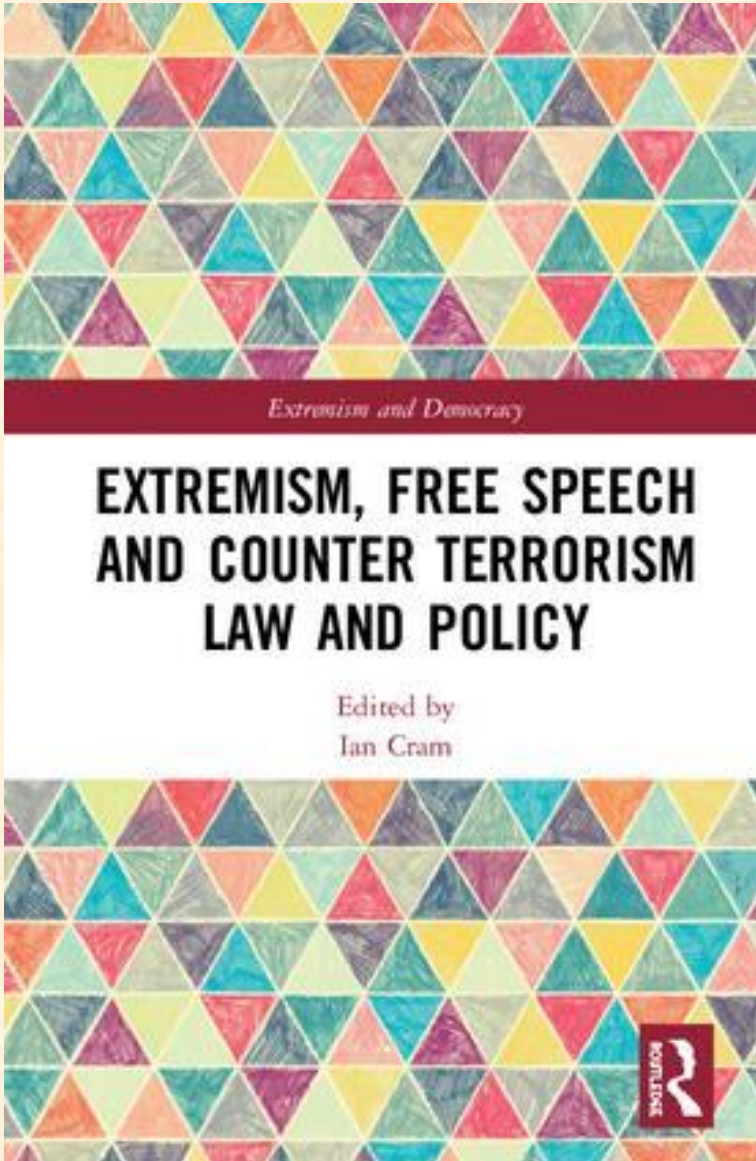


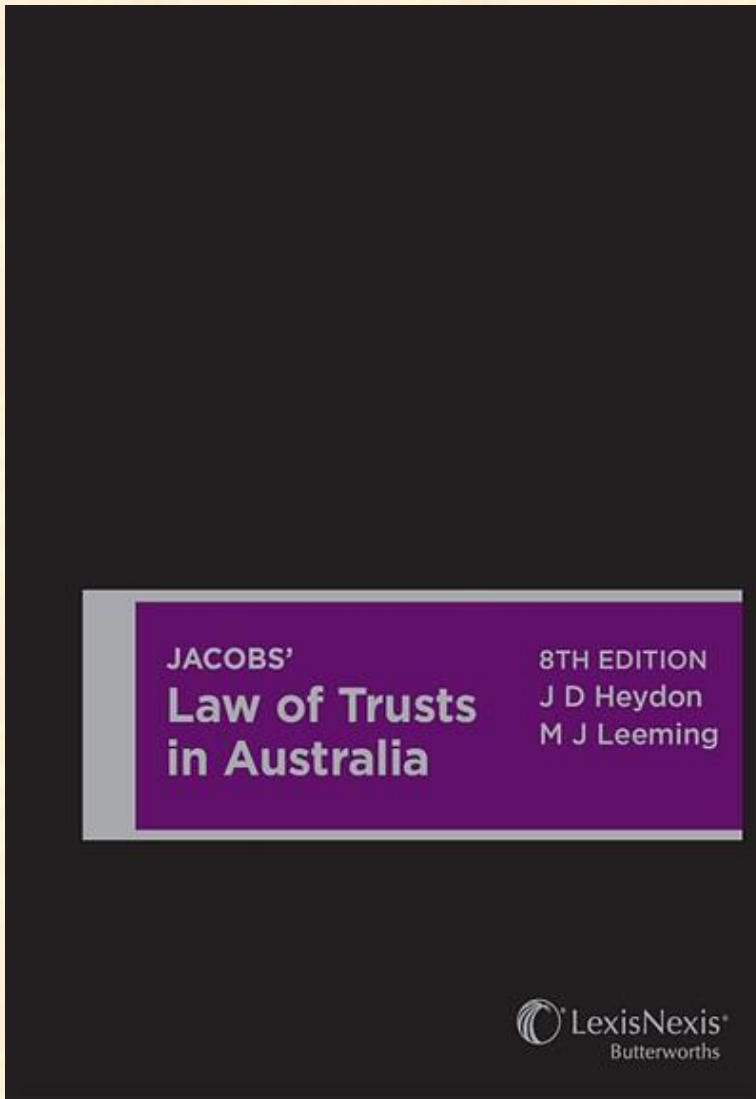
New books in Law Library

September 2020



This edited collection addresses a number of free speech vs security concerns that are engaged by counter-terrorism law and policy makers across a number of liberal democracies, and explores the delicate balance between free speech and the censoring of views that promote hatred or clash with fundamental democratic values. It does this by looking at the perspectives and level of disagreement between those who consider today's counter-terrorism and extremism strategies to be a soft and liberal approach, and those who believe these strategies disproportionately impact freedom of expression and association and non-violent political dissent.

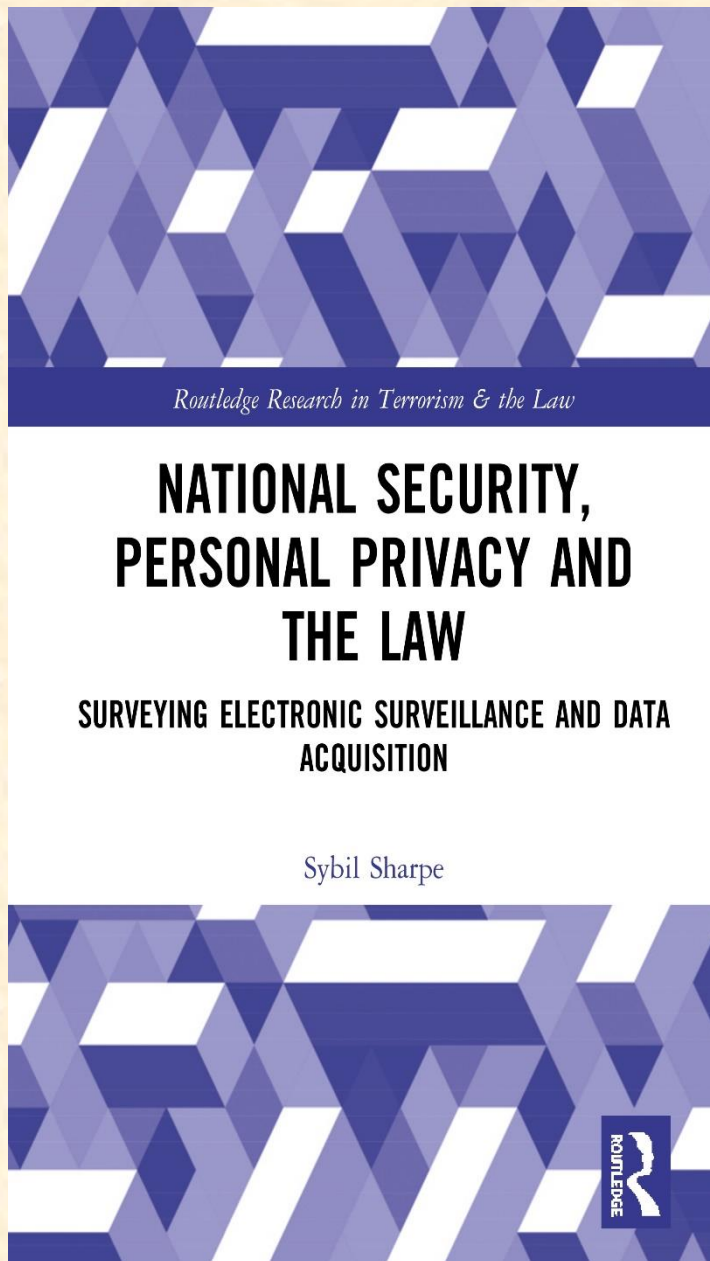
Link to the book in the catalog: <https://bit.ly/2R2tqhW>



Now in its eighth edition, Jacobs' Law of Trusts in Australia is an authoritative and high-level work responding to developments in trust law over the last decade in all Australian jurisdictions. Including chapters on the important areas of superannuation and choice of law, the balance of chapters have been substantially rewritten to reflect the decisions and statutes of the last ten years, with particular attention to the areas of charitable, resulting and constructive trusts; the duties and liabilities of trustees; and tracing trust property.

Link to the book in the catalog: <https://bit.ly/326QiDf>





There have been significant changes in public attitudes towards surveillance in the last few years as a consequence of the Snowden disclosures and the Cambridge Analytica scandal. This book re-evaluates competing arguments between national security and personal privacy. The increased assimilation between the investigatory powers of the intelligence services and the police and revelations of unauthorised surveillance have resulted in increased demands for transparency in information gathering and for greater control of personal data. Recent legal reforms have attempted to limit the risks to freedom of association and expression associated with electronic surveillance. This book looks at the background to recent reforms and explains how courts and the legislature are attempting to effect a balance between security and personal liberty within a social contract. It asks what drives public concern when other aspects seem to be less contentious. In view of our apparent willingness to post on social media and engage in online commerce, it considers if we are truly consenting to a loss of privacy and how this reconciles with concerns about state surveillance.

Link to the book in the catalog: <https://bit.ly/326Hxt0>

The cover of the Routledge Handbook of Islamic Law, showing a dark background with a grid of book spines in various colors (gold, red, blue, green) and the title in white text.

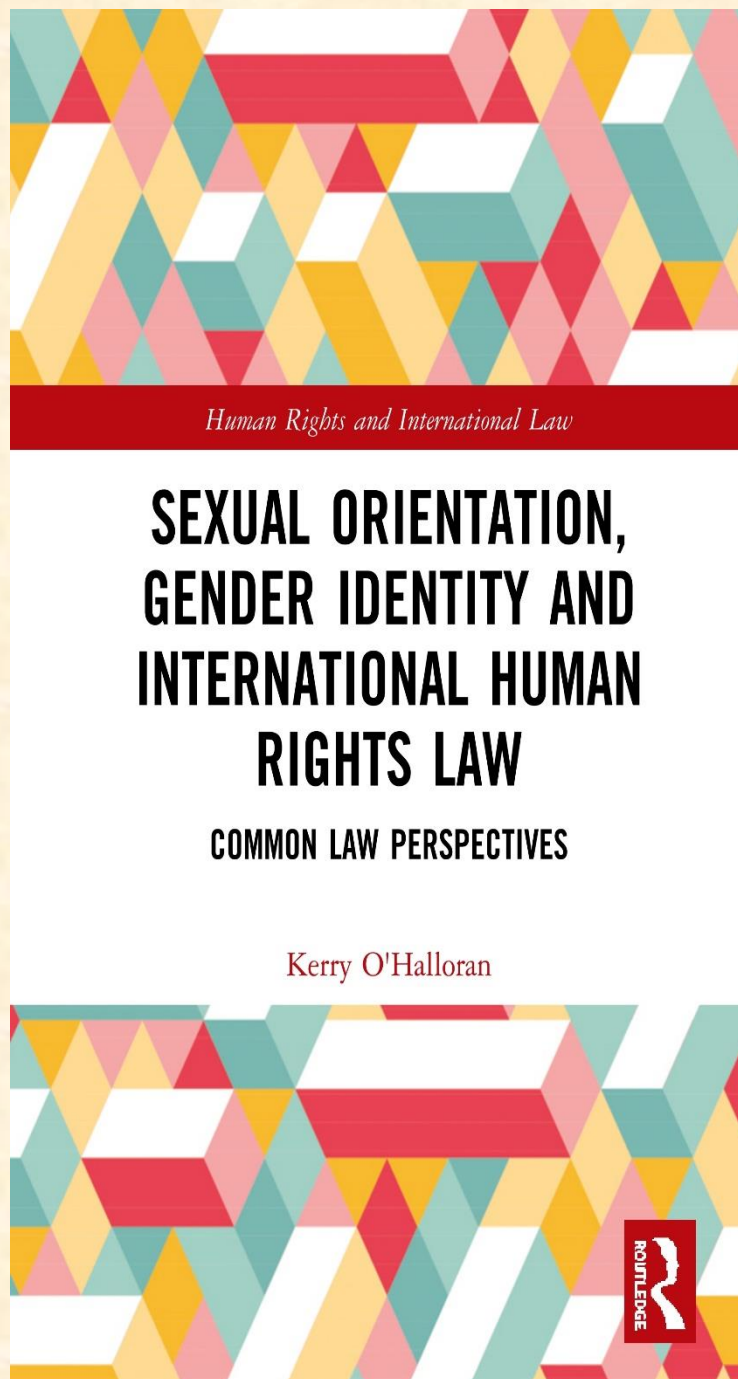
# Routledge Handbook of Islamic Law

Edited by Khaled Abou El Fadl,  
Ahmad Atif Ahmad, and Said Fares Hassan

This handbook is a detailed reference source comprising original articles covering the origins, history, theory and practice of Islamic law. The handbook starts out by dealing with the question of what type of law is Islamic law and includes a critical analysis of the pedagogical approaches to studying and analysing Islamic law as a discipline. The handbook covers a broad range of issues, including the role of ethics in Islamic jurisprudence, the mechanics and processes of interpretation, the purposes and objectives of Islamic law, constitutional law and secularism, gender, bioethics, Muslim minorities in the West, jihad and terrorism.

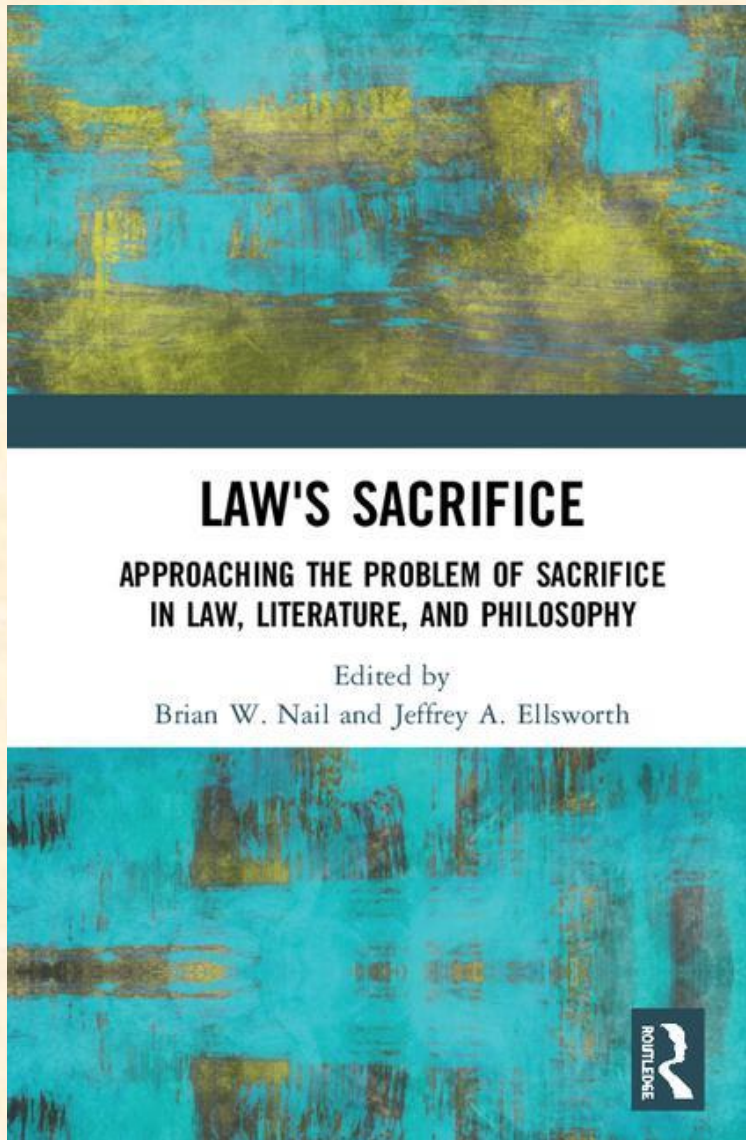
Link to the book in the catalog: <https://bit.ly/2R6y8v2>





This book identifies, analyses and discusses the nexus of legal issues that have emerged in recent years around sexuality and gender. It audits these against specific human rights requirements and evaluates the outcomes as evidenced in the legislation and caselaw of six leading common law jurisdictions. Beginning with a snapshot of the legal definitions and sanctions associated with the traditional marital family unit, the book examines the subsequently evolving key concepts and constructs before outlining the contemporary international framework of human rights as it relates to matters of sexuality and gender. It proceeds by identifying a set of themes, including the rights to identity, to form a family, to privacy, to equality and to non-discrimination, and undertakes a comparative evaluation of how these and other themes indicate areas of commonality and difference in the approaches adopted in those common law jurisdictions, as illustrated by the associated legislation and caselaw. It then considers why this should be and assesses the implications.

Link to the book in the catalog: <https://bit.ly/2Fcm7In>

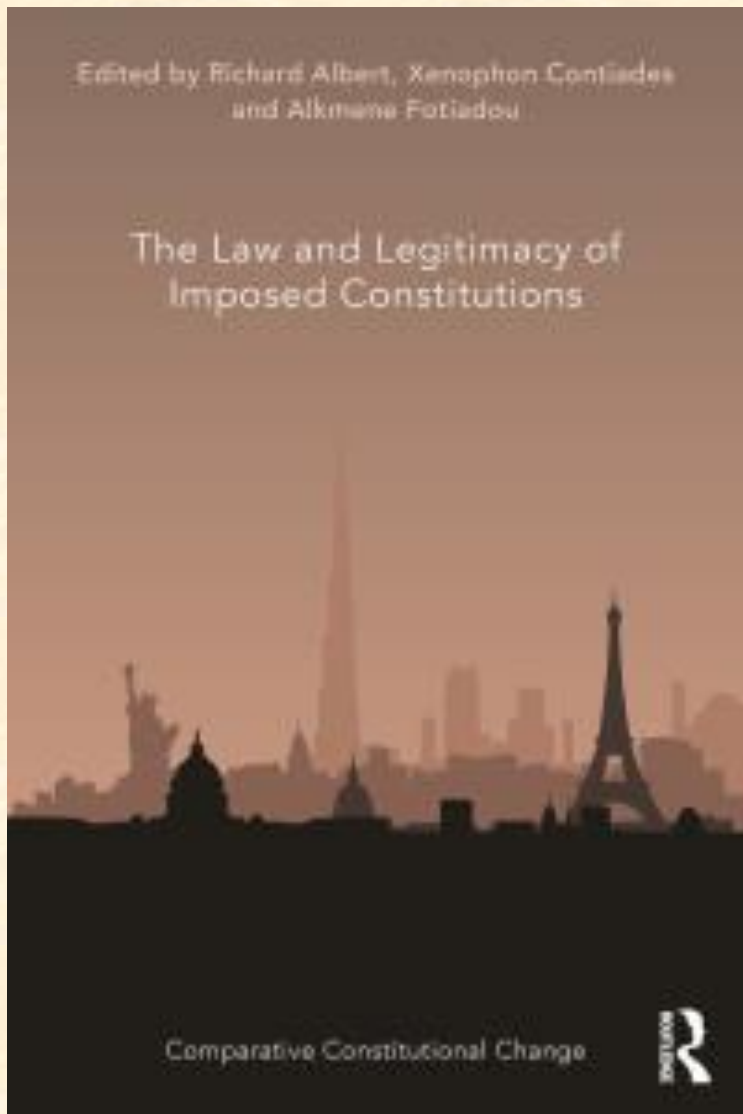


This volume examines the relationship between law and sacrifice as a crucial nexus for theorizing the dynamics of creation, destruction, transcendence, and violence within the philosophical and legal discourse of western society.

At a time of populist political unrest, what philosophical and theoretical resources are available for conceptualizing the discontent that seems to emanate from practically every sphere of society? What narrative strategies have been employed within literary, theological, philosophical, and legal discourse to tame or mystify human violence? Engaging with the work of preeminent theorists of sacrifice, such as Georges Bataille, René Girard, Giorgio Agamben, and Jacques Derrida this collection examines from an interdisciplinary perspective the sacrificial logic that characterizes the cultural and political dynamics of law in society.

Link to the book in the catalog: <https://bit.ly/337DXOD>

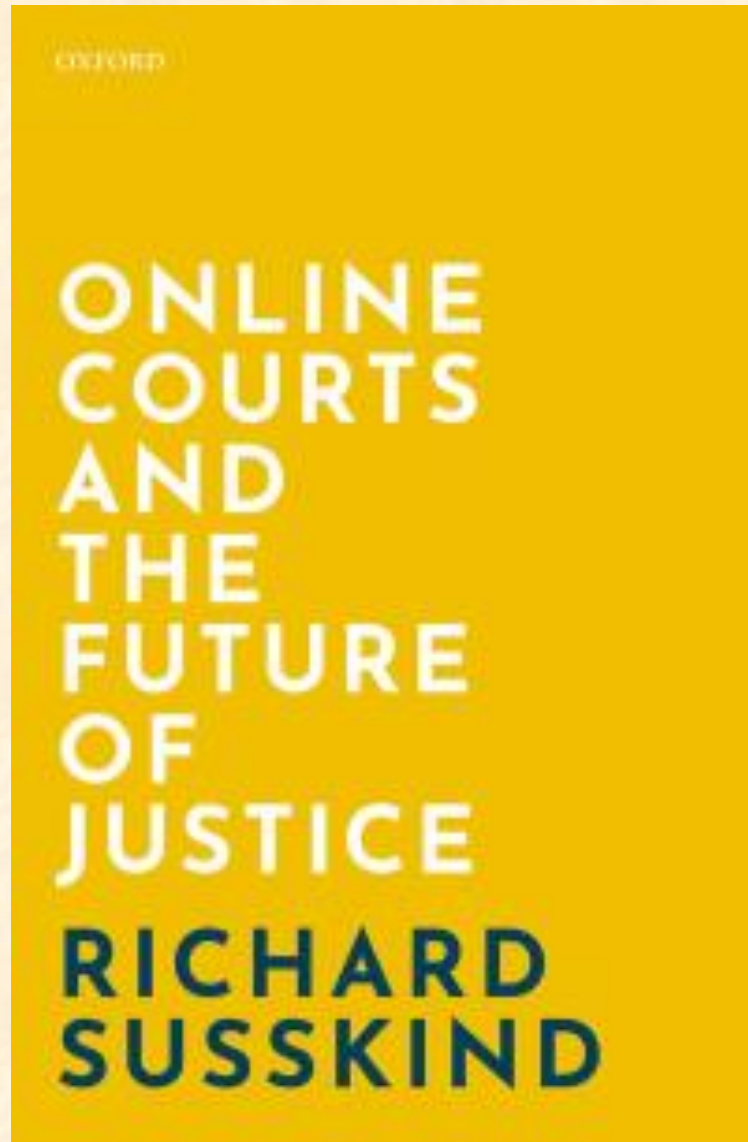




Constitutions are often seen as the product of the free will of a people exercising their constituent power. This, however, is not always the case, particularly when it comes to ‘imposed constitutions’. In recent years there has been renewed interest in the idea of imposition in constitutional design, but the literature does not yet provide a comprehensive resource to understand the meanings, causes and consequences of an imposed constitution. This volume examines the theoretical and practical questions emerging from what scholars have described as an imposed constitution. It addresses some of the most important issues discussed in contemporary constitutional law: the relationship between constituent and constituted power, the source of constitutional legitimacy, the challenge of foreign and expert intervention and the role of comparative constitutional studies in constitution-making. The volume will be a valuable resource for those interested in the phenomenon of imposed constitutionalism as well as anyone interested in the current trends in the study of comparative constitutional law.

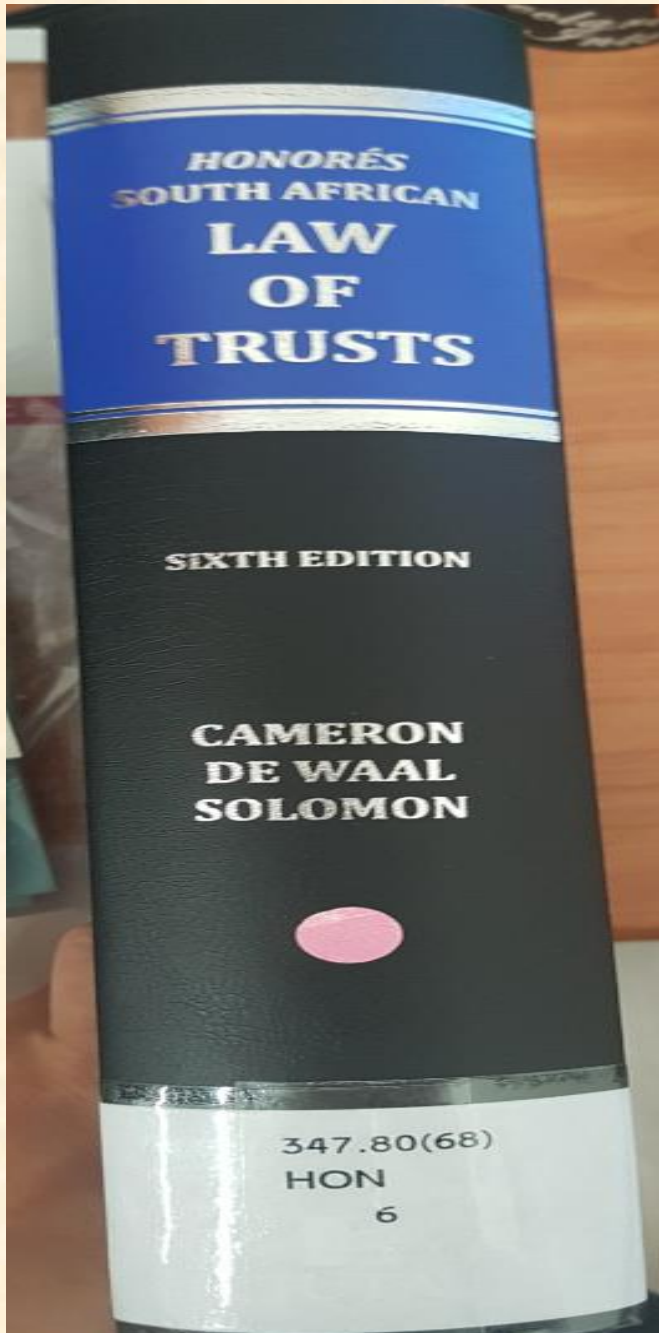
Link to the book in the catalog: <https://bit.ly/329ceO8>





In *Online Courts and the Future of Justice*, Richard Susskind shows how litigation will be transformed by technology and proposes a solution to the global access-to-justice problem. In most advanced legal systems, the resolution of civil disputes takes too long, costs too much, and the process is not just antiquated; it is unintelligible to ordinary mortals. The courts of some jurisdictions are labouring under staggering backlogs - 100 million cases in Brazil, 30 million in India. More people in the world now have internet access than access to justice. Drawing on almost 40 years in the fields of legal technology and jurisprudence, Susskind shows how we can use the remarkable reach of the internet (more than half of humanity is now online) to help people understand and enforce their legal rights. Online courts provide 'online judging' - the determination of cases by human judges but not in physical courtrooms. Instead, evidence and arguments are submitted through online platforms through which judges also deliver their decisions. Online courts also use technology to enable courts to deliver more than judicial decisions. A pioneer of online courts, Susskind maintains that they will displace much conventional litigation. He rigorously assesses the benefits and drawbacks, and looks ahead, predicting how AI, machine learning, and virtual reality will likely come to dominate court service.

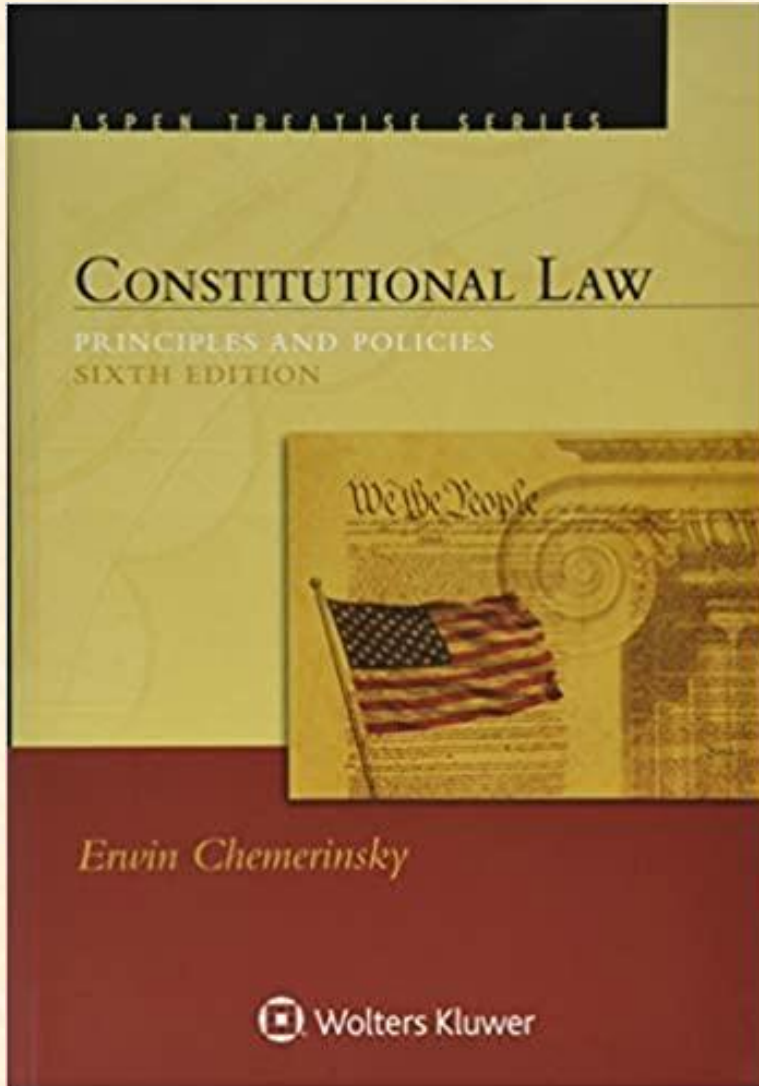
Link to the book in the catalog: <https://bit.ly/35gM7XF>



Trusted for over 50 years, this accessible, comprehensive and practical commentary has been written with the needs of the practitioner, the trustee and the academic jurist in mind. The sixth edition of *Honoré's South African Law of Trusts* meticulously discusses the life of a trust from its formation to its dissolution and the problems that are typically encountered in the process. Extensively updated with reference to the latest legislation, case law, and in terms of South Africa's growing constitutional development, the book also includes a new chapter on collective investment schemes.

Link to the book in the catalog: <https://bit.ly/2DIhLSs>

## New to the Sixth Edition:



New discussion of the Preamble to the Constitution in Ch. 1

Discussion of many new cases throughout the book. Major new decisions include: *Masterpiece Cakeshop v. Colorado Civil Rights Commission*; *Gill v. Whitford*; *Zivotofsky v. Kerry*; *Lucia v. SEC*; *South Dakota v. Wayfair*; *Fisher v. University of Texas, Austin*; *Obergefell v. Hodges*; *Whole Women's Health v. Hellerstedt*; *Matal v. Tam*; *Williams-Yulee v. Florida State Bar*; *National Institute of Family and Life Advocates v. Becerra*; *Janus v. American Federation*; *Town of Greece v. Galloway*; and *Trinity Lutheran Church of Columbia v. Comer*

New materials on presidential power, immigration, and travel bans under the Trump administration, including *IRAP v. Trump* and *Hawaii v. Trump*

Link to the book in the catalog: <https://bit.ly/327C7xF>



## The Role of Legal Argumentation and Human Dignity in Constitutional Courts

Proceedings of the Special Workshops Held at the 28<sup>th</sup> World Congress of the International Association for Philosophy of Law and Social Philosophy in Lisbon, 2017

Edited by Miguel Nogueira de Brito, Rachel Herdy, Giovanni Damele, Pedro Moniz Lopes and Jorge Silva Sampaio



ARSP Beiheft 157

Archiv für Rechts- und Sozialphilosophie

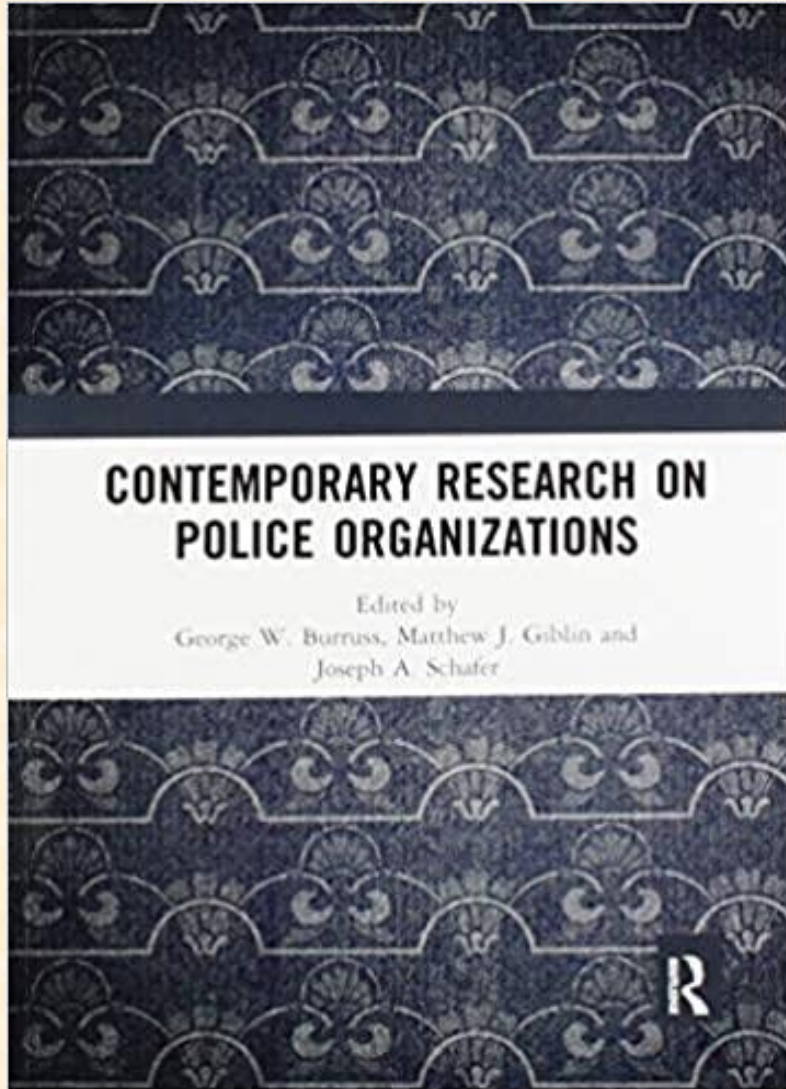
Franz Steiner Verlag



Nomos

The legal argumentation of constitutional courts, for instance on human dignity, has been in the centre of interest both from theoretical and practical perspectives. This e-book addresses the role of legal argumentation at first in general, covering empirical and comparative perspectives on constitutional argumentative practices. It also comprises a comparative assessment of constitutional argumentation versus the arguments deployed by other courts as well as by decision-makers. Secondly, the book focuses on how constitutional courts reason with human dignity. This concept takes many different shapes, though very rarely in an objective fashion. It is embedded in several western constitutions, although constitutional courts and scholars tend to disagree on its meaning and content. Finally, the e-book aims to shed light on the controversial topic of human dignity from a normative and philosophical perspective.

Link to the book in the catalog: <https://bit.ly/327FRzd>



In this book, contributors discuss how police department priorities are made; how departments respond to sexual assault complaints; how forensic scientists deal with job stress and satisfaction; how police use gun crime incident reviews for problem solving and information sharing; how police officers view the use of body-worn cameras given their perceptions of organizational justice; and how officers view their work culture. The purpose of this book is to give policy makers and scholars some guidance on the interplay between the individual and the organization. By understanding this dynamic, police administrators should be able to better devise reform efforts. This book was originally published as a special issue of the *Journal of Crime and Justice*.

Link to the book in the catalog: <https://bit.ly/2FaHRhf>



## **Law of International Trade:**

Cross-Border Commercial Transactions

**Sixth edition**

Jason C.T. Chuah

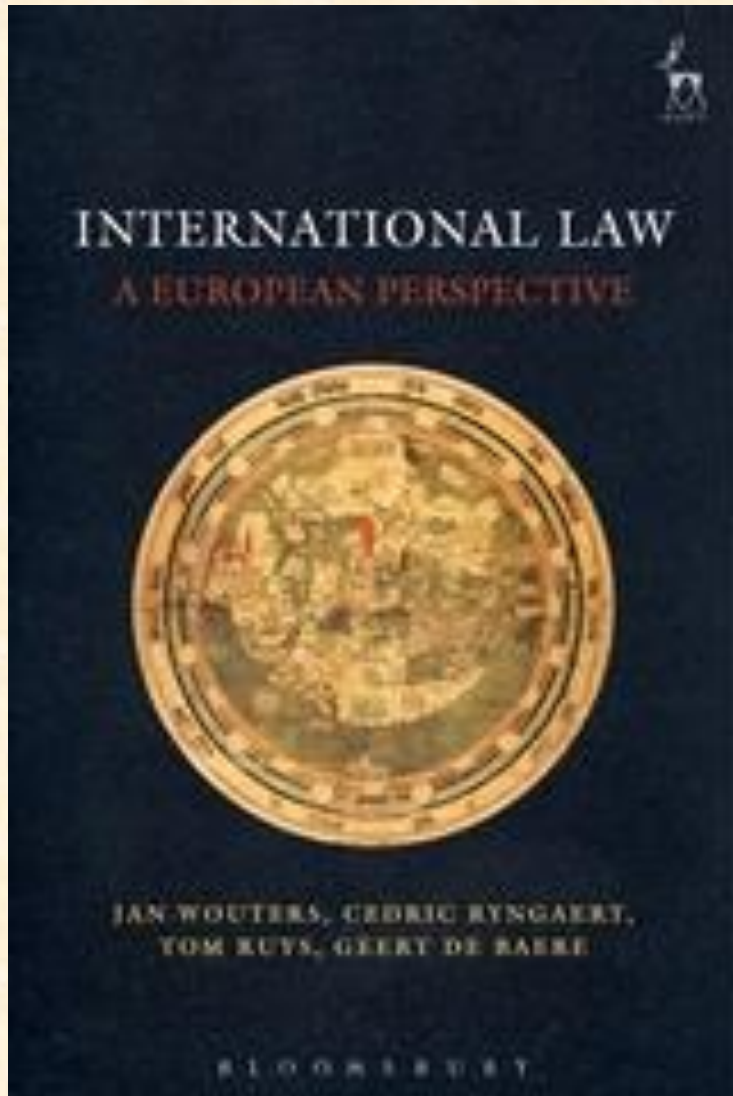
SWEET & MAXWELL

*Law of International Trade* is now a well-established textbook on this complicated and fast moving area of law.

This book offers the reader a comprehensive and solid explanation of law and practice with an analysis of the theoretical and doctrinal issues, thus, making it an ideal textbook for students on both academic and professional courses.

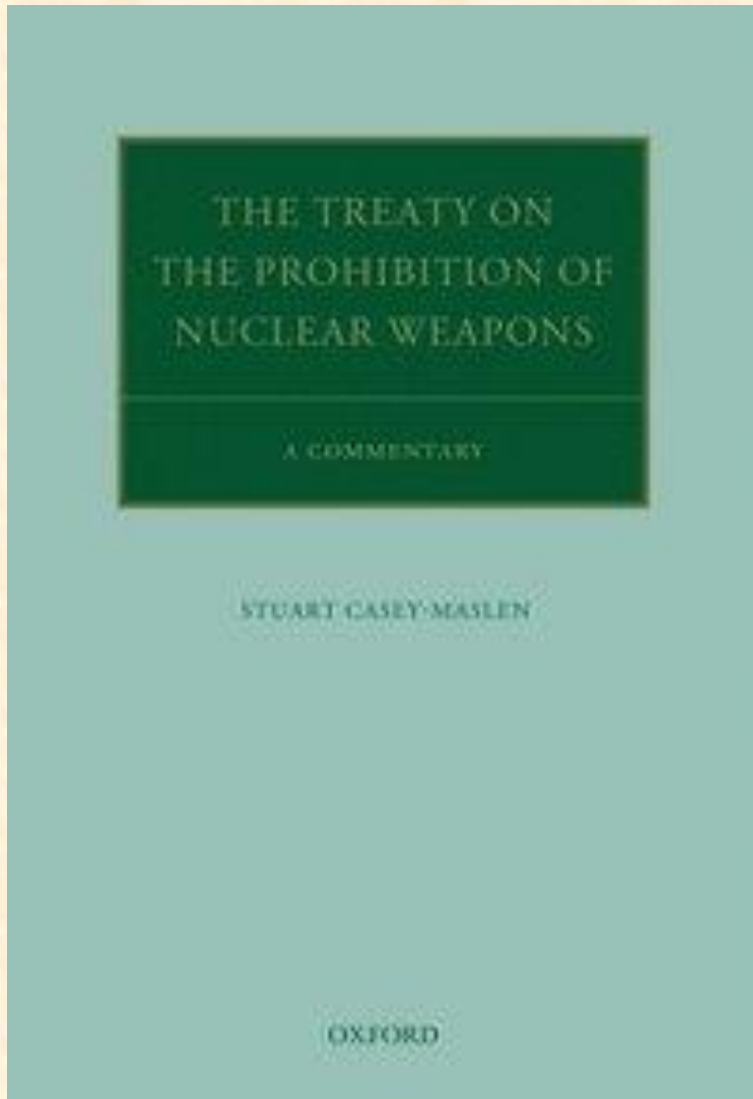
Link to the book in the catalog: <https://bit.ly/2FctsBr>





This textbook offers for the first time a comprehensive analysis of the classic doctrines and main areas of international law from a European perspective, meeting the needs of the many European law schools teaching public international law in English. Special attention is devoted to the practice of the European Union, the Council of Europe and European States – both civil law and common law countries – with regard to international law. In particular the book analyses the interplay between international law, EU law and national law in the case law of the Court of Justice of the EU, the European Court of Human Rights and national jurisdictions in Europe. It provides the reader with insights into how the international legal practice of the EU and its Member States impacts the development of international law, both in terms of doctrines such as treaty-making and customary law, the exercise of (extraterritorial) jurisdiction, state responsibility and the settlement of disputes, as well as particular sub-fields of international law, such as human rights law and international economic law. In addition the book covers other important areas such as the use of force and collective security, the law of armed conflict, and global and regional international organisations.

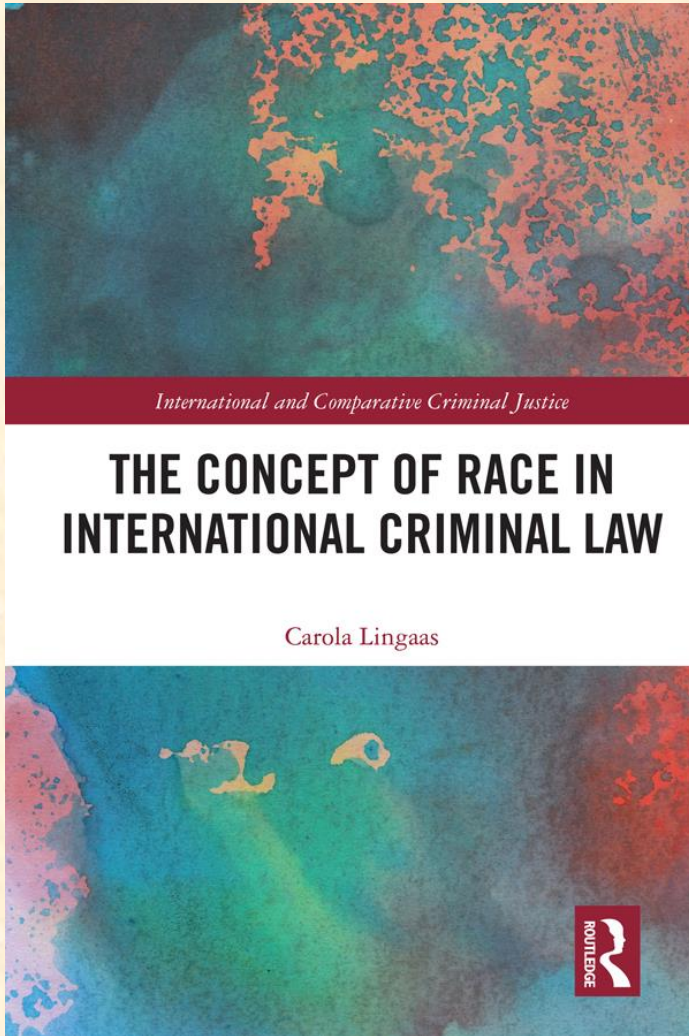
Link to the book in the catalog: <https://bit.ly/3m3kKpF>



This Commentary offers detailed background and analysis of the Treaty on the Prohibition of Nuclear Weapons, which was adopted at the UN Headquarters in New York in July 2017. The Treaty comprehensively prohibits the use, development, export, and possession of nuclear weapons. Stuart Casey-Maslen, a leading expert in the field who served as legal adviser to the Austrian Delegation during the negotiations of this Treaty, works through article by article, describing how each provision was negotiated and what it implies for states that join the Treaty. As the Treaty provisions cut across various branches of international law, the Commentary goes beyond a discussion of disarmament to consider the law of armed conflict, human rights, and the law on inter-state use of force. The Commentary examines the relationship with other treaties addressing nuclear weapons, in particular the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Background on the development and possession of nuclear weapons and theories of nuclear deterrence is provided. Particular attention is paid to controversial issues such as assistance for prohibited activities, the meaning of 'threaten to use', and the definition of nuclear explosive devices. Casey-Maslen also considers whether a member of NATO or other nuclear alliance can lawfully become a state party to the Treaty.

Link to the book in the catalog: <https://bit.ly/2ZnVUXU>





This book is the first comprehensive study of the concept of race in international criminal law. It explores the theoretical underpinnings for the crimes of genocide, apartheid, and persecution, and analyses all the relevant legal instruments, case law, and scholarship. It exposes how the international criminal tribunals have largely circumvented the topic of race, and how incoherent jurisprudence has resulted in inconsistent protection. The book provides important new interpretations of a problematic concept by subjecting it to a multifaceted and interdisciplinary analysis. The study argues that race in international criminal law should be constructed according to the perpetrator's perception of the victims' ostensible racial otherness. The perpetrator's imagination as manifested through his behaviour defines the victims' racial group membership.

Link to the book in the catalog: <https://bit.ly/3k27b8o>



The Muslim World 3

# Theory and Practice in Islamic Constitutionalism

From Classical Fiqh to Modern Systems



By Pietro Longo

GORGAS ♦ PRESS

The present work deals with Islamic law and the law of the Muslim countries. More specifically, the author has studied the constitutional law of the Islamic legal tradition, starting from the perspective of the law of Caliphate. Moreover, this work focuses on the process of institutionalization, which, since the first half of 19th century, led to the adoption of civil law in both sunnī and šīʿī world. Further, this study combines different methodological approaches, based on Islamic law, analyzing sources in Arabic, especially classical and contemporary fiqh booklets, and also following the approach of comparative public law to highlight how modern Constitutions of Muslim countries differ from western constitutionalism.

Link to the book in the catalog: <https://bit.ly/3ieY3wE>

THE EU REGULATIONS  
ON MATRIMONIAL  
AND PATRIMONIAL  
PROPERTY

ULF BERGQUIST  
DOMENICO DAMASCELLI  
RICHARD FRIMSTON  
PAUL LAGARDE  
BARBARA REINHARTZ

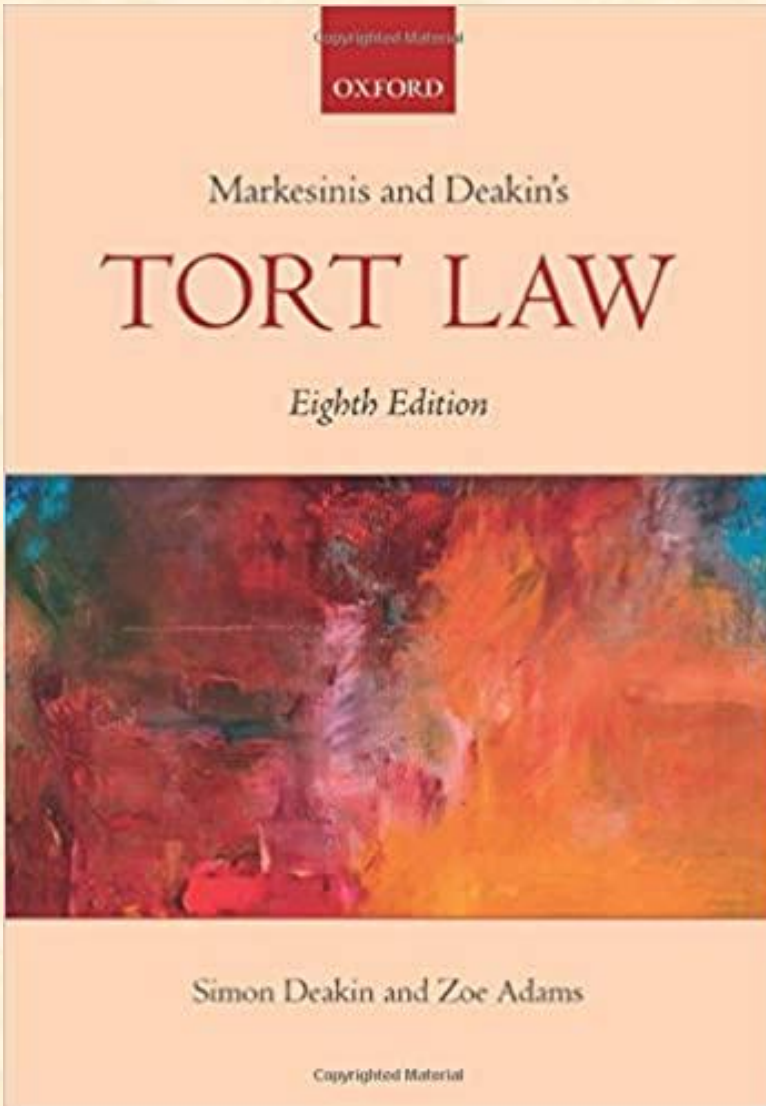


OXFORD

Today there are no common international rules as to which state's law shall be applied when a married couple have connections with more than one state e.g. British citizens living in France. Each state has its own so called private international law rules (PIL), leading to conflicts of laws. There are no common rules as to which court has jurisdiction and Court decisions are normally not recognized in other states.

Since, today millions of people live in a state other than their state of citizenship or have assets in states other than where they are living, the EU has seen the urgent need for an EU-Regulation on matrimonial property and a parallel Regulation for registered partners. The Regulation does not provide any common material matrimonial law in the EU, but common PIL that sets out which state's matrimonial law shall be applied, which state's court shall have jurisdiction and that court decisions in one state shall be recognized and enforceable in other EU states.

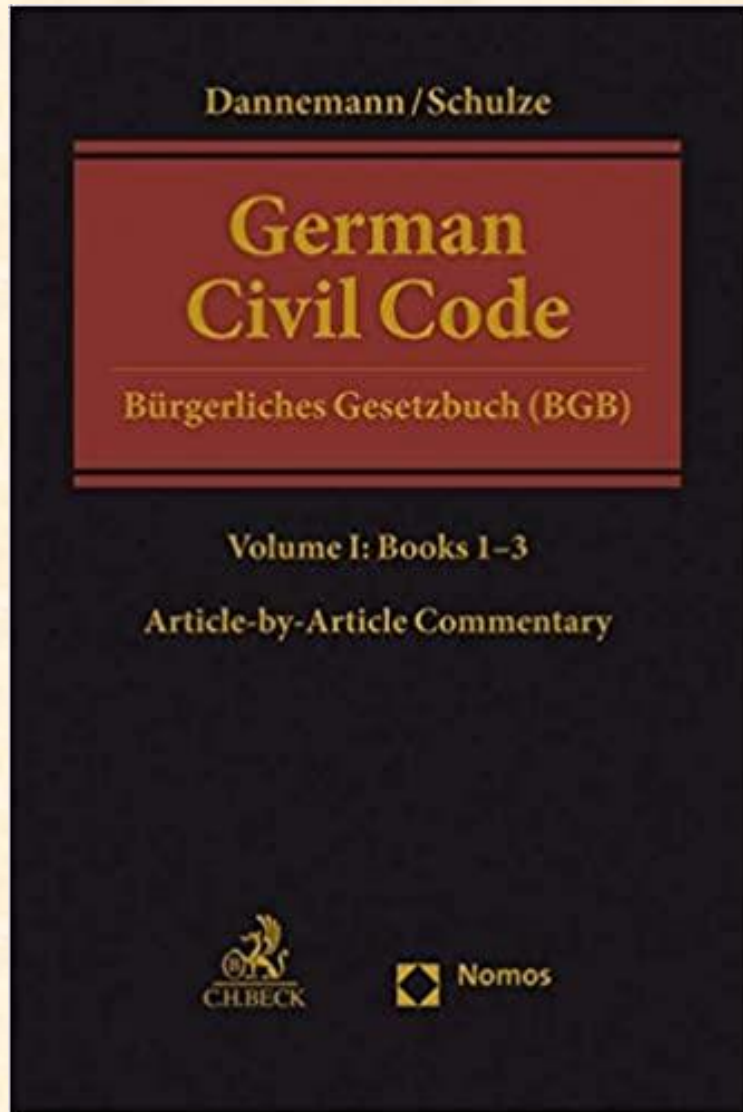
Link to the book in the catalog: [shorturl.at/gqNOS](https://shorturl.at/gqNOS)



New to this edition: Fully updated to cover new case law, this edition takes account of over thirty new Supreme Court decisions affecting virtually all aspects of tort law; Extensive analysis of the radical changes made to the law governing vicarious liability; Exploration of shifting boundary between the tort of negligence and human rights law; An account of emerging responses to risks associated with new digital technologies in the areas of product liability, defamation, and the protection privacy.

Link to the book in the catalog: <https://bit.ly/2FxWdc7>



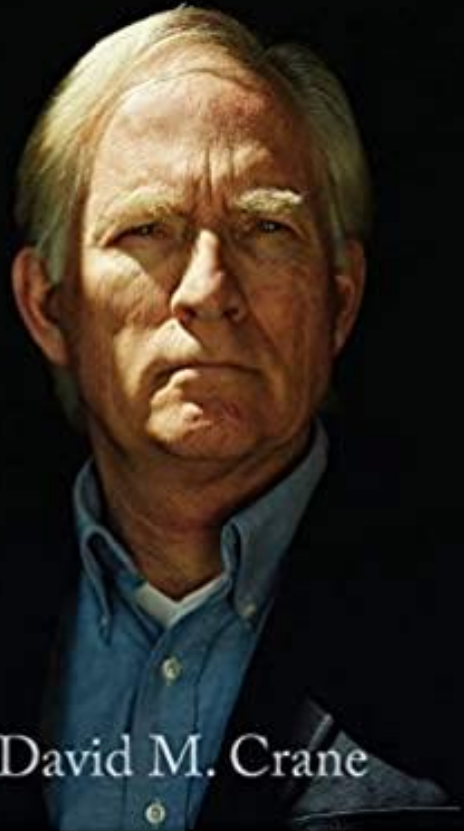


Following the Roman law tradition, the Bürgerliches Gesetzbuch codifies the fundamental rules of German civil law. From contract and tort law, all the way to family law and the law of succession, it sets out the general guidelines and principles for legal relationships between private persons. It governs in particular the conclusion, performance and enforcement of contracts, as well as the main types of contracts such as purchase agreements, service contracts and contracts to produce a work. Under the publisher's aegis, a team of distinguished experts from research and practice have collaborated on a commentary of the Bürgerliches Gesetzbuch, produced for the very first time in the English language. They explain the scope, context, meaning, terminology, relevance and practical application of the provisions of the BGB. This commentary will help to understand the BGB and gain an overview of current legal theory and court decisions.

Link to the book in the catalog: <https://bit.ly/3mjiYRA>

# Every Living Thing

*Facing Down Terrorists, Warlords, and Thugs  
in West Africa — A Story of Justice*



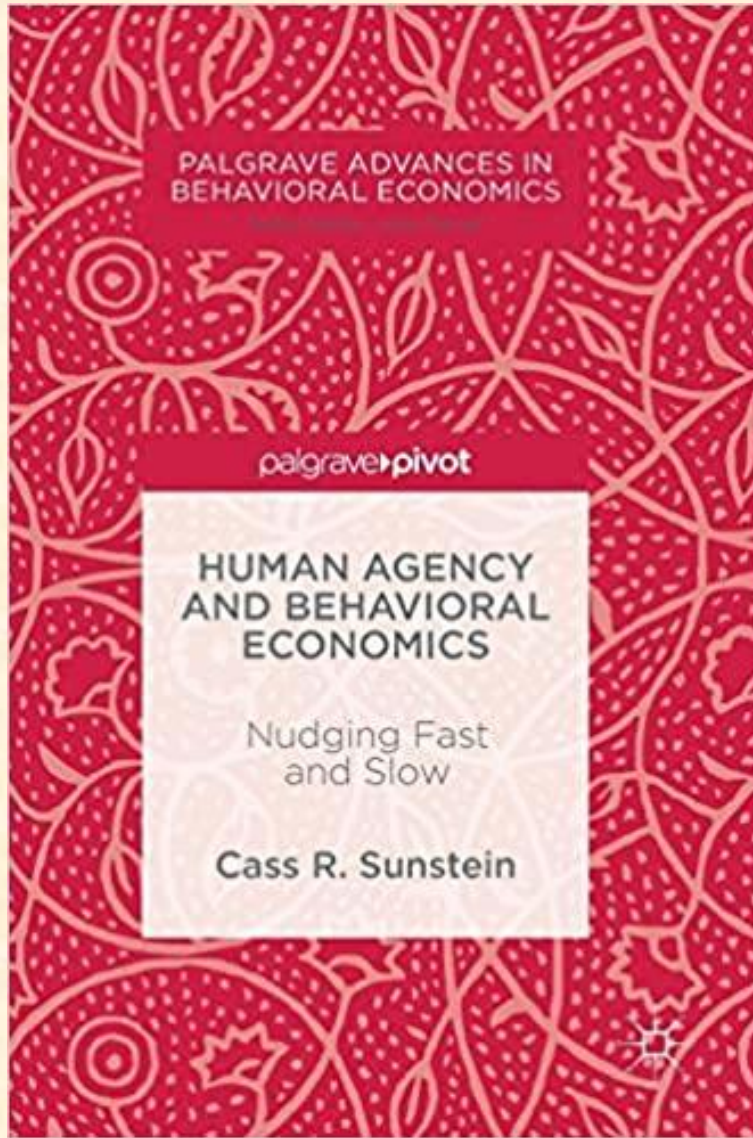
David M. Crane

Set in the steaming jungles of the ravaged West African country Sierra Leone, *Every Living Thing: Facing Down Terrorists, Warlords, and Thugs in West Africa A Story of Justice* shows how multiple countries were devastated by an international criminal enterprise led by Presidents Muammar Gadhafi of Libya, Charles Taylor of Liberia, and Blasé Compaore of Burkina Faso, with an assist from a vast network of terrorists, including Al Qaeda, vying for the control of diamonds.

Following the creation of Special Court for Sierra Leone in 2002, a small band of lawyers, investigators, and paralegals changed the face of international criminal law with their innovative plan to effectively and efficiently deliver justice for the tens of thousands of victims, most of them women and children, in the process bringing down warlord-turned-president Charles Taylor of Liberia, the most wanted man in the world.

Link to the book in the catalog: <https://bit.ly/2RryNrd>





This Palgrave Pivot offers comprehensive evidence about what people actually think of “nudge” policies designed to steer decision makers’ choices in positive directions. The data reveal that people in diverse nations generally favor nudges by strong majorities, with a preference for educative efforts – such as calorie labels - that equip individuals to make the best decisions for their own lives. On the other hand, there are significant arguments for noneducational nudges – such as automatic enrollment in savings plans - as they allow people to devote their scarce time and attention to their most pressing concerns.

Link to the book in the catalog: <https://bit.ly/3hzz31S>





שלומי נרקיס, עו"ד ונוטריון

**הפרשנות לחוק הירושה**  
**(על כל סעיפיו השונים)**  
**ודיני עזבונות**

**(דיני הסתלקות**  
**מירושה על-פי דין ומצוואה)**

**אוצר המשפט**

"הספר הינו "מורה נבוכים" לחוק הירושה. הספר סוקר סעיף אחר סעיף לא רק את הפסיקה הרלבנטית, כי אם גם את הספרות המקצועית, הגישות השונות ומאמרים רלבנטיים... הספר מהווה "מפת דרכים" לעורך-הדין הנדרש לעסוק בסוגיות בדיני הירושה, בהתאם לנושאים ולסעיפים הנדונים. בספר מפורטות סוגיות ופסיקות קונקרטיות - היכולות לשמש אבן בוחן למקרים רבים... מדובר בעבודה מקיפה שיש בה להקל עבודתו ולקצר יומו של כל החפץ לעסוק בדיני הירושה. יישר כוח לכותב על פועלו."

קישור לספר בקטלוג הספרייה: <https://bit.ly/35F5E41>

סדרת  
דישן המוביל

# כסף כשר

הלכות בין אדם לכספו בעידן המודרני



צרכנות • מסחר • עובד מעביד • פרטיות • שכירות  
משפט • נזיקין • שכנים • מעשר כספים • השבת אבדה

הרב אריאל בראלי

הספר 'כסף כשר' עוסק בשאלות מעשיות מחיי יום-יום ומוגש לקורא באופן חדשני ובסגנון השווה לכל נפש. התשובות נכתבו על פי הדרכתה של תורה המעמידה בראש סדר העדיפויות את היושר והצדק שהם אבני יסוד לחברה בריאה. בספר עשרה פרקים העוסקים במגוון נושאים ממוניים. כאשר כל פרק כולל הקדמה מחשבתית, הצגת הדינים ודוגמאות מעשיות. 'כסף כשר' הוא ספר ראשון בסדרת 'הישר והטוב' אשר תרחיב ותעמיק את ההשקה הערכית - הלכתית של אנשי המעשה במעגלי החיים.

קישור לספר בקטלוג הספרייה: <https://bit.ly/3kmfX0X>