

# Landmark Cases in the Law of Tort

*Edited by Charles Mitchell and Paul Mitchell*

## Key points

- The cases examined raise a broad range of important issues across the law of tort.
- Will be of interest to all scholars of tort and legal historians.
- A companion to *Landmark Cases in the Law of Restitution* (9781841135885) and *Landmark Cases in the Law of Contract* (9781841137599) both edited by Charles Mitchell and Paul Mitchell.

## Description

*Landmark Cases in the Law of Tort* contains thirteen original essays on leading tort cases, ranging from the early nineteenth century to the present day. It is the third volume in a series of collected essays on landmark cases (the previous two volumes having dealt with restitution and contract). The cases examined raise a broad range of important issues across the law of tort, including such diverse areas as acts of state and public nuisance, as well as central questions relating to the tort of negligence. Several of the essays place their cases in their historical context in ways that change our understanding of the case's significance. Sometimes the focus is on drawing out previously neglected aspects of cases which have been – undeservedly – assigned minor importance. Other essays explore the judicial methodologies and techniques that worked to shape leading principles of tort law. So much of tort law turns on cases, and there are so many cases, that all but the most recent decisions have a tendency to become reduced to terse propositions of law, so as to keep the subject manageable. This collection shows how important it is, despite the constant temptation to compression, not to lose sight of the contexts and nuances which qualify and illuminate so many leading authorities.

## The Editors

*Charles Mitchell* is a Fellow and Tutor in Law at Jesus College, Oxford, and a Professor of Law at the University of Oxford.

*Paul Mitchell* is a Reader in Law at King's College London.

## Details

- February 2010
- 234mm x 156mm
- 372 pp
- Hardback
- 9781849460033
- £60
- €78

## Main Subject Classification

Contract, Tort & Restitution

## Other Subjects

Legal History



• HART •  
PUBLISHING

# Legitimacy in EC Cartel Control

*Ingeborg Simonsson*

## Key points

- An authoritative examination of the laws currently enacted by the EC to control cartels.
- This is a neglected and under-researched area.
- Ingeborg Simonsson is one of Sweden's leading experts in competition law.
- An important source of information for those working in the field of EC competition law such as practitioners, competition authority officials, judges and also academics.

## Description

This book examines the laws enacted by the EC to control cartels. These laws are carefully documented and analysed against a standard of legitimacy which questions the EC's enforcement measures, its institutional structures, policy choices, substantive law, evidentiary standards and procedures and sanctions. It includes a unique catalogue of over 150 EC cartel decisions, as well as novel analyses of difficult borderline issues such as mixed horizontal and vertical cartels, single-brand dealer cartels and buyer cartels. The effect on trade in cartel cases is analysed with reference to established law and deterrence theory. Throughout the book the author asks whether EC law also applies at the national level, or whether certain assessments need to be made according to national law. This approach makes the book particularly helpful for national authorities, courts and private practitioners. The book includes in-depth comparisons with US law as well as a comprehensive survey of the secondary (academic) literature on cartels. As such it presents not only a comprehensive practical view, but also a sound theoretical framework for better understanding cartel law. This is a work which will be of utmost importance to those working in competition authorities and competition courts in the EC Member States, as well as those working for EC institutions and in private practice and academia.

## The Author

*Ingeborg Simonsson* is a Judge of the Stockholm City Court, Division for competition law and intellectual property, and a guest lecturer in competition law at the University of Stockholm. She previously worked for six years in private practice and for five years worked as a full time academic.

## Details

- March 2010
- 234mm x 156mm
- 392 pp
- Hardback
- 9781849460057
- £85
- €110.50

## Main Subject Classification

Competition Law

## Series

Modern Studies in  
European Law No 20



• HART •  
PUBLISHING

# Administrative Justice in Context

*Edited by Michael Adler*

## Key points

- A timely and scholarly examination of administrative justice.
- Michael Adler is a leading authority in this field.
- Will be of interest to public law lawyers and to social scientists, particularly those with interests in public administration, public policy and public management.

## Description

This book comprises a definitive collection of papers on administrative justice, written by a set of very distinguished contributors. It is divided into five parts, each of which contains articles on a particular aspect of administrative justice.

The first part deals with the impact of 'contextual changes' on administrative justice and considers the implications of changes in governance and public administration, management and service delivery, information technology, audit and accounting, and human rights for administrative justice.

The second part deals with conceptual issues and describes a number of competing approaches to the administrative justice. The third part deals with the application of administrative justice principles to private law disputes while the fourth part deals with the distinctive characteristics of administrative justice in three other jurisdictions. The final part deals with current developments in administrative justice and the book concludes with a discussion of legislative and policy developments in the UK.

The general approach of the book is socio-legal and interdisciplinary. The chapters adopt a variety of disciplinary perspectives, including those derived from political science, public policy, social policy, accounting and information technology, as well as from law. Although most of the contributors are academics, some are practitioners. For these reasons, the book should be of interest to lawyers, particularly those with interests in administrative law, and to social scientists, particularly those with interests in public administration, public policy and public management.

## The Editor

*Michael Adler* is Emeritus Professor of Socio-Legal Studies and Leverhulme Emeritus Fellow in the School of Social and Political Studies at Edinburgh University.

## Details

- March 2010
- 234mm x 156mm
- 586 pp
- Paperback
- 9781841139289
- £50
- €65

## Main Subject Classification

Constitutional &  
Administrative Law

## Other Subjects

Socio-Legal Studies



• HART •  
PUBLISHING

# Constructive and Resulting Trusts

*Edited by Charles Mitchell*

## Details

- March 2010
- 234mm x 156mm
- 480 pp
- Hardback
- 9781841139272
- £65
- €84.50

## Key points

- Contributions from leading scholars and trusts lawyers.
- Original and unique essays examining various aspects of the law governing constructive and resulting trusts.

## Main Subject Classification

Equity & Trusts

## Description

Constructive and resulting trusts have a long history in English law, and the law which governs them continues to develop as they are pressed into service to perform a wide variety of different functions, for example, to support the working of express trusts and other fiduciary relationships, to allocate family property rights, and to undo the consequences of commercial fraud. However, while their conceptual flexibility makes them enormously useful, it also makes them hard to understand. In the twelve essays collected in this volume, the authors shed new light on various aspects of the law governing constructive and resulting trusts, revisiting current controversies, bringing new historical material to the fore, and offering new theoretical perspectives.

## The Editor

*Charles Mitchell* is a Fellow and Tutor in Law at Jesus College, Oxford, and a Professor of Law at the University of Oxford.



• HART •  
PUBLISHING

# The Legal Foundations of INTERPOL

*Rutsel Silvestre J Martha*

## Key points

- A theoretical and practical look at how an international organization can be created without a treaty.
- INTERPOL is used as a detailed case study and the book helps to explain the legal foundations of the Organisation, its legal status and some basic guidance on its operations.
- Invaluable for international law practitioners, criminal lawyers and lawyers litigating issues with INTERPOL.

## Description

The present work is a study of the legal aspects of the birth and development of an international organization, using the example of INTERPOL as a detailed case study. It is not a constitutional manual for INTERPOL, but an organisational study, and does not seek to be exhaustive in terms of its description of INTERPOL's operations. Its main focus is the examination of the question whether an international organisation, in this case INTERPOL, can be created without a solemn and formally celebrated treaty. At the same time the book sets out the legal foundations for extra-judicial international police enforcement cooperation and explains the creation, structure and operation of INTERPOL, the organisation that promotes that cooperation. For practitioners who, for whatever reason, have to deal with INTERPOL, it provides a much-needed explanation of the legal foundations of the Organisation, its legal status and some basic guidance on its operations. It also includes information relevant for lawyers litigating issues with INTERPOL about how their clients can challenge the way the Organisation has processed information concerning them, or has alerted police forces worldwide about them.

## The Author

*Rutsel Martha* is the General Counsel and Director of Legal Affairs of the International Fund for Agricultural Development.

## Details

- March 2010
- 234mm x 156mm
- 295 pp
- Hardback
- 9781849460408
- £50
- €65

## Main Subject Classification

Public International Law

## Other Subjects

Criminology and Policing



• HART •  
PUBLISHING

# An Introduction to the Law of the United Nations

**Robert Kolb**

## Key points

- This work fills a gap in the existing legal literature.
- A compact, concise but in-depth textbook on the law of the United Nations.
- This work will be suitable for students of law and international relations, as well as scholars and those interested in the work and organisation of the United Nations.

## Description

Today the organisation is at the centre of all multilateral international relations and impossible to avoid. And of course the UN Charter is a foundational document without which modern international law cannot be properly understood. In spite of its importance, this pre-eminent world political organisation is poorly understood by the general public, and the extent and variety of its activities is not widely appreciated. Even lawyers generally possess insufficient knowledge of the way its legal institutions operate. Assessments of the organisation and judgements about its achievements are consequently frequently distorted.

This work is aimed especially at remedying these deficiencies in public and legal understanding, but also at presenting the organisation as a coherent system of values and integrated action. Thus the book presents an overarching view of the significance of the UN organisation in general, the history of its origins in the League of Nations, the aims and principles of the Charter, governmental agencies, members of the Organisation, the non-use of violence and collective security, the peaceful settlement of disputes, and the question of amendments to the Charter.

## The Author

**Robert Kolb** is Professor of Public International Law at the University of Geneva. He has worked as legal adviser at the International Committee of the Red Cross from 1998 to 1999, and occasionally for the International Law Directorate of the Swiss Federal Department of Foreign Affairs and the Federal Military Department (Law of Armed Conflicts). He is also Counsel for Lalive Attorneys-at-Law, Geneva.

## Details

- March 2010
- 244mm x 171mm
- 226 pp
- Paperback
- 9781841139371
- £25
- €32.50

## Main Subject Classification

Public International Law



• HART •  
PUBLISHING

# Consumer Law

Ius Commune Casebooks for a  
Common Law of Europe

*Edited by Hans-W Micklitz, Jules Stuyck and  
Evelyn Terryn*

## Key points

- This casebook concentrates on private law in the field of consumer protection but also addresses topics in the field of enforcement, that are primarily a matter of public law.
- An excellent reference point for anyone practising consumer law and it also provides material for teaching.
- The latest textbook in the highly prestigious IUS Commune casebook series.

## Description

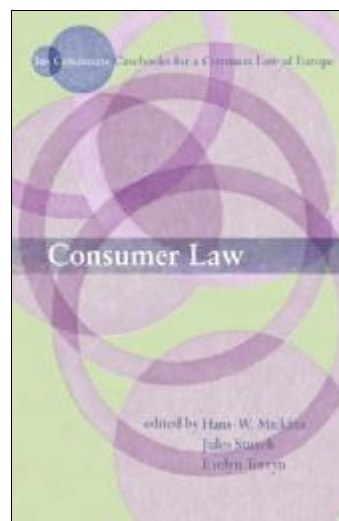
The objective of this casebook, like others in the Ius Commune Series, is to help uncover common roots, notwithstanding differences in approach, of the European legal systems, with a view to strengthening the common legal heritage of Europe. The casebook covers the big legal families in the EU and contains judgments from the supreme courts and other courts of the Member States. In view of the importance of EC legislation (eg harmonisation directives and regulations) in this field, the consumer law casebook contains much material derived from Community law, such as extracts from directives (eg on unfair contract terms, distance selling, doorstep selling, product liability, package holiday tours etc) and judgments of the ECJ and national court decisions. Furthermore, attention is paid to the way in which, when interpreting EC directives in the consumer field, the ECJ refers to concepts common to the legal systems of the Member States and how the courts of the Member States incorporate the concepts found in the directives (as interpreted by the ECJ) in their legal systems. The casebook also compares harmonised and pre-harmonised law, especially in the case law of the Member States.

## The Editors

*Hans-W Micklitz* is Professor of Law at the European University Institute, Florence

*Jules Stuyck* is Professor of Law at the K.U.Leuven, Belgium and director of the Study Centre for Consumer Law.

*Evelyn Terryn* is Lecturer of Law at the K.U.Leuven, Belgium and a member of the Study Centre for Consumer Law.



## Details

- March 2010
- 244mm x 171mm
- 520 pp
- Paperback
- 9781841137490
- £35
- €45.50

## Main Subject Classification

Consumer Law

## Series

Ius Commune  
Casebooks for the  
Common Law of Europe



• HART •  
PUBLISHING

# Nuclear Law

2<sup>nd</sup> Edition

The Law Applying to Nuclear Installations and Radioactive Substances in its Historic Context

*Stephen Tromans QC*

## Key points

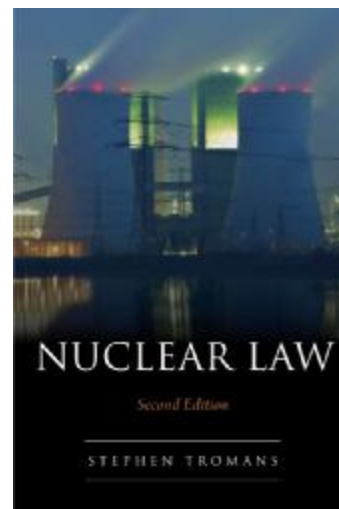
- A timely, topical and up-to-date examination of nuclear law.
- Stephen Tromans is one of the leading environmental law experts and has published widely in this field.
- Will be of interest to environmental law practitioners, NGO's, law firms and some academics.
- The first edition (published by Sweet and Maxwell in 1997) was very well received.

## Description

This book is a practical guide to the international, EC and UK law applying to the various uses of nuclear energy and radioactive substances. The first edition was produced in 1997, and given the renaissance of interest in nuclear power in the UK and worldwide, this new, updated and much expanded edition is timely. It will cover the law relating to the permitting and operation of nuclear power stations, the decommissioning and clean-up of former nuclear facilities, radiological protection, the management of radioactive waste and spent fuel, liability and insurance, and the security and transport of radioactive materials. Readers will find a clear framework explaining the development and application of nuclear law, and how domestic law is based on and influenced by international and European requirements and by its historical context. In the commercial context, the chapters dealing specifically with new build and with decommissioning will be vital reading.

## The Author

*Stephen Tromans QC* is a Barrister specialising in environmental, planning and energy law, and has had an interest in nuclear matters for over 20 years. He has acted and advised on numerous issues in the field of nuclear law, both for government and for commercial parties, and has appeared in the European Court on cases involving EC radiological protection law.



## Details

- March 2010
- 244mm x 171mm
- 510 pp
- Hardback
- 9781841138572
- £95
- €123.50

## Main Subject Classification

Environmental Law



• HART •  
PUBLISHING

# The Iran Nuclear Issue

*Yael Ronen*

## Key points

- Invaluable documentation of the Iranian nuclear issue.
- The documents provide essential information for future reference and research.

## Description

Controversy over the Iranian nuclear policy has been mounting in both legal and political circles since the early 2000s. Most recently, the IAEA, tasked with verifying compliance of Member States with the NPT, has been expressing concern that Iran's nuclear efforts are directed not solely at peaceful uses but also at military purposes. In response, various States have tried, individually and collectively, to engage Iran in agreed frameworks of action that would include an Iranian self-imposed restraint regarding its nuclear development. This volume documents the Iranian nuclear issue, tracing the evolution of international interest and concern with Iran's nuclear policy since the 1970s, when Iran began earnest efforts to acquire nuclear capabilities. Emphasis is nonetheless placed on events since 2002-2003, when it was established that Iran had concealed certain aspects of its nuclear activities from IAEA.

Alongside reports of the IAEA and Security Council documents, the volume covers diverse sources rather than relying solely on UN organs and agencies, international organisations or dedicated ad hoc bodies.

## The Author

*Yael Ronen* is a Lecturer in the Faculty of Law at Ono Academic College, Jerusalem.

## Details

- March 2010
- 244mm x 171mm
- 502 pp
- Hardback
- 9781841137568
- £50
- €65

## Main Subject Classification

Public International Law

## Series

Documents in International Law



• HART •  
PUBLISHING

# Contract as Assumption

Essays on a Theme

*Brian Coote, edited and with a Preface by Rick Bigwood*

## Key points

- A collection of Brian Coote's most important writings from 1963-1998.
- Both the author and editor are well-respected scholars of contract law.
- Will be of interest to scholars and postgraduate students of contract law as well as private law practitioners.

## Description

It has many times been said that contracts involve assumptions of obligation or liability, but what that means, and what it is that is assumed, have not often been discussed. It is to further such discussion that some of the author's previously published writings around this subject have been brought together in this book. His basic premises are that contractual obligation and liability in this context are two sides to the same coin and that an assumption of one is an assumption of both. Parties are bound not because liability has been imposed upon them by law as a result of their having entered into a contract but because, in the act of assuming, they have imposed it upon themselves. Contract provides a facility the purpose of which is to enable this to be done within the limits prescribed by law.

The implication of these premises are much more significant than might be supposed when applied to such areas of contract as formation, consideration, intention to contract, exception clauses, privity and damages. The book concludes with a treatment of the role of assumption in tort.

Because of the importance of its subject matter and its wide-ranging treatment, this book should appeal not only to teachers and postgraduate students of contract but also to practitioners in the field and to anyone else with an interest in contract theory.

## The Author and Editor

*Emeritus Professor Brian Coote* CBE, FNZAH, is a former professor and sometime Dean of Law at the University of Auckland and has published widely on contract topics.

*Rick Bigwood* is Professor of Law at the University of Auckland and Director of the Research Centre for Business Law.

## Details

- March 2010
- 234mm x 156mm
- 268 pp
- Hardback
- 9781849460293
- £40
- €52

## Main Subject Classification

Contract, Tort & Restitution



• HART •  
PUBLISHING

# The New Law of Peaceful Protest

Rights and Regulation in the Human Rights Act Era

*David Mead*

## Key points

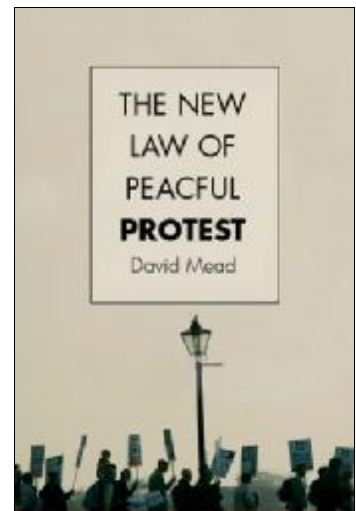
- This book fills a gap in the current literature on the right to peaceful political protest.
- A timely study that will be of interest to scholars, students and practitioners of public and human rights law as well as to campaigners and interest groups.

## Description

The right to demonstrate is considered fundamental to any democratic system of government, yet in recent years it has received little academic attention. However, events following the recent G20 protests in April 2009 make this a particularly timely work. Setting out and explaining in detail the domestic legal framework that surrounds the right of peaceful protest, the book provides the first extensive analysis of the Strasbourg jurisprudence under Arts 10 and 11, offering a critical look at cases such as *Öllinger*, *Vajnai*, *Bukta*, *Oya Ataman*, *Patyi* and *Ziliberberg*, as well as the older cases that form its bedrock. The principles drawn from this case-law are then synthesised into the remainder of the book to see how the right of protest enshrined in the HRA now operates. The five central chapters show how the right is defined: the restrictions on the choice of location of a protest; the constraints imposed on peaceful, persuasive protest; the near total intolerance of any form of obstructive or disruptive protest; the scope of preventive action by the police; and the extent to which commercial targets can avail themselves of private law remedies. This contemporary landscape is highlighted by critical analysis of the principles and case-law – including the leading decisions in *Laporte*, *Austin*, *Jones* and *Lloyd* and *Kay*. The book also highlights and develops themes that are currently under-theorised or ignored, including the interplay of the public and the private in regulating protest; the pivotal role played by land ownership rules; and the disjuncture between the law in the books and the law in action. While the book will appeal primarily to scholars, students and practitioners of law – as well as to campaigners and interest groups – it also offers political and socio-legal insights which will be of interest equally to non-specialists.

## The Author

*David Mead* is a Senior Lecturer in Law at the Norwich Law School, University of East Anglia.



## Details

- April 2010
- 244mm x 171mm
- 559 pp
- Paperback
- 9781841136219
- £45
- €58.50

## Main Subject Classification

Constitutional & Administrative Law

## Other Subjects

Human Rights



• HART •  
PUBLISHING

# The Future of Financial Regulation

*Edited by Iain G MacNeil and Justin O'Brien*

## Key points

- An up-to-date and in-depth study of the international financial crisis from 2007-2009 looking in particular at the role of regulators.
- The editors give important guidance on future regulatory reform.
- This informative book will be of interest to financial regulators and theorists, commercial and financial law practitioners and academics involved in the law and economics of regulation.

## Description

*The Future of Financial Regulation* is an edited collection of papers presented at a major conference at the University of Glasgow in Spring 2009. It draws together a variety of different perspectives on the international financial crisis which began in August 2007 and later turned into a more widespread economic crisis following the collapse of Lehman Brothers in the autumn of 2008. Spring 2009 was in many respects the nadir since valuations in financial markets had reached their low point and crisis management rather than regulatory reform was the main focus of attention. The conference and book were deliberately framed as an attempt to re-focus attention from the former to the latter.

The first part of the book focuses on the context of the crisis, discussing the general characteristics of financial crises and the specific influences that were at work this time round. The second part focuses more specifically on regulatory techniques and practices implicated in the crisis, noting in particular an over-reliance on the capacity of regulators and financial institutions to manage risk and on the capacity of markets to self-correct. The third part focuses on the role of governance and ethics in the crisis and in particular the need for a common ethical framework to underpin governance practices and to provide greater clarity in the design of accountability mechanisms. The final part focuses on the trajectory of regulatory reform, noting the considerable potential for change as a result of the role of the state in the rescue and recuperation of the financial system and stressing the need for fundamental re-appraisal of business and regulatory models.

## The Editors

*Iain G MacNeil* is the Alexander Stone Professor of Commercial Law at the University of Glasgow.

*Justin O'Brien* is a Research Professor at the Faculty of Law and the Faculty of Business at Queensland University of Technology, and an Adjunct Professor of Corporate Governance at the Centre for Applied Philosophy and Public Ethics at the Australian National University in Canberra.

## Details

- April 2010
- 244mm x 171mm
- 408 pp
- Paperback
- 9781841139104
- £50
- €65

## Main Subject Classification

Commercial and  
Financial Law



• HART •  
PUBLISHING

# The Presumption of Innocence

Evidential and Human Rights Perspectives

*Andrew Stumer*

## Key points

- A scholarly and innovative monograph examining different strands to the presumption of innocence.
- Will be of interest to scholars and practitioners of human rights law, criminal procedure and hearsay evidence.
- The author uses comparative material from the United States, Canada and South Africa.

## Description

The presumption of innocence is universally recognized as a fundamental human right and a core principle in the administration of criminal justice. Nonetheless, statutes creating criminal offences regularly depart from the presumption of innocence by requiring defendants to prove specific matters in order to avoid conviction. Legislatures and courts seek to justify this departure by asserting that the reversal of the burden of proof is necessary to meet the community interest in prosecuting serious crime and maintaining workable criminal sanctions. This book investigates the supposed justifications for limitation of the presumption of innocence. It does so through a comprehensive analysis of the history, rationale and scope of the presumption of innocence. It is argued that the values underlying the presumption of innocence are of such fundamental importance to individual liberty that they cannot be sacrificed on the altar of community interest. In particular, it is argued that a test of 'proportionality', which seeks to weigh individual rights against the community interest, is inappropriate in the context of the presumption of innocence and that courts ought instead to focus on whether an impugned measure threatens the values which the presumption is designed to protect. The book undertakes a complete and systematic review of the United Kingdom and Strasbourg authority on the presumption of innocence. It also draws upon extensive references to comparative material, both judicial and academic, from the United States, Canada and South Africa.

## The Author

*Andrew Stumer* is a practising barrister in Brisbane, Australia. He obtained his DPhil in law from the University of Oxford in 2008.

## Details

- April 2010
- 234mm x 156mm
- 317 pp
- Hardback
- 9781849460361
- £50
- €65

## Main Subject Classification

Evidence, Proof and  
Process

## Other Subjects Human Rights

## Series

Criminal Law Library



• HART •  
PUBLISHING

# International Law, Power, Security and Justice

Essays on International Law and Relations

*Serge Sur*

## Key points

- A collection of Professor Sur's essays on international law and relations.
- The author is an ad hoc judge at the International Court of Justice in The Hague.

## Description

These collected essays deal with the evolutions and immutabilities of international society and international law during the last twenty-five years, a period during which these fields of study have undergone many changes. The starting point is that far from operating at different levels or being in conflict, international law and politics are closely intertwined. This book addresses the many different aspects of international law: the role and concept of the State, and the position of States in the international system; the bases, principles and evolution of public international law; questions of international security which still govern international relations; classic and current systems of peace and security maintenance; the standing, role and actions of the UN Security Council; arms control and limitation of armaments; unilateral uses of armed force and the legality of war; and humanitarian law and international criminal justice.

The perspective of these essays is not a theoretical or dogmatic vision of international law and politics, but is based upon the practice of States in the international arena, and the way in which the guiding legal rules are elaborated and implemented. These texts have been selected from Professor Sur's various books and numerous articles on international law and relations.

## The Author

*Serge Sur* is Professor of International law and relations at the University Panthéon-Assas. He directs the Centre Thucydide - Analyse et recherche en relations internationales and the Annuaire Français de Relations Internationales (AFRI, since 2000) He has been Deputy Director of UNIDIR at Geneva (United Nations Institute for Disarmament Research) for ten years and is currently ad hoc judge at the International Court of Justice in The Hague.

## Details

- April 2010
- 234mm x 156mm
- 558 pp
- Paperback
- 9781841139821
- £55
- €71.50

## Main Subject Classification

Public International Law

## Series

French Studies in  
International Law



• HART •  
PUBLISHING

# Terrorism

*Ben Saul*

## Key points

- The first book to reproduce a selection of key judicial decisions and documents dealing with international law aspects of terrorism.
- This is the latest book in our successful series *Documents in International Law* which presents key documents necessary for an understanding of an important episode, issue or conflict dealing with questions of international law.

## Description

There is an increasing number of laws in different branches of public international law which are directly or indirectly relevant to confronting terrorism. There is also a proliferating body of 'soft law' addressing terrorism, stemming particularly from UN organs, specialised international bodies and regional organisations. International anti-terrorism measures existed long before 11 September 2001 and have increased markedly since. Legal efforts aimed at curbing terrorism stem from a wide variety of sources, over a substantial period of time, and it is timely to draw the key documents together into a single reference work. Bringing the documents together preserves them for future reference and also enables scholars, practitioners and students to more easily and quickly compare and contrast various documents. The book is comprehensive in coverage (thematically, organisationally, geographically and temporally) and open to a balance of sources (hard and soft), but is nonetheless judicious in its selection and prioritisation of the most significant and representative documents, in a field where there are a great many repetitive and insubstantial documents to sift through. Further, the book looks beyond the traditional bias towards European, British and American sources, to also include a selection of materials from Asia, Africa, Latin America and the Middle East.

## The Author

*Ben Saul* is Director of the Sydney Centre for International Law at Sydney University and a barrister.



## Details

- April 2010
- 244mm x 171mm
- 692 pp
- Paperback
- 9781841139869
- £45
- €58.50

## Main Subject Classification

Public International Law

## Series

Documents in International Law



• HART •  
PUBLISHING

# The EU, the WTO and China

## Legal Pluralism and International Trade Regulation

*Francis Snyder*

### Key points

- This book presents a new theoretical framework for understanding the regulation of international trade.
- Will be of interest to academics and researchers and will be an essential point of reference for EU China Relations courses.

### Description

This book analyses a series of integrated studies of relations between the EU, the WTO and China. It consists of three main parts. Part I introduces the basic concepts. It surveys the literature on law and globalisation, introduces the concept of sites of governance and the theory of global legal pluralism and sketches the foundations of global legal pluralism. It shows that each site of governance has both a structural dimension, consisting of institutions, norms and dispute resolution processes, and a relational dimension, comprising its relations with other sites of governance. The totality of sites of governance constitutes a new form of global legal pluralism. Part II analyses global legal pluralism in action in relations between the EU, the WTO and China. It examines the construction of relations between sites, ways in which relations between sites give rise to new legal concepts or transform the character of rules, the tension between regionalism and international integration and the governance of international production networks. It emphasises the reciprocal interaction between the structural features and the relational features of sites. Part III explores new directions in global legal pluralism. It first analyses regional trade agreements as a way of creating new sites of governance, focusing on agreements involving China. Then it considers how to enhance ethical issues in international trade regulation. Based on an institutional analysis of relations between the WTO and other sites of governance, it proposes ways in which global legal pluralism can be used to reform the WTO, today the predominant institution in the regulation of international trade, including trade between the EU and China.

### The Author

*Francis Snyder* is Visiting Professor (formerly Centennial Professor) in the Law Department at the LSE, Professeur des Universités and Professor of Public Law at the Université Paul Cézanne Aix-Marseille III and Guest Professor at Peking University Law School. He is Editor-in-Chief of the European Law Journal.



### Details

- April 2010
- 234mm x 156mm
- 661 pp
- Hardback
- 9781841137049
- £65
- €84.50

### Main Subject Classification

International Trade Law

### Other Subjects

European Law

Law and Economics

### Series

China and International  
Economic Law Series  
No 4



• HART •  
PUBLISHING

# The Democratic Legitimacy of International Law

*Steven Wheatley*

## Key points

- A key new book examining the democratic legitimacy of international law.
- Will be of interest to scholars of international relations and political theorists.

## Description

While international institutions continue to affirm that democracy is the only legitimate form of domestic government, the globalisation of governance has resulted in the removal of many issues from the domestic arena and the political control of citizens. This is the now widely recognised “democratic legitimacy deficit” in international law, which encompasses traditional forms of inter-nation law, and new forms of international governance by non-state actors (the Security Council and World Bank for example). The standard response is to argue for the replication of domestic institutions at the global level, restructuring the international order along cosmopolitan lines. In contrast, this work accepts the extant, fragmented system, and develops the idea that the counterfactual ideal of deliberative democracy developed by Jürgen Habermas (among others) can provide the basis for thinking about the exercise of political authority beyond the state, and explores an alternative view of the nature and purposes of the modern system of international law. In traversing this terrain, this book addresses, inter alia questions about the democratic legitimacy of ‘Westphalian’ inter-nation law, the idea of democratic self-determination, the twin facts of the constitutionalisation of international law and the practice of the democratic peace, the problems inherent in discerning, in an era of global legal pluralism, the extent to which we regard international governance norms as ‘law’, and the impact of the fact of globalised governance through law on the fundamental theory and practice of democracy (a model developed in the context of the state).

## The Author

*Steven Wheatley* is a Reader in International Law at the Law School at University of Leeds.

## Details

- April 2010
- 234mm x 156mm
- 425 pp
- Hardback
- 9781841138176
- £45
- €58.50

## Main Subject Classification

Public International Law

## Series

Studies in International Law



• HART •  
PUBLISHING

# Rough Consensus and Running Code

A Theory of Transnational Private Law

*Graf-Peter Callies and Peer Zumbansen*

## Key points

- This book presents a major new theory of transnational private law and will be widely read and referenced.
- Practitioners and academics will benefit greatly from this study.

## Description

Private law has long been focus of efforts to explain wider developments in global law. As consumer transactions and corporate activities have developed with scant regard to legal and national boundaries, private law theorists have been called upon to investigate what the international law framework might look like. Moving between 'hard' and 'soft' laws, as well as official, unofficial, direct and indirect regulation, this book constitutes the first comprehensive attempt to develop the framework for a private law regulatory regime which mediates between state-society and public-private relations on the one hand and a fast-evolving transnational normative field on the other.

*Rough Consensus and Running Code* describes and assesses the different law-making regimes currently observable in the transnational arena. Its core aim is to reassess, in terms of its legitimacy, the transnational regulation of contracts and corporate law as undertaken by regulatory regimes which are neither purely national nor international, neither exclusively public, nor private in nature. Instead the institutions and the principal actors are hybrids. The challenge for scholars of public and private international law is to incorporate the new norms into existing bodies of law and this, ultimately, is the challenge met by this new work.

## The Authors

**Graf-Peter Callies** (LL.B., Ph.D. Göttingen, Habilitation Frankfurt) holds the Chair in Private Law, Comparative and International Economic Law, University of Bremen Faculty of Law. Professor Callies is Director of the A4 Project ('New Forms of Legal Certainty in Globalized Exchange Processes') at the Collaborative Research Centre 'Transformations of the State'.

**Peer Zumbansen** (Lic dr. Paris, LL.B., Ph.D., Habilitation Frankfurt, LL.M. Harvard) is the Canada Research Chair in the Transnational and Comparative Law of Corporate Governance at Osgoode Hall Law School of York University, Toronto. Professor Zumbansen is the founder and director of the Critical Research Laboratory in Law & Society and the Co-founder and Co-editor in chief of the CLPE Research Paper Series (with John Cioffi).

## Details

- April 2010
- 234mm x 156mm
- 384 pp
- Hardback
- 9781841139746
- £50
- €65

## Main Subject Classification

Private International Law

## Other Subjects

Public International Law

International Trade Law

## Series

Hart Monographs in Transnational and International



• HART •  
PUBLISHING

# Public Law after the Human Rights Act

*Tom Hickman*

## Key points

- This book looks beyond the Human Rights Act itself to its position in public law as a whole.
- An important source of information for barristers and academics of human rights law and public law.
- Tom Hickman is recognised as a rising star of the Public Law bar

## Description

What is the Human Rights Act? What is its relationship to the common law? Is there a need to invent new doctrines of public law to accommodate the Act? Will it lead to the extinction of established doctrines? What should be the effect of the Act on the structure of public law as a whole? Ten years after the HRA came into effect and, remarkably, these questions remain unanswered. *Public Law After the Human Rights* proposes an understanding of the HRA's constitutional status and its effect on public law that answers each of them. Unlike other books on the HRA, the book looks beyond the Act itself to its position in public law as a whole.

The book explains and articulates in novel ways the relationship between the Act and administrative and constitutional law. It suggests that the HRA builds on the common law constitution both theoretically and in terms of the mechanics of how public law works. The book draws together a practical understanding of public law, and a close attention to the case law, with a broader historical and theoretical approach to the subject area. The discussion focuses on core topics in modern public law, (1) the constitutional status of the HRA, (2) its effect on central doctrines of public law such as reasonableness, proportionality and process review (each of which are have a separate chapter), (3) the structure of public law after the human rights act, (4) derogation and emergencies, and (5) the right of access to a court.

## The Author

*Tom Hickman* is a barrister at Blackstone Chambers, London, specialising in public law and human rights cases.

## Details

- April 2010
- 234mm x 156mm
- 400 pp
- Paperback
- 9781841139692
- £45
- €58.50

## Main Subject Classification

Constitutional & Administrative Law

## Other Subjects

Human Rights



• HART •  
PUBLISHING