ethical, legal, and policy solutions are offered here by those with experience in the space sector, including academia, legal practitioners, military lawyers and operators, diplomats, and policy advisers.

Link to the book in the catalogue: <https://bit.ly/3aqdpNg>

OXFORD CONSTITUTIONAL THEORY



Religion, Law, and Democracy

Selected Writings

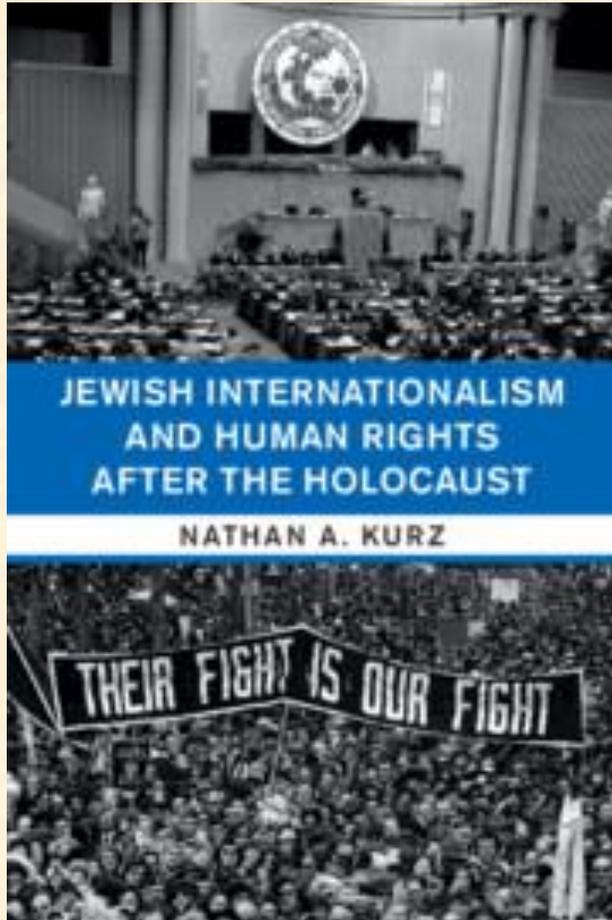
ERNST-WOLFGANG BÖCKENFÖRDE

EDITED BY MERJAM KÜNKLER AND TINE STEIN

Ernst-Wolfgang Böckenförde (1930-2019) was one of Europe's foremost legal scholars and political thinkers. As a scholar of constitutional law and a judge on Germany's Federal Constitutional Court (1983-1996), Böckenförde was a major contributor to contemporary debates in legal and political theory, to the conceptual framework of the modern state and its presuppositions, and to contested political issues such as the constitutional status of the state of emergency, citizenship rights, bioethical politics, and the challenges of European integration. His writings have shaped not only academic but also wider public debates from the 1950s to the present, to an extent that few European scholars can match. As a federal constitutional judge and holder of a trusted public office, Böckenförde has influenced the way academics and citizens think about law and politics. During his tenure on the Court, several path-breaking decisions for the Federal Republic of Germany were handed down, including decisions on the deployment of missiles, the law on political parties, the regulation of abortion, and the process of European integration.

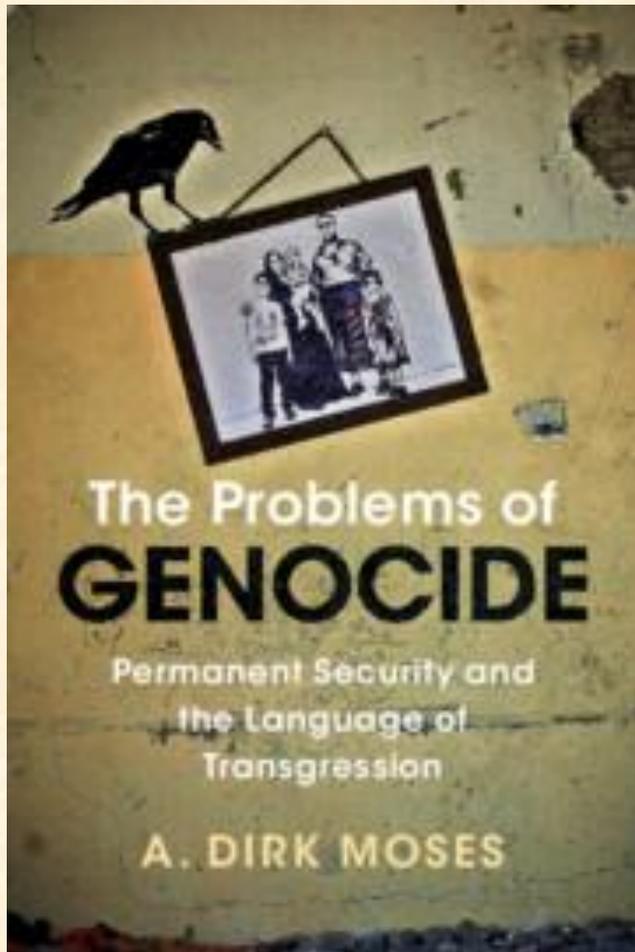
This second volume in the first representative edition in English of Böckenförde's writings brings together his essays on religion, law, and democracy. The volume is organized in five sections: I. the Catholic Church and Political Order; II. State and Secularity; III. the Theology of Law and its Relation to Political Theory; IV. Norms and the Principle of Human Dignity; and V. Excerpts from a biographical interview. Sections I, II, III, and IV are preceded by an editors' introduction to the articles as well as running editorial commentary to the work.

Link to the book in the catalogue: <https://bit.ly/3bpZTsv>



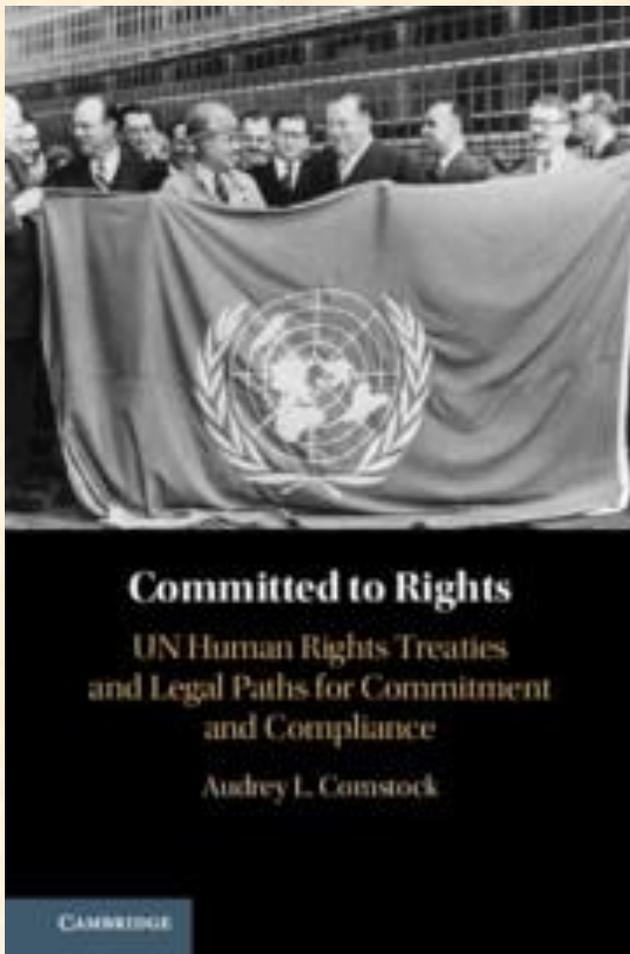
Nathan A. Kurz charts the fraught relationship between Jewish internationalism and international rights protection in the second half of the twentieth century. For nearly a century, Jewish lawyers and advocacy groups in Western Europe and the United States had pioneered forms of international rights protection, tying the defense of Jews to norms and rules that aspired to curb the worst behavior of rapacious nation-states. In the wake of the Holocaust and the creation of the State of Israel, however, Jewish activists discovered they could no longer promote the same norms, laws and innovations without fear they could soon apply to the Jewish state. Using previously unexamined sources, Nathan Kurz examines the transformation of Jewish internationalism from an effort to constrain the power of nation-states to one focused on cementing Israel's legitimacy and its status as a haven for refugees from across the Jewish diaspora.

Link to the book in the catalogue: <https://bit.ly/3dfu2gw>



Genocide is not only a problem of mass death, but also of how, as a relatively new idea and law, it organizes and distorts thinking about civilian destruction. Taking the normative perspective of civilian immunity from military attack, A. Dirk Moses argues that the implicit hierarchy of international criminal law, atop which sits genocide as the 'crime of crimes', blinds us to other types of humanly caused civilian death, like bombing cities, and the 'collateral damage' of missile and drone strikes. Talk of genocide, then, can function ideologically to detract from systematic violence against civilians perpetrated by governments of all types. The Problems of Genocide contends that this violence is the consequence of 'permanent security' imperatives: the striving of states, and armed groups seeking to found states, to make themselves invulnerable to threats.

Link to the book in the catalogue: <https://bit.ly/3aoTWMX>



International treaties are the primary means for codifying global human rights standards. However, nation-states are able to make their own choices in how to legally commit to human rights treaties. A state commits to a treaty through four commitment acts: signature, ratification, accession, and succession. These acts signify diverging legal paths with distinct contexts and mechanisms for rights change reflecting legalization, negotiation, sovereignty, and domestic constraints. How a state moves through these actions determines how, when, and to what extent it will comply with the human rights treaties it commits to. Using legal, archival, and quantitative analysis this important book shows that disentangling legal paths to commitment reveals distinct and significant compliance outcomes. Legal context matters for human rights and has important implications for the conceptualization of treaty commitment, the consideration of non-binding commitment, and an optimistic outlook for the impact of human rights treaties.

Link to the book in the catalogue: <https://bit.ly/3k0SWC0>

A GENEALOGY OF TERRORISM

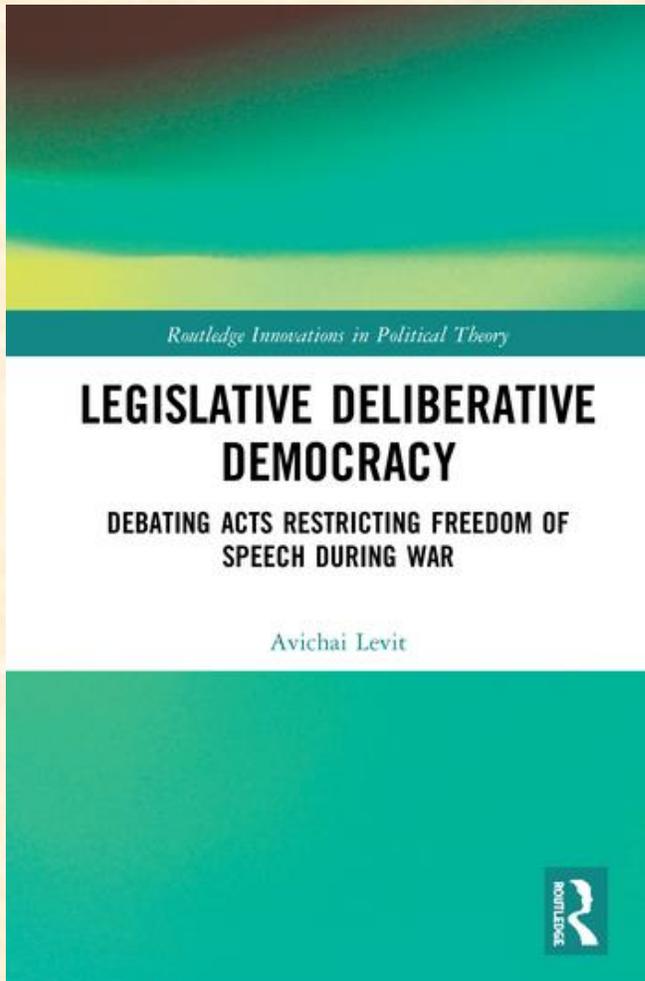
COLONIAL LAW AND THE
ORIGINS OF AN IDEA

JOSEPH MCQUADE



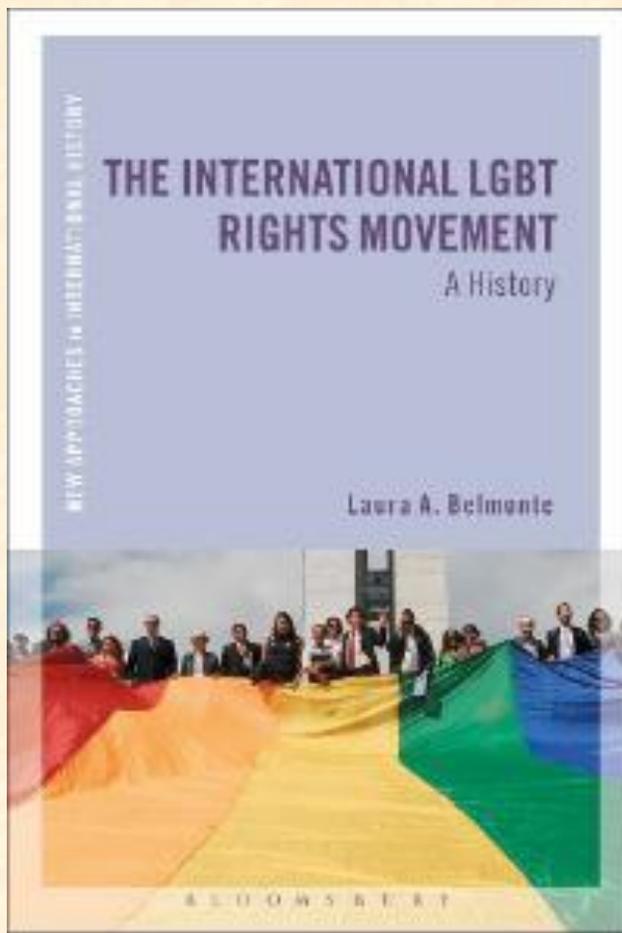
Using India as a case study, Joseph McQuade demonstrates how the modern concept of terrorism was shaped by colonial emergency laws dating back into the nineteenth and early twentieth centuries. Beginning with the 'thugs', 'pirates', and 'fanatics' of the nineteenth century, McQuade traces the emerging and novel legal category of 'the terrorist' in early twentieth-century colonial law, ending with an examination of the first international law to target global terrorism in the 1930s. Drawing on a wide range of archival research and a detailed empirical study of evolving emergency laws in British India, he argues that the idea of terrorism emerged as a deliberate strategy by officials seeking to depoliticize the actions of anti-colonial revolutionaries, and that many of the ideas embedded in this colonial legislation continue to shape contemporary understandings of terrorism today.

Link to the book in the catalogue: <https://bit.ly/3s4AJGx>



Avichai Levit argues that the degree of democratic legitimacy of laws that restrict freedom of speech during war depends on the extent of legislature deliberation on such laws. The more law makers in both chambers of the legislature seriously consider information and arguments, reason on the common good and seek to persuade and decide the best legislative outcome, in committees and on the floor, the more democratic legitimacy can be associated with such laws. This book fills a gap in the scholarly literature regarding the evaluation of the democratic legitimacy of laws that restrict freedom of speech during war, by bridging different theoretical perceptions and presenting an alternative normative account of deliberative democracy which focuses on the deliberations of a national legislature. Using the United States as a case study, Levit delves into the details of Congressional deliberation during World War I, World War II and the Cold War, as well as the political histories that brought about such laws.

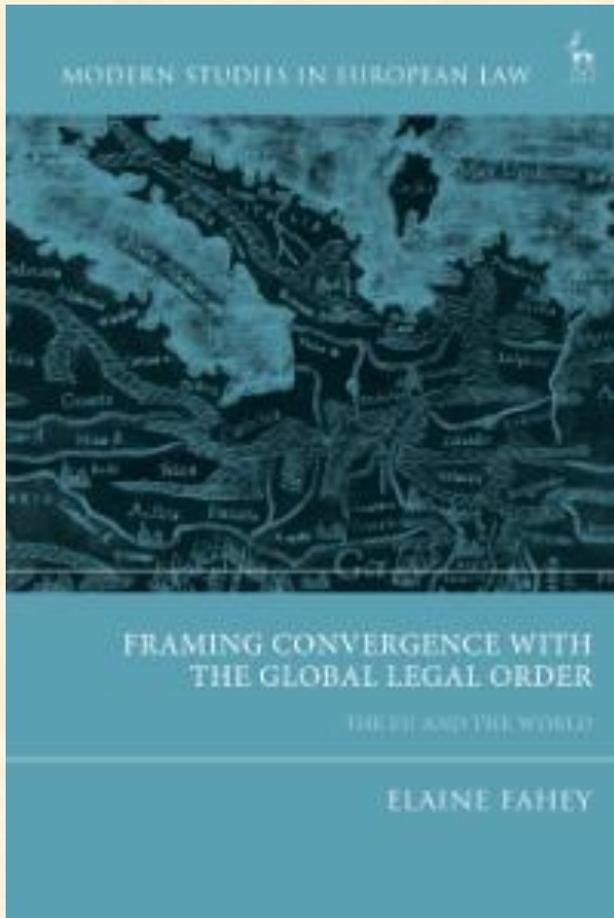
Link to the book in the catalogue: <https://bit.ly/3djYN3U>



During the past three decades, the international lesbian, gay, bisexual, and transgender rights movement has made significant advances, but millions of LGBT people continue to live in fear in nations where homosexuality remains illegal. The International LGBT Rights Movement offers a comprehensive account of this global force, from its origins in the early 1970s to its crucial place in world affairs today. Belmonte examines the movement's goals, the disputes about its mission, and its rise to international importance.

The International LGBT Rights Movement provides a thorough introduction to the movement's history, highlighting the key figures, controversies, and organizations, including Amnesty International and the International Lesbian and Gay Human Rights Commission. With a global scope which considers both state and non-state actors, the book explores transnational movements to challenge homophobia, while also assessing the successes and failures of these efforts along the way.

Link to the book in the catalogue: shorturl.at/tHLOO



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

Questions explored include: who and what are the subjects and objects of convergence as to the EU and the world? How do 'court-centric' and less 'court-centric' approaches differ? Can we use political science and international relations as 'service tools'?

Four key themes are probed:

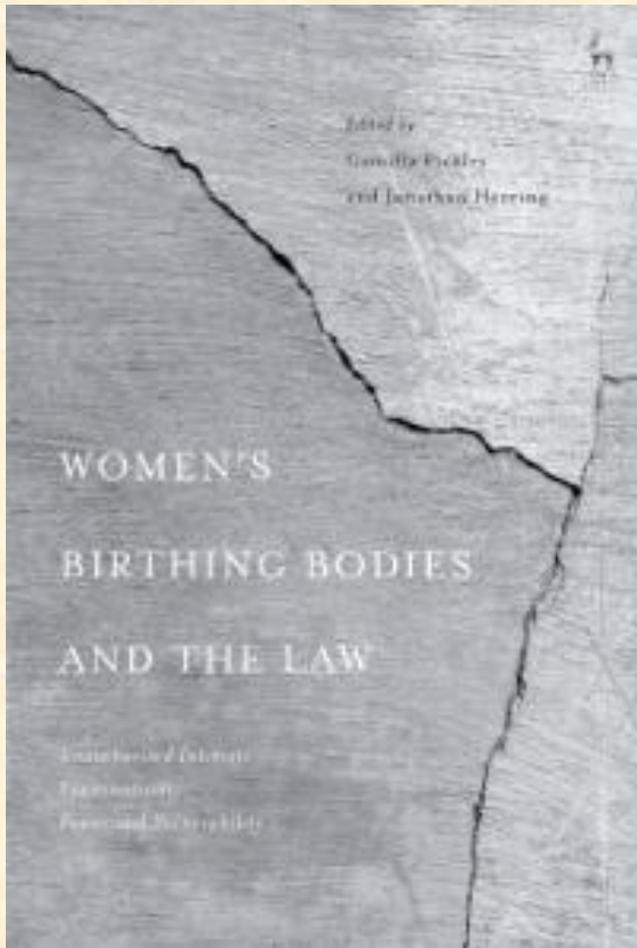
framing EU convergence;

global trade against convergence;

the EU as the exceptional internationalist; and

positioning convergence through methodology.

Link to the book in the catalogue: shorturl.at/syBCD

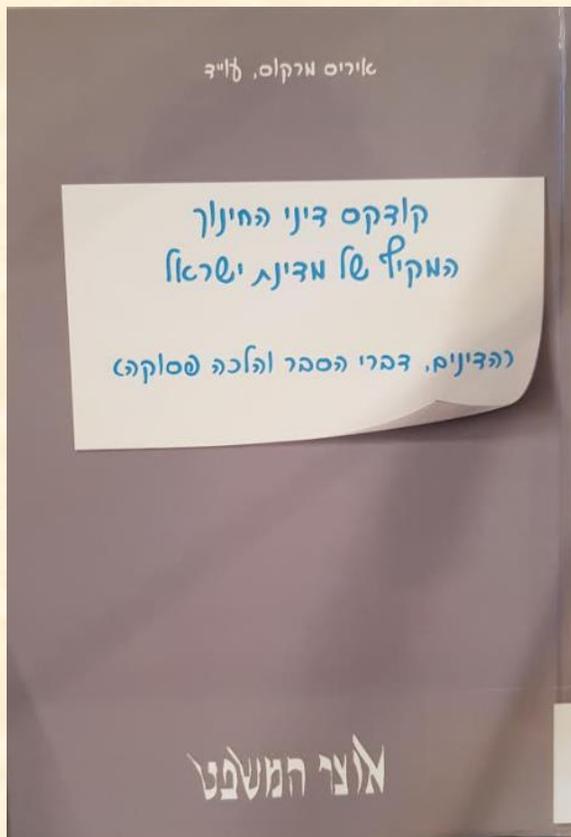


This is the first book to unpack the legal and ethical issues surrounding unauthorised intimate examinations during labour. The book uses feminist, socio-legal and philosophical tools to explore the issues of power, vulnerability and autonomy. The collection challenges the perception that the law adequately addresses different manifestations of unauthorised medical touch through the lens of women's experiences of unauthorised vaginal examinations during labour. The book unearths several broader themes that are of huge significance to lawyers and healthcare professionals such as the legal status of women and their bodies.

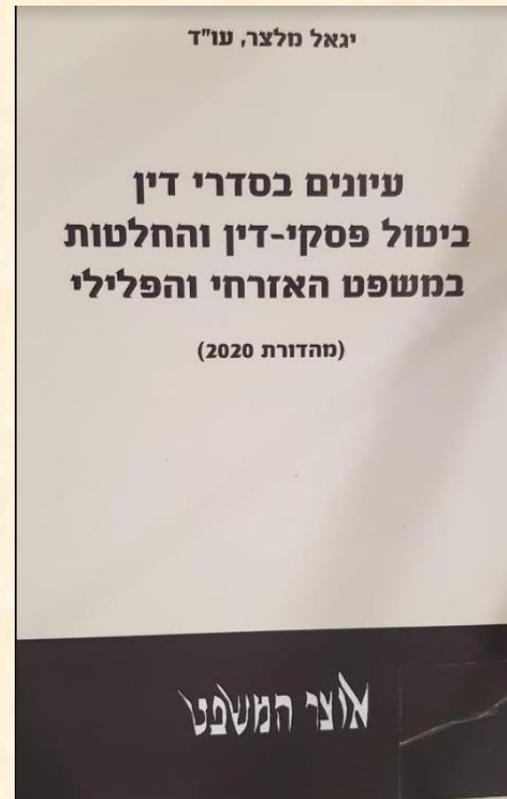
The book raises questions about women's experiences during childbirth in hospital settings. It explores the status of women's bodies during labour and childbirth where too easily they become objectified, and it raises important issues around consent. The book highlights links to the law on sexual offences and women's loss of power under the medical gaze.

The book includes contributions from leading feminist philosophers, medical professionals, and academics in medicine and law, and offers pioneering analysis relevant to lawyers and healthcare professionals with an interest in medical law and ethics; feminist theory; criminal law; tort law; and human rights law.

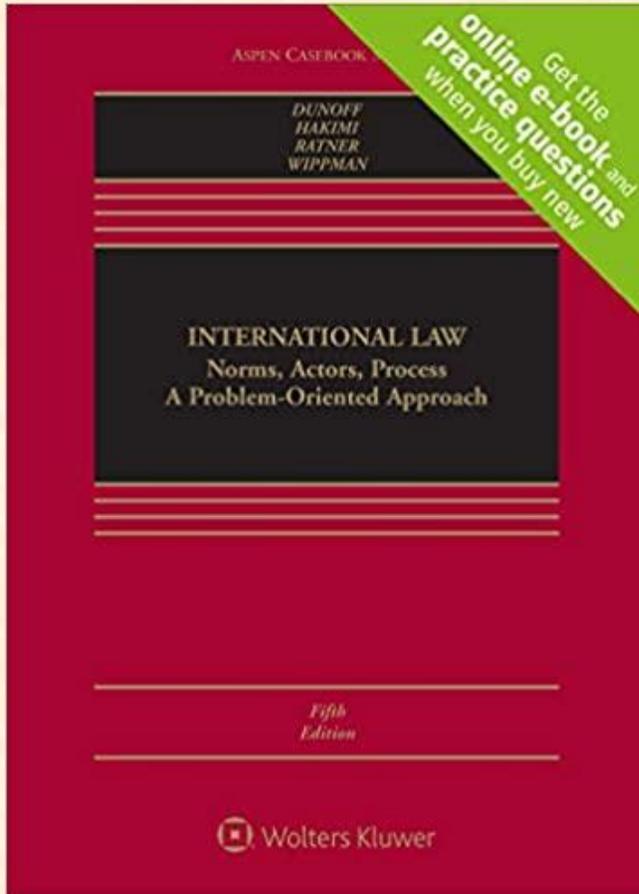
Link to the book in the catalogue: shorturl.at/ivwCM



<https://bit.ly/37BSp4u> קישור לספר בקטלוג:



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New to the Fifth Edition:

An introduction to international law through the Julian Assange episode

Presentation of state responsibility through the problem of cyber espionage and of the responsibility of international organizations through the problem of sexual assaults by UN peacekeepers

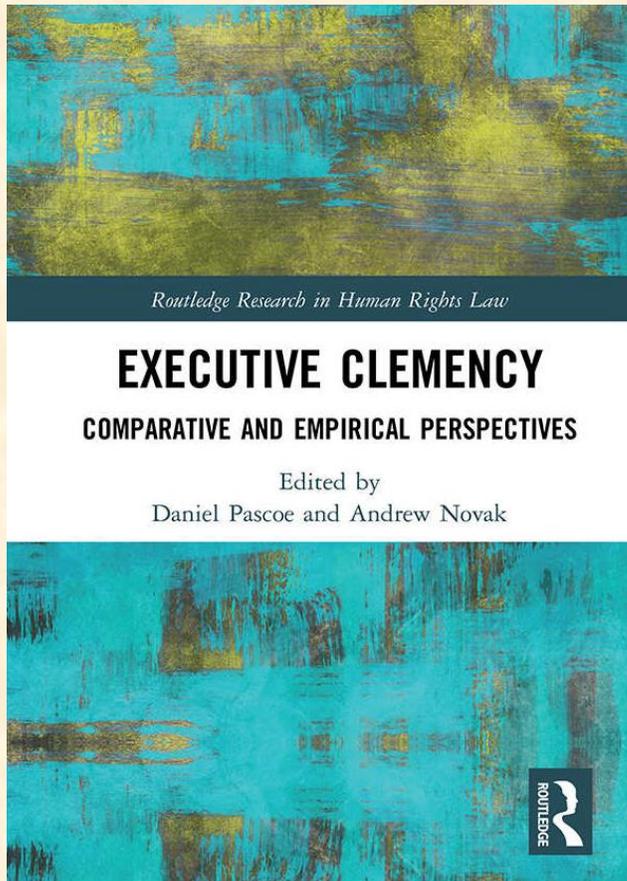
Integration of new U.S. Supreme Court decisions on the Alien Tort Statute, jurisdiction, and other topics

Analysis of the challenges that artificial intelligence and autonomous weapons pose to international humanitarian law

Comprehensive treatment of the Paris Accord on Climate Change

New cases and analysis on the role and legitimacy of international courts

Link to the book in the catalogue: <https://bit.ly/3qYRSks>



Nearly every country in the world has a mechanism for executive clemency, which, though residual in most legal systems, serves as a vital due process safeguard and as an outlet for leniency in punishment. While the origins of clemency lie in the historical prerogative powers of once-absolute rulers, modern clemency laws and practices have evolved to be enormously varied. This volume brings comparative and empirical analysis to bear on executive clemency, building a sociological and political context around systematically-collected data on clemency laws, grants, and decision-making. Some jurisdictions have elaborate constitutional and legal structures for pardoning or commuting a sentence while virtually never doing so, while others have little formal process and yet grant clemency frequently. Using examples from Asia, Europe, Latin America, the Caribbean, and the USA, this comparative analysis of the law and the practice of clemency sheds light on a frequently misunderstood executive power. This book builds on existing academic scholarship and expands the limited geographical scope of prior research, which has tended to focus on North America, the UK, and Australia. It relays the latest state of knowledge on the topic and employs case studies, doctrinal legal analysis, historical research, and statements by clemency decision-making authorities, in explaining why clemency varies so considerably across global legal and political systems. In addition, it includes contributions encompassing international law, transitional justice, and innocence and wrongful convictions, as well as on jurisdictions that are historically under-researched.

Link to the book in the catalogue: <https://bit.ly/3dBiTqw>

**ANTITRUST LAW, POLICY,
AND PROCEDURE**

Cases, Materials, Problems

EIGHTH EDITION

E. THOMAS SULLIVAN
HERBERT HOVENKAMP
HOWARD A. SHELANSKI
CHRISTOPHER R. LESLIE

CAROLINA ACADEMIC PRESS

This innovative and popular casebook focuses on teaching antitrust through the best legal precedents available. It emphasizes current judicial opinions and includes dissents where relevant to help students grasp the issues. The notes reflect a balanced approach to the competing ideologies of left, right, and center confronting their defects and presenting their strengths. Professors who are strongly committed to a particular ideology should find plenty of material to criticize or, alternatively, to illustrate their view.

Link to the book in the catalogue: <https://bit.ly/3qQrycy>

OXFORD

Copyrighted Material

jacobs, white, and ovey

The European Convention on Human Rights

Bernadette RAINEY

Pamela McCORMICK

Clare OVEY

8TH EDITION

Copyrighted Material



The eighth edition of *Jacobs, White and Ovey: The European Convention on Human Rights* is a clear and concise companion to this increasingly important and extensive area of the law. The authors examine each of the Convention rights in turn, explore the pivotal cases in each area and examine the principles that underpin the Court's decisions. The focus on the European Convention itself, rather than its implementation in any one member state, makes this book essential reading for all students looking for a concise yet authoritative overview of the work of the Strasbourg Court.

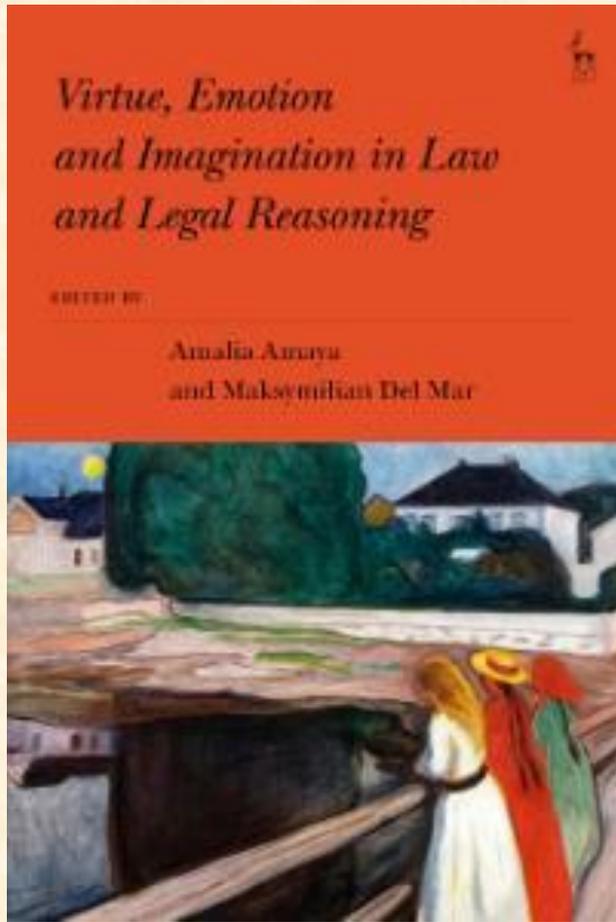
Link to the book in the catalogue: <https://bit.ly/3pJtTEv>



The collection examines the ways in which the emerging interdisciplinary study of care provokes a reassessment of the connections and disjuncture between care and governance, ethics, and public, personal and professional identities.

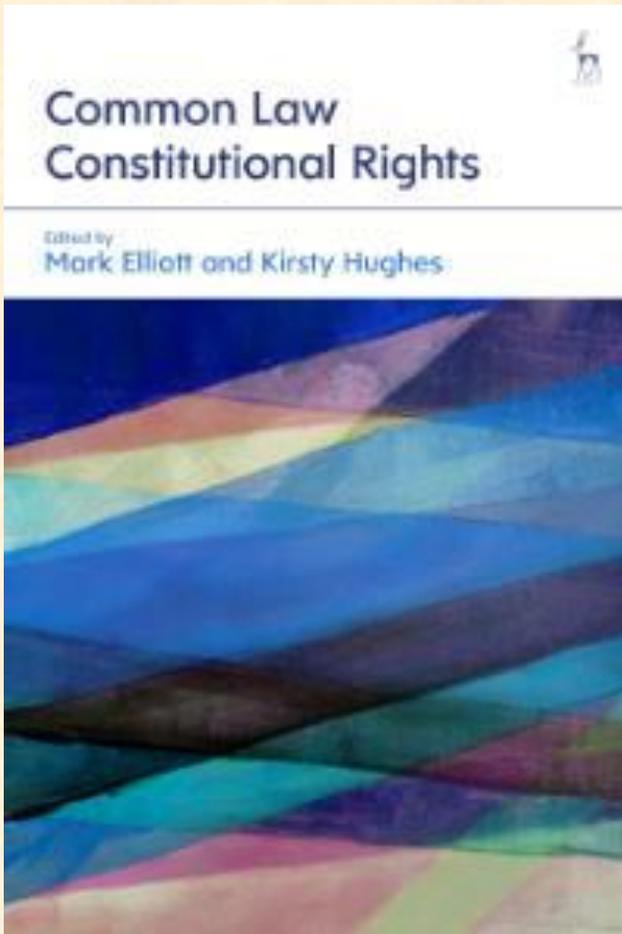
Evolving from a project coordinated by the Cambridge Socio-Legal Group, *Spaces of Care* brings together leading international scholars to articulate what we may consider to be a useful analytic of care. Lawyers, anthropologists, sociologists and criminologists reflect on specific aspects of conceptualising caring relations in 'spaces'. These spaces include: 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.

Link to the book in the catalogue: <https://rb.gy/0vogee>



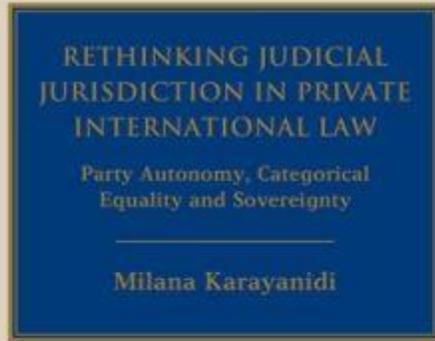
What is the role and value of virtue, emotion and imagination in law and legal reasoning? These new essays, by leading scholars of both law and philosophy, offer striking and exploratory answers to this neglected question. The collection takes a holistic approach, inquiring as to the connections and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

Link to the book in the catalogue: <https://rb.gy/moft4y>



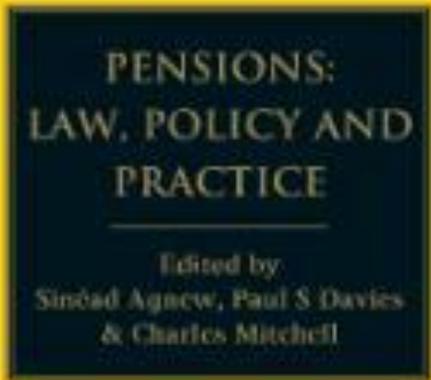
There is a developing body of legal reasoning in the United Kingdom Supreme Court in which members of the senior judiciary have asserted the primary role of common law constitutional rights and critiqued legal arguments based first and foremost on the Human Rights Act 1998. Their calls for a shift in legal reasoning have created a sense amongst both scholars and the judiciary that something significant is happening. Yet despite renewed academic and judicial interest we have limited insight into what common law constitutional rights we have, how they work and what they offer. This book is the first collection of its kind to systematically explore both the content and role of individual common law constitutional rights alongside the constitutional significance and broader implications of these developments. It therefore contributes not only to our understanding of what the common law might be capable of offering in terms of the protection of rights, but also to our understanding of the nature of the constitutional order of which such rights are an integral part.

Link to the book in the catalogue: <https://rb.gy/nfv5kc>



This book explores the theory and practice of judicial jurisdiction within the field of private international law. It offers a revised look at values justifying the power of courts to hear and decide cross-border disputes, and demonstrates that a re-conceptualisation of jurisdiction is needed. Rather than deriving from territorial power of states, jurisdiction in civil and commercial cross-border matters ought to be driven by party autonomy. This autonomy can be limited by certain considerations of equality and critical state sovereign interests. The book applies this normative view to the existing rules of jurisdiction in the European Union and the Russian Federation. These regimes are chosen due to their unique positions towards values in private international law and contrasting societal norms that generate and accommodate these values. Notwithstanding disparate cultural and political ideas, these regimes reveal a surprising level of consistency when it comes to enforcement of party autonomy. There is, nevertheless, room for improvement. The book demonstrates to scholars, policy makers and lawmakers that jurisdiction should be re-centred around the interests of private actors, and proposes ways to improve the current rules.

Link to the book in the catalogue: <https://rb.gy/ir5odo>



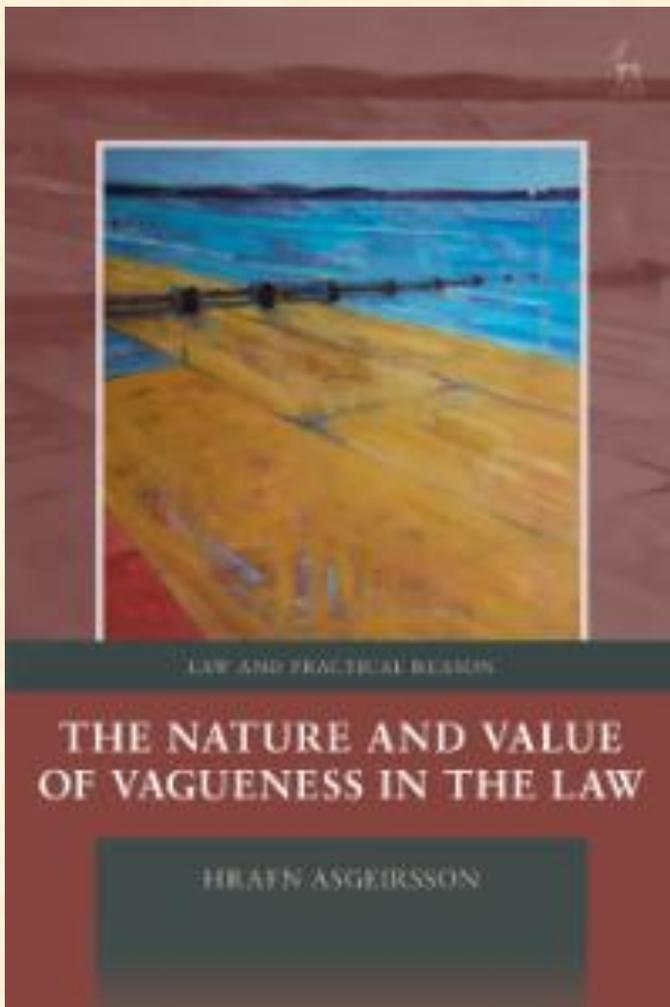
State pensions are the largest item in the UK social security budget, costing £93.8 billion in 2017/18. In 2018, 45.6 million people were members of UK occupational pension schemes (out of a total population of 66.4 million) and the total amount saved into workplace schemes was £90.4 billion. A consequence of the pensions sector's large size has been that pensions law and social security law have become increasingly specialised areas of practice. Yet despite the social and economic importance of pensions and the fascinating issues that they generate, pensions law and policy have not been the subject of sustained academic attention. This book starts to fill this gap by initiating a dialogue between practitioners and scholars working in this area.

Link to the book in the catalogue: <https://rb.gy/vgqjv1>



The title 'Commercial Maritime Law' is a misnomer. There is a patchwork of different commercial maritime laws around the world. However, the title is a true reflection of what many legal scholars and practitioners in the field have long desired: a common framework of commercial maritime law. This book unravels the complexities of bridging the gap between common law and civil law and will discuss whether the title will remain a misnomer despite the countless attempts at harmonisation. Internationally renowned legal scholars and practitioners discuss herein 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 embedded within commercial maritime law

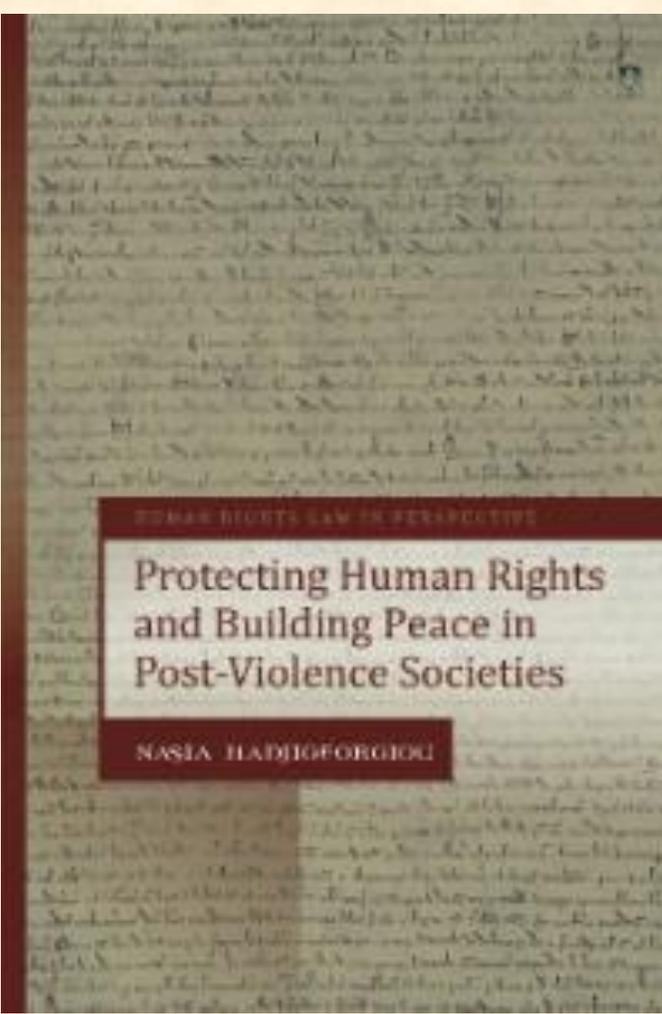
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Lawmaking is – paradigmatically – a type of speech act: people make law by saying things. It is natural to think, therefore, that the content of the law is determined by what lawmakers communicate. However, what they communicate is sometimes vague and, even when it is clear, the content itself is sometimes vague.

This monograph examines the nature and consequences of these two linguistic sources of indeterminacy in the law. The aim is to give plausible answers to three related questions: In virtue of what is the law vague? What might be good about vague law? How should courts resolve cases of vagueness? It argues that vagueness in the law is sometimes a good thing, although its value should not be overestimated. It also proposes a strategy for resolving borderline cases, arguing that textualism and intentionalism – two leading theories of legal interpretation – often complement rather than compete with each other.

Link to the book in the catalogue: <https://rb.gy/4ueolc>



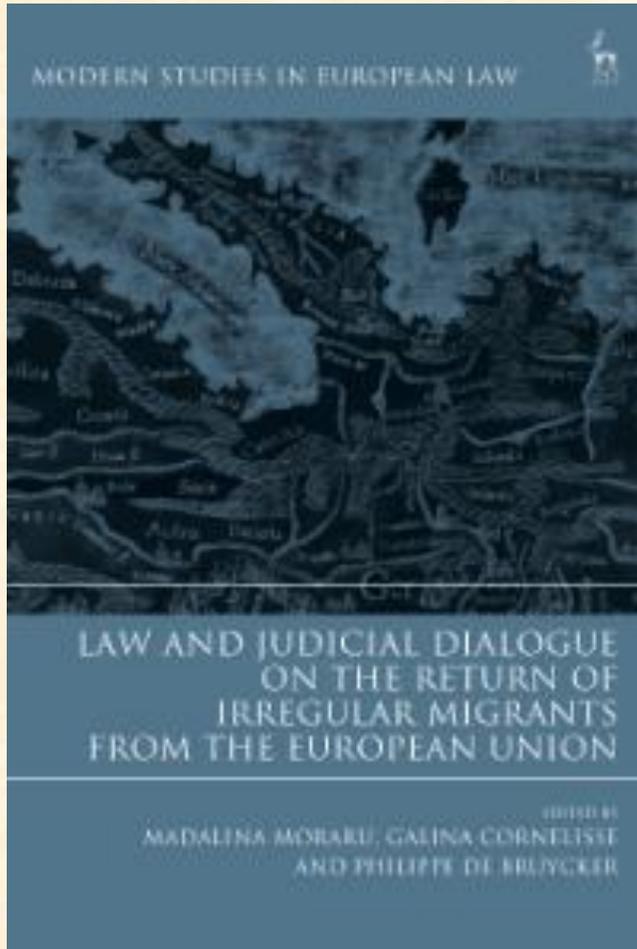
HUMAN RIGHTS LAW IN PERSPECTIVE

**Protecting Human Rights
and Building Peace in
Post-Violence Societies**

NASIA HADJIOFREGIDOU

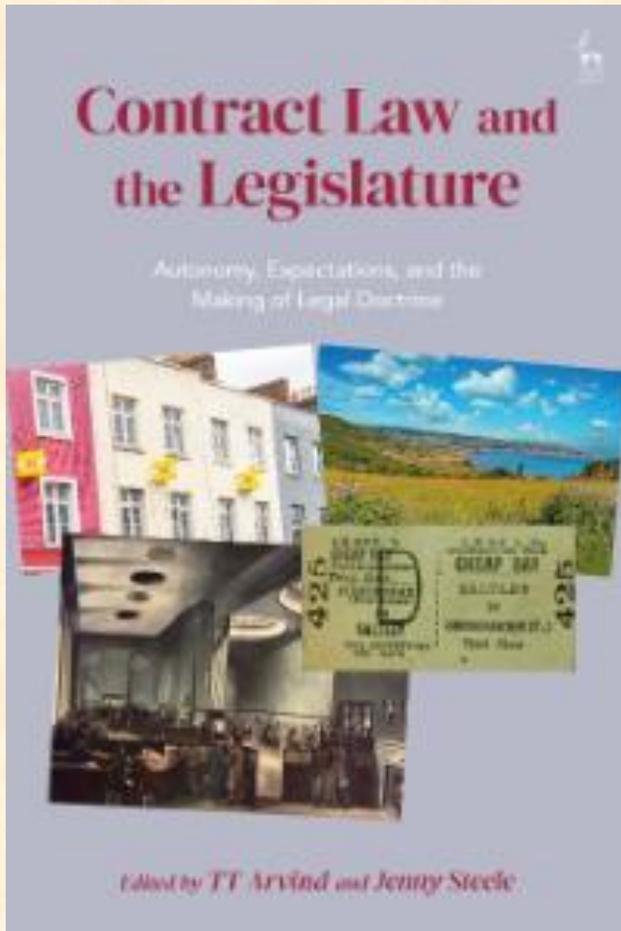
This book critically examines the relationship between protecting human rights and building peace in post-violence societies. It explores the conditions that must be present, and strategies that should be adopted, for the former to contribute to the latter. The author argues that human rights can aid peacebuilding efforts by helping victims of past violence to articulate their grievance, and by encouraging the state to respond to and provide them with a meaningful remedy. This usually happens either through a process of adjudication, whereby human rights can offer guidance to the judiciary as to the best way to address such grievances, or through the passing and implementation of human rights laws and policies that seek to promote peace. However, this positive relationship between human rights and peace is both qualified and context-specific. Through an interdisciplinary and comparative analysis of four case studies, 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.

Link to the book in the catalogue: <https://rb.gy/aqsjof>



This volume examines the implementation of the Return Directive from the perspective of judicial dialogue. While the role of judges has been widely addressed in European asylum law and EU law more generally, their role in EU return policy has hitherto remained underexplored. This volume addresses the interaction and dialogue between domestic judiciaries and European courts in the implementation of European return policy. The book brings together leading authors from various backgrounds, including legal scholars, judges and practitioners. This allows the collection to offer theoretical and practical perspectives on important questions regarding the regulation of irregular migration in Europe, such as: what constitutes inadequate implementation of the Directive and under which conditions can judicial dialogue solve it? How can judges ensure that the right balance is struck between effective return procedures and fundamental rights? Why do we see different patterns of judicial dialogue in the Member States when it comes to particular questions of return policy, for example regarding the use of detention? These questions are more timely than ever given the shifting public discourse on immigration and the growing political backlash against immigration courts. This book will be essential reading for all scholars and practitioners in the fields of immigration law and policy, EU law and public law.

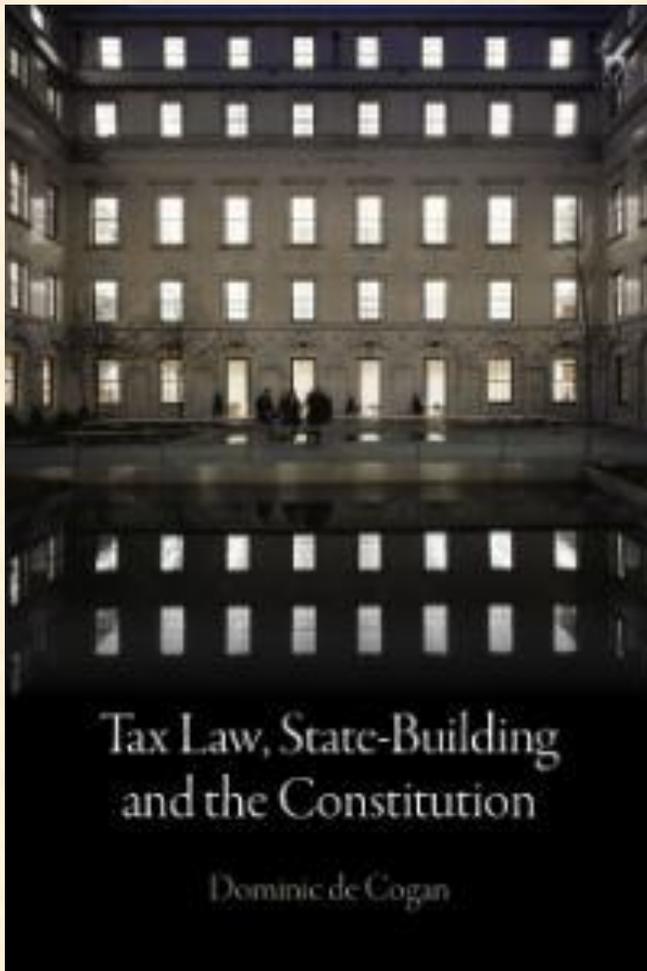
Link to the book in the catalogue: <https://rb.gy/wzuheb>



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

Statutory rules are, typically, seen as being specific instances of legal regulation that carve out exceptions to these general principles for specific reasons of policy. This treatment of these rules has resulted in an incomplete understanding of the nature of contract law and the principles that underpin it. By drawing specifically on contract statutes, the volume produces a more complete picture of modern contract law. A companion to the ground-breaking *Tort Law and the Legislature: Common Law, Statute and the Dynamics of Legal Change* (Hart Publishing, 2012), this collection will have a significant impact on the study of contract law.

Link to the book in the catalogue: <https://rb.gy/qiolam>

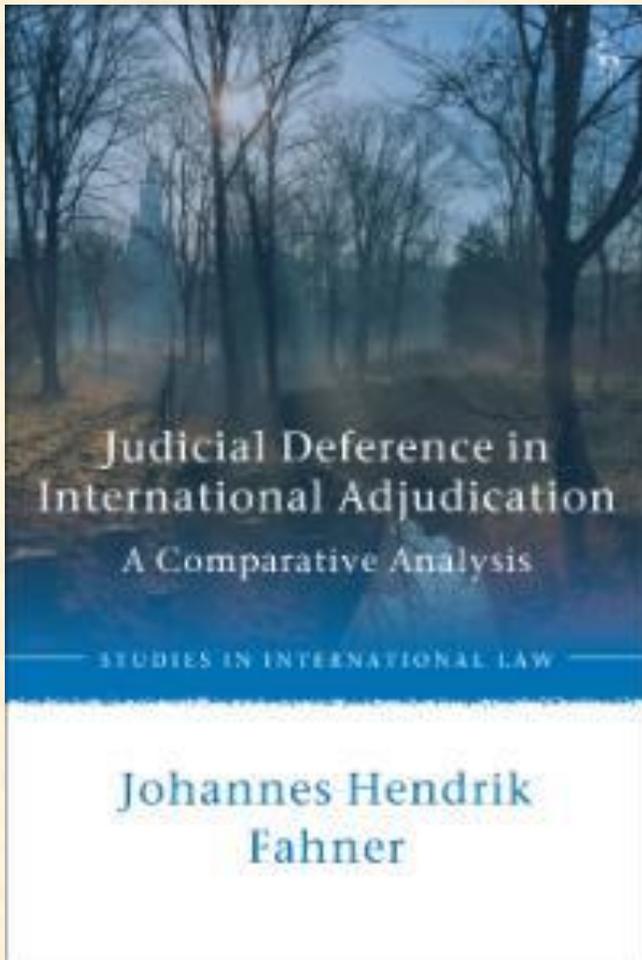


This monograph looks at how tax is intertwined with constitutional law and the state in the UK's history. It looks at a variety of topics including tax devolution, scrutiny and reform of tax legislation, the protection of taxpayers and the domestic legal processing of international rules and problems.

Tax Law, State-Building and the Constitution presents and interrogates five key claims. First, there is a clear overlap between the concerns of tax and constitutional lawyers. Secondly, the tax system is being deeply affected by the fast pace of constitutional change. Thirdly, decisions taken in the tax field are likely to have a reverse influence on the evolution of the constitution. Fourthly, these relationships are heavily context-dependent, with tax making all the difference to some ongoing constitutional controversies whilst having very little to do with others. Fifthly, by acknowledging tax as an important moving part within the contemporary constitution we might understand both tax and constitutional law a little better.

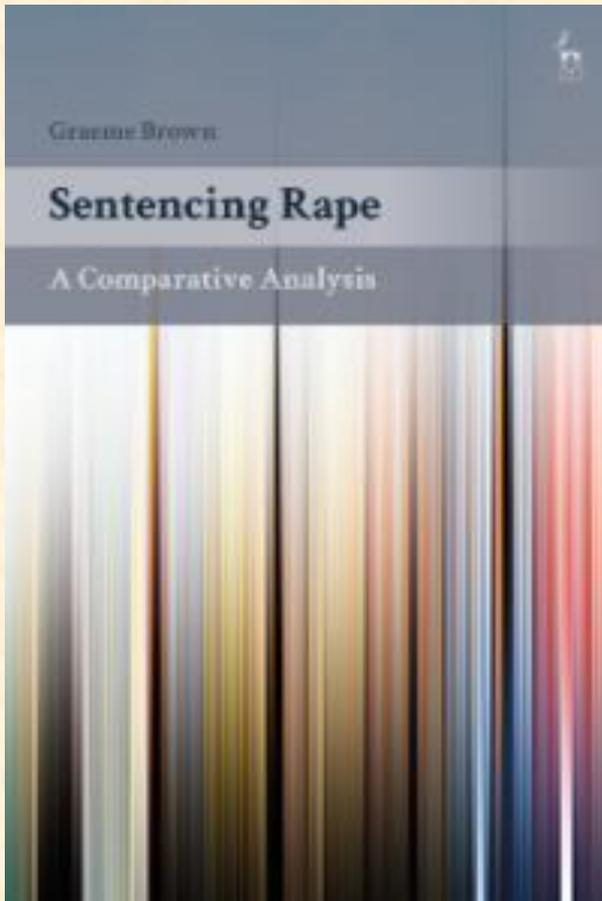
The book therefore contributes to deeper theoretical debates on the identity of tax law as a discipline, the relevance of tax to public lawyers, the meaning of state-building in the recent history of a developed country and the importance of public finances to a wider sense of 'what is going on'. These are questions that ought to command the attention of tax and constitutional law academics as well as policy makers and reformers.

Link to the book in the catalogue: <https://rb.gy/wgpxe3>



International courts and tribunals are increasingly asked to pass judgment on matters that are traditionally considered to fall within the domestic jurisdiction of States. Especially in the fields of human rights, investment, and trade law, international adjudicators commonly evaluate decisions of national authorities that have been made in the course of democratic procedures and public deliberation. A controversial question is whether international adjudicators should review such decisions *de novo* or show deference to domestic authorities. This book investigates how various international courts and tribunals have responded to this question. In addition to a comparative analysis, the book provides a normative argument, discussing whether different forms of deference are justified in international adjudication. It proposes a distinction between epistemic deference, which is based on the superior capacity of domestic authorities to make factual and technical assessments, and constitutional deference, which is based on the democratic legitimacy of domestic decision-making. The book concludes that epistemic deference is a prudent acknowledgement of the limited expertise of international adjudicators, whereas the case for constitutional deference depends on the relative power of the reviewing court vis-à-vis the domestic legal order.

Link to the book in the catalogue: <https://rb.gy/x3nlpo>

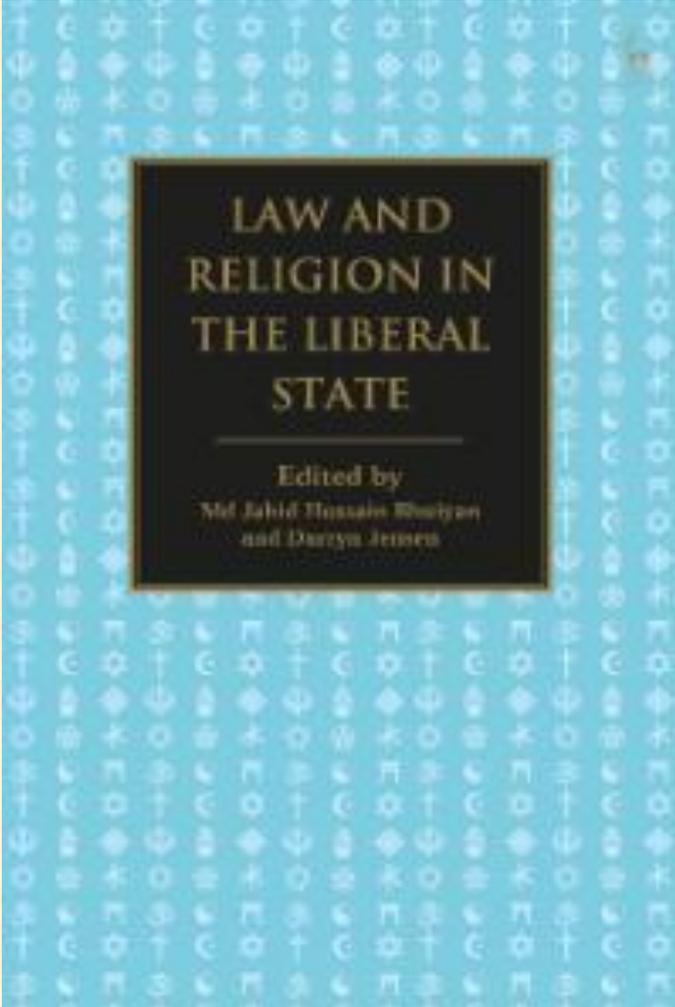


This book presents an in-depth comparative study of sentencing practice for rape in six common law jurisdictions: England and Wales, Scotland, Ireland, Canada, New Zealand, and South Africa. It provides a thorough review of the medical literature on the physical and psychological effects of rape, the legal and philosophical literature on the seriousness of the offence, and the victim's role in sentencing. Given the increasingly common practice of perpetrators using mobile and online technologies to film or photograph the commission of sexual offences, the book examines recent socio-legal research on technology-facilitated sexual violence and considers the implications for sentencing.

By building on recent scholarship on judicial decision-making in sentencing and case law – comprising over 250 decisions of the relevant appellate courts – the book explores and critically analyses judicial approaches to rape sentencing. The analysis is undertaken with a view to suggesting possible reforms to rape sentencing in 'non-guideline' jurisdictions. In so doing, this book seeks to establish general principles for sentencing rape, assisting in the imposition of proportionate sentences.

This book will be of interest to judges and practising lawyers; to those researching criminal law, criminal justice, criminology, and gender studies; and to policy makers, including sentencing councils and commissions, in common law jurisdictions worldwide.

Link to the book in the catalogue: <https://rb.gy/2okt15>



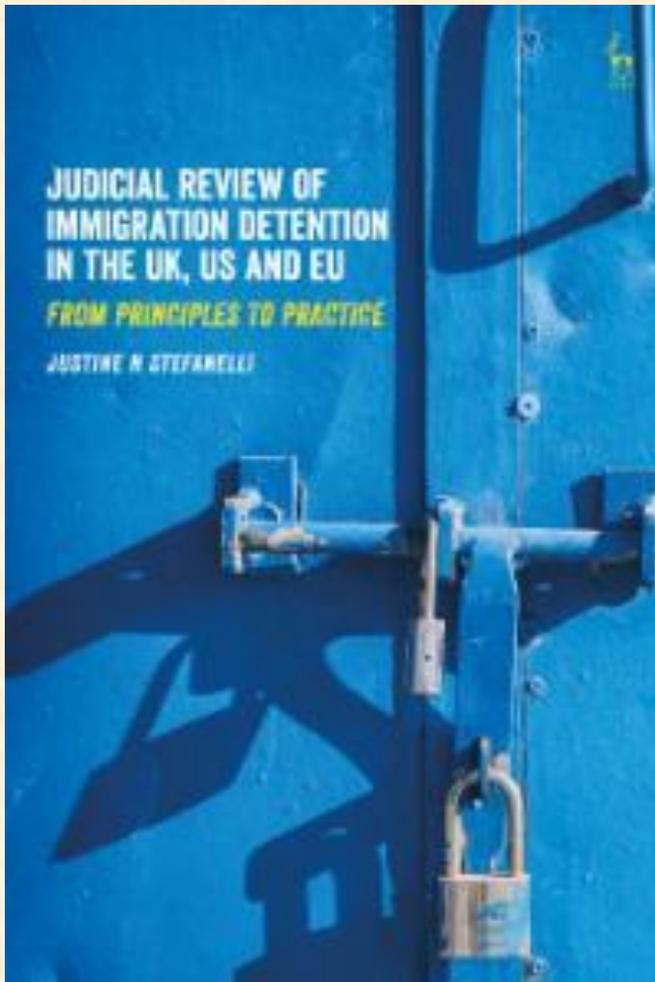
LAW AND
RELIGION IN
THE LIBERAL
STATE

Edited by

Md. Jahid Hossain Bhuiyan
and Darrin Jensen

The relationship between law and religion is evident throughout history. They have never been completely independent from each other. There is no doubt that religion has played an important role in providing the underlying values of modern laws, in setting the terms of the relationship between the individual and the state, and in demanding a space for the variety of intermediate institutions which stand between individuals and the state. However, the relationships between law and religion, and the state and religious institutions differ significantly from one modern state to another. There is not one liberalism but many. This work brings together reflections upon the relationship between religion and the law from the perspectives of different sub-traditions within the broader liberal project and in light of some contemporary problems in the accommodation of religious and secular authority.

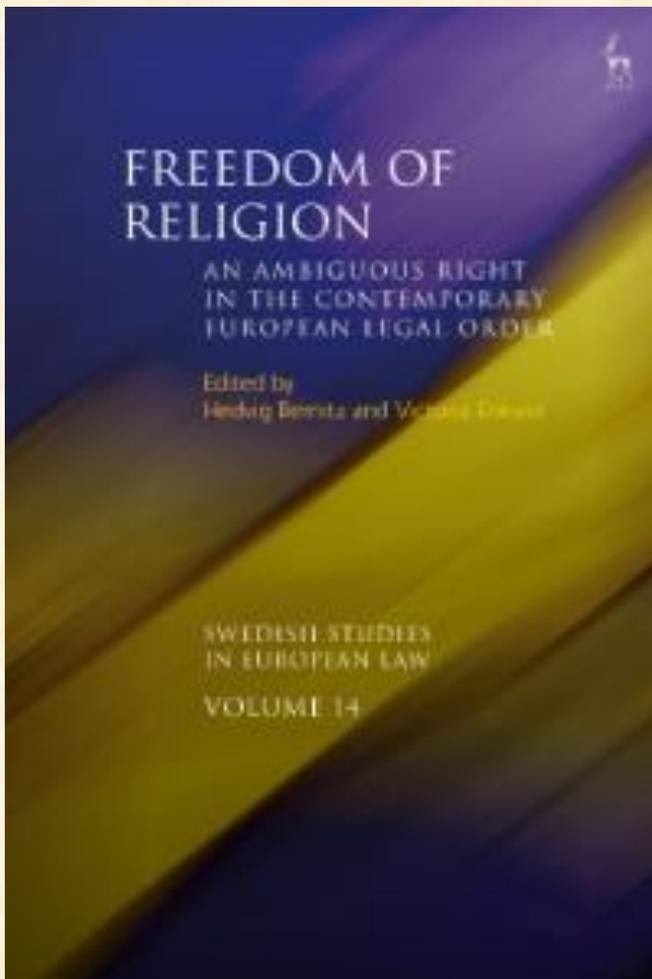
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Immigration detention is considered by many states to be a necessary tool in the execution of immigration policy. Despite the apparently key role it plays in immigration enforcement, the law on immigration detention is often vague, especially in relation to determining the circumstances under which prolonged detention remains lawful. As a result, the courts are frequently called upon to adjudicate these matters, with scant legal tools at their disposal. Though there have been some significant judgments on the legality of detention at the constitutional level, the extent to which these judgments have had an impact at the lower end of the judiciary is unclear. Indeed, it is the lower courts which are tasked with judging the legality of detention through habeas corpus or judicial review proceedings.

This book examines the way this has occurred in the lower courts of two jurisdictions, the UK and the US, and contrasts this practice not only in those jurisdictions, but with judgments rendered by the Court of Justice of the European Union, a constitutional court at the other end of the judicial spectrum whose judgments are applied by courts and tribunals in the EU Member States. Although these three jurisdictions use similar tests to evaluate the legality of detention, case outcomes significantly differ. Many factors contribute to this divergence, but key among them is the role that fundamental rights protection plays in each jurisdiction. Through a forensic evaluation of 191 judgments, this book compares the laws on detention in the UK, US and EU, and makes recommendations to these jurisdictions for improvement.

Link to the book in the catalogue: <https://rb.gy/9wxgqe>

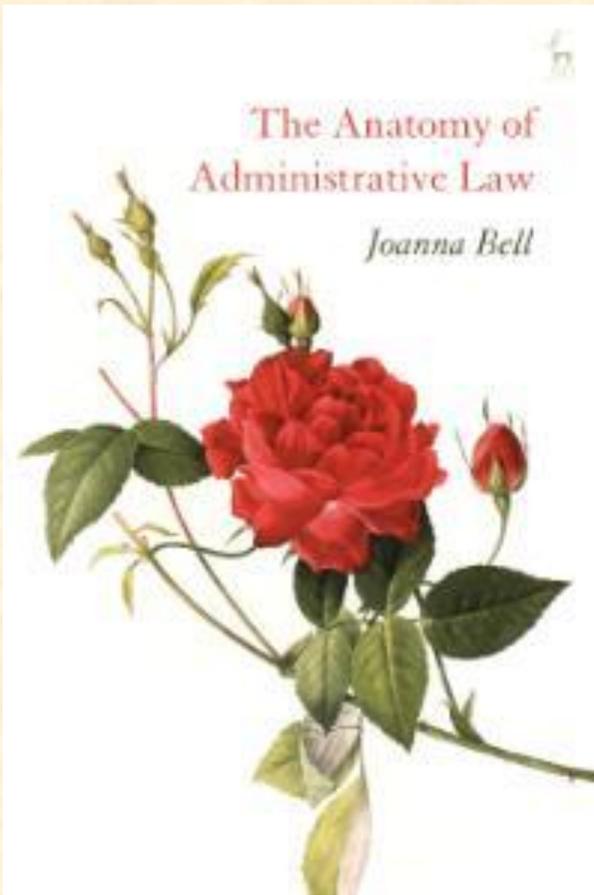


In most European societies today, religion and questions about religion are increasing in relevance and importance. This development can be explained in several ways, for example by continuous demographic changes and new societal standards and values.

As a consequence, the debate on the interpretation and scope of the right to freedom of religion has intensified in politics, media and, of course, law. The right to freedom of religion is complex and varies within different legal contexts at the international, European and national levels. This has resulted in a right that is ambiguous and sometimes difficult for individuals to claim and for states to assert.

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

Link to the book in the catalogue: <https://rb.gy/htqdxs>



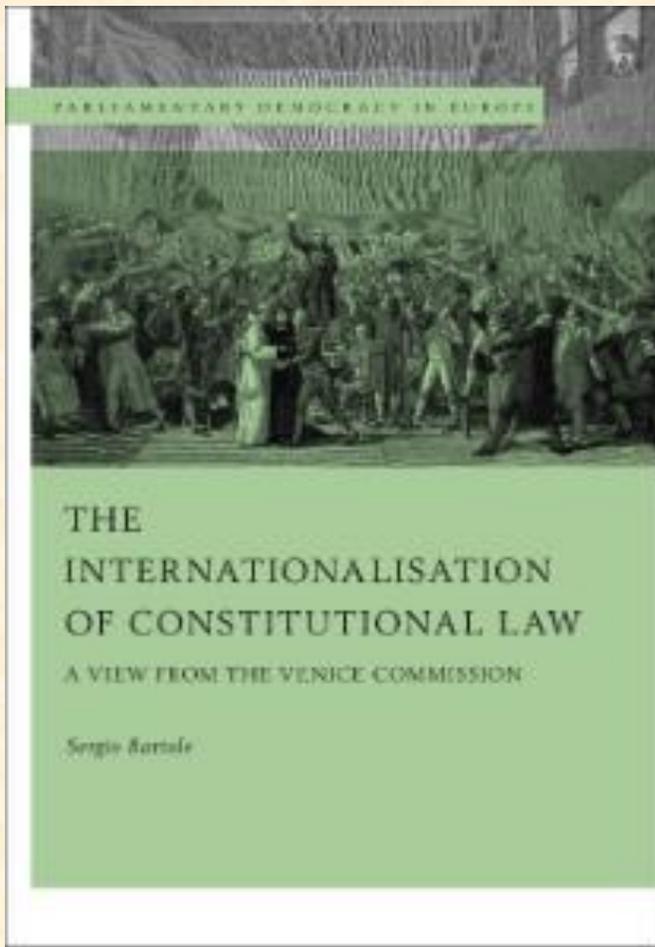
This book seeks to further our understanding of the nature of administrative law doctrine and adjudication. It has three main aims. The first is to improve understanding of administrative law's 'anatomy' by pulling the subject apart and exploring the nature of the legal structures at play in adjudication. In doing so, the book emphasises three main ways in which administrative law's anatomy is both complex and diverse, namely: administrative law doctrine interacts with a broad array of legislative frameworks; administrative law adjudication seeks to accommodate a variety of legal values; and, administrative law is concerned with legal relationships of different kinds.

The second aim is to illustrate the importance of recognising the complexity and variety of administrative law's anatomy in three particular doctrinal contexts: procedural review, legitimate expectations and standing.

The third and final aim is to raise an important but under-explored question: is it plausible and useful to attempt to make sense of administrative law doctrine by reference to a singular organising concept or principle?

The overarching message of the book is one of cynicism. The complexity and variety of administrative law's legal structures probably means that attempts to explain the field 'monistically', while they may capture important themes, will be unhelpfully reductionist. Ambitious and thought-provoking, this is an important new statement on administrative law.

Link to the book in the catalogue: <https://rb.gy/tedbqf>



In this book, one of the longest-standing members of The Venice Commission reflects on the work of the institution to show how constitutional law in Europe (and beyond) has become increasingly borderless. The book tracks the work of the Commission, illustrating the law both in action and in its broader political and historical context. It looks at its treatment of the judiciary and judicial conflicts, including the present crisis of the rule of law among Member States in the region of central eastern Europe. Finally it suggests how all this can only be sensibly understood as a feature of the broader trend towards the internationalisation of constitutional law.

Link to the book in the catalogue: <https://rb.gy/ax6qln>

DANIEL
JOYCE

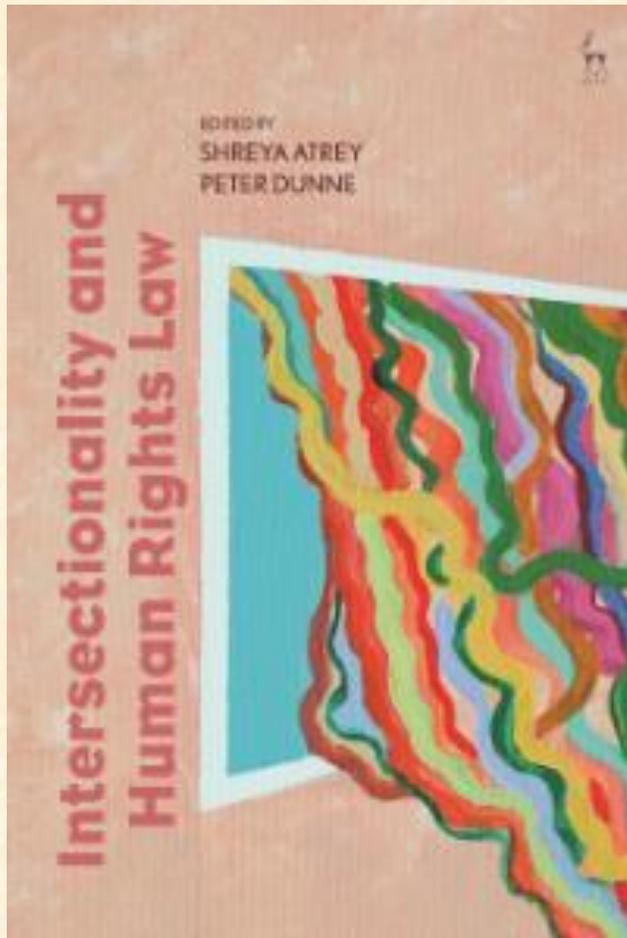
INFORMED PUBLICS, MEDIA AND INTERNATIONAL LAW

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

The book explores the ways in which traditional regulatory and analytical categories are increasingly challenged, revealed as inadequate or bypassed, but also assesses their resilience and future utility in light of significant technological change and concerns about fake news, the rise of big data and algorithmic accountability. Furthermore, it contends that analysing the imbrication of media and international law in the current digital transition is necessary to understand the nature of the problems a system such as international law faces without sufficiently informed publics.

The book argues that international law depends on informed global publics to function and to address the complex global problems which we face. This draws into view the role media plays in relation to international law, but also the role of international law in regulating the media, and reveals the communicative character of international law.

Link to the book in the catalogue: <https://rb.gy/ndxojh>



This collection of essays analyses how the diversity in human identity and disadvantage affects the articulation, realisation, violation and enforcement of human rights. The question arises from the realisation that people who are severally and severely disadvantaged because of their race, religion, gender, age, disability, sexual orientation, class etc, often find themselves at the margins of human rights; their condition seldom improved and sometimes even worsened by the rights discourse. How does one make sense of this relationship between the complexity of people's disadvantage and violation of their human rights? Does the human rights discourse, based on its universal and common values, have tools, methods or theories to capture and respond to the difference in people's lived experience of rights? Can intersectionality help in that quest? This book seeks to inaugurate this line of inquiry.

Link to the book in the catalogue: <https://rb.gy/rddivo>

Challenging Private Law

Lord Sumption on the Supreme Court



Edited by William Day and Sarah Worthington

Lord Sumption has been one of the most influential judges of his generation. This book critically reflects on the important and controversial issues raised by his jurisprudence. Using Lord Sumption's judgments and extra-judicial lectures as a starting point, the book contains a selection of essays that consider 'where next' in relation to topics such as:

- contract variation, damages and penalties;
- economic loss and personal injury in tort law;
- knowing receipt and proprietary restitution;
- illegality in private law;
- agency and attribution;
- piercing the corporate veil;
- foreign law in the English courts.

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

Link to the book in the catalogue: <https://rb.gy/kvp7pi>



What does computable law mean for the autonomy, authority and legitimacy of the legal system? Are we witnessing a shift from Rule of Law to a new Rule of Technology? Should we even build these things in the first place?

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

Link to the book in the catalogue: <https://rb.gy/eh0z32>

HART STUDIES
IN SECURITY
AND JUSTICE



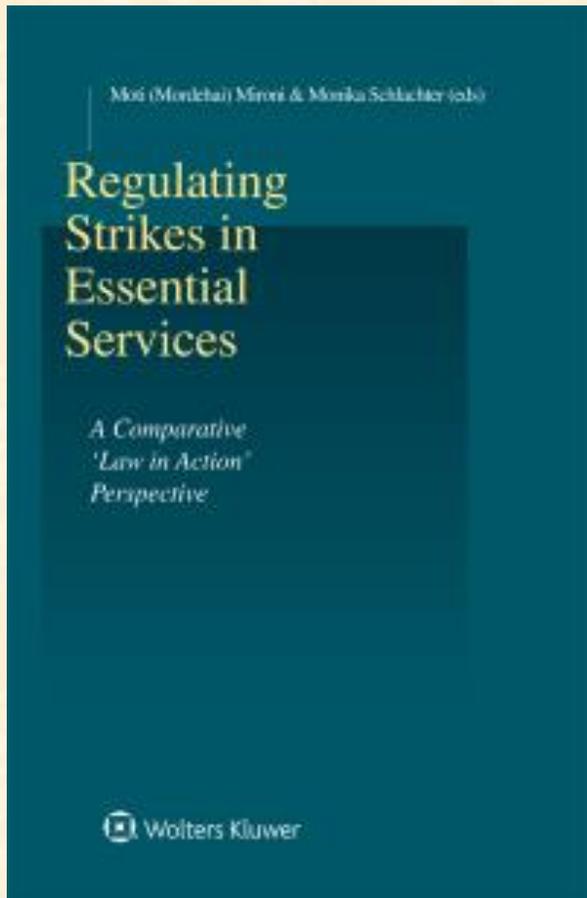
SECURITY AND HUMAN RIGHTS

SECOND EDITION

Edited by
Benjamin J. Davis and Liara Lazarus

This is the second edition of the acclaimed *Security and Human Rights*, first published in 2007. Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world. The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001. The second edition continues in this tradition, presenting a collection of essays from leading academics and practitioners in the fields of criminal justice, public law, privacy law, international law, national security law, critical social theory, political theory and human rights law. The collection offers genuinely multidisciplinary perspectives on the relationship between security and human rights. In addition to exploring how the demands of security might be reconciled with the protection of established rights, *Security and Human Rights* provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime, prevent terrorism, and protect their citizens. The volume features a set of new essays that engage with the most pressing questions facing security and human rights in the twenty-first century and is essential reading for all those working in the area.

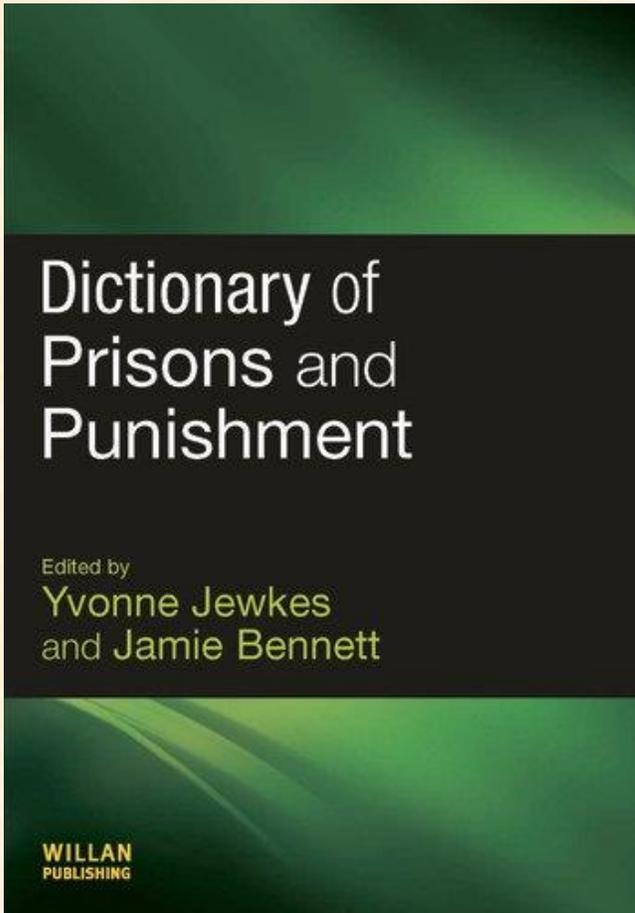
Link to the book in the catalogue: <https://bit.ly/3kFXqOz>



Designing a fair, effective and acceptable regime that will reconcile public interest and the public's need for an uninterrupted flow of essential services on the one hand, while maintaining the freedom of collective bargaining on the other, is an ever more difficult public policy challenge. This book, the first detailed comparative analysis of existing legal and practical approaches across a spectrum of key national jurisdictions, provides a structured and insightful overview of the law and practice of regulating strikes in essential services. As such it can be of great value for public policy debate and the enhancement of national law in the field.

The editors have assembled experts from fourteen countries who describe and analyse their respective country's experience with strikes in essential services and the legislative and judicial as well as informal approaches towards regulating and intervening in such strikes.

Link to the book in the catalogue: <https://bit.ly/2NS1MpY>



Contemporary prison practice faces many challenges, is developing rapidly and is become increasingly professionalized, influenced by the new National Offender Management Service. As well as bringing an increased emphasis on skills and qualifications it has also introduced a new set of ideas and concepts into the established prisons and penal lexicon.

At the same time courses on prisons and penology remain important components of criminology and criminal justice degree courses.

Link to the book in the catalogue: <https://bit.ly/3q7JrIY>