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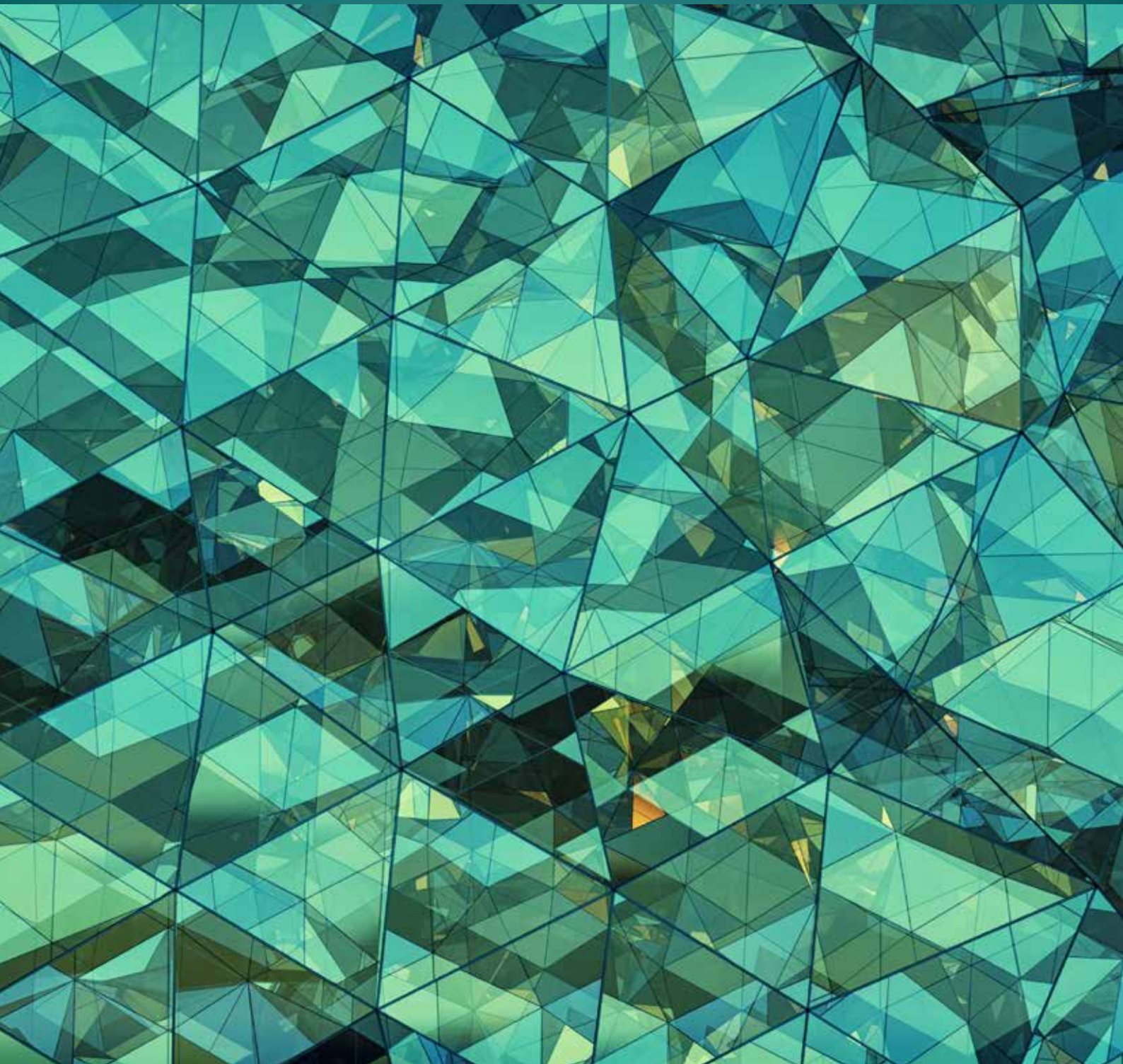
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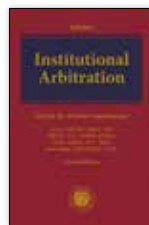


EU Law and International Arbitration

Managing Distrust Through Dialogue
Konstanze von Papp, Keele University

This book addresses the tension between EU law and international arbitration, exploring both commercial and investment treaty arbitration. It opens pathways for practical solutions based on communication between regimes and addresses the normative conflict between legitimate public interests and the 'privatisation of justice'. The book sets out the theoretical framework that understands EU law, international commercial arbitration and investment treaty arbitration as closed regimes. It then addresses the issue of contracting out of the EU legal regime, both on a jurisdictional and substantive level. This is linked to the question of trust-building in legal outcomes of the relevant regimes.

UK April 2021 • US April 2021 • 208 pages
HB 9781509931170 • £70.00 / \$95.00
ePub 9781509931194 • £63.00 / \$78.84
ePdf 9781509931187 • £63.00 / \$78.84
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Institutional Arbitration

Article by Article Commentary

Edited by Rolf A Schütze, Thümmel, Schütze & Partner

This seminal text offers a comprehensive article-by-article commentary on the rules of arbitration by the leading institutions, including AAA, DIS, ICC, PCA, LCIA and ISCA. Edited by an experienced arbitrator, scholar and practitioner and with contributions from leading global arbitration specialists, this is an essential reference point for all those practising in the field.

UK February 2021 • US April 2021 • 1808 pages
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Banking Supervision in Times of the Corona Crisis

Edited by Klaus Lackhoff, Frankfurt office of Freshfields

All sectors have been impacted by COVID-19 and the ensuing Corona Crisis, not least the banking sector. Pivoting to crisis management, banking supervision has had to change very quickly. This book sets out precisely the supervisory response at both the national and European level. It also looks to the future, setting out those challenges that will remain and emerge as the crisis continues.

UK November 2020 • US December 2020 • 608 pages
HB 9781509946013 • £200.00 / \$270.00
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Secured Transactions Law in Asia

Principles, Perspectives and Reform

Edited by Louise Gullifer, University of Cambridge & Dora Neo, National University of Singapore

This book explores secured transactions law in many of the most important countries in Asia, and reflects on the need for, benefits of, and challenges for, reform. It provides analytical insights as to why secured transactions law reform happens or does not happen, the different methods by which it takes place, its benefits and the difficulties that need to be overcome for successful reform. It discusses the need for reform where it has not yet taken place and assesses the reforms that have already been enacted or are being considered.

UK January 2021 • US March 2021 • 608 pages
HB 9781509926497 • £120.00 / \$160.00
ePub 9781509926510 • £108.00 / \$134.28
ePdf 9781509926503 • £108.00 / \$134.28
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The Age of ESMA

Governing EU Financial Markets

Niamh Moloney, *London School of Economics and Political Science*

Reflecting the now critical importance of the European Securities and Markets Authority (ESMA) to how the EU regulates and supervises financial markets, this book maps, contextualises

and examines ESMA's role and considers the extent to which it is shaping EU financial market governance. ESMA's burgeoning influence extends from rule-making to supervisory convergence and coordination to direct supervision. Drawing on empirical evidence, the book probes ESMA's approach to its powers and considers whether reforms are necessary, including in light of the Commission's 2017 proposals to reform ESMA and the UK's withdrawal from the EU.

UK February 2021 • US February 2021 • 392 pages
PB 9781509944330 • £44.99 / \$60.95
Previously published in HB 9781509921775
ePub 9781509921799 • £81.00 / \$101.01
ePdf 9781509921782 • £81.00 / \$101.01
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The Law of Damages in International Sales

The CISG and Other International Instruments

Djakhongir Saidov, *King's College London*

This internationally acclaimed book explores damages for breach of an international sales

contract, one of the most important and frequently invoked remedies. The focus is on international contract law instruments such as the Convention on Contracts for the International Sale of Goods, the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law. Both analytically rigorous and practically oriented, the second edition incorporates around 60 new cases, now covering more than 370 cases decided by courts and arbitration tribunals from around the world. It also includes new commentary on damages for a documentary breach.

UK February 2021 • US April 2021 • 432 pages
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Reconceptualising Corporate Compliance

Responsibility, Freedom and the Law

Anna Donovan, *University College London*

This book offers a comprehensive examination of the issues surrounding corporate compliance.

The author provides a persuasive argument for the legitimate role of spirited compliance within a market economy. In doing so, she employs the lens of classical liberal ideology, challenging the widespread view that technical compliance is simply 'capitalism.' However, finding a normative foundation for spirited compliance only addresses one part of the problem. In an examination that has relevance beyond the compliance arena, the author also explores why and how corporate architecture contributes to the often atypical decisions that individuals make when acting within a corporate environment.

UK March 2021 • US March 2021 • 272 pages
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MiFID II and Private Law

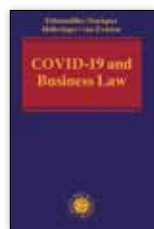
Enforcing EU Conduct of Business Rules

Federico Della Negra, *European Central Bank*

Building on the case law of national courts and the decisions of alternative dispute resolution mechanisms in the UK, France, Italy and Spain, this book shows how the MiFID II conduct of business rules can drive the interpretation of national private

law, giving rise to 'hybrid' private law duties and remedies that will enable investors to compensate losses caused by mis-selling of financial instruments. The book argues that this 'hybrid' private law will increase the deterrent effect of the EU conduct of business rules, strengthen the protection of retail clients and re-build the investors' confidence in the EU financial markets.

UK January 2021 • US January 2021 • 288 pages
PB 9781509946266 • £36.99 / \$49.95
Previously published in HB 9781509925292
ePub 9781509925315 • £67.50 / \$83.76
ePdf 9781509925308 • £67.50 / \$83.76
Series: Hart Studies in Commercial and Financial Law • Hart Publishing



COVID-19 and Business Law

Edited by Horst Eidenmüller, *University of Oxford*, Luca Enriques, *University of Oxford*, Genevieve Helleringer, *University of Oxford & Kristen van Zwieten, University of Oxford*

This indispensable and immediate response brings together expert views on how the world of business should best respond to the COVID-19 pandemic. It

will be required reading for those designing, interpreting and relying on business law when responding to COVID-19.

The contributions are organised under six broad themes:

Corporate Law;
Financial Markets;
Insolvency Law;
Dispute Resolution;
Competition Law; and
Regulation.

UK August 2020 • US October 2020 • 112 pages
HB 9781509944736 • £20.00 / \$27.00
Beck/Hart/Nomos
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



The Cape Town Convention

A Documentary History

Anton Didenko, *University of New South Wales*

This book presents the first detailed research into the history of the Cape Town Convention and its protocols. It explores the challenges faced by the treaty's developers, analyses archived materials and derives important lessons for the development

of transnational commercial law globally. The text covers all four protocols to the Cape Town Convention, including the MAC Protocol adopted on 22 November 2019 in Pretoria. Practising lawyers will better understand the rationale behind the key provisions of the Cape Town Convention, while treaty-making lessons will assist governmental officials, representatives of international organisations and legal advisors engaged in the harmonisation of commercial law.

UK April 2021 • US April 2021 • 288 pages
HB 9781509939770 • £70.00 / \$95.00
ePub 9781509939787 • £63.00 / \$78.84
ePdf 9781509939794 • £63.00 / \$78.84
Series: Hart Studies in Commercial and Financial Law • Hart Publishing



Corporate Bankruptcy Law in China

Principles, Limitations and Options for Reform

Natalie Mrockova, University of Oxford

Building on new data and interviews with those closest to the law and its perceived problems

– judges, lawyers, government officials, entrepreneurs, bankers, consultants and academics in China and abroad – this book examines the problems that have precluded greater use of the Enterprise Bankruptcy Law in China, and failed attempts at reform. It explores the limited practical effectiveness of China's insolvency law, why it has been so rarely used in practice (even considering the recent increase in the total volume of cases), whether it is desirable for the law to be used more readily in China, and possible reforms.

UK January 2021 • US March 2021 • 384 pages
HB 9781509932443 • £85.00 / \$115.00
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Company Laws of the EU

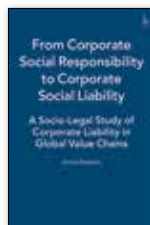
A Handbook

Edited by Andrea Vicari, University of Milan & Alexander Schall, Leuphana Law School

This book fills a gap in the process of confrontation between the disciplines, case laws and literature of the central EU member states. In particular it addresses the difficulty of finding sources for

professionals explaining the rules and guidelines of corporate law in the different European states. The main features of the discipline of corporate law in Germany, England, France, Italy, Spain, Poland, Romania and the Netherlands are illustrated. The objective of the work is not only to describe the main features of the discipline, but especially to highlight the most important critical profiles, and particularly those under the scrutiny of the case law and most studied (as problematic) by the doctrine.

UK October 2020 • US December 2020 • 2000 pages
HB 9781509923991 • £400.00 / \$545.00
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From Corporate Social Responsibility to Corporate Social Liability

A Socio-Legal Study of Corporate Liability in Global Value Chains

Anna Aseeva, National Research University Higher School of Economics, Moscow

This book brings together the latest scholarly advances on corporate social responsibility, and, at the same time, addresses the pressing issue of corporate liability for harmful acts across the supply and production chains. It posits that corporate social liability is a set of legal duties and responsibilities of a corporation for harm-causing incidents, including the negative environmental, social and economic consequences of a company's activities across its entire value chain. This is the first systematic attempt to critically assess the premises, dynamics, current state of play and likely future development of the concept and application of corporate social liability.

UK June 2021 • US June 2021 • 208 pages
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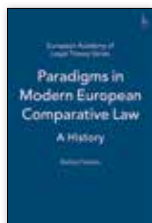


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Paradigms in European Comparative Law

A History

Balázs Fekete, *Eötvös Loránd University*

This book uses the philosophy of Thomas Kuhn to provide a new vision of the development of European comparative law.

With the 'empathic' use of some ideas from Kuhn's theories on the history of science, the book rethinks the modern history of European comparative law from the late 19th century to the modern day.

It argues that major paradigms determine modern comparative law and concludes that contemporary methodological trends are not signs of a paradigm-shift toward a postmodern and culturalist understanding of comparative law, but that the new approach spreads the idea of methodological plurality.

UK May 2021 • US May 2021 • 256 pages

HB 9781509946921 • £70.00 / \$95.00

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Series: European Academy of Legal Theory Series • Hart Publishing



Access and Cartel Cases

Ensuring Effective Competition Law Enforcement

Helene Andersson, *University of Stockholm*

This book examines the legislative patchwork surrounding access to the European Commission's cartel case files. It provides a unique and comprehensive presentation of the EU legislation and case law surrounding access to the Commission's cartel case files. The author examines the question of accessibility from three different perspectives; that of the parties under investigation, cartel victims, and national competition authorities. The author also considers the EU leniency system and whether any legislative changes could make the attractiveness of the system less dependent on the possibilities of cartel victims to access the evidence contained in the Commission's case files.

UK January 2021 • US January 2021 • 272 pages

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ePdf 9781509942503 • £72.00 / \$89.92

Series: Hart Studies in Competition Law • Hart Publishing



Judicial Review Handbook

Michael Fordham, *Justice of the High Court, Queen's Bench Division*

The *Judicial Review Handbook* is an indispensable source of reference and a guide to the burgeoning case law in judicial review. This revised and updated new edition should be an essential addition to the library of any practitioner engaged in public law cases.

The book offers unrivalled coverage of administrative law, including, but not confined to, the work of the Administrative Court and its procedures.

UK December 2020 • US December 2020 • 896 pages

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British and Canadian Public Law in Comparative Perspective

Edited by Ian Loveland, *City University, London*

This edited collection looks at the extensive and sophisticated body of judicial decisions stemming from The Canadian Charter of Rights and Freedoms on a wide range of issues, including assisted suicide, voting rights for prisons, criminalising pornography and wearing religious symbols. Each chapter provides the reader with a broad and deep understanding of the ways in which Canadian courts and politicians have addressed these issues.

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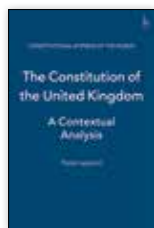
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The Constitution of the United Kingdom

A Contextual Analysis

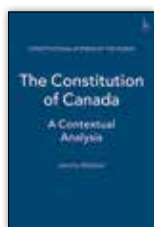
Peter Leyland, *SOAS, University of London*

Who could have imagined when the last edition of this acclaimed book published in 2016, the constitutional earthquakes that were to follow. Brexit, Miller, three prime ministers: little of the United Kingdom's constitution was unaffected. This much-needed new edition retains its hallmark clarity and coherence, with sufficient detail for the novice to develop an informed view of how the constitution works. This significantly updated edition provides a topical and contextual outline of the principles, doctrines and institutions that underpin the United Kingdom constitution. It explores Brexit, devolution, the Fixed Term Parliament Act, parliamentary sovereignty, and House of Lords reform.

UK June 2021 • US June 2021 • 384 pages
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The Constitution of Canada

A Contextual Analysis

Jeremy Webber, *University of Victoria, British Columbia*

The first edition of this text quickly established itself as the classic introduction to the Canadian constitution. Setting it in its historical context, noting especially the complex interaction of national and regional societies, it shows how the constitution continues to morph and shape itself. These changes are explored through key constitutional themes: democracy; parliamentarism; the rule of law; federalism; human rights; and Indigenous rights, and describes the country that has resulted from the interplay of these themes. This is the ideal starting point for students or comparative lawyers keen to gain an understanding of how Canadian democracy and government works.

UK May 2021 • US May 2021 • 304 pages
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Constitutional Foundations in South Asia

Edited by Kevin YL Tan, *National University of Singapore & Ridwanul Hoque, University of Dhaka*

This volume addresses the idea of origins, how things are formed, and how they relate to their present and future in terms of 'constitution-making' which is a continuous process in South Asian states. It examines the drafting, nature, core values, and roles of the first modern constitutions during the founding of the eight modern nation-states in South Asia: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka.

UK January 2021 • US January 2021 • 240 pages
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The Constitution of New Zealand

A Contextual Analysis

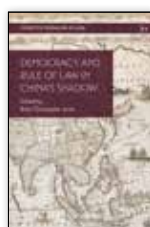
Matthew Palmer, *High Court of New Zealand & Dean Knight, Victoria University*

This book examines New Zealand's constitution through the lens of constitutional realism. It looks at the practices, habits, conventions and norms of constitutional life. It focuses on the structures, processes and culture that govern the exercise of public power – a perspective that is necessary to explore and account for a lived, rather than textual, constitution.

UK June 2021 • US June 2021 • 288 pages
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Series: Constitutional Systems of the World • Hart Publishing

Constitutionalism in Asia

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Democracy and Rule of Law in China's Shadow

Edited by Brian Christopher Jones, *University of Sheffield*

This book provides detailed insight into some of the most contentious events occurring in jurisdictions operating within China's vast shadow.

It provides insightful analysis on issues such as: major threats to the rule of law and attempts to uphold the principle, oath-taking controversies, foreign judges and the disparagement of the judiciary, unconstitutional and undemocratic provisions, changing ideas of representation, a right to democracy in international law, same-sex marriage rights, and the legal responses to civil disobedience in Taiwan and Hong Kong, among other topics.

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Constitutional Bricolage

Thailand's Sacred Monarchy vs The Rule of Law

Eugénie Mérieau, *Harvard Law School*

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

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

These findings challenge commonly accepted claims about Thailand, arguing that any political and constitutional instability is not the result of its borrowing from Western constitutionalism but that the monarchy's use of constitutionalism is the prime driver of instability.

UK April 2021 • US April 2021 • 352 pages
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ePdf 9781509927715 • £58.50 / \$72.68
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The Practical Guide to Public Inquiries

Isabelle Mitchell, Eversheds Sutherland, Peter Watkin Jones, Eversheds Sutherland, Sarah Jones, Eversheds Sutherland & Emma Ireton, Nottingham Trent University

Drawing on the authors' extensive experience as public inquiry lawyers, working on inquiries such as the Bloody Sunday Inquiry, Mid Staffordshire NHS Foundation Trust Inquiry, Leveson Inquiry and Grenfell Tower Inquiry, this book provides an invaluable, comprehensive guide to the public inquiry process.

With its user-friendly format of summaries, checklists, 'top tips' and flow charts, this book, the first practical guide to public inquiries, provides guidance from the setting up of a public inquiry through to its close. It includes information on:

- the appointment of the chairman and inquiry team;
- the choice and significance of the venue;
- the drawing up of inquiry procedures, protocols and rulings;
- the appointment and role of core participants;
- evidence taking;
- conducting and attending hearings;
- the role of experts;
- the writing and publication of the inquiry report.

UK December 2020 • US February 2021 • 320 pages
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Executive Decision-Making and the Courts

Revisiting the Origins of Modern Judicial Review

Edited by TT Arvind, University of York, Richard Kirkham, University of Sheffield, Daithí Mac Sithigh, Queen's University Belfast & Lindsay Stirton, University of Sussex

In this book leading experts from across the common law world assess the impact of three seminal House of Lords' judgments; *Padfield v Minister of Agriculture*; *Conway v Rimmer*; and *Anisminic v Foreign Compensation Commission*, all of which were decided in 1968. Together with *Ridge v Baldwin* decided five years earlier, this 'Quartet' has been widely taken to have marked a turning point in the development of court-centred administrative law, leading directly to the emergence of modern judicial review.

UK February 2021 • US February 2021 • 576 pages
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Referendums as Representative Democracy

Leah Trueblood, University of Oxford

Are referendums just an expression of the will of the people or do they play a vital role in the process of constitutional change? This book outlines and challenges the current treatment of referendums and argues, against the background of historical precedents in both constitutional and political theory, that referendums do play an important role in the process of constitutional change.

The book presents the case for the 'normalisation' of constitutional referendums, arguing that, even with constitutional content, referendums should be understood as ordinary democratic processes like any other.

UK May 2021 • US May 2021 • 208 pages
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Changing States, Changing Nations

Constitutional Reform and National Identity in the Late Twentieth Century

Andrew McDonald, Civil Servant (Retired)

This book presents the remarkable constitutional reforms undertaken by the Blair and Brown governments in the UK, which had the potential to change the way Britons understood the national identity of the UK. The book illuminates the ambitions of the key players in Whitehall and Westminster and is enriched through a study of comparable constitutional reforms in Canada and Australia: the Charter of Rights and Freedoms pioneered by Pierre Trudeau and the attempt by Paul Keating to make Australia a Republic. The Canadian and Australian chapters provide a useful device for understanding the changes in Britain.

UK January 2021 • US January 2021 • 264 pages
HB 9781509928729 • £65.00 / \$90.00
ePub 9781509928736 • £58.50 / \$72.68
ePdf 9781509928743 • £58.50 / \$72.68
Hart Publishing



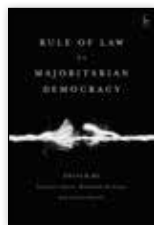
Indigenous Aspirations and Structural Reform in Australia

Harry Hobbs, University of Technology Sydney

Can the Australian state be restructured to empower Aboriginal and Torres Strait Islander peoples and ensure that their distinct voices are heard in the processes of government? This book provides an answer to that question for Australia and guidance for states that claim jurisdiction and authority over the traditional lands of Indigenous peoples.

By engaging with Indigenous peoples' nuanced, complex aspirations, the book presents a viable model for structural reform. It does so by adopting an innovative approach: drawing on Indigenous scholarship globally it presents a coherent and compelling account of Indigenous peoples' political aspirations through the concept of sovereignty.

UK January 2021 • US January 2021 • 272 pages
HB 9781509940141 • £65.00 / \$90.00
ePub 9781509940158 • £58.50 / \$72.68
ePdf 9781509940165 • £58.50 / \$72.68
Hart Publishing



Rule of Law vs Majoritarian Democracy

Edited by Giuliano Amato, Italian Constitutional Court, Benedetta Barbisan, University of Macerata & Cesare Pinelli, Sapienza University

With contributions from judges and scholars from different backgrounds and nationalities, this book explores the framework in which the tension

between the rule of law and majoritarian democracy currently takes place in several Western countries by focusing on four key themes:

- The Rule of Law: presenting a historical and theoretical reconstruction of the evolution of the Rule of Law;
- The People: dealing with a set of problems around the notion of 'people' and the forces claiming to represent their voice;
- Democracy and its enemies: tackling a variety of phenomena impacting on the traditional democratic balance of powers and institutional order; and
- Elected and Non-Elected: focusing on the juxtaposition between judges and the people's representation.

UK May 2021 • US May 2021 • 592 pages
HB 9781509936847 • £100.00 / \$135.00
ePub 9781509936854 • £90.00 / \$112.10
ePdf 9781509936861 • £90.00 / \$112.10
Hart Publishing



The Constitutional Balance

The Late Sir John Laws

In *The Constitutional Balance* Sir John Laws has left a vivid and timely commentary on one of the most pressing issues in the legal world today.

Constitutional fundamental values can compete with each other, giving rise to tensions within and between key state institutions, in particular the executive and the judiciary. A 'constitutional balance' between them must be found if the constitution is to function properly. Sir John draws on his life-long experience as a barrister, judge and academic, and on case-law and learning, to explain in vibrant and engaging terms how such a 'constitutional balance' might be achieved.

UK January 2021 • US January 2021 • 160 pages
HB 9781509935451 • £30.00 / \$40.00
ePub 9781509935468 • £27.00 / \$34.48
ePdf 9781509935475 • £27.00 / \$34.48
Hart Publishing



The Offences Against the State Act 1939 at 80

A Model Counter-Terrorism Act?

Edited by Mark Coen, University College Dublin

This collection brings together experts in legal history, criminal justice, human rights and counter-terrorism law to appraise Ireland's Offences Against the State Act on the eightieth anniversary of its enactment.

The book engages with the 1939 Act's scope and complexity including consideration of the impact of the Act on issues as diverse as trial by jury, paramilitary organisations, organised crime, disclosure, the rules of evidence, freedom of expression and association, parliamentary oversight of legislation and adherence to international human rights norms.

It combines historical and contemporary insights with theoretical and practical perspectives that will enrich the reader's understanding of emergency law, wherever it arises.

UK April 2021 • US April 2021 • 352 pages
HB 9781509931996 • £70.00 / \$95.00
ePub 9781509932009 • £63.00 / \$78.84
ePdf 9781509932016 • £63.00 / \$78.84
Series: Hart Studies in Security and Justice • Hart Publishing



The Cradle of Laws

Drafting and Negotiating Bills within the Executives in Central Europe

Edited by Robert Zbiral, Masaryk University

Filling an important gap in legislative studies, this book is the first to illustrate how executives draft and negotiate bills before they are submitted to parliaments. A carefully selected sample of

cases, from a range of states (unitary states/federations/old and new democracies) allows for general principles to be established. Experts from each state ensure the collection draws on well-established national practice. Essential reading for legal and political science scholars and civil servants engaged in drafting.

UK August 2020 • US October 2020 • 160 pages
HB 9781509945801 • £50.00 / \$68.00
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Executive-legislative (Im)balance in the European Union

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

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

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

UK January 2021 • US January 2021 • 416 pages
HB 9781509930005 • £95.00 / \$130.00
ePub 9781509930012 • £85.50 / \$105.94
ePdf 9781509930029 • £85.50 / \$105.94
Series: Parliamentary Democracy in Europe • Hart Publishing



The IT Revolution and its Impact on State, Constitutionalism and Public Law

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

What is the future of constitutionalism, state and law in the new technological age? In this book leading European scholars of constitutional,

administrative, financial and EU law answer questions such as:

- What are the challenges of information and technological revolution to sovereignty?
- How will the IT revolution impact democracy and the public sphere?
- What is the impact of artificial intelligence on administrative law and social and health services?
- What is the impact of the IT revolution on data protection, privacy and human rights?

UK February 2021 • US February 2021 • 416 pages
HB 9781509940875 • £75.00 / \$100.00
ePub 9781509940882 • £67.50 / \$83.76
ePdf 9781509940899 • £67.50 / \$83.76
Hart Publishing



New Media and Freedom of Expression

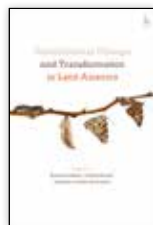
Rethinking the Constitutional Foundations of the Public Sphere

András Koltay, Pázmány Péter Catholic University, Hungary

The book considers the legal issues of media regulation which arise in the course of operation of the three most important intermediaries (ISPs, search engines and social media) that affect freedom of expression.

Taking a comparative approach, focusing primarily on English and American regulations, case law and jurisprudential debates the book also details international developments, as well as the jurisprudence of the European Court of Human Rights.

UK January 2021 • US January 2021 • 280 pages
PB 9781509946280 • £36.99 / \$49.95
Previously published in HB 9781509916481
ePub 9781509916504 • £67.50 / \$83.76
ePdf 9781509916498 • £67.50 / \$83.76
Series: Hart Studies in Comparative Public Law • Hart Publishing



Constitutional Change and Transformation in Latin America

Edited by Richard Albert, The University of Texas at Austin, Carlos Bernal, Colombian Constitutional Court & Juliano Zaiden Benvindo, University of Brasília

This volume offers a deep understanding of modern constitutional change in Latin America and of its implications for constitutionalism, democracy, human rights and the rule of law.

In this collection, leading voices in Latin American constitutionalism explore the complexity of the vast topography of constitutional developments, experiments and perspectives in the region.

UK January 2021 • US January 2021 • 376 pages
PB 9781509946273 • £36.99 / \$49.95
Previously published in HB 9781509923502
ePub 9781509923519 • £67.50 / \$83.76
ePdf 9781509923526 • £67.50 / \$83.76
Hart Publishing

Hart Studies in Private Law

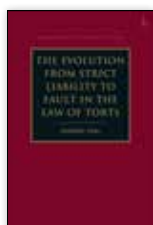


Justifying Private Rights

Edited by Simone Degeling, University of New South Wales, Michael Crawford, University of New South Wales & Nicholas Tiverios, University of Western Australia

Many of the most important contributions to private law scholarship in the latter part of the 20th century go beyond pure doctrinal/ functional accounts of private law. A distinctive feature of these contributions are that they sit between philosophical theory and legal doctrine, or the law as applied by courts. In that sense, they are both doctrinal and theoretical. This collection argues that these contributions deserve their own classification: namely New Private Law. Taking a two-part approach, it looks at the general nature of the New Private Law, then considers private rights in property, tort, contract, unjust enrichment and equity.

UK February 2021 • US February 2021 • 352 pages
HB 9781509931958 • £80.00 / \$110.00
ePub 9781509931965 • £72.00 / \$89.92
ePdf 9781509931972 • £72.00 / \$89.92
Series: Hart Studies in Private Law • Hart Publishing

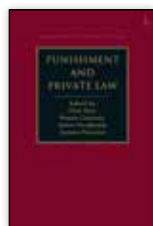


The Evolution from Strict Liability to Fault in the Law of Torts

Anthony Gray, University of Southern Queensland

Watchers of tort law and its development can't have failed to notice its drift from strict liability to fault. When and why did this occur? This is what this important new book explores, as well as those unintended consequences of this evolution. Ambitious in scope, tracing both principles from their earliest iterations, it looks at the question from a broad common law perspective. This book is a significant contribution to a debate that has long occupied scholars of private law.

UK April 2021 • US April 2021 • 384 pages
HB 9781509940998 • £80.00 / \$110.00
ePub 9781509941001 • £72.00 / \$89.92
ePdf 9781509941018 • £72.00 / \$89.92
Series: Hart Studies in Private Law • Hart Publishing



Punishment and Private Law

Edited by Elise Bant, The University of Western Australia, Wayne Courtney, University of Sydney, James Goudkamp, University of Oxford & Jeannie Paterson, The University of Melbourne

Does private law punish? This collection answers this complex but compelling question. Lawyers from across the spectrum of the law (contract, tort, and restitution) explore exactly how it punishes wrong doing. These leading voices ask whether that punishment is effective and what its societal role might be. Taking the discussion out of the technical and into a broader realms of a wider purpose, it is both compelling and thought-provoking.

UK June 2021 • US June 2021 • 352 pages
HB 9781509939152 • £90.00 / \$120.00
ePub 9781509939169 • £81.00 / \$101.01
ePdf 9781509939176 • £81.00 / \$101.01
Series: Hart Studies in Private Law • Hart Publishing



Apportionment in Private Law

Edited by Kit Barker, University of Queensland & Ross Grantham, University of Queensland

This book investigates the way in which the civil law engages in the sharing and apportionment of liability flowing from events for which more than one party is provably responsible.

The doctrines examined include both liability 'inception doctrines', which operate to create shared liabilities in the first place (such as vicarious and accessorial liability); and, more centrally, legal doctrines that operate to distribute the liabilities and responsibilities so created. These doctrines include doctrines of contributory negligence, joint and several liability, contribution, reimbursement, and proportionate liability, as well as defences and principles of equitable 'allowance' that permit both losses and gains to be shared between parties to civil proceedings.

The book states and critiques distributive rules in each of the main common law jurisdictions in which they currently operate - the UK, the USA, Canada, Australia and New Zealand. It aims both to explicate the main rules and trends in these jurisdictions and offer critical perspectives thereon from a number of different perspectives - historical, comparative, doctrinal and theoretical.

UK February 2021 • US February 2021 • 392 pages
PB 9781509944941 • £41.99 / \$57.95
Previously published in HB 9781509917501
ePub 9781509917495 • £76.50 / \$94.85
ePdf 9781509917518 • £76.50 / \$94.85
Series: Hart Studies in Private Law • Hart Publishing



Vicarious Liability

Critique and Reform

Anthony Gray, University of Southern Queensland

The scope of vicarious liability has significantly expanded since its original conception. Today employers are being found liable for actions of employees that they did not authorise, and never would have authorised if asked.

Notions of strict liability have grown increasingly isolated in the law of tort, given the exponential growth in the tort of negligence. They require intellectual justification. Such a justification has proven to be elusive and largely unsatisfactory in relation to vicarious liability and to concepts of non-delegable duty. The law of three jurisdictions studied has now apparently embraced the 'enterprise risk' theory to rationalise the imposition of vicarious liability. This book subjects this theory to strong critique by arguing that it has many weaknesses, which the courts should acknowledge. It suggests that a rationalisation of the liability of an employer for the actions of an employee lies in more traditional legal doctrine which would serve to narrow the circumstances in which an employer is legally liable for a wrong committed by an employee.

UK January 2021 • US January 2021 • 296 pages
PB 9781509943876 • £34.99 / \$47.95
Previously published in HB 9781509920235
ePub 9781509920242 • £63.00 / \$78.84
ePdf 9781509920259 • £63.00 / \$78.84
Series: Hart Studies in Private Law • Hart Publishing



The Impact of Equity and Restitution in Commerce

Edited by Peter Devonshire, University of Auckland & Rohan Havelock, University of Auckland

Commercial relationships give rise to diverse forms of legal obligation in private law, including contract, tort, agency, company law and partnership. More controversially, equity and the law of restitution have a less defined and somewhat ambulatory role in regulating the affairs of commercial parties. Nevertheless, their impact is manifest in the commercial arena through the distinct types of liability they engender and the remedies that are imposed.

This collection draws together the views of leading international scholars and judges to explore the nature and extent of this impact from two perspectives. Five chapters primarily address this impact at a macro-level, focusing on the roles of equity and the law of restitution in terms of legal taxonomy, doctrine and policy. In contrast, five further chapters primarily address this impact at a micro-level, focusing on selected liabilities and remedies within equity and the law of restitution.

UK February 2021 • US February 2021 • 312 pages
PB 9781509944934 • £41.99 / \$57.95
Previously published in HB 9781509915644
ePub 9781509915668 • £76.50 / \$94.85
ePdf 9781509915651 • £76.50 / \$94.85
Series: Hart Studies in Private Law • Hart Publishing



The Humanity of Private Law

Part I: Explanation

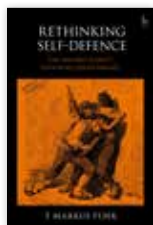
Nicholas J McBride, University of Cambridge

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

THIS VOLUME

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

UK February 2021 • US February 2021 • 296 pages
PB 9781509945030 • £39.99 / \$54.95
Previously published in HB 9781509911950
ePub 9781509911967 • £72.00 / \$89.92
ePdf 9781509911974 • £72.00 / \$89.92
Hart Publishing



Rethinking Self-Defence

The 'Ancient Right's' Rationale Disentangled

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

Self-defence – the 'ancient right' – has never been more relevant than in the present era of widespread calls for criminal justice reform.

This book advances the patinaed discussion by introducing a comprehensive value-centric approach to thinking about the defence's deeper rationale.

It tackles core issues including the relative importance of the State's claimed monopoly on force, procedural justice and the need to shore up the justice system's legitimacy and creditworthiness, everyone's presumptive 'right to life,' and the importance of ensuring equal standing between citizens. The book breaks new ground by addressing public perceptions of 'just' and 'right' outcomes, as well as the emphasis legal systems place (and should place) on State power.

UK January 2021 • US January 2021 • 280 pages
HB 9781509934171 • £80.00 / \$110.00
ePub 9781509934188 • £72.00 / \$89.92
ePdf 9781509934195 • £72.00 / \$89.92
Hart Publishing



European Public Prosecutor's Office

Article-by-Article Commentary

Edited by Hans-Holger Herrfeld, Federal Ministry of Justice and Consumer Protection, Dominik Brodowski, Saarland University & Christoph Burchard, Goethe University

This commentary on the EPPO Regulation is intended to guide practitioners – within EPPO as well as in the national prosecution services and law enforcement agencies, courts, and law offices – in the interpretation of the Regulation. By providing an in-depth analysis of the intricate interplay of the Regulation's provisions and their legal and practical context, it will also provide a valuable source for further academic research on individual aspects relating to the EPPO. In addition, the commentary will assist political decision-makers in assessing the practical implementation of the EPPO Regulation by clarifying its relations to national law and national judicial and law enforcement authorities.

UK October 2020 • US December 2020 • 704 pages
HB 9781509947157 • £225.00 / \$305.00
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Criminal Law Reform Now

Proposals & Critique

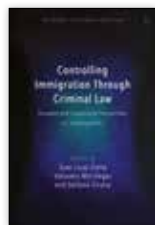
Edited by J J Child, University of Birmingham & R A Duff, University of Stirling

If you could change one part of the criminal law, what would it be? This collection presents the responses of nine leading academics and practitioners to this question, in the form of legal reform proposals.

Topics include confiscation, control orders, criminal attempts, homicide, assisted dying, the special status of children, time restrictions on prosecution, the right to silence, and special measures in court. The last two chapters broaden the debate to discuss criminal law reform in general, examining various reform bodies and mechanisms across England, Wales and

Scotland. *Criminal Law Reform Now* highlights and explores the current reform debates that matter most to legal experts, with each chapter making a case for positive change.

UK January 2021 • US January 2021 • 336 pages
PB 9781509944026 • £36.99 / \$49.95
Previously published in HB 9781509916771
ePub 9781509916795 • £67.50 / \$83.76
ePdf 9781509916788 • £67.50 / \$83.76
Hart Publishing



Controlling Immigration Through Criminal Law

European and Comparative Perspectives on "Crimmigration"

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

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

UK January 2021 • US January 2021 • 272 pages
HB 9781509933921 • £85.00 / \$115.00
ePub 9781509933938 • £76.50 / \$94.85
ePdf 9781509933945 • £76.50 / \$94.85
Series: Hart Studies in European Criminal Law • Hart Publishing



Fundamental Rights and Legal Consequences of Criminal Conviction

Edited by Sonja Meijer, VU University Amsterdam, Harry Annison, Southampton University & Ailbhe O'Loughlin, University of York

This book explores the nature and extent of the legal consequences of criminal convictions in Europe, Australia and the USA. What legal consequences can a criminal conviction have? How do these consequences affect convicted offenders? And how can and should these consequences be limited by law?

Legal consequences often are not formally part of the criminal law, so can be obscured from judges as well as from defendants and their legal representatives in the courtroom. The breadth, severity, longevity and often hidden nature of these restrictions raises the question of whether offenders' fundamental rights are sufficiently protected.

UK January 2021 • US January 2021 • 312 pages
PB 9781509946235 • £31.99 / \$42.95
Previously published in HB 9781509920976
ePub 9781509920983 • £58.50 / \$72.68
ePdf 9781509920990 • £58.50 / \$72.68
Series: Oñati International Series in Law and Society • Hart Publishing



The Emotional Brain and the Guilty Mind

Novel Paradigms of Culpability and Punishment

Federica Coppola, Columbia University

This book reframes the normative narrative of the 'culpable person' in American criminal law through a more humanising lens. It embraces this reframed narrative to revise the criteria of the current voluntarist architecture of culpability and to advance a paradigm of punishment that positions social rehabilitation as its core principle.

It argues that the potential adoption of models of culpability and punishment, which view people through a more comprehensive lens, may be a key factor for turning criminal justice into a less punitive, more inclusionary and non-stigmatising system.

UK February 2021 • US February 2021 • 304 pages
HB 9781509934294 • £65.00 / \$90.00
ePub 9781509934300 • £58.50 / \$72.68
ePdf 9781509934317 • £58.50 / \$72.68
Hart Publishing



Environmental Courts and Tribunals

Powers, Integrity and the Search for Legitimacy

Ceri Warnock, University of Otago

The global phenomenon of the establishment of specialist courts is one of the most important recent developments in environmental law. Although they are generally seen as a much needed innovation, they do pose challenges, particularly around questions of legitimacy. This book tackles these questions, looking at the courts in the common law world. It argues that to fully understand the nature of the adjudication of these courts, a bottom-up approach must be taken: ie the question before the court is determinative. Despite its theoretical focus, the book also provides insights for practitioners engaging with these courts for the first time.

UK December 2020 • US December 2020 • 208 pages
HB 9781509940066 • £75.00 / \$100.00
ePub 9781509940073 • £67.50 / \$83.76
ePdf 9781509940080 • £67.50 / \$83.76
Hart Publishing

Global Energy Law and Policy



The Global Energy Transition

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

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

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

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

UK January 2021 • US January 2021 • 344 pages
HB 9781509932481 • £85.00 / \$115.00
ePub 9781509932504 • £76.50 / \$94.85
ePdf 9781509932498 • £76.50 / \$94.85
Series: Global Energy Law and Policy • Hart Publishing



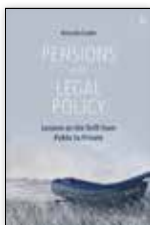
Governing the Extractive Sector

Regulating the Foreign Conduct of International Mining Firms

Jeffrey Bone, Saint Joseph's University

This book considers, and offers solutions to, the problems faced by local communities and the environment with respect to global mining. The book explores grievance mechanisms in the home states of the major mining conglomerates, arguing that they should be functional, pragmatic and effective at resolving disputes between mining enterprises and impacted communities. The key to this is harnessing the power of industry-sponsored dispute mechanisms to reduce the costs for home state governments and judicial systems. Critically, civil society actors will be both advocates and mediators, to achieve a fair result for those impacted abroad by extractive enterprises.

UK February 2021 • US February 2021 • 288 pages
HB 9781509941872 • £70.00 / \$95.00
ePub 9781509941889 • £63.00 / \$78.84
ePdf 9781509941896 • £63.00 / \$78.84
Series: Global Energy Law and Policy • Hart Publishing



Pensions and Legal Policy

Lessons on the Shift from Public to Private

Amanda Cooke, *University of Edinburgh*

This book explores the historical position of pensions law in the UK and the recent influences that have led to the introduction of Auto-Enrolment and subsequent reforms. Alternative models, such as the US and Australia, are also considered, as well as the function of law in bringing about political changes. The book explores behavioural economics, its global influence on understanding financial decision making and its application to legislation that seeks to influence consumer outcomes. Drawing on qualitative empirical research to analyse the implementation of Auto-Enrolment, this book highlights the social costs of the new regulatory regime.

UK February 2021 • US February 2021 • 272 pages
 HB 9781509929375 • £65.00 / \$90.00
 ePub 9781509929399 • £58.50 / \$72.68
 ePub 9781509929382 • £58.50 / \$72.68
 Hart Publishing



European Court Procedure

A Practical Guide

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

No lawyer appearing before the EU Courts should be without this magisterial reference. Giving a detailed and practice-oriented overview of the entire litigation procedure before the EU judiciary, it is required reading. The study includes a discussion of the significant case law developments in wake of recent reforms, explaining the resulting changes in the Courts' practice. It will enable practising lawyers to present their cases effectively, while at the same time offering valuable guidance to national judges dealing with cases raising points of EU law. Moreover, it provides insights into the reasoning process of the EU Courts, which will be of interest to scholars in the field, and is built around a structure that facilitates its use as a teaching material.

UK October 2020 • US December 2020 • 768 pages
 HB 9781841130538 • £175.00 / \$238.00
 ePub 9781782252658 • £157.50 / \$194.64
 ePub 9781509900916 • £157.50 / \$194.64
 Hart Publishing



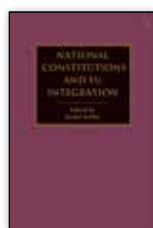
Cassis de Dijon

40 Years On

Edited by Albertina Albors-Llorens, *St John's College, Catherine Barnard, University of Cambridge & Brigitte Leucht, University of Portsmouth, UK*

In 1979 the Court of Justice gave judgment on the famous decision in *Cassis de Dijon*. This book revisits this decision with the benefit of hindsight: why did the Court of Justice decide *Cassis de Dijon* as it did? How has the decision been developed by the EU? And how has it been used to develop international trade? The book brings together some leading writers in the field of EU trade law, constitutional law and European history for a fresh examination of this ground-breaking judgment, looking at it from the perspective of its past, its present, and its future.

UK March 2021 • US March 2021 • 352 pages
 HB 9781509936632 • £80.00 / \$110.00
 ePub 9781509936649 • £72.00 / \$89.92
 ePub 9781509936656 • £72.00 / \$89.92
 Hart Publishing



National Constitutions and EU Integration

Edited by Stefan Griller, *University of Salzburg*

Not surprisingly, European Union member Member States enjoy constitutional guarantees which protect their essential characteristics. This of course produces an evident tension with the increasing impact of European integration. Thus, the question arises, whether, and to what degree, those individual constitutions pose an obstacle to future integration.

The collections brings together the output of an ambitious legal research project that explored the conditions for the future evolution of European integration in all its member Member States. Authoritative, comprehensive and rigorous, it will become the standard reference work for academics, students, and practitioners in the field of European Union Law and integration.

UK January 2021 • US January 2021 • 704 pages
 HB 9781509906765 • £150.00 / \$200.00
 ePub 9781509906758 • £135.00 / \$167.54
 ePub 9781509906741 • £135.00 / \$167.54
 Hart Publishing



Standing to Enforce European Union Law before National Courts

Hilde Ellingsen, University of Oslo

The right to access to court has long been recognised as an essential element of a Union based on the rule of law. This book asks how can member states insure that their individual rules on standing guarantee that right? It analyses the EU law's requirements from two angles: the effective protection of Union rights and the effectiveness of Union law. It formulates an autonomous Union law doctrine of standing, then sets out an effectiveness test of member states' enforcement mechanisms, preventing practical impediments to the right to access to court.

UK April 2021 • US April 2021 • 384 pages

HB 9781509937141 • £90.00 / \$120.00

ePub 9781509937158 • £81.00 / \$101.01

ePdf 9781509937165 • £81.00 / \$101.01

Series: Modern Studies in European Law • Hart Publishing



The EU as a Global Regulator for Environmental Protection

A Legitimacy Perspective

Ioanna Hadjiyianni, University of Cyprus

This book critically examines the extension of the scope of application of EU environmental legislation beyond EU borders by conditioning access to the EU market on the basis of processes that take place in third countries. It makes a timely contribution to political debates about the relations of the EU with non-EU countries, and the EU's role in global governance in a policy field where the EU has been considered a global leader. The book identifies and explains the emerging legal phenomenon of internal environmental measures with extraterritorial implications as important manifestations of EU global regulatory power. It assesses the extraterritorial reach of EU environmental law from a legitimacy perspective and examines mechanisms that can bolster its legitimacy, focusing on the legal orders of EU and WTO law, which are key legal fora for controlling the EU's global regulatory power.

UK February 2021 • US February 2021 • 224 pages

PB 9781509946679 • £34.99 / \$47.95

Previously published in HB 9781509925605

ePub 9781509925612 • £72.00 / \$89.92

ePdf 9781509925629 • £72.00 / \$89.92

Series: Modern Studies in European Law • Hart Publishing



The Court of Justice and European Criminal Law

Leading Cases in a Contextual Analysis

Edited by Valsamis Mitsilegas, Queen Mary, University of London, Alberto di Martino, Sant'Anna School of Advanced Studies & Leandro Mancano, University of Edinburgh

This book provides insight into the landmark rulings of the Court of Justice of the European Union (CJEU) in European Criminal Law (ECL). As in other areas of EU law, the decisions of the CJEU have been a motor of development and integration. This can be seen, for example, in the impact on EU primary and secondary law produced by the *Greek Maize* case, as well as the 2005 and 2007 decisions. By analysing the most important judgments of the Court in the area of criminal law, the book provides a diachronic and multifaceted picture of the EU's and the Court's approach to criminal law.

UK March 2021 • US March 2021 • 496 pages

PB 9781509946747 • £44.99 / \$60.95

Previously published in HB 9781509911172

ePub 9781509911189 • £81.00 / \$101.01

ePdf 9781509911202 • £81.00 / \$101.01

Series: Modern Studies in European Law • Hart Publishing



The Fundamental Rights of Companies

EU, US and International Law Compared

Peter J Oliver, Université Libre de Bruxelles, Monckton Chambers

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

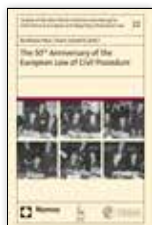
UK June 2021 • US June 2021 • 208 pages

HB 9781841136899 • £85.00 / \$115.00

ePub 9781509901371 • £76.50 / \$94.85

ePdf 9781509901364 • £76.50 / \$94.85

Hart Publishing



The 50th Anniversary of the European Law of Civil Procedure

Edited by Burkhard Hess, Max Planck Institute, Luxembourg & Koen Lenaerts, Court of Justice at the European Union

This book brings together contributions written by members of the Court of Justice of the European Union, established academics and young

researchers reflecting on the Brussels Regime. It offers insights on the dialogue between the Court of Justice and national courts on the interpretation of the European law of civil procedure and how it shaped the Europeanisation of private international law. Beyond this assessment of the past, the book offers some reflections on the future architecture of the European law of civil procedure and the suitability of the Brussels regime to the challenges of the current era.

UK October 2020 • US November 2020 • 608 pages

HB 9781509945924 • £150.00 / \$200.00

Nomos/Hart

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



EU Soft Law in the Member States

Theoretical Findings and Empirical Evidence

Edited by Mariolina Eliantonio, Maastricht University, Emilia Korkea-aho, University of Eastern Finland & Oana Stefan, King's College, London

This volume analyses the impact that non-legally binding material (otherwise known as soft law) has on national courts and administration. The study is founded on empirical work undertaken by the European Network of Soft Law Research (SoLaR), across ten EU Member States, in competition policy, financial regulation, environmental protection and social policy. The book demonstrates that soft law is taken into consideration at the national level and it clarifies the extent to which soft law can have legal and practical effects for individuals and national authorities.

UK March 2021 • US March 2021 • 496 pages

HB 9781509932030 • £75.00 / \$100.00

ePub 9781509932047 • £67.50 / \$83.76

ePdf 9781509932054 • £67.50 / \$83.76

Series: EU Law in the Member States • Hart Publishing

Hart Studies in European Criminal Law



Surveillance and Privacy in the Digital Age

European, Transatlantic and Global Perspectives

Edited by Valsamis Mitsilegas, Queen Mary, University of London & Niovi Vavoula, Queen Mary, University of London

This volume explores one of the most pressing questions in comparative/European criminal law today: how is privacy protected in the surveillance era. Drawing on discussions of the ECLAN annual conference, it brings together leading scholars from Europe and the United States to examine the key issues at play.

UK April 2021 • US April 2021 • 384 pages

HB 9781509925179 • £75.00 / \$100.00

ePub 9781509925186 • £67.50 / \$83.76

ePdf 9781509925193 • £67.50 / \$83.76

Series: Hart Studies in European Criminal Law • Hart Publishing



The Principle of Mutual Trust in EU Criminal Law

Auke Willems, University of Liverpool

This book develops a conceptual framework of the principle of mutual trust in EU criminal law. The book demonstrates that mutual trust is multi-faceted: combining the elements essential to a successful EU criminal law, as part of the Area of Freedom, Security and Justice.

The book approaches trust from multiple angles: a study of social science literature, a meticulous assessment of mutual trust in EU criminal law, a study of trust in US interstate criminal justice cooperation, finally identifying a comprehensive approach to tackle trust related difficulties in EU criminal law.

UK February 2021 • US February 2021 • 352 pages

HB 9781509924547 • £75.00 / \$100.00

ePub 9781509924554 • £67.50 / \$83.76

ePdf 9781509924561 • £67.50 / \$83.76

Series: Hart Studies in European Criminal Law • Hart Publishing



The External Dimension of the EU's Policy against Trafficking in Human Beings

Chloé Brière, Université Libre de Bruxelles

This book determines to what extent the European Union's efforts to promote its approach to combating trafficking in human beings contribute to their adoption and implementation outside its borders.

The first part identifies the legal context in which the European Union conducts its externalisation efforts.

The second part analyses the work done by other actors also involved in promoting anti-trafficking activities in the Western Balkans region.

The final part assesses the impact on national legislation and policies of the joint efforts of the European Union and its partners to promote a comprehensive approach to combating trafficking in human beings.

UK April 2021 • US April 2021 • 368 pages

HB 9781509932825 • £80.00 / \$110.00

ePub 9781509932832 • £72.00 / \$89.92

ePdf 9781509932849 • £72.00 / \$89.92

Series: Hart Studies in European Criminal Law • Hart Publishing



Criminal Liability of Managers in Europe

Punishing Excessive Risk

Stanislaw Tosza, Willem Pompe Institute for Criminal Law and Criminology

Every managerial decision is risky, at least to some extent. Conducting business is impossible without venturing into new territories and even the most ordinary daily choices could turn out to be failures. Excessive risk, however, can be very detrimental as was starkly illustrated by the most recent financial crisis. By criminalising managers' excessive risk-taking criminal law enters a sphere which is at the core of the activity it affects. At the same time it provides for criminal punishment for courses of conduct that, without doubt, can be extremely harmful. This book examines existing criminalisation of excessive risk-taking and analyses whether such criminalisation is desirable and if yes, under which conditions.

UK February 2021 • US February 2021 • 344 pages

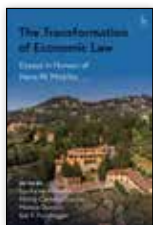
PB 9781509944958 • £36.99 / \$49.95

Previously published in HB 9781509914975

ePub 9781509914982 • £67.50 / \$83.76

ePdf 9781509914968 • £67.50 / \$83.76

Series: Hart Studies in European Criminal Law • Hart Publishing



The Transformation of Economic Law

Essays in Honour of Hans W Micklitz

Edited by Lucila de Almeida, University of Helsinki, Marta Cantero Gamito, University College of Financial Studies, Mateja Djurovic, King's College London & Kai Peter Purnhagen, Wageningen University

This book is written in honour of Hans W Micklitz for his jubilee 70th birthday and the closure of his twelve-year term as the Chair for Economic Law at the European University Institute (EUI). Hans W Micklitz has gained international recognition for dedicating his extensive and fruitful career to diverse areas of law: European economic Law, European private law, national and European consumer law, legal theory, theories of private law and social justice. This book is a product of the collaborative endeavours of its contributors, who all have a special connection with Hans W Micklitz as his doctoral supervisees or research assistants. The edited volume is divided in three sessions devoted to subjects that have received Hans's attention while at the EUI: EU Consumer Law (part I); European Private Law and Access Justice (part II); and the CJEU between the individual citizen and the Member States (part III).

UK March 2021 • US March 2021 • 432 pages
PB 9781509946792 • £44.99 / \$60.95
Previously published in HB 9781509932580
ePub 9781509932597 • £85.50 / \$105.94
ePdf 9781509932603 • £85.50 / \$105.94
Hart Publishing



The Future of Europe

Political and Legal Integration Beyond Brexit

Edited by Antonina Bakardjieva Engelbrekt, Stockholm University & Xavier Groussot, Lund University

This volume builds on a conference organised by the Swedish Network for European Legal Studies in November 2017 and includes chapters by leading scholars in the field from the Nordic countries and wider Europe.

The book takes the current state of the Union seriously. However, it not only debates the political vision of Europe, but also discusses the issue of legal integration beyond Brexit. Apart from addressing the institutional challenges for the EU, the contributions focus on two key areas: rule of law and security. Rule of law and security are not only paradigmatic for the future of Europe but are also closely connected to a particular vision of Europe based on 'integration through law'; a vision that has been strongly contested in recent years.

UK March 2021 • US March 2021 • 336 pages
PB 9781509946785 • £36.99 / \$49.95
Previously published in HB 9781509923304
ePub 9781509923311 • £67.50 / \$83.76
ePdf 9781509923328 • £67.50 / \$83.76
Series: Swedish Studies in European Law • Hart Publishing



Legal Recognition of Non-Conjugal Families

New Frontiers in Family Law in the US, Canada and Europe

Nausica Palazzo, Bocconi University

This book argues that insufficient recognition of new families is a legal problem that needs fixing in light of recent evolutions in family patterns and normative conceptions of 'family'.

Part I illustrates recent developments in family patterns and norms, while Part II focuses on courtroom litigation, analysing the argumentative strategies that non-conjugal families can mobilise to pursue legal recognition in Canada and the United States, and within the European Convention of Human Rights and the European Union. The book illuminates the different approaches jurisdictions are likely to take and the hindrances thereof to overcome stereotypes associated with proper familyhood.

UK April 2021 • US April 2021 • 272 pages
HB 9781509939954 • £60.00 / \$80.00
ePub 9781509939961 • £54.00 / \$67.75
ePdf 9781509939978 • £54.00 / \$67.75
Hart Publishing



Gender and Careers in the Legal Academy

Edited by Ulrike Schultz, FernUniversität in Hagen (Retired), Gisela Shaw, University of the West of England, Margaret Thornton, Australian National University & Rosemary Auchmuty, University of Reading

Over the past 15 years, there has been a marked increase in international scholarship relating to the lives and careers of women in legal practice and the judiciary, but the central conundrum remains: Does the presence of women make a difference? What has been largely overlooked in the literature is the position of women in the legal academy. To remedy this, an international network of scholars embarked on a comparative study, which resulted in this ground-breaking book. The contributors uncover fascinating accounts of the careers of academic pioneers and explore broader theoretical issues relating to gender and culture.

UK March 2021 • US March 2021 • 672 pages
HB 9781509923113 • £90.00 / \$120.00
ePub 9781509923120 • £81.00 / \$101.01
ePdf 9781509923137 • £81.00 / \$101.01
Series: Oñati International Series in Law and Society • Hart Publishing



Feminist Judgments in International Law

Edited by Loveday Hodson, Leicester Law School & Troy Lavers, Leicester Law School

One of the more interesting recent developments in legal methodology has been the emergence of feminist rewriting of key judgments. This unique enterprise has seen scholars collaborate in the 'real world' task of reassessing jurisprudence in light of feminist perspectives. This important new volume makes a significant contribution to the endeavour, exploring as it does how key judgments in international law might have differed if women's voices were given more prominence. This collection asks if feminist perspectives can offer meaningful and viable alternatives to international law norms.

UK March 2021 • US March 2021 • 536 pages
PB 9781509946716 • £44.99 / \$60.95
Previously published in HB 9781509914456
ePub 9781509914432 • £81.00 / \$101.01
ePdf 9781509914425 • £81.00 / \$101.01
Hart Publishing



The Lawyer's Style Guide

A Student and Practitioner Guide

Peter Butt, University of Sydney (Emeritus)

Clarity and precision in legal writing is an essential skill in the practise and study of law. This book offers a straightforward, practical guide to effective legal usage from a world-leading expert.

The book catalogues existing legal usage, topic by topic, phrase by phrase, word by word. It then scrutinises each use, suggesting the best usage.

Entries are arranged alphabetically and cover 3 broad areas: legal concepts, practical usage, and words and phrases. Each opens with a clear definition of the term, followed by examples of how the entry is commonly used. Entries also cover grammatical questions such as the best use of abbreviations and punctuation.

UK February 2021 • 736 pages
PB 9781509936243 • £50.00
ePub 9781509936250 • £45.00 / \$56.66
ePdf 9781509936267 • £45.00 / \$56.66
Hart Publishing
World All Languages (excluding Australia/New Zealand)



A Practical Guide to Mooting

Jeffrey Hill, Chinese University of Hong Kong

This new edition of Jeffrey Hill's textbook on mooting has been fully updated and revised and provides students with clear and compelling advice on every aspect of mooting.

The book covers;

- key aspects of the legal system
- the way in which moots are assessed
- what the judges are looking for
- how to structure a legal argument, and
- how to prepare a skeleton argument and bundles.

The text is accompanied by videos of Supreme Court hearings so that students can learn from, and emulate, the advocacy skills of some of the most eminent advocates and lawyers.

UK June 2021 • US July 2021 • 224 pages
PB 9781509935031 • £23.99 / \$32.95
ePub 9781509935048 • £21.59 / \$27.09
ePdf 9781509935055 • £21.59 / \$27.09
Hart Publishing



Collective Trauma and the Armenian Genocide

Armenian, Turkish, and Azerbaijani Relations since 1839

Pamela Steiner, Harvard University

This book re-examines more than 100 years of destructive ethno-religious relations among

Armenians, Turks, and Azerbaijanis through the novel lens of collective trauma.

The author argues that a focus on embedded, transgenerational collective trauma is essential to achieving more trusting, productive, and stable relationships in this and similar contexts. The book takes a deep dive into history - analysing the traumatic events, examining and positing how they motivated the actions of key players (both victims and perpetrators), and revealing how profoundly these traumas continue to manifest today among the three peoples, stymying healing and inhibiting achievement of a basis for positive change.

UK December 2020 • US December 2020 • 448 pages
HB 9781509934836 • £80.00 / \$110.00
ePub 9781509934843 • £72.00 / \$89.92
ePdf 9781509934850 • £72.00 / \$89.92
Series: Human Rights Law in Perspective • Hart Publishing



Torture, Inhumanity and Degradation under Article 3 of the ECHR

Absolute Rights and Absolute Wrongs

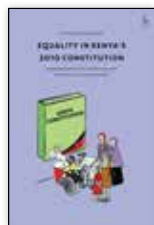
Natasa Mavronicola, University of Birmingham

This book theorises and concretises the idea of

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

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

UK January 2021 • US January 2021 • 288 pages
HB 9781509902996 • £75.00 / \$100.00
ePub 9781509903061 • £67.50 / \$83.76
ePdf 9781509903054 • £67.50 / \$83.76
Hart Publishing



Equality in Kenya's 2010 Constitution

Understanding the Competing and Interrelated Conceptions

Victoria Miyandazi, University of Oxford

This book considers whether there is a coherent conception of equality in Kenya's 2010 Constitution and explores how competing and interrelated ideas of equality in it should be conceptualised, interpreted and applied.

It considers how other jurisdictions including the United States, the United Kingdom, Canada, South Africa, India and Botswana have approached the conceptualisation, interpretation and application of various equality concepts.

The book focuses on:

- expanding the list of enumerated grounds for non-discrimination;
- accommodating religious and cultural diversity versus gender equality; and
- the interrelation between socio-economic rights and status-based equality.

UK February 2021 • US February 2021 • 304 pages
HB 9781509941193 • £60.00 / \$80.00
ePub 9781509941209 • £54.00 / \$67.75
ePdf 9781509941216 • £54.00 / \$67.75
Hart Publishing

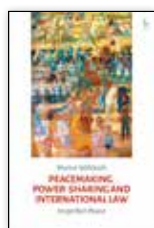


Contemporary Issues of Human Rights Protection at the European Court of Human Rights

Edited by Stephanie Schiedermair, Alexander Schwarz & Dominik Steiger

This collection explores current, critical issues regarding human rights theory and practice at the European Court of Human Rights. Taking a three part approach, it explores: procedural concerns, principles and jurisprudence, and interaction with national legal systems. With each contributor bringing their own unique perspective and expertise to key questions, it makes compelling reading for all human rights specialists, be they in academia or practice.

UK June 2021 • US July 2021 • 304 pages
HB 9781509945979 • £110.00 / \$150.00
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Peacemaking, Power-sharing and International Law

Imperfect Peace

Martin Wählisch, United Nations

This book provides a contemporary analysis of the frictions between peacemaking and international human rights law based on the cases of post-conflict power-sharing in Lebanon and Bosnia-Herzegovina. In this context, it evaluates the long-standing debate in the United Nations and human rights bodies about the 'imperfect peace'. Written from a practitioner-scholarly viewpoint and drawing from new authentic sources, the book describes the mechanisms used in peace agreements and post-conflict constitutions for managing ethnic or religious diversity, explains their legal limits under international human rights law, and provides a conceptual framework for analysing the nexus between law and peacemaking.

UK March 2021 • US March 2021 • 248 pages
PB 9781509946730 • £31.99 / \$42.95
Previously published in HB 9781509914258
ePub 9781509914234 • £58.50 / \$72.68
ePdf 9781509914227 • £58.50 / \$72.68
Hart Publishing



Judicial Protection of Fundamental Rights on the Internet

A Road Towards Digital Constitutionalism?

Oreste Pollicino, Bocconi University

This innovative book analyses the forms, models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States, particularly with regard to freedom of speech and privacy. The book addresses the relationship between new technologies and the protection of fundamental rights within the theoretical debate surrounding the process of European integration, with particular emphasis on judicial dialogue. It offers the first comparative analysis in which the notion of (judicial) frame, borrowed from linguistic and cognitive studies, is systematically applied to the theories of interpretation and argumentation.

UK April 2021 • US April 2021 • 320 pages
HB 9781849468053 • £75.00 / \$100.00
ePub 9781509912704 • £67.50 / \$83.76
ePdf 9781509912711 • £67.50 / \$83.76
Hart Publishing



Intersectionality and Human Rights Law

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

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

UK June 2021 • US June 2021 • 204 pages
PB 9781509942251 • £27.99 / \$37.95
Previously published in HB 9781509935291
ePub 9781509935307 • £25.19 / \$32.02
ePdf 9781509935314 • £25.19 / \$32.02
Hart Publishing



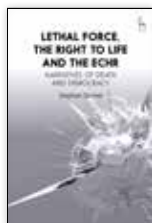
Remedies for Breach of Privacy

Edited by Jason NE Varuhas, University of Melbourne & N A Moreham, Victoria University of Wellington

In recent years privacy actions have been recognised at common law or in equity in Australia, Canada, New Zealand and the UK. Apex courts are now being called upon to articulate the law governing remedies, including in high profile litigation concerning phone hacking, covert filming and release of personal information.

This book comprehensively analyses these developments and presents possible solutions to the issues which are emerging. It offers authoritative insights into this cutting edge topic from a range of perspectives and includes contributions by academics, practitioners and judges from across common law jurisdictions, who are expert in the legal disciplines implicated by privacy remedies, including torts, equity, and public law.

UK January 2021 • US January 2021 • 472 pages
PB 9781509943890 • £41.99 / \$57.95
Previously published in HB 9781509915606
ePub 9781509915620 • £76.50 / \$94.85
ePdf 9781509915613 • £76.50 / \$94.85
Hart Publishing



Lethal Force, the Right to Life and the ECHR

Narratives of Death and Democracy

Stephen Skinner, University of Exeter

This book discusses the connection between the right to life in Article 2 of the ECHR and democratic society.

In focusing on the domestic policing and law enforcement context, the book draws on an extensive analysis of case law from 1995 to 2010. It shows how the connection with democratic society in Article 2's substantive and procedural dimensions underlines the right to life's problematic duality, as an expression of a basic value demanding a high level of protection and a contextually limited provision allowing states leeway in the use of force.

UK February 2021 • US February 2021 • 224 pages
PB 9781509946693 • £31.99 / \$42.95
Previously published in HB 9781849464062
ePub 9781509929542 • £58.50 / \$72.68
ePdf 9781509929535 • £58.50 / \$72.68
Hart Publishing



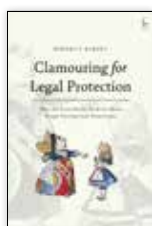
Human Rights in the UK and the Influence of Foreign Jurisprudence

Hélène Tyrrell, Newcastle University

This book explains the patterns of use and non-use of rulings from foreign domestic courts in human rights cases.

The book argues that, in the absence of legislative guidance, the use of foreign jurisprudence is neither consistent nor systematic. The main use of foreign jurisprudence is as a heuristic device: it provides the Justices with a different analytical lens through which to reflect on their own reasoning about a problem. Some Justices also use foreign jurisprudence when interpreting a common legislative scheme and to support their conclusions. As a result, the Justices use foreign jurisprudence differently according to the audience to whom their reasons are addressed.

UK January 2021 • US January 2021 • 264 pages
PB 9781509943869 • £34.99 / \$47.95
Previously published in HB 9781509904945
ePub 9781509904952 • £63.00 / \$78.84
ePdf 9781509904969 • £63.00 / \$78.84
Series: Hart Studies in Comparative Public Law • Hart Publishing



Clamouring for Legal Protection

What the Great Books Teach Us About People Fleeing from Persecution

Robert F Barsky, Vanderbilt University

In this novel approach to law and literature, Robert Barsky delves into the canon of so-called Great Books, and discovers that many beloved characters (Odysseus, Moses, Dante, Satan, Dracula and Alive

in Wonderland, among others) encounter obstacles similar to those faced by contemporary refugees and undocumented persons.

There is a plethora of details about border crossings, including those undertaken to flee pandemics, civil unrest, racism, intolerance, war, forced marriage, or limited opportunities in their home countries.

UK May 2021 • US May 2021 • 208 pages
HB 9781509943159 • £75.00 / \$100.00
ePub 9781509943166 • £67.50 / \$83.76
ePdf 9781509943173 • £67.50 / \$83.76
Hart Publishing



Citizenship in Africa

The Law of Belonging

Bronwen Manby, London School of Economics and Political Science

Citizenship in Africa provides a comprehensive exploration of nationality laws in Africa, placing them in their theoretical and historical context.

It offers the first serious attempt to analyse the impact of nationality law on politics and society in different African states from a trans-continental comparative perspective. Taking a four-part approach, Parts I and II set the book within the framework of existing scholarship on citizenship – from both sociological and legal perspectives – and examine the history of nationality laws in Africa from the colonial period to the present day. Part III considers case studies which illustrate the application and misapplication of the law in practice, and the relationship of legal and political developments in each country. Finally, Part IV explores the impact of the law on politics, and its relevance for questions of identity and 'belonging' today, concluding with a set of issues for further research.

UK January 2021 • US January 2021 • 416 pages
PB 9781509944002 • £44.99 / \$60.95
Previously published in HB 9781509920778
ePub 9781509920792 • £81.00 / \$101.01
ePdf 9781509920785 • £81.00 / \$101.01
Hart Publishing



Art and Copyright

Simon Stokes, Blake Morgan

First published in 2001, this book has established itself as a leading text in the field. Revised and updated, this third edition includes additional coverage of the following topics:

- The relationship between designs law and artistic works
- EU and Brexit developments
- AI-created works
- graffiti and other non-conventional works
- blockchain and rights management
- orphan works
- new exceptions to copyright, and
- digital copyright, art databases and online platforms.

The book remains an invaluable work for all those involved in art law and for intellectual property lawyers involved with the exploitation and/or sale of artistic works.

UK February 2021 • US April 2021 • 336 pages
 HB 9781509934256 • £55.00 / \$75.00
 ePub 9781509934270 • £49.50 / \$61.59
 ePdf 9781509934263 • £49.50 / \$61.59
 Hart Publishing



The Right to Employee Inventions in Patent Law

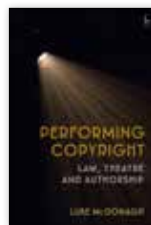
Debunking the Myth of Incentive Theory

Kazuhide Odaki, University of Manchester

Challenging popular assumptions, this book provides a solution to a critical issue by arguing that compensation for employee inventions should not be made mandatory regardless of jurisdiction

because there is no legitimate reason to require employers to pay it. Through reference to studies in social psychology and econometrics, the book argues that compensation is unlikely to boost the motivation, productivity and creativity of employee inventors, and thereby encourage the creation of inventions. It also discusses the ownership of inventions made by university researchers, giving due consideration to the need to ensure open science and their academic freedom.

UK January 2021 • US January 2021 • 232 pages
 PB 9781509943913 • £29.99 / \$40.95
 Previously published in HB 9781509920310
 ePub 9781509920334 • £54.00 / \$67.75
 ePdf 9781509920327 • £54.00 / \$67.75
 Hart Publishing



Performing Copyright

Law, Theatre and Authorship

Luke McDonagh, London School of Economics and Political Science

This innovative book explores issues of performativity and authorship in the theatre world under copyright law. The first part examines the history of the dramatic work both as text and as performative work; the second considers the notions of authorship and joint authorship under copyright law as they apply to the process of creating plays. The third section analyses copyright infringement in the context of theatre, while the fourth examines how moral rights of attribution and integrity work in theatre. The book concludes with a prescriptive comment on how law and theatre should respond to each other.

UK June 2021 • US June 2021 • 160 pages
 HB 9781509927036 • £55.00 / \$75.00
 ePub 9781509927050 • £49.50 / \$61.59
 ePdf 9781509927043 • £49.50 / \$61.59
 Hart Publishing



Proportionality in Crime Control and Criminal Justice

Edited by Emmanouil Billis, Max Planck Institute for the Study of Crime, Security and Law, Nandor Knust, University of Tromsø, Norway & Jon Petter Rui, University of Tromsø, Norway

This edited volume seeks to reassess the old and to develop novel approaches to the notion of proportionality in criminal matters and the new security architecture. The book provides an interdisciplinary and cross-jurisdictional exploration of highly topical, proportionality-related issues pertinent to penal theory and legal philosophy, criminalisation policies, security and anti-terrorism strategies, alternative types of justice delivery, supranational enforcement as well as human rights and international criminal and humanitarian law.

UK April 2021 • US April 2021 • 496 pages
HB 9781509938605 • £85.00 / \$115.00
ePub 9781509938612 • £76.50 / \$94.85
ePdf 9781509938629 • £76.50 / \$94.85
Hart Publishing



Caribbean Anti-Trafficking Law and Practice

Jason Haynes, University of the West Indies

This book examines the International, European and Commonwealth Caribbean approaches to human trafficking from an Analytical Eclectic perspective. It presents a compelling, empirically based argument that although there is currently a panoply of measures aimed at preventing human trafficking, prosecuting offenders and protecting trafficked victims in both Europe and the Commonwealth Caribbean, the operationalisation of these measures has in practice been fraught by a number of challenges – whether of a normative, institutional or individual nature.

Given the importance of the issue of human trafficking and its inescapable impact on victims, families, communities, nations, regions and the international community as a whole, it is hoped that this monograph will serve as an important resource for policy makers, scholars, students and practitioners actively working in this increasingly dynamic area of law.

UK January 2021 • US January 2021 • 456 pages
PB 9781509946242 • £44.99 / \$60.95
Previously published in HB 9781509915569
ePub 9781509915583 • £85.50 / \$105.94
ePdf 9781509915576 • £85.50 / \$105.94
Series: Studies in International and Comparative Criminal Law • Hart Publishing



Public Procurement and Aid Effectiveness

A Roadmap under Construction

Edited by Annamaria La Chimia, University of Nottingham & Peter Trepte, University of Nottingham

This book fills a crucial gap in the procurement literature by exploring the economic, political and legal relationship between procurement and aid effectiveness in developing countries and taking stock of current debates related to development, procurement and aid success. Contributions by the most prominent aid and procurement experts from both academia and practice analyse the failures and successes of current initiatives to foster effectiveness and streamline the aid procurement process. This book will be of interest to a wide range of actors working on aid effectiveness, development, procurement and good governance initiatives in both donor and beneficiary countries.

UK February 2021 • US February 2021 • 416 pages
PB 9781509946303 • £39.99 / \$54.95
Previously published in HB 9781509922437
ePub 9781509922451 • £72.00 / \$89.92
ePdf 9781509922444 • £72.00 / \$89.92
Hart Publishing



Counter-terrorism, Constitutionalism and Miscarriages of Justice

A Festschrift for Professor Clive Walker

Edited by Genevieve Lennon, University of Strathclyde, Colin King, University of Sussex & Carole McCartney, Northumbria University

This book celebrates the influential and wide-ranging work of Professor Clive Walker and explores his influence from three perspectives. Firstly, it provides a historical reflection upon the development of the law and policy in relation to counter-terrorism and miscarriages of justice since the 1970s. Secondly, it provides a critical analysis of the law and policy as it stands today, and its future trajectory. Finally, it recognises the significant contributions by Walker, with each chapter built around one or more of Walker's key works.

UK January 2021 • US January 2021 • 360 pages
PB 9781509943944 • £41.99 / \$57.95
Previously published in HB 9781509915729
ePub 9781509915743 • £76.50 / \$94.85
ePdf 9781509915736 • £76.50 / \$94.85
Hart Publishing



Regulating Fraud Across Borders

Internationalised Criminal Law Protection of Capital Markets

Edgardo Rotman, University of Miami

This book traces the international convergence of financial crime regulation and examines key institutional and state actors; including the European Union, the International Organization of Securities Commissions, as well as the United States, the United Kingdom, Switzerland, France, Italy and Germany.

It considers the phenomenon of internationalisation of securities frauds such as insider trading and market manipulation and the laws criminalising those crimes.

The book argues that the internationalisation of market abuse criminal prohibitions are an economic and legal imperative, indispensable for the protection of financial markets against activities that imperil its integrity, compromising the confidence of investors and thus affecting the economy as a whole.

UK February 2021 • US February 2021 • 240 pages
HB 9781509943197 • £80.00 / \$110.00
ePub 9781509943203 • £72.00 / \$89.92
ePdf 9781509943210 • £72.00 / \$89.92
Hart Publishing
World English



Smart Contracts

Technological, Business and Legal Perspectives

Edited by Marcelo Corrales Compagnucci, University of Copenhagen, Mark Fenwick, Kyushu University & Stefan Wrba, University of Applied Sciences for Management and Communication, Vienna

This book brings together leading scholars and practitioners to examine the main features of smart contracts. It explores how this new technology interfaces with the goals and content of contract law, introducing and evaluating several mechanisms to improve the 'observability' and reduce the costs of verifying contractual obligations and performance. The chapters map the new risks associated with smart contracts, particularly for consumers, and consider how they might be alleviated. The book also discusses the challenge of integrating data protection and privacy concerns into the design of these agreements and the broad range of legal knowledge and skills required.

UK May 2021 • US May 2021 • 256 pages
HB 9781509937028 • £80.00 / \$110.00
ePub 9781509937042 • £72.00 / \$89.92
ePdf 9781509937035 • £72.00 / \$89.92
Hart Publishing



Data Economy and Algorithmic Regulation

Edited by Christoph Busch, University of Osnabrück & Alberto De Franceschi, University of Ferrara

This handbook takes a look at the current and potential effects of big data and artificial intelligence on the legal system. It explains how technological advances in data collection and information processing will make it possible to change the design of legal rules and tailor them to individuals. With examples from contract, consumer and tort law, leading experts from Canada, Europe, Israel, and the United States explain how legal norms could be personalised. This handbook offers a multi-faceted overview of the emerging field of "personalised law" and provides a unique source of inspiration for scholars, lawyers, judges and lawmakers.

UK October 2020 • US December 2020 • 300 pages
HB 9781509931750 • £200.00 / \$270.00
Beck/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Data Protection and Privacy

Data Protection and Artificial Intelligence

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

A new volume in the *Computers, Privacy and Data Protection* series collecting a selection of papers from the 13th CPDP Conference (2020). As a world-leading multidisciplinary conference, CPDP offers the cutting edge in legal, regulatory, academic and technological development in privacy and data protection.

UK January 2021 • US March 2021 • 320 pages
HB 9781509941759 • £50.00 / \$68.00
ePub 9781509941773 • £45.00 / \$56.66
ePdf 9781509941766 • £45.00 / \$56.66
Series: *Computers, Privacy and Data Protection* • Hart Publishing



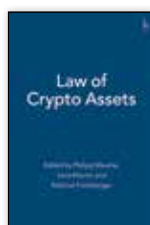
Data Protection Beyond Borders

Transatlantic Perspectives on Extraterritoriality and Sovereignty

Edited by Federico Fabbrini, Dublin City University, Edoardo Celeste, Dublin City University & John Quinn, Dublin City University

This book examines efforts by legal systems to impose their data protection standards beyond their borders and claims by states to assert sovereignty over data. It analyses the latest major rulings of the Court of Justice of the EU concerning the extraterritorial application of EU data protection law and discusses the responses that these have triggered in the US. The chapters explore recent legal and policy developments both in the private and law enforcement sector, including new EU proposals on digital sovereignty; the US federal data privacy bill; the EU-US agreement on e-evidence; and the US-UK CLOUD Act Agreement.

UK February 2021 • US April 2021 • 304 pages
HB 9781509940660 • £75.00 / \$100.00
ePub 9781509940684 • £67.50 / \$83.76
ePdf 9781509940677 • £67.50 / \$83.76
Hart Publishing



Law of Crypto Assets

Edited by Philipp Maume, Lena Maute & Mathias Fromberger

As more and more of commercial interactions move to the digital sphere, crypto assets are becoming much more common on companies' balance sheets. Just as with physical assets, they are subject to regulation across a number of spheres, and all of this is expertly set out in this essential guide. The expert team of contributors set out how crypto assets are treated from the all legal perspectives including: international private law; consumer protection; and data protection; anti-money-laundering. With 11 country/regional reports, it is an invaluable guide for all practitioners advising on crypto assets.

UK June 2021 • US July 2021 • 608 pages
HB 9781509945948 • £180.00 / \$245.00
Beck/Hart/Nomos
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Data as Counter-Performance – Contract Law 2.0?

Münster Colloquia on EU Law and the Digital Economy V

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

This fifth volume from the Münster Colloquia on EU Law and the Digital Economy focuses on one of the most important challenges faced by private law in this era of digitalisation: the effects of 'data as counter-performance' on contract law; a phenomenon acknowledged by the EU legislator in the new Digital Content Directive 2019/770. In the book, legal experts from across Europe examine various issues, in particular contract performance and restitution and the relationship between contract law and data protection.

UK August 2020 • US September 2020 • 288 pages
HB 9781509940318 • £80.00 / \$110.00
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



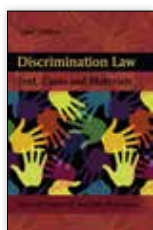
Cyber Espionage and International Law

Russell Buchan, University of Sheffield

This book critically examines the protection afforded by international law to state and non-state actors from cyber espionage. Cyberspace has emerged as an indispensable feature of modern life. All actors within the international system now rely upon cyberspace in order to maximise their potential and perform their manifold activities. Although it goes without saying that this highly interconnected and instantaneous environment yields enormous benefits, cyberspace has also become the repository of significant threats and vulnerabilities.

UK February 2021 • US February 2021 • 248 pages
PB 9781509945016 • £34.99 / \$47.95
Previously published in HB 9781782257349
ePub 9781782257363 • £63.00 / \$78.84
ePdf 9781782257356 • £63.00 / \$78.84
Hart Publishing

TEXTBOOK

3rd EDITION

Discrimination Law

Text, Cases and Materials

Aileen McColgan QC, 11KBW & Eddie Bruce-Jones, Birkbeck, University of London

This book offers comprehensive coverage of the Equality Act 2010, alongside other relevant UK law and European Union law. The book goes beyond the previous editions by presenting a critical and

theoretical analysis of equality law, providing an understanding of the enduring challenges that frame equality law, as well as the contemporary responses to it. For undergraduates studying discrimination law, the book provides a one-stop shop. This edition is also a challenging and detailed core text for any postgraduate discrimination law course and will provide those engaged in research with a solid base for further independent study.

UK April 2021 • US June 2021 • 896 pages
PB 9781849462464 • £49.99 / \$67.95
ePub 9781509928446 • £44.99 / \$55.43
ePdf 9781509928439 • £44.99 / \$55.43
Hart Publishing

COLLECTIONS



Migrant Domestic Workers in Europe

Law and the Construction of Vulnerability

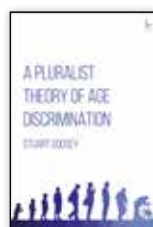
Vera Pavlou, University of Glasgow

This book explores the often neglected, but overwhelmingly common, everyday vulnerability of paid domestic workers in Europe and beyond. It

investigates the role of law in producing, reinforcing – or, alternatively, attenuating – vulnerability to exploitation. Unlike more traditional human rights approaches that focus on extreme abuse such as trafficking, the book considers the much more widespread day-to-day vulnerabilities created at the intersection of different legal regimes, such as low wages, unregulated working time, dismissals and the impact of migration status on enforcing rights at work.

UK June 2021 • US June 2021 • 160 pages
HB 9781509942374 • £60.00 / \$80.00
ePub 9781509942381 • £54.00 / \$67.75
ePdf 9781509942398 • £54.00 / \$67.75
Hart Publishing

COLLECTIONS



A Pluralist Theory of Age Discrimination

Stuart Goosey, University of Leeds

This book provides a comprehensive theory of age discrimination that can guide the direct and indirect age discrimination provisions of the Equality Act 2010. It outlines and defends a pluralist theory of age discrimination that assists in making

the distinction between justified and unjustified age-differential treatment.

In constructing the theory, the book adopts the reflective equilibrium method. In applying this method, the book identifies the following five principles to form a pluralist theory of age discrimination: equality of opportunity, social equality, respect, autonomy and efficiency.

UK January 2021 • US January 2021 • 176 pages
HB 9781509933761 • £75.00 / \$100.00
ePub 9781509933778 • £67.50 / \$83.76
ePdf 9781509933785 • £67.50 / \$83.76
Hart Publishing

NEW IN PB COLLECTIONS



Re-Imagining Labour Law for Development

Informal Work in the Global North and South

Edited by Diamond Ashiagbor, University of Kent

If labour law is informed by the wider political and economic landscape within which it operates, what shape does or should it assume in response to the transformation of the political economy in countries of the global North, with the decline of the post-war model of full employment within a formal welfare state regime? Correspondingly, what role should labour law and labour relations institutions play in the development process within industrialising countries of the global South? This collection addresses those questions by examining the growth of informalisation and the changing face of labour law in the global North and South.

UK January 2021 • US January 2021 • 296 pages
PB 9781509946297 • £31.99 / \$42.95
Previously published in HB 9781509913152
ePub 9781509913121 • £58.50 / \$72.68
ePdf 9781509913114 • £58.50 / \$72.68
Hart Publishing



Theorising Labour Law in a Changing World

Towards Inclusive Labour Law

Edited by Alysia Blackham, University of Melbourne, Miriam Kullmann, Vienna University of Economics and Business & Ania Zbyszewska, Carleton University

This collection offers interdisciplinary insights to build a theory of labour law that is more inclusive of non-traditional workers (including those in atypical work, or from non-traditional backgrounds); of collective approaches to work regulation that foster solidarity between workers; and of interdisciplinary and complex explanations of labour law and its regulatory spaces.

The chapters provide different suggestions for how such inclusivity might be achieved and bring together perspectives from industrial relations, political economy, sociology, gender studies and regulatory theory. In the spirit of inclusivity, the book combines early career and emerging scholars with those who are already well established.

UK March 2021 • US March 2021 • 304 pages
PB 9781509946808 • £31.99 / \$42.95
Previously published in HB 9781509921553
ePub 9781509921560 • £58.50 / \$72.68
ePdf 9781509921577 • £58.50 / \$72.68
Hart Publishing



Art as an Interface of Law and Justice

Affirmation, Disturbance, Disruption

Frans-Willem Korsten, Leiden University

This book looks at the way in which the 'call for justice' is portrayed through art and presents a wide range of texts from film to theatre to essays and novels to interrogate the law.

The book considers original works of art not dealt with before, including Milo Rau's *The Congo Tribunal*, Elfriede Jelinek's *Ulrike Maria Stuart*, Valeria Luiselli's *Tell Me How It Ends* and George Eliot's *Daniel Deronda*. The book demonstrates how, through art's interface, impassable areas are addressed, new laws are made imaginable, the span of systems of laws is explored, and the differences in what people consider to be just are brought to light.

UK February 2021 • US February 2021 • 272 pages
HB 9781509944347 • £70.00 / \$95.00
ePub 9781509944354 • £63.00 / \$78.84
ePdf 9781509944361 • £63.00 / \$78.84
Hart Publishing



Religious Offences in Common Law Asia

Colonial Legacies, Constitutional Rights and Contemporary Practice

Edited by Li-ann Thio, National University of Singapore & Jaclyn L Neo, National University of Singapore

This book provides in-depth comparative analysis of how religious penal clauses have been developed and employed within Asian common law states, and the impact of such developments on constitutional rights.

By examining the theoretical and conceptual underpinnings of religious offences as well as interrogating the nature and impact of religious penal clauses within the region, it contributes to the broader dialogue in relation to religious penal clauses globally.

Providing rigorous studies of common law jurisdictions that have adopted similar provisions in their penal codes, the contributors provide an original examination and analysis of the use and development of these religious offence clauses in their respective jurisdictions.

UK February 2021 • US February 2021 • 480 pages
HB 9781509937295 • £75.00 / \$100.00
ePub 9781509937301 • £67.50 / \$83.76
ePdf 9781509937318 • £67.50 / \$83.76
Series: Constitutionalism in Asia • Hart Publishing



Religious Beliefs and Conscientious Exemptions in a Liberal State

Edited by John Adenitire, Queen Mary, University of London

This collection considers the ever-growing practice in liberal states of claims to exemption from legal duties on the basis of a conscientious objection.

Traditional claims have included objections to compulsory military draft and to the provision of abortions.

Contemporary claims include objections to anti-discrimination law by providers of public services, such as bakers and B&B hoteliers, who do not want to serve same-sex couples.

The book investigates the practice, both traditional and contemporary, from three distinct perspectives: theoretical, doctrinal and comparative and provides a comprehensive set of reflections on how the practice is to be viewed and carried out in the context of a liberal state

UK January 2021 • US January 2021 • 312 pages
PB 9781509946211 • £36.99 / \$49.95
Previously published in HB 9781509920938
ePub 9781509920945 • £67.50 / \$83.76
ePdf 9781509920952 • £67.50 / \$83.76
Hart Publishing



Reimagining Clinical Legal Education

Edited by Linden Thomas, University of Birmingham, Steven Vaughan, University College London, Bharat Malkani, University of Birmingham & Theresa Lynch, University of Birmingham

In broad terms, Clinical Legal Education (CLE) can be defined as the study of law through real, or simulated, casework. It enables students to experience the law in action, and offers students an alternative learning experience to the traditional lecture/seminar method. This edited collection brings together academics, lawyers, third sector organisations and students to discuss the present experience and potential of CLE. As such, it will be of interest to a wide and diverse audience, both within and outside the UK.

UK January 2021 • US January 2021 • 280 pages
PB 9781509943883 • £31.99 / \$42.95
Previously published in HB 9781509913541
ePub 9781509913527 • £58.50 / \$72.68
ePdf 9781509913510 • £58.50 / \$72.68
Hart Publishing



In-House Lawyers' Ethics

Institutional Logics, Legal Risk and the Tournament of Influence

Richard Moorhead, University College London, Steven Vaughan, University College London & Cristina Godinho, Lisbon University Institute

This book provides an empirically grounded, in-depth investigation of the ethical dimensions to in-house practice and how legal risk is defined and managed by in-house lawyers and others.

The book poses the question: how far does going beyond being a lawyer conflict with or entail being more ethical? It explores the role of in-housers by calling on three key pieces of empirical research: two tranches of interviews with senior in-house lawyers and senior compliance staff; and an unparalleled large survey of in-house lawyers. On the basis of this evidence, the authors explore how ideas about in-house roles shape professional logics; how far professional notions such as independence play a role in those logics; and the ways in which ethical infrastructure are managed or are absent from in-house practice. It concludes with a discussion of whether and how in-house lawyers and their regulators need to take professionalism and professional ethicality more seriously.

UK February 2021 • US February 2021 • 264 pages
PB 9781509944323 • £29.99 / \$40.95
Previously published in HB 9781509905942
ePub 9781509905935 • £54.00 / \$67.75
ePdf 9781509905928 • £54.00 / \$67.75
Hart Publishing



Ideology and Criminal Law

Fascist, National Socialist and Authoritarian Regimes

Edited by Stephen Skinner, University of Exeter

This collection explores how political ideas and beliefs influenced the nature, content and application of criminal law and justice under Fascism, National Socialism, and other authoritarian regimes in the twentieth century.

Bringing together expert legal historians from four continents, the book examines aspects of criminal law and related jurisprudential and criminological questions in the context of Fascist Italy, Nazi Germany, Nazi-occupied Norway, apartheid South Africa, Francoist Spain, and the authoritarian regimes of Brazil, Romania and Japan.

The collection offers new critical perspectives on issues of systemic identity and the foundational role of criminal law; processes of state repression and the activities of criminal courts and lawyers; and ideological aspects of, and tensions in, substantive criminal law.

UK March 2021 • US March 2021 • 400 pages
PB 9781509946723 • £39.99 / \$54.95
Previously published in HB 9781509910816
ePub 9781509910823 • £72.00 / \$89.92
ePdf 9781509910830 • £72.00 / \$89.92
Hart Publishing



Law's Humility

Enlarging the Scope of Jurisprudential Disagreement

Triantafyllos Gkouvass, Monash University

This book invites newcomers to analytical legal philosophy to reconsider the terms in which they are accustomed to describing and defending their jurisprudential allegiances. It argues that familiar taxonomic labels such as legal positivism, natural law theory and legal interpretivism are poor guides to the actual diversity of views on the nature and normativity of law, mainly because they fail to carve up the reality of jurisprudential disagreement at its joints. These joints, the author suggests, are elusive because the semantics of law systematically misplaces them. Their true nature resides in the metaontological and metanormative features that dictate or indicate the target of a theory's jurisprudential commitments.

UK February 2021 • US February 2021 • 304 pages
HB 9781509936502 • £60.00 / \$80.00
ePub 9781509936519 • £54.00 / \$67.75
ePdf 9781509936526 • £54.00 / \$67.75
Series: Law and Practical Reason • Hart Publishing



Rightful Relations with Distant Strangers

Kant, the EU, and the Wider World

Aravind Ganesh, Oxford Brookes University

This book provides a philosophical critique of legal relations between the EU and 'distant strangers' neither located within nor citizens of, its Member States.

Ganesh considers the salient EU and international legal materials in light of a theory of just global legal relations derived from Kant's Philosophy of Right and in particular by engaging closely with Kant's *Doctrine of Right*.

The book sheds light on areas of EU law (EU external relations law, standing to bring judicial review), public international law (jurisdiction, global public goods), and human rights ('human rights jurisdiction'), and also critiques the widespread identification of the EU as a Kantian federation of peace.

UK March 2021 • US March 2021 • 352 pages
HB 9781509941315 • £70.00 / \$95.00
ePub 9781509941322 • £63.00 / \$78.84
ePdf 9781509941339 • £63.00 / \$78.84
Series: Law and Practical Reason • Hart Publishing



Liberal Legitimacy

The Justification of Political Power in the Work of John Rawls

Fabian Wenner, University of Münster

How does the idea of public justification and adjacent concepts figure in the work of John Rawls? This book offers a detailed study which allows for an interpretation of how *A Theory of Justice* and *Political Liberalism* converge and diverge. It also offers a systematic appraisal of the different strands and genealogy of legitimacy theory, both descriptive and normative. In so doing, it brings a fresh new perspective to this important element of Rawls's theory.

UK September 2020 • US October 2020 • 304 pages
HB 9781509946006 • £110.00 / \$150.00
Nomos/Hart
World English (excluding Austria/Czech Republic/Germany/Japan/Poland/Switzerland)



Unpacking Normativity

Conceptual, Normative, and Descriptive Issues

Edited by Kenneth Einar Himma, University of Washington, Miodrag Jovanovic, University of Belgrade & Bojan Spaic, University of Belgrade

This book provides a new and wide-ranging study of law's normativity, examining conceptual, descriptive and empirical dimensions of this perennial philosophical issue.

It considers normativity from a psychoanalytic point of view; the relationship between semantic and legal normativity; the treatment of normativity from a sociological point of view; and normativity as it pertains to transnational law.

The contributors come not only from the usual Anglo-American and Western European community of legal theorists, but also from Latin American and Eastern European communities, representing a diversity of perspectives and points of view – including essays from both analytic and continental methodologies.

UK January 2021 • US January 2021 • 288 pages
PB 9781509943951 • £41.99 / \$57.95
Previously published in HB 9781509916245
ePub 9781509916269 • £76.50 / \$94.85
ePdf 9781509916252 • £76.50 / \$94.85
Hart Publishing



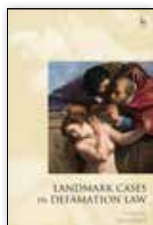
Artificial Intelligence and Autonomous Shipping

Developing the International Legal Framework

Edited by Baris Soyer, Swansea University & Andrew Tettenborn, Swansea University

This book evaluates the legal frameworks necessary for the use of autonomous ships in international waters. Part 1 explores how far national shipping regulation, and its public international law background, may need updating to accommodate the use of autonomous ships on international voyages, while Part 2 deals with private law and insurance issues. Part 3 analyses international convention regimes dealing with maritime safety and other matters, arguing that specific changes to existing conventions, such as SOLAS and MARPOL, would allow autonomous ships to be put into commercial use and would also be important in the case of liability issues.

UK May 2021 • US May 2021 • 256 pages
 HB 9781509933358 • £80.00 / \$110.00
 ePub 9781509933372 • £72.00 / \$89.92
 ePdf 9781509933365 • £72.00 / \$89.92
 Hart Publishing



Landmark Cases in Defamation Law

Edited by David Rolph, University of Sydney

Landmark Cases in Defamation Law brings together eminent scholars from the United Kingdom, the United States, Australia, Canada and New Zealand, analysing cases of enduring significance to defamation law.

Given the formative influence of English defamation law in the United States, Australia, Canada and New Zealand, the focus is predominantly on English cases, although there are also significant United States and Australian decisions included in the collection.

Among the authors are specialists in tort law, legal history and internet law. The cases selected cover all aspects of defamation law, including defamatory capacity and meaning, practice and procedure, defences, and remedies.

UK February 2021 • US February 2021 • 280 pages
 PB 9781509946686 • £34.99 / \$47.95
 Previously published in HB 9781509916702
 ePub 9781509916740 • £63.00 / \$78.84
 ePdf 9781509916719 • £63.00 / \$78.84
 Series: Landmark Cases • Hart Publishing



Compulsory Mental Health Interventions and the CRPD

Minding Equality

Anna Nilsson, Lund University

This book delineates the scope of permissible compulsory mental health interventions under the Convention on the Rights of Persons with Disabilities (CRPD).

Drawing on the work of Robert Alexy, it develops a framework for proportionality assessments within the context of non-discrimination. The framework can assist decision-makers to design principled and evidence-based mental health care regimes. Thus this book provides a new way forward for states looking to reform their mental health care regimes to make them better comply with the CRPD. It will appeal to academics and practitioners engaged in mental health reform in the post-CRPD era.

UK February 2021 • US February 2021 • 208 pages
 HB 9781509931576 • £75.00 / \$100.00
 ePub 9781509931583 • £67.50 / \$83.76
 ePdf 9781509931590 • £67.50 / \$83.76
 Series: Hart Studies in Law and Health • Hart Publishing



Forum (Non) Conveniens in England

Past, Present, and Future

Ardavan Arzandeh, *University of Bristol*

This is the first book-length study devoted entirely to surveying the *forum (non) conveniens* doctrine's past, present, and future from the perspective of the law in England. By offering a meticulous and critical analysis of relevant historical and contemporary sources in England and elsewhere, it fills gaps in relevant knowledge of the English *forum (non) conveniens* doctrine and challenges some prevailing orthodoxies concerning its operation. In this respect, the book refines our understanding of the doctrine's historical development, evaluates its application in the years following its formal recognition in England, and examines the case for revising it, given the changing nature of international commercial litigation in recent decades.

UK February 2021 • US February 2021 • 184 pages
PB 9781509945023 • £24.99 / \$34.95
Previously published in HB 9781782256403
ePub 9781509925780 • £45.00 / \$56.66
ePdf 9781509925773 • £45.00 / \$56.66
Series: Studies in Private International Law • Hart Publishing



Commercial Issues in Private International Law

A Common Law Perspective

Edited by Michael Douglas, *University of Western Australia*, Vivienne Bath, *University of Sydney Law School*, Mary Keyes, *Griffith Law School* & Andrew Dickinson, *University of Oxford*

As people, business and information cross borders, so too do legal disputes. Globalisation means that courts need to apply principles of private international law with increasing frequency. Thus, as the Law Society of New South Wales recognised in its 2017 report, *The Future of Law and Innovation in the Profession*, knowledge of private international law is increasingly important to legal practice. In particular, it is essential to the modern practice of commercial law.

This book considers key issues at the intersection of commercial law and private international law. The authors include judges, academics and practising lawyers, from Australia, New Zealand, Singapore and the United Kingdom. They bring a common law perspective to contemporary problems concerning the key issues in private international law: jurisdiction, choice of law, and recognition and enforcement of foreign judgments. The book also addresses issues of evidence and procedure in cross-border litigation, and the impact of recent developments at the Hague Conference on Private International Law, including the Convention on Choice of Court Agreements on common law principles of private international law.

UK January 2021 • US January 2021 • 408 pages
PB 9781509946198 • £44.99 / \$60.95
Previously published in HB 9781509922871
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ePdf 9781509922895 • £85.50 / \$105.94
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Jurisdiction and Cross-Border Collective Redress

A European Private International Law Perspective

Alexia Pato, *University of Bonn*

This book thoroughly analyses the dominant collective redress models adopted in the EU. Information from 13 Member States has been catalogued and categorised. The research mainly focuses on the consumer law field but frequent references to financial and data protection-related cases are made. The dominant collective redress models are then studied from a private international law perspective. In particular, the book highlights the current mismatch between collective redress on the one hand, and rules on international jurisdiction on the other. Additionally, an unprecedented empirical study included in the book confirms that barriers to cross border litigation remain significant for victims and their representatives. Observing that EU measures have not satisfactorily lowered those barriers, it proposes the creation of a new head of jurisdiction for international collective redress cases.

UK January 2021 • US January 2021 • 368 pages
PB 9781509946259 • £41.99 / \$57.95
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European Private International Law

Commercial Litigation in the EU

Geert van Calster, *KU Leuven*

Opening with foundational questions, this book explains the subject's central tenets: the Brussels I, Rome I and Rome II Regulations (jurisdiction, applicable law for contracts and tort). Additional chapters explore the Succession Regulation, private international law and insolvency, freedom of establishment, and the impact of PIL on corporate social responsibility. The new edition includes a new chapter on the Hague instruments and an opening discussion on the impact of Brexit. Drawing on the author's rich experience, it retains the book's hallmarks of insight and clarity of expression ensuring it maintains its position as the leading textbook in the field.

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Chinese Private International Law

Edited by Xiaohong Liu, Shanghai University of Political Science and Law & Zhengyi Zhang, Shanghai University of Political Science and Law

This is the leading reference on Chinese private international law in English.

The chapters systematically cover the whole of Chinese private international law, not just questions likely to arise in commercial matters, but also in family, succession, cross-border insolvency, intellectual property, competition (antitrust), and environmental disputes. The chapters do not merely cover the traditional conflict of law areas of jurisdiction, applicable law (choice of law), and enforcement. The chapters also look into conflict of law questions arising in arbitration and assess China's involvement in the harmonisation of private international law globally and regionally within the Belt and Road Initiative.

UK April 2021 • US June 2021 • 320 pages
HB 9781509924370 • £120.00 / \$160.00
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Property and Contract

Comparative Reflections on English Law and Spanish Law

Edited by John Cartwright, University of Oxford & Ángel M López y López, University of Seville

This book explores the comparative issues in the relationship between property law and contract law in English law, Spanish law and other jurisdictions. It offers one of the first comprehensive studies looking at the points of interest in each legal system.

UK June 2021 • US June 2021 • 256 pages
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Hague Law Interpreted

The Conduct of Hostilities under the Law of Armed Conflict

Stuart Casey-Maslen, University of Pretoria & Steven Haines, University of Greenwich

Given the centrality of Hague Law to the prosecution and impact of armed conflict, the relative paucity of dedicated works is surprising.

The general formulation of Hague Law rules is largely uncontroversial, but this clarity stands in stark contrast to their interpretation and practical application. How precisely, for instance, the fundamental rules of distinction and proportionality in attack are to dictate and constrain the planning and practice of warfare continues to be highly uncertain. This important publication fills this gap in the literature. Offering a comprehensive survey of the Hague Law, it explores general questions of definitions and accountability, to the substantive rules and their application to different types of warfare.

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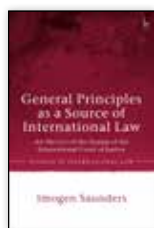


Evolutionary Interpretation and International Law

Edited by Georges Abi-Saab, Graduate Institute, Geneva, Kenneth Keith, Victoria University of Wellington, Gabrielle Marceau, Legal Affairs Division, WTO Secretariat & Clément Marquet, University of Geneva

This book brings together experts from diverse areas of public international law to offer a comprehensive overview of the variety of approaches to evolutionary interpretation in different international legal systems. It begins with the basic question of what interpretation is, its components and definitions. It then comments on situations that have called for evolutionary interpretation in different international legal systems, including general international law, environmental law, human rights law, EU law, investment law, international trade law and how domestic courts have, on occasion, interpreted treaties and other international legal instruments in an evolutionary manner.

UK March 2021 • US March 2021 • 392 pages
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General Principles as a Source of International Law

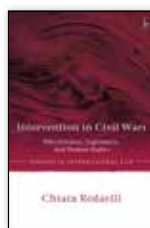
Art 38(1)(c) of the Statute of the International Court of Justice

Imogen Saunders, Australian National University, Canberra

This book provides a comprehensive analysis of an often neglected, misunderstood and maligned source of international law. Article 38(1)(c) of the Statute of the International Court of Justice sets out that the Court will apply the 'general principles of law recognized by civilized nations'. This source is variously lauded and criticised: held up as a panacea to all international law woes or denied even normative validity. The contrasting views and treatments of General Principles stem from a lack of a model of the source itself. This book provides that model, offering a new and rigorous understanding of Article 38(1)(c) that will be of immense value to scholars and practitioners of international law alike.

At the heart of the book is a new tetrahedral framework of analysis - looking to *function*, *type*, *methodology* and *jurisprudential legitimacy*. Adopting an historical approach, the book traces the development of the source from 1875 to 2019, encompassing jurisprudence of the Permanent Court of International Justice and the International Court of Justice as well as cases from international criminal tribunals, the International Criminal Court and the World Trade Organisation. The book argues for precision in identifying cases that actually apply General Principles, and builds upon these 'proper use' cases to advance a comprehensive model of General Principles, advocating for a global approach to the methodology of the source.

UK March 2021 • US March 2021 • 336 pages
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Intervention in Civil Wars

Effectiveness, Legitimacy, and Human Rights

Chiara Redaelli, Geneva Academy of International Humanitarian Law and Human Rights.

This book investigates the extent to which traditional international law regulating foreign interventions in internal conflicts has been affected by the human rights paradigm. Since the adoption of the Charter of the United Nations, foreign armed interventions in internal conflicts have turned into a common practice. At first sight, it might seem that state practice has developed in a chaotic fashion, however on closer examination, specific patterns emerge. The book charts these patterns by examining the traditional doctrines of intervention and testing them against state practice.

UK April 2021 • US April 2021 • 304 pages
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Invisible Institutionalisms

Collective Reflections on the Shadows of Legal Globalisation

Edited by Swetha S Ballakrishnen, University of California Irvine School of Law & Sara Dezalay, Cardiff School of Law and Politics

Taking its cue from theoretical and ideological calls to challenge globalisation as a dynamic of homogenisation – and resistance – as led from, and directed against, the Global North, this volume asks: what can we see when we shift the lens beyond a North-South binary?

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

UK January 2021 • US January 2021 • 304 pages
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Countering Tax Crime in the European Union

Benchmarking the OECD's Ten Global Principles

Umut Turksen, Coventry University

This book seeks durable solutions for tax crime, blending current practice with new approaches. With insights from the EU-funded project PROTAX, the book compares the EU's tax crime measures and the Ten Global Principles (TGPs) on fighting tax crime set out by the Organisation for Economic Cooperation and Development. The book examines how the TGPs can serve as minimum standards for the EU to counter tax crime such as tax evasion and tax fraud. It also explores how the anti-tax avoidance package can be graduated to effectively fight tax crime in the EU.

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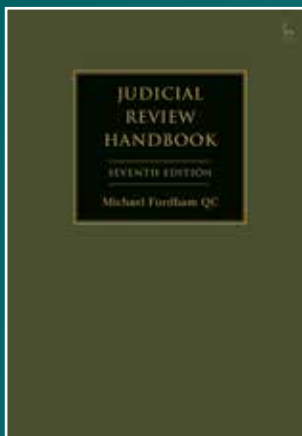
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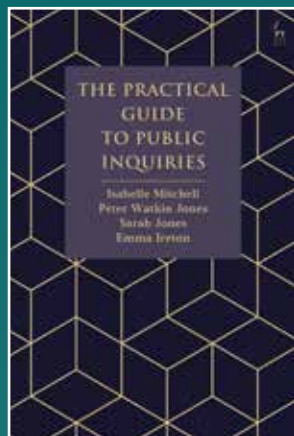
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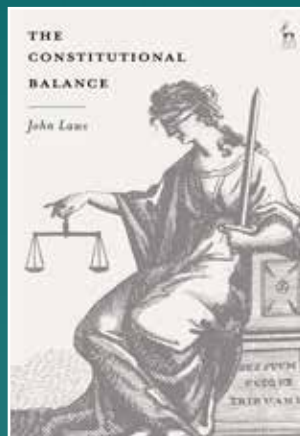
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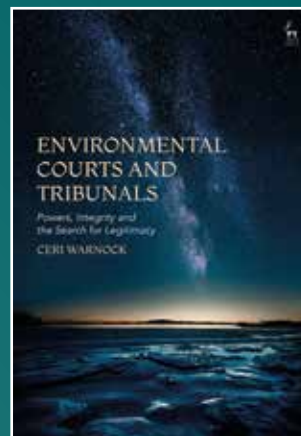
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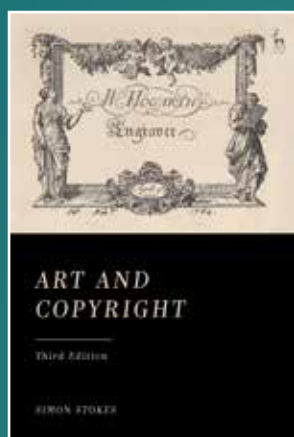
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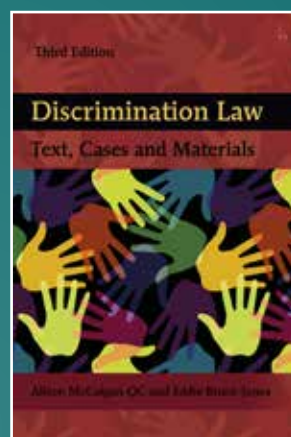
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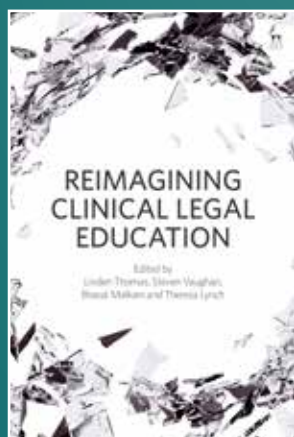
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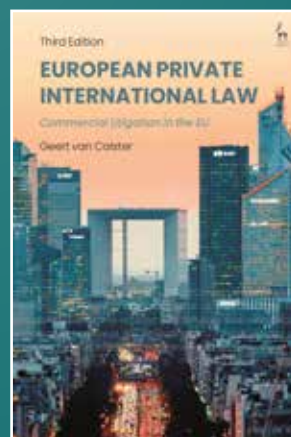
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