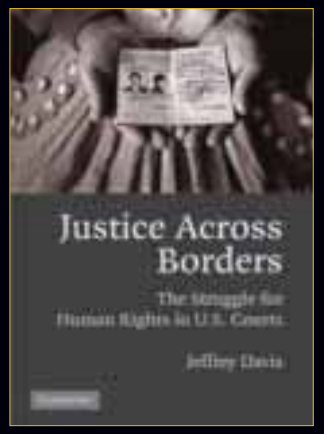

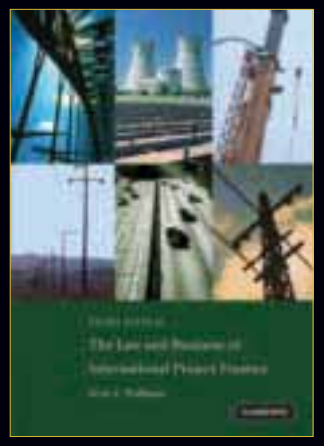

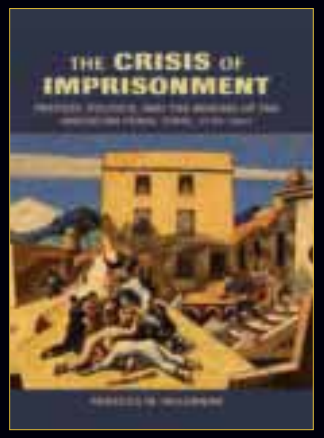

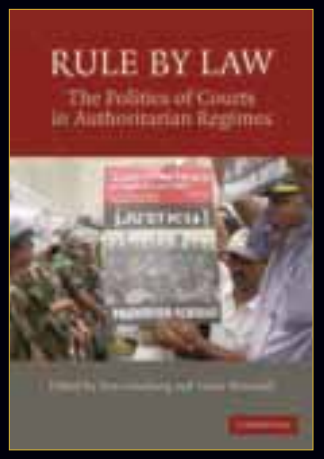

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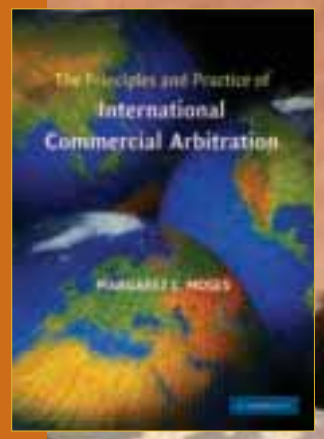

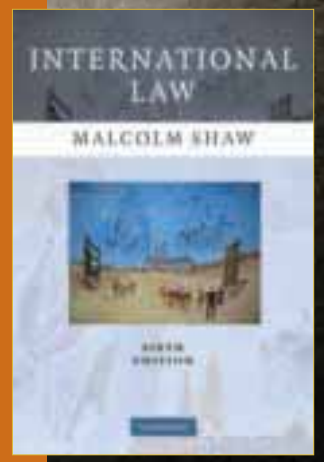

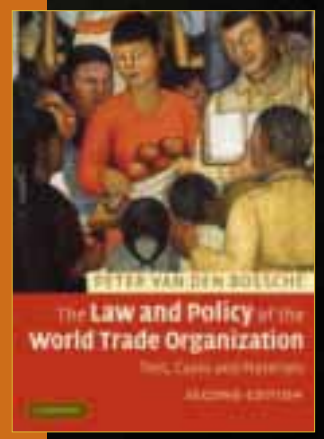

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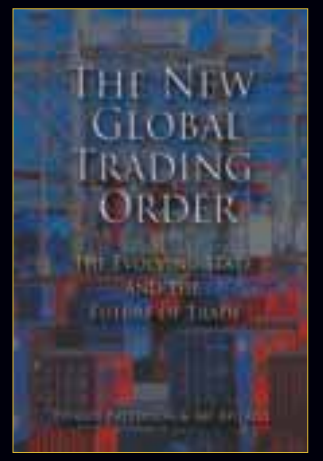

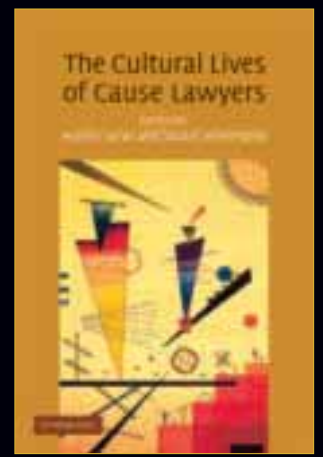

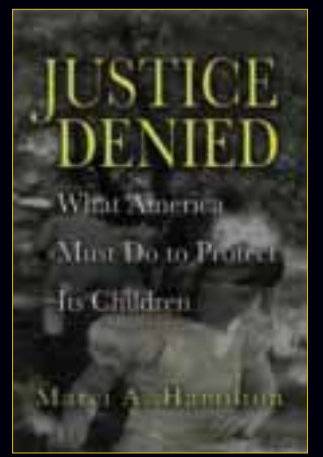

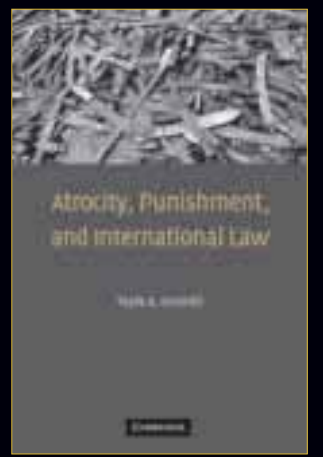

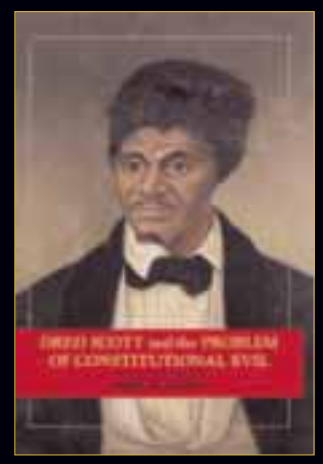

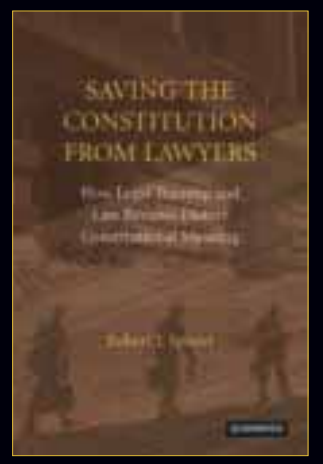

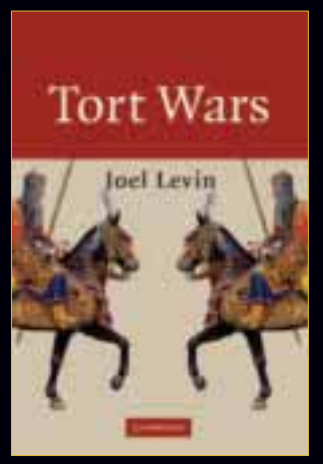

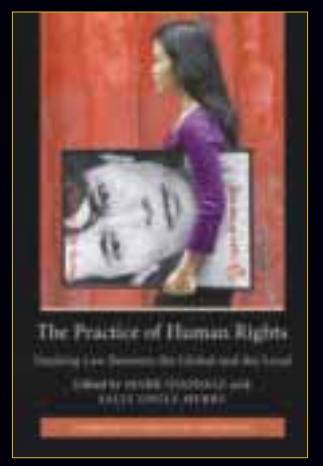

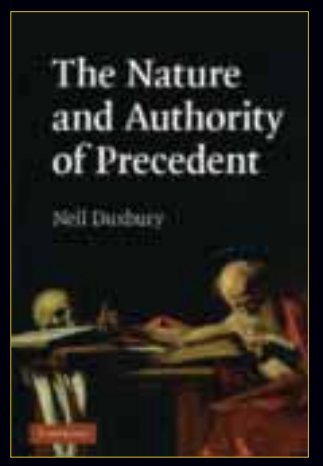

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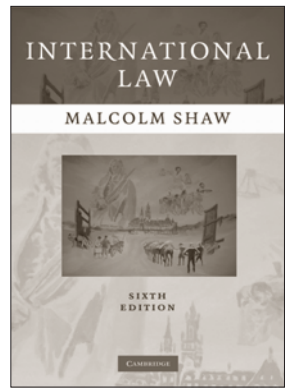
6th Edition

Malcolm Shaw
University of Leicester



"...I have always been an admirer of the book. It strikes a happy medium; being neither superficial nor too difficult. …It is clear, judicious and comprehensive, and has excellent footnotes leading to the relevant further reading"

— MATTHEW HAPPOLD, University of Hull, United Kingdom

"Written in a felicitous style, Shaw's book covers quite an extraordinary amount of material in 'nutshell' fashion, and is a boon to student (and practitioner) alike."

— *American Journal of International Law*

"When I was teaching, Shaw's ***International Law*** *was my textbook of choice for the students. I continue today to find this book very useful and well organized. It is good news that a Sixth Edition guarantees that it remains thoroughly contemporary, with new chapters added and everything updated."*

— DAME ROSALYN HIGGINS, President of the International Court of Justice

Malcolm Shaw's engaging and authoritative *International Law* has become the definitive textbook for instructors and students alike, in this increasingly popular field of academic study. The hallmark writing style provides a stimulating account, motivating students to explore the subject more fully, while maintaining detail and academic rigour. The analysis integrated in the textbook challenges students to develop critical thinking skills. The sixth edition is comprehensively updated throughout and is carefully constructed to reflect current teaching trends and course coverage. The International Court of Justice is now examined in a separate dedicated chapter and there is a new chapter on international criminal law. The detailed references and reliable, consistent commentary which distinguished previous editions remain, making this essential reading for all students of international law whether they be at undergraduate level, postgraduate level or professional lawyers.

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- The definitive account of international law which provides an authoritative and comprehensive survey of the subject
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  – New chapter on international criminal law
  – Dedicated chapter on the International Court of Justice
- Detailed references throughout encourage further reading on the part of the student at either an undergraduate or postgraduate level
- High level analysis combined with stimulating and engaging writing style: challenges students to approach the text critically and develop analytical skills without overwhelming them

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2008 / 1500 pp. / 978-0-521-89929-1 / Hb / List: $150.00 / 978-0-521-72814-0 / Pb / List: $70.00

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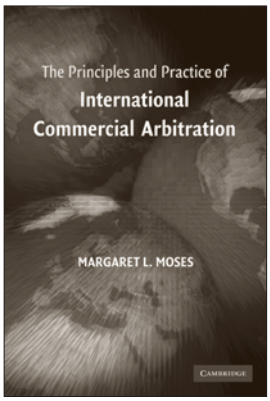
The Principles and Practice of International Commercial Arbitration



Margaret L. Moses
Loyola University, Chicago

This text is a comprehensive and up-to-date overview ideal for an introductory law school course or for a lawyer unacquainted with international dispute resolution. It is reader-friendly and an economic bargain for cash-strapped law students. Last year, I was forced to assign my law students a weighty, expensive tome which was far too detailed for an introductory course. Now, Professor Moses has provided a textbook which covers the essential of international arbitration and suggests additional readings for those who want to drill down in greater detail.

— H. RODERIC HEARD, Partner at Wildman Harrold, Chicago and adjunct professor at Northwestern's and DePaul's Law Schools

This text provides the reader with a clear understanding the world of international arbitration and explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including the most recent changes in arbitration laws, rules, and guidelines. This text includes insights from international arbitrators, who tell about their experiences and views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

CONTENTS

2008 / 356 pp. / 978-0-521-86666-8 / Hb / List: $90.00 / 978-0-521-68562-7 / Pb / List: $29.99

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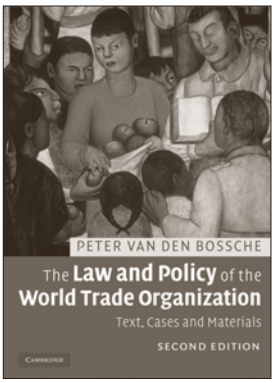
The Law and Policy of the World Trade Organization

Text, Cases and Materials, 2nd Edition



Peter Van den Bossche
Universiteit Maastricht, Netherlands

As the leading student text in the field, this title provides both a detailed examination of the law of the WTO and a clear introduction to the basic principles and underlying logic of the world trading system. It explores the institutional aspects of the WTO together with the substantive law. The title is an essential tool for any student of the WTO, at either undergraduate or postgraduate level.

New in this edition:

- Examinations of WTO rules on intellectual property protection and rules on TBT and SPS measures
- Integrated assignments and chapters summaries throughout to aid understanding and learning
- Exercises are included to draw upon primary sources and real-life trade scenarios, enabling students to hone their practical and analytical skills

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2008 / 1100 pp. / 978-0-521-89890-4 / Hb / List: $185.00 / 978-0-521-72759-4 / Pb / List: $90.00

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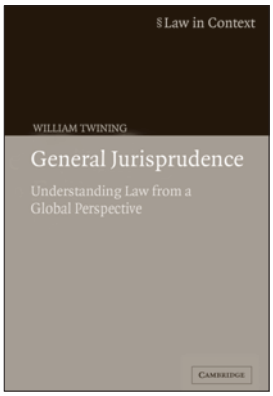
General Jurisprudence

Understanding Law from a Global Perspective

William Twining
University College London



This book explores how globalisation influences the understanding of law. Adopting a broad concept of law and a global perspective, it critically reviews mainstream Western traditions of academic law and legal theory. Its central thesis is that most processes of so-called 'globalisation' take place at sub-global levels and that a healthy cosmopolitan discipline of law should encompass all levels of social relations and the legal ordering of these relations. It illustrates how the mainstream Western canon of jurisprudence needs to be critically reviewed and extended to take account of other legal traditions and cultures. Written by the one of the foremost scholars in the field, this important work presents an exciting alternative vision of jurisprudence. It challenges the traditional canon of legal theorists and guides the reader through a field undergoing seismic changes in the era of globalisation. This is essential reading for all students of jurisprudence and legal theory.

CONTENTS

Law in Context

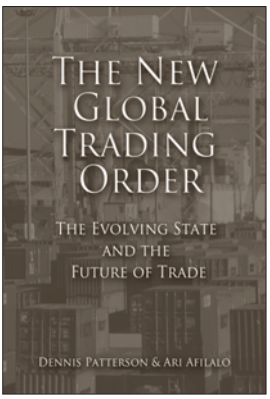
2009 / 700 pp. / 978-0-521-50593-2 / Hb / List: $135.00 / 978-0-521-73809-5 / Pb / List: $65.00

NEW

The New Global Trading Order

The Evolving State and the Future of Trade

Dennis Patterson and Ari Afilalo
Rutgers University



"In this important new book, Patterson and Afilalo address the largely neglected question of how the transformation of the constitutional and international order currently underway will affect the global trade regime. Their striking analysis is as formidable and serious as the question itself."

— PHILIP BOBBITT, Director of the Center for National Security at Columbia University

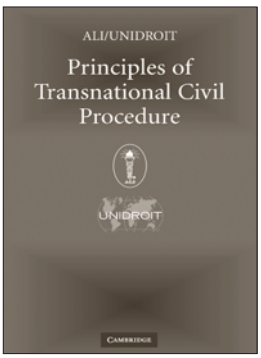
The international institutions that have governed global trade since the end of World War II have lost their effectiveness, and global trade governance is fractured. The need for new institutions is obvious, and yet, few proposals seem to be on offer. The current trade order, focused on the liberalization of trade in goods and services and the management of related issues, is predicated on policies and practices that were the product of a global trading order of the 20th-century modern nation- states. Today, a new form of the State, the post-modern State, is evolving. In this book, the authors propose a new trade norm, the enablement of global economic opportunity, and a new institution, the Trade Council, to overhaul the global trading order.

CONTENTS

2008 / 288 pp. / 1 table / 978-0-521-87518-9 / Hb / List: $32.99

Principles of Transnational Civil Procedure

American Law Institute
UNIDROIT



The ALI and UNIDROIT are preeminent organizations working together toward the clarification and advancement of the procedural rules of law. Recognizing the need for a "universal" set of procedures that would transcend national jurisdictional rules and facilitate the resolution of disputes arising from transnational commercial transactions, *Principles of Transnational Civil Procedure* was launched to create a set of procedural rules and principles that would be adopted globally. This work strives to reduce uncertainty for parties that must litigate in unfamiliar surroundings and to promote fairness in judicial proceedings.

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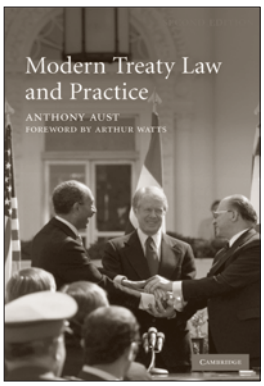
2007 / 238 pp. / 978-0-521-70614-8 / Pb / List: $29.99

Modern Treaty Law and Practice

2nd Edition

Anthony Aust
University of London



On the publication of its first edition, this textbook was welcomed as the definitive study of treaty law written from the viewpoint of an experienced practitioner. As with the first, this edition aims to provide the student and practitioner with a full understanding of the law and updates existing information and refines previous arguments. New to its scope of examination is the study of the use of memorandums of understanding (MOUs) in litigation, the treaty-making capacity of entities such as the Vatican, Taiwan and Palestine, and the effect of hostilities on treaties. Given their increasing importance, there is also a new chapter on international organisations, including an attempt to explain the sometimes baffling roles in treaty-making played by the European Community and European Union. Students and practitioners alike will find this an invaluable guide to this increasingly important subject.

CONTENTS

2007 / 618 pp. / 978-0-521-86097-0 / Hb / List: $145.00 / 978-0-521-67806-3 / Pb / List: $65.00

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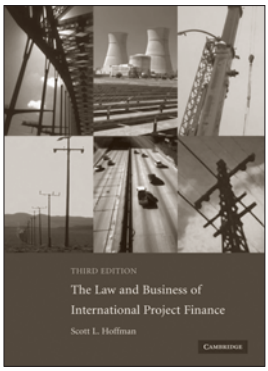

The Law and Business of International Project Finance

A Resource for Governments, Sponsors, Lawyers, and Project Participants
3rd Edition

Scott L. Hoffman

Project finance is used to build projects such as large-scale energy, infrastructure, toll roads, ethanol, and recycling projects, as well as many others. Project finance requires careful analysis and structuring of a wide variety of risks. This completely updated third edition addresses these risks and their resolution, and details the necessary elements of a successful project financing. Mirroring the structure of an actual project finance deal, this all-in-one handbook examines each step of the process.

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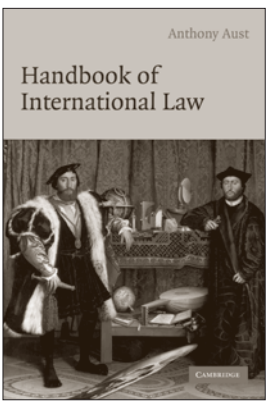
2007 / 524 pp. / 978-0-521-88220-0 / Hb / List: $175.00 / 978-0-521-70878-4 / Pb / List: $85.00



Handbook of International Law

Anthony Aust
London School of Economics and Political Science

A concise account of international law by an experienced practitioner, this book explains how states and international organisations, especially the UN, make and use international law. The nature of international law and its fundamental principles are described, and the differences between various areas of international law which are often misunderstood (such as diplomatic and state immunity, and human rights and international humanitarian law) are clearly explained. Also discussed is the essence of new specialist areas of international law, relating to the environment, human rights and terrorism.

CONTENTS

2005 / 554 pp. / 978-0-521-82349-4 / Hb / List: $120.00 / 978-0-521-53034-7 / Pb / List: $50.00

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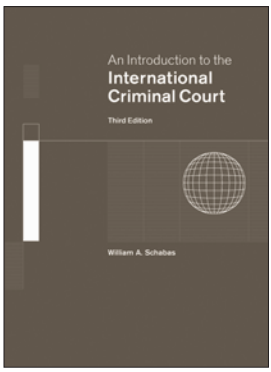
NEW

An Introduction to the International Criminal Court



3rd Edition

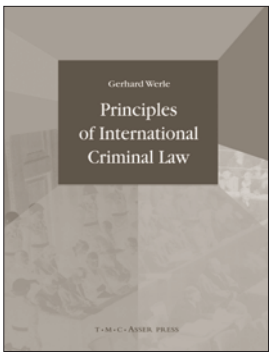
William A. Schabas
National University of Ireland, Galway

The ICC has ushered in a new era in the protection of human rights. Ruling on genocide, crimes against humanity and war crimes, the Court acts when national justice systems are unwilling or unable to do so. This 3rd edition of this seminal text on the Court considers it in action: its initial rulings by the Pre-Trial Chambers and those cases it is prosecuting as well as those where it had decided not to proceed, such as Iraq. It also explores the law of the Court up to and including its ruling on a confirmation hearing. Written by the leading expert in the field, this text is essential reading for any student of the Court and its workings.

CONTENTS

2007 / 584 pp. / 978-0-521-88125-8 / Hb / List: $125.00 / 978-0-521-70754-1 / Pb / List: $50.00

Principles of International Criminal Law



Gerhard Werle
Humboldt-Universität zu Berlin

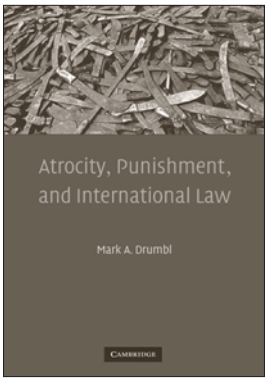
During the last decade international criminal law has developed rapidly. *Principles of International Criminal Law* takes up these developments to provide comprehensive coverage of substantive international criminal law. Gerhard Werle deals with the general principles of international criminal law as well as with individual crimes, such as genocide, crimes against humanity, war crimes and the crime of aggression. Fundamental issues, such as the evolution, sources and enforcement of international criminal law are included. The book analyzes the Rome Statute of the International Criminal Court as well as customary international law. The case law of the ICTY and the ICTR as well as that of several national courts is extensively covered. The systematic and thorough approach adopted by the author makes this book indispensable for anyone involved in and interested in the attainment and development of international criminal law.

CONTENTS

2005 / 508 pp. / 978-9-067-04196-6 / Hb / List: $137.00 / 978-9-067-04202-4 / Pb / List: $65.00

Atrocity, Punishment, and International Law

Mark A. Drumbl
Washington and Lee University



"The discipline of international criminal law is still a work in progress. This book advances knowledge in this new and still evolving field. The connection between what are now being called atrocities and the need to address them is becoming more obvious. As the world witnesses more of these atrocities, there is a growing need for international criminal justice. This book explores the relationship between atrocities and international criminal justice in a way that no other book does. It is a major contribution to the field, and as such, it is one of those books that should be read by those interested in international criminal justice and human rights."

— M. CHERIF BASSIOUNI Distinguished Research Professor, DePaul University College of Law, and Honorary President of the International Association of Penal Law

"This book touches almost all the big issues in applying criminal justice to heinous deeds of genocide and crimes against humanity. It weighs the difficulties in securing eyewitness testimony and examines the pros and cons of plea bargaining. It compares the costs and benefits of using international tribunals as against local courts. It weighs retributive against reconstitutive justice. Professor Drumbl has set a high standard and provided the resources for all future discussion of international criminal justice."

— THOMAS FRANCK, Professor of Law Emeritus, New York University Law School

"Mark Drumbl has written the first major study of punishment and sentencing in international criminal law. What he concludes is quite surprising: current international sentencing schemes do not match up well with the deterrence, retributive, and expressive goals of punishment. Drumbl will set the debate on this topic for a very long time to come. Rarely has an author been able to bring together sophisticated philosophical theorizing, detailed empirical examination, and plausible practical guidance in such a lively and persuasive manner. Lawyers, philosophers, sociologists, and political theorists will learn much from this excellent book."

— LARRY MAY, Professor of Philosophy, Washington University in St. Louis, and Research Professor of Social Justice, Charles Sturt and Australian National Universities

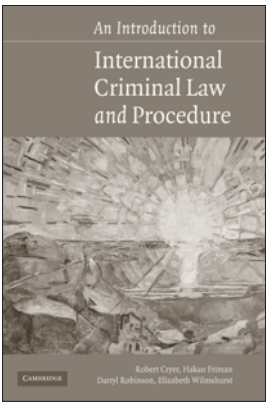
2007 International Association of Penal Law (U.S. national section) Book of the Year Award

This book rethinks how people who perpetrate atrocity crimes should be punished. Based on an 'on the ground' review of the sentencing of perpetrators of genocide and crimes against humanity in Rwanda, Bosnia, East Timor, and other places afflicted by atrocity, this book concludes that the international community's preference for prosecution and imprisonment may not be as effective as we hope. Instead, this book calls for a broader-based response to atrocity that welcomes bottom-up perspectives, including restorative, reparative, and reintegrative traditions, that may differ from the adversarial Western criminal trial. The time has come for international criminal law as a discipline to move beyond nascence and to welcome a more challenging stage: that of re-appraisal and self-improvement.

CONTENTS

2007 / 320 pp. / 3 tables / 978-0-521-87089-4 / Hb / List: $80.00 / 978-0-521-69138-3 / Pb / List: $29.99

An Introduction to International Criminal Law and Procedure



Robert Cryer
University of Birmingham
Håkan Friman
University College London
Darryl Robinson
University of Toronto
Elizabeth Wilmshurst

"A reliable guide .. logical, clear and well supported… (this text is) highly recommended"
— Times Higher Education Supplement

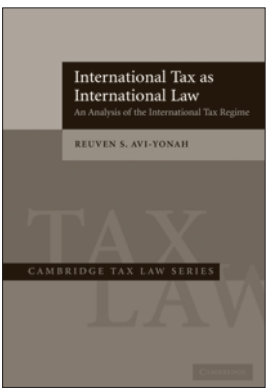
International criminal law has developed considerably in the last decade and a half, resulting in a complex and re-invigorated discipline. This textbook serves these courses by providing an introduction to the principles of international criminal law and processes. Written by four international lawyers with experience of teaching international criminal law, it is accessible yet sophisticated in its approach. It covers substantive international criminal law, the institutions designed to enforce it and their procedures, and the international law applicable to domestic prosecutions of international crimes.

CONTENTS
1. What is international criminal law?; 2. The objectives of international criminal law; 3. Jurisdiction; 4. National prosecutions of international crimes; 5. State Cooperation with respect to national proceedings; 6. The history of international criminal prosecutions: Nuremberg and Tokyo; 7. The ad hoc international criminal tribunals; 8. The International Criminal Court; 9. Other courts with international elements; 10. Genocide; 11. Crimes against humanity; 12. War crimes; 13. Aggression; 14. Transnational crimes, terrorism and torture; 15. General principles of liability; 16. Defences/grounds for excluding criminal responsibility; 17. Procedures of international criminal investigations and prosecutions; 18. Sentencing, penalties and reparations to victims; 19. State cooperation with international courts and tribunals; 20. Immunities; 21. Conclusions: the future of international criminal law.

2007 / 522 pp. / 978-0-521-87609-4 / Hb / List: $135.00 / 978-0-521-69954-9 / Pb / List: $60.00

INTERNATIONAL TAX LAW

International Tax as International Law



An Analysis of the International Tax Regime

Reuven S. Avi-Yonah
University of Michigan

This book explains how the tax rules of various countries interact with one another to form an international tax regime: a set of principles embodied in both domestic legislation and treaties that significantly limits the ability of countries to choose any tax rules they please. The growth of this international tax regime is an important part of the phenomenon of globalization, and the book delves into how tax revenues are divided among different countries. It also explains how U.S. tax rules in particular apply to cross-border transactions and how they embody the norms of the international tax regime.

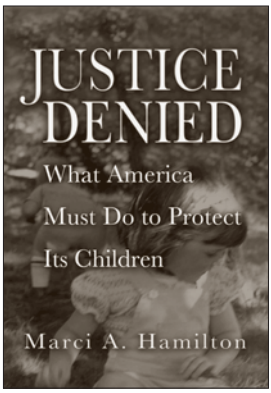
CONTENTS
1. Introduction: Is there an international tax regime? Is it part of international law?; 2. Jurisdiction to tax; 3. Sourcing income and deductions; 4. Taxation of non-residents: investment income; 5. Taxation of non-residents: business income; 6. Transfer pricing; 7. Taxation of residents: investment income; 8. Taxation of residents: business income; 9. The tax treaty network; 10. The tax arbitrage, tax competition, and the future of the international tax regime.

Cambridge Tax Law Series

2007 / 224 pp. / 1 table / 978-0-521-85283-8 / Hb / List: $75.00 / 978-0-521-61801-4 / Pb / List: $29.99

CRIMINAL LAW

NEW



Justice Denied

What America Must Do to Protect its Children

Marci A. Hamilton
Cardozo School of Law

"Too many 'talk the talk' of making children a priority in society. What Hamilton has done with her book is to show a clear and simple way that policymakers can 'walk the walk'. . . [she] clearly and articulately connects the value of using civil law as a tool to protect children."
— TED THOMPSON, Executive Director, NAPSAC (Natl Assn to Prevent the Sexual Abuse of Children)

"In understandable, eloquent prose, Marci Hamilton makes the case for abolishing a statutory scheme that protects sexual predators and which closes our courtrooms to maltreated children. Although it is too late to claim the honor of having acted quickly to address this injustice, this book shows us how to avoid the disgrace of having never acted at all."
— VICTOR VIETH, Director, National Child Protection Training Center

"This brave book is one all lawmakers should read."
— JASON BERRY, author of *Lead Us Not Into Temptation*

"Hamilton provides a compelling case that demonstrates that the interests of insurance companies, unions, churches, and schools will always trump the safety of children unless we do something about it. Hamilton tells us what we can do, how to do it, and why it will work."
— CHAROL SHAKESHAFT, Chairperson and Professor, Department of Educational Leadership, Virginia Commonwealth University

"Hamilton is absolutely right: a vigorous and effective children's civil rights movement is long overdue . . . I applaud Marci Hamilton for leading the way with her outstanding legal scholarship, advocacy and passion for justice!"
— EILEEN KING, Regional Director, Justice For Children

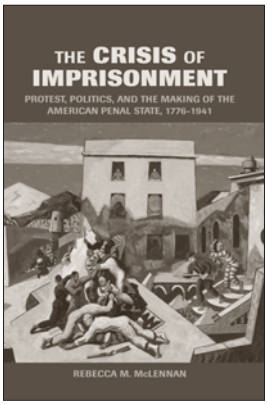
Recent events such as the clergy abuse scandal in the Catholic Church have brought the once-taboo subject of childhood sexual abuse to the forefront. But despite increasing awareness of the problem, the United States has not succeeded in establishing effective means of deterring and preventing it, leaving the children of today and tomorrow vulnerable. Hamilton proposes a comprehensive yet simple solution: eliminate the arbitrary statutes of limitation for childhood sexual abuse so that survivors past and present can get into court. Removing this merely procedural barrier permits the millions of survivors to make public the identities of their perpetrators and to receive justice and much-deserved compensation. Standing in the way, however, are formidable opponents such as the insurance industry and the hierarchy of the Roman Catholic Church. In *Justice Denied*, Hamilton predicts a coming civil rights movement for children and explains why it is in the interest of all Americans to allow victims of childhood sexual abuse this chance to seek justice when they are ready.

CONTENTS

2008 / 168 pp. / 978-0-521-88621-5 / Hb / List: $23.00

LAW AND SOCIETY

NEW



The Crisis of Imprisonment

Protest, Politics, and the Making of the American Penal State, 1776-1941

Rebecca M. McLennan
University of California, Berkeley

"Deeply researched and deeply reflective, ***The Crisis of Imprisonment*** *redefines the central themes of 19th and early 20th century American prison history. Its story of the rise and fall of contractual penal servitude shows how questions of imprisonment, prison labor, and the treatment of prisoners lay at the heart of ongoing struggles over the meaning of freedom and unfreedom in America. Few scholars have succeeded so well in tracing the reciprocal relations between the institutions of punishment and the broader fields of economic and political power with which they are connected. Written with clarity and conviction, this is a major new work on the formation of the American penal state."*

— DAVID GARLAND, New York University

"Although there have been several fine studies of the thinking and influence of American prison reformers, McLennan has written a revealing study of the impact of popular politics, and especially of the prisoners themselves on the shaping and reshaping of state prison systems. She helps us understand the huge prison business of our times by analyzing controversies and prison revolts that led first to the development of contract prison labor then to its abolition in the nineteenth and early twentieth centuries."

— DAVID MONTGOMERY, Yale University

In the Age of Jackson, private enterprise set up shop in the American penal system. Working with state governments, contractors would go on to a half a million prisoners to hard toil for private gain by 1900. Convict laborers churned out vast quantities of goods, in some years generating about $30 billion worth of work. By the 1880s, however, Americans came to regard the prison labor system as immoral and unbefitting of a free republic: it fostered torture and abuse, degraded free workers, corrupted government, and stifled the supposedly ethical purposes of punishment. This book tells the story of this controversial system of penal servitude: how it came into being, how it worked, how the popular campaigns for its abolition were ultimately victorious, and how it shaped and continues to haunt the American penal system. The author takes the reader into the morally vital world of 19th century artisans, industrial workers, farmers, clergy, convicts, machine politicians, and labor leaders and shows how prisons became a lightning rod in a determined defense of republican and Christian values against the encroachments of an unbridled market capitalism. She explores the ethical questions that prisons posed then and remain exigent today.

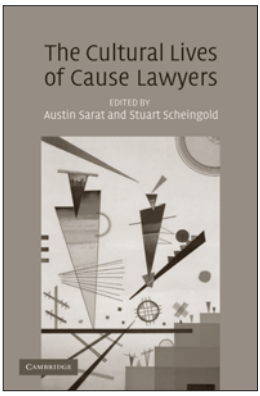
CONTENTS

Cambridge Historical Studies in American Law and Society

2008 / 520 pp. / 978-0-521-83096-6 / Hb / List: $75.00 / 978-0-521-53783-4 / Pb / List: $24.99

NEW

The Cultural Lives of Cause Lawyers



Editors
Austin Sarat
Amherst College
Stuart Scheingold
University of Washington

This book seeks to illuminate what we call the cultural lives of cause lawyers by examining their representation in various popular media (including film, fiction, mass-marketed non-fiction, television, and journalism), the work they do as creators of cultural products, and the way those representations and products are received and consumed by various audiences. By attending to media representations and the culture work done by cause lawyers, we can see what material is available for citizens and others to use in fashioning understandings of those lawyers. This book also provides a vehicle for determining whether, how, and to what extent cause lawyering is embedded in the discourses and symbolic practice around which ordinary citizens organize their understanding of social, political, and legal life.

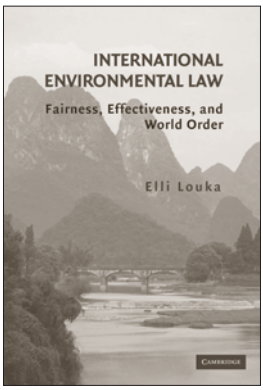
CONTENTS

2008 / 416 pp. / 978-0-521-88448-8 / Hb / List: $95.00 / 978-0-521-71135-7 / Pb / List: $39.99

ENVIRONMENTAL LAW

International Environmental Law

Fairness, Effectiveness, and World Order



Elli Louka

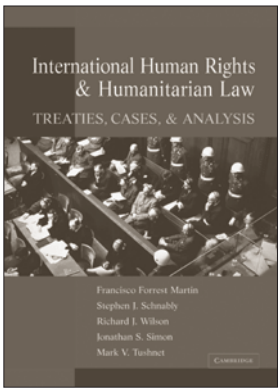
This book analyzes the law and policy for the management of global common resources. As competing demands on the global commons are increasing, the protection of environment and the pursuit of growth give rise to all sorts of conflicts. It also analyzes issues in the protection of the global commons from a fairness, effectiveness and world order perspective. The author examines whether the current policymaking and future trends point to a fair allocation of global common resources that is effective in protecting the environment and the pursuit of sustainable development. The author looks at the cost-effectiveness of international environmental law and applies theories of national environmental law to international environmental problems.

CONTENTS

2006 / 496 pp. / 978-0-521-86812-9 / Hb / List: $106.00 / 978-0-521-68759-1 / Pb / List: $55.00

HUMAN RIGHTS

International Human Rights and Humanitarian Law



Treaties, Cases, and Analysis

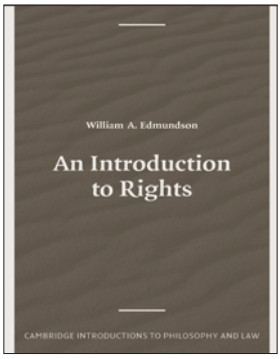
Francisco Forrest Martin and Stephen J. Schnably
University of Miami
Richard Wilson
American University
Jonathan Simon
University of California, Berkeley
Mark Tushnet
Georgetown University

This volume introduces law students to the international legal instruments and case law governing the substantive and procedural dimensions of international human rights and humanitarian law, including economic, social, and cultural rights. It also discusses the history and organizational structure of human rights and humanitarian law enforcement mechanisms. Relevant to U.S. audiences, a chapter is devoted to the issues surrounding the incorporation of international law into U.S. law, including principles of constitutional and statutory interpretation, conflict rules, and the self-execution doctrine. Questions & Comments sections provide critical analyses of issues raised in the materials.

CONTENTS

2006 / 1022 pp. / 978-0-521-85886-1 / Hb / List: $106.00

An Introduction to Rights



William A. Edmundson
Georgia State University

"[A]n outstanding comprehensive introduction to the subject of rights. Edmundson is a leading philosopher of law and has much that is both new and important to say about the history and theory of rights."
KENNETH EINAR HIMMA, Seattle Pacific University,
The Law and Politics Book Review

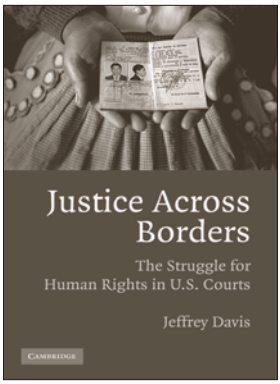
This accessible introduction to the history, logic, moral implications, and political tendencies of the concept of rights is organized chronologically. Covering such important events as the French Revolution, it is well-suited as an introductory-level, undergraduate text in such courses as political philosophy, moral philosophy, and ethics. The volume can also be used in courses on political theory in departments of political science and government, and in courses on legal theory in law schools.

CONTENTS

Cambridge Introductions to Philosophy and Law

2004 / 240 pp. / 978-0-521-80398-4 / Hb / List: $84.00 / 978-0-521-00870-9 / Pb / List: $26.99

NEW



Justice Across Borders

The Struggle for Human Rights in U.S. Courts

Jeffrey Davis
University of Maryland

*"**In Justice Across Borders**, Jeffrey Davis makes an indispensable and innovative contribution to the study of human rights and the growing literature on international justice. Mixing detailed case studies with quantitative analysis, Davis reveals the transformative role of litigation in the search for justice. He also reminds us that individuals – from survivors of mass atrocities to the public interest lawyers who represent them – play an essential role in this search."*

— WILLIAM J. ACEVES, Associate Dean for Academic Affairs, California Western School of Law, and author of *The Anatomy of Torture: A Documentary History of Filartiga v. Pena-Irala*

*"**Justice Across Borders** makes a tremendous contribution to the field of human rights. It moves beyond a strictly legalistic approach to human rights and exposes the full range of actors and the complex politics informing the development of human rights jurisprudence in U.S. courts. Well researched and tightly argued, the book offers particularly strong analysis of NGO involvement and executive branch involvement, and yet it deserves to be read from cover to cover by both students and practitioners seeking to understand the historical development of human rights claims in U.S. courts. The human rights field is moving towards increasing use of courts. **Justice Across Borders** will prove to be a useful text for years to come."*

— JULIE MERTUS, Professor of Human Rights and co-director, Ethics, Peace & Global Affairs Program, American University

"A compelling account of how a little-known statute from 1789 spawned a human rights revolution, and a nuanced analysis of the forces that have driven – and opposed – that transformation."

— DAVID COLE, Professor of Law, Georgetown University Law Center, author of *Less Safe, Less Free: Why America Is Losing the War on Terror*

This book studies the struggle to enforce international human rights law in federal courts. In 1980, a federal appeals court ruled that a Paraguayan family could sue a Paraguayan official under the Alien Tort Statute, a dormant provision of the 1789 Judiciary Act, for torture committed in Paraguay. Since then, courts have been wrestling with this step toward a universal approach to human rights law. The book examines attempts by human rights groups to use the law to enforce human rights norms. It explains the separation of powers issues arising when victims sue the United States or when the United States intervenes to urge dismissal of a claim. Moreover, it analyzes the controversies arising from attempts to hold foreign nations, foreign officials, and corporations liable under international human rights law. While Davis's analysis is driven by social science methods, its foundation is the dramatic human story from which these cases arise.

CONTENTS

2008 / 320 pp. / 6 line figures / 2 halftones / 29 tables
978-0-521-87817-3 / Hb / List: $85.00 / 978-0-521-70240-9 / Pb / List: $29.99

The Practice of Human Rights

Tracking Law Between the Global and the Local

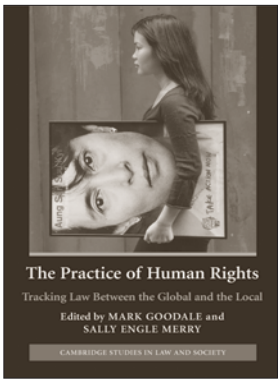
Editors

Mark Goodale

George Mason University

Sally Engle Merry

New York University



"This collection makes a compelling case for human rights as a new focus of anthropological research, evidence of a discipline in lively transition. Even more fundamentally, the range of projects and commitments expressed in the essays point to key locations – at once political, ethical, and experiential – in the new legal geography of globalism, as the contributors map the uneven horizons and pathways along which human rights are today asserted, defended, and contested."

— CAROL GREENHOUSE, Professor of Anthropology, Princeton University

"A compelling book. The anthropologists here are also interdisciplinarists. The reconfiguration of institutions, resistance movements and everyday expectations brought about by the very idea of human rights demands a reconfiguring of approaches from the social observer. The authors shrink from neither the questions nor the answers thrown up by human rights efforts in practice. By focusing on issues of violence, power, vulnerability and people's ambivalence, they offer insights that mould a new kind of realism."

— MARILYN STRATHERN, William Wyse Professor of Social Anthropology, University of Cambridge

Human rights are now the dominant approach to social justice globally. But how do human rights work? What do they do? Drawing on anthropological studies of human rights work from around the world, this book examines human rights in practice. It shows how groups and organizations mobilize human rights language in a variety of local settings, often differently from those imagined by human rights law itself. The case studies reveal the contradictions and ambiguities of human rights approaches to various forms of violence. They show that this openness is not a failure of universal human rights as a coherent legal or ethical framework but an essential element in the development of living and organic ideas of human rights in context. Studying human rights in practice means examining the channels of communication and institutional structures that mediate between global ideas and local situations. Suitable for use on inter-disciplinary courses globally.

CONTENTS AND CONTRIBUTORS

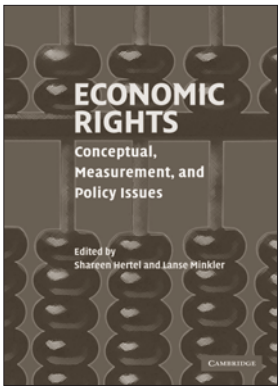
Cambridge Studies in Law and Society

2007 / 396 pp. / 978-0-521-86517-3 / Hb / List: $110.00 / 978-0-521-68378-4 / Pb / List: $39.99

Economic Rights

Conceptual, Measurement, and Policy Issues

Shareen Hertel and Lanse Minkler
University of Connecticut



This book assesses economic rights: defined as the right to a decent standard of living, the right to work, and the right to basic income support for people who cannot work. It explains how economic rights evolved historically, how they are measured, and how they can be implemented internationally. The book includes chapters by leading scholars in economics, law, and political science. Unlike many other books on the subject, this one includes a substantial introduction and is tightly organized around three themes: concepts, measurement, and policy implementation of economic rights.

CONTENTS AND CONTRIBUTORS

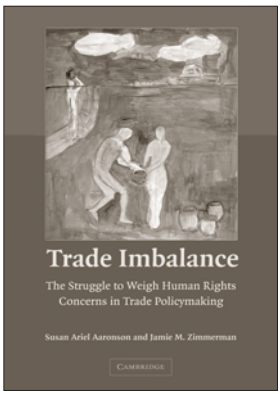
Foreword; Introduction: 1. Economic rights: the terrain Shareen Hertel and Lanse Minkler; PART I. Concepts: 2. The West and economic rights Jack Donnelly; 3. A needs-based approach to social and economic rights Wiktor Osiatynski; 4. Economic rights in the knowledge economy: an instrumental justification Albino Barrera; 5. 'None so poor that he is compelled to sell himself': democracy, subsistence, and basic income Michael Goodhart; 6. Benchmarking the right to work Philip Harvey; PART II. Measurement: 7. The status of efforts to monitor economic, social, and cultural rights Audrey R. Chapman; 8. Measuring the progressive realization of economic and social rights Clair Apodaca; 9. Economic rights, human development effort, and institutions Mwangi Samson Kimenyi; 10. Measuring government effort to respect economic and social human rights: a peer benchmark David L. Cingranelli and David L. Richards; 11. Government respect for women's economic rights: a cross-national analysis, 1981-2003 Shawna E. Sweeney; PART III. Policy Issues: 12. Economic rights and extraterritorial obligations Sigrun I. Skogly and Mark Gibney; 13. Millenium development goal 8: Can it be an accountability framework for international human rights obligations? Sakiko Fukuda-Parr; 14. The United States and international economic rights: law, social reality, and political choice David Forsythe; 15. Public policy and economic rights in Ghana and Uganda Susan Dicklitch and Rhoda E. Howard-Hassmann; 16. Human rights as instruments of emancipation and economic development Kaushik Basu; 17. Worker rights and economic development: the cases of occupational safety and health and child labor Peter Dorman.

2007 / 420 pp. / 20 tables / 978-0-521-87055-9 / Hb / List: $90.00 / 978-0-521-69082-9 / Pb / List: $29.99

Trade Imbalance

The Struggle to Weigh Human Rights Concerns in Trade Policymaking

Susan Ariel Aaronson
Geroge Washington University
Jamie M. Zimmerman
New America Foundation



In many countries, citizens allege that trade policies undermine specific rights such as labor rights, the right to health, or the right to political participation. However, in some countries, policy makers use trade policies to promote human rights. Although scholars, policy makers, and activists have long debated this relationship, in truth we know very little about it. This book enters this murky territory with three goals. First, it aims to provide readers with greater insights into the relationship between human rights and trade. Second, it includes the first study of how South Africa, Brazil, the United States, and the European Union coordinate trade and human rights objectives and resolve conflicts. It also looks at how human rights issues are seeping into the WTO. Finally, it provides suggestions to policy makers for making their trade and human rights policies more coherent.

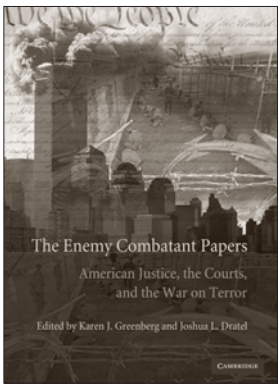
CONTENTS

Foreword; Preface and acknowledgments; 1. Introduction; 2. The World Trade Organization and human rights; 3. South Africa; 4. Brazil; 5. European Union; 6. United States 7. Conclusion and recommendations; Appendix: interviews.

2007 / 348 pp. / 12 tables / 978-0-521-87256-0 / Hb / List: $85.00 / 978-0-521-69420-9 / Pb / List: $34.99

CONSTITUTIONAL LAW

NEW



The Enemy Combatant Papers

American Justice, the Courts, and the War on Terror

Editors

Karen J. Greenberg
New York University
Joshua L. Dratel
Guantanamo detainee defense attorney

"The shame is in the details. Here is the record of what President Bush and his lawyers have done to American principles in detaining alleged terrorists, including U.S. citizens, without charges or trial. Some day – and it should be soon – all those responsible for this tormenting of the Constitution will be judged. The legal arguments are laid out in this book, coldly and compellingly."

— ANTHONY LEWIS, Pulitzer Prize Winning Journalist

"The definitive documentation of one of the most troubling experiments in modern history – the Bush administration's effort to establish the authority to capture and detain indefinitely anyone anywhere in the world, on the President's say-so that they are 'bad guys.' This necessary volume provides both the first-hand documents and the critical overview necessary to see how that experiment was launched, challenged, defeated, and revived."

— DAVID COLE, Georgetown Law Center

"This comprehensive volume tells a powerful story – of executive power run amok, the human beings left in its wake, and the effort to use the courts to restore the rule of law and balance of powers in this country. When the definitive history of this period is written, those who write it will turn to this impressive collection as a primary source."

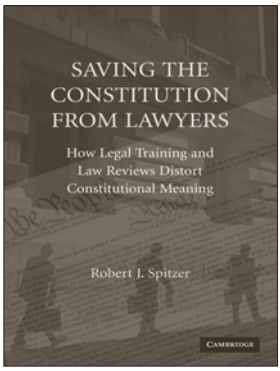
— ELISA MASSIMINO, Washington Director, Human Rights First

The Enemy Combatants Papers presents the five major enemy combatant cases of the post-9/11 era. Presented in narrative form, these original documents tell the story that clarifies the questions at the heart of the American detention of alleged combatants in the war on terror. These documents discuss the right to counsel, the right to a trial, the right for the accused to see the evidence against him, and the intersection between domestic and international law. The book highlights the tension between the needs of national security and the liberties allotted to alleged enemies of the state by highlighting the basic question of what the U.S. Constitution guarantees and to whom. In these documents, the reader can follow the evolving arguments about presidential powers in time of war, habeas corpus, the Geneva Conventions, balance of powers, and matters of detention and prisoner treatment. Complemented with a comprehensive timeline and appendices that include the relevant cases from the Civil War, World War II, and the Korean War and the premises for setting up military commissions and Combatant Status Review Tribunals, this book is meant for those who seek to understand the issues – legal, political, and military – that have dominated the search for balance between justice and security in the war on terror.

CONTENTS AND CONTRIBUTORS

2008 / 912 pp. / 978-0-521-88647-5 / Hb / List: $85.00

NEW



Saving the Constitution from Lawyers

How Legal Training and Law Reviews Distort Constitutional Meaning

Robert J. Spitzer
State University of New York, Cortland

"Fair, fearless, and ferocious, Bob Spitzer has done it again. In ***Saving the Constitution from Lawyers****, he dissects law journals run by law students – and demolishes their one-sided and poorly supported briefs for the line-item veto, the unitary theory of the executive, and the right to bear arms."*
— GLENN ALTSCHULER, Litwin Professor and Dean, Cornell University

"No one will read law review articles in the same way after reading Spitzer. Let's hope that no one will write them in the same way either. This book is a tour de force, and should be required reading for every law student, legal scholar, and student of constitutional and public law."
— RICHARD M. PIOUS, Adolph and Effie Ochs Professor, Department of Political Science, Barnard College Graduate School of Arts and Sciences, Columbia University

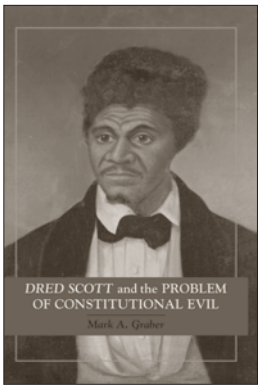
"In this compelling and erudite work, Robert Spitzer skewers the legal profession and legal (mis) education with skill, wit and elegance. This brilliant and insightful indictment of the profession is a clarion call for citizens to recapture the essence of the Constitution that has been lost, stolen and perverted by so-called "legal authorities". Spitzer asks us to be wary of constitutional interpretation as filtered through the decidedly unbalanced lens of a profession accustomed to adversarial advocacy as opposed to a systematic search for truth. This book is certain to give the legal profession a first-rate headache."
— MICHAEL A. GENOVESE, Loyola Chair of Leadership, Loyola Marymount University, Author of *Memo to a New President*

This book is a sweeping indictment of the legal profession in the realm of constitutional interpretation. The adversarial, advocacy-based American legal system is well suited to American justice, in which one-sided arguments collide to produce a just outcome. But when applied to constitutional theorizing, the result is selective analysis, overheated rhetoric, distorted facts, and overstated conclusions. Such wayward theorizing finds its way into print in the nation's over 600 law journals' professional publications run by law students, not faculty or other professionals, and peer review is almost never used to evaluate worthiness. The consequences of this system are examined through three timely cases: the presidential veto, the 'unitary theory' of the president's commander-in-chief power, and the Second Amendment's right to bear arms. In each case, law reviews were the breeding ground for defective theories that won false legitimacy and political currency. This book concludes with recommendations for reform.

CONTENTS

2008 / 206 pp. / 978-0-521-89696-2 / Hb / List: $85.00 / 978-0-521-72172-1 / Pb / List: $27.99

NEW



Dred Scott and the Problem of Constitutional Evil

Mark A. Graber
University of Maryland, College Park

"In this tough-minded and unstinting tour de force, Mark Graber uses the infamous Dred Scott case to highlight the difficult choices constitutional democracies face when people with radically different views must find ways to live together. By showing how plausible Dred Scott was in its own day, Graber offers a brilliant and sobering meditation on whether, in shaping our constitutional life, we should choose peace over justice."
— JACK M. BALKIN, Yale Law School

"To say that Professor Graber has written an important book is an understatement. No book published in recent years is more illuminating both about the practice of constitutional interpretation and the sometimes pernicious effects of the basic structures of American government established by the Constitution. Every scholar must read this book. More to the point, so should anyone who is concerned with the health of the American polity."
— SANFORD LEVINSON, University of Texas Law School

"Here is one of the most provocative books on constitutional law you will ever read, about history's most reviled case. Bucking the tide, Graber argues the Supreme Court actually got it right in Dred Scott. Constitutions, Graber explains, often are compromises with the devil. Once made, there are no tricks of constitutional law or interpretation that can make the evil go away."
— BARRY FRIEDMAN, New York University School of Law

"This very important work recovers suprisingly significant elements of antebellum constitutional thought. It is relentlessly discomfiting and it forces one to recognize how strongly constitutional evil drove early American political development. It deserves a wide reading."
— RICHARD M. VALELLY, Swarthmore College

Dred Scott and the Problem of Constitutional Evil concerns what is entailed by pledging allegiance to a constitutional text and tradition saturated with concessions to evil. The Constitution of the United States was originally understood as an effort to mediate controversies between persons who disputed fundamental values, and did not offer a vision of the good society. In order to form a "more perfect union" with slaveholders, late-eighteenth-century citizens fashioned a constitution that plainly compelled some injustices and was silent or ambiguous on other questions of fundamental right. This constitutional relationship could survive only as long as a bisectional consensus was required to resolve all constitutional questions not settled in 1787. Dred Scott challenges persons committed to human freedom to determine whether antislavery northerners should have provided more accommodations for slavery than were constitutionally strictly necessary or risked the enormous destruction of life and property that preceded Lincoln's new birth of freedom.

CONTENTS

Cambridge Studies on the American Constitution

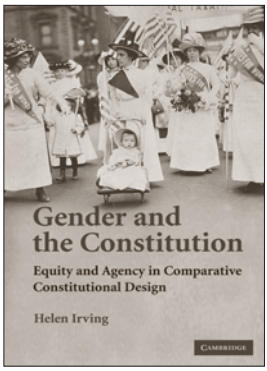
2008 / 278 pages / 978-0-521-72857-7 / Pb / List: $24.99

NEW

Gender and the Constitution

Equity and Agency in Comparative Constitutional Design

Helen Irving
University of Sydney



We live in an era of constitution-making. New constitutions are appearing in historically unprecedented numbers, following regime change in some countries, or a commitment to modernization in others. No democratic constitution today can fail to recognize or provide for gender equality. Constitution-makers need to understand the gendered character of all constitutions, and to recognize the differential impact on women of constitutional provisions, even where these appear gender-neutral. This book confronts what needs to be considered in writing a constitution when gender equity and agency are goals. It examines principles of constitutionalism, constitutional jurisprudence, and history. Its goal is to establish a framework for a "gender audit" of both new and existing constitutions. It eschews a simple focus on rights and examines constitutional language, interpretation, structures and distribution of power, rules of citizenship, processes of representation, and the constitutional recognition of international and customary law. It discusses equality rights and reproductive rights as distinct issues for constitutional design.

CONTENTS

1. Framework; 2. Language; 3. Federalism; 4. Citizenship; 5. The constitutional court; 6. Representation; 7. Equality rights; 8. Reproductive rights; 9. International and customary law; 10. Conclusion.

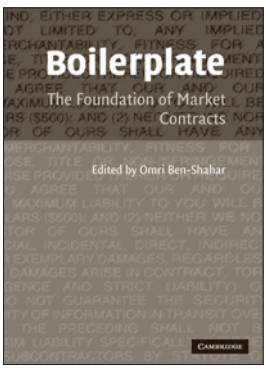
2008 / 272 pp. / 978-0-521-88108-1 / Hb / List: $80.00 / 978-0-521-70745-9 / Pb / List: $29.99

CONTRACT LAW

Boilerplate

The Foundation of Market Contracts

Editor
Omri Ben-Shahar
University of Michigan



This book is about the fine print in contracts: the terms that individuals sign without reading when they click "I agree" or buy a plane ticket or engage in any common market transaction. It explores the relation between this phenomenon and the ideal of consensual contracts. It identifies problems that the unreadable language creates and how this affects the welfare of individuals. It reveals what it is that we truly agree to when we accept these mass-distributed contracts. And it explains how business uses these contracts to gain advantages, but also, in a variety of subtle ways, to improve competition.

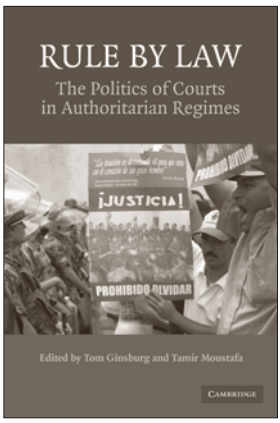
CONTENTS AND CONTRIBUTORS

Foreword Omri Ben-Shaha; PART I. Why is Boilerplate One-Sided?: 1. One-sided contracts in competitive consumer markets ; 2. Cooperative negotiations in the shadow of boilerplate; 3. Boilerplate and economic power in auto manufacturing contracts; 4. 'Unfair' dispute resolution clauses: much ado about nothing? 5. The unconventional uses of transactions costs; PART II. Should Boilerplate be Regulated? 6. Online boilerplate: would mandatory website disclosure of e-standard terms backfire? 7. Pre-approved boilerplate; 8. 'Contracting' for credit ; 9. The role of non profits in the production of boilerplate; 10. The boilerplate paradox; PART III. Interpretation of Boilerplate: 11. Contract as Statute; 12. Modularity in contracts: boilerplate and information flow; 13. Contra Preferendum: the allure of ambiguous boilerplate; PART IV. Commentary; 14. Boilerplate today: the rise of modularity and the waning of consent; 15. The law and sociology of boilerplate.

2007 / 256 pp. / 3 tables / 978-0-521-85918-9 / Hb / List: $80.00 / 978-0-521-67638-0 / Pb / List: $29.99

COMPARATIVE LAW

NEW



Rule By Law

The Politics of Courts in Authoritarian Regimes

Editors

Tom Ginsburg
University of Chicago
Tamir Moustafa
Simon Fraser University

"***Rule by Law*** *is a path-breaking volume. Ginsburg and Moustafa have brought together an exciting, challenging, and rich set of papers on courts in a broad range of authoritarian regimes. The book addresses two important themes -the political and policy-making role of courts in these regimes, and the conditions shaping variations in that role. Situated in the expanding field of comparative studies of law and courts, this work will be of interest to all with scholarly interest in this topic."*
— CHARLES EPP, Professor, Department of Public Administration, University of Kansas

Scholars have generally assumed that courts in authoritarian states are pawns of their regimes, upholding the interests of governing elites and frustrating the efforts of their opponents. As a result, nearly all studies in comparative judicial politics have focused on democratic and democratizing countries. This volume brings together leading scholars in comparative judicial politics to consider the causes and consequences of judicial empowerment in authoritarian states. It demonstrates the wide range of governance tasks that courts perform, as well as the way in which courts can serve as critical sites of contention both among the ruling elite and between regimes and their citizens. Drawing on empirical and theoretical insights from every major region of the world, this volume advances our understanding of judicial politics in authoritarian regimes.

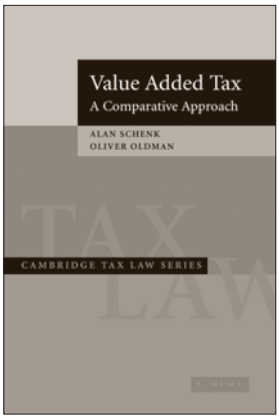
CONTENTS AND CONTRIBUTORS

2008 / 392 pp. / 8 line figures / 1 halftone / 21 tables
978-0-521-89590-3 / Hb / List: $90.00 / 978-0-521-72041-0 / Pb / List: $34.99

Value Added Tax

A Comparative Approach

Alan Schenk
Wayne State University
Oliver Oldman
Harvard University



This book integrates legal, economic, and administrative materials about value added tax. Its principal purpose is to provide comprehensive teaching tools – laws, cases, analytical exercises, and questions drawn from the experience of countries and organizations from all areas of the world. It also serves as a resource for tax practitioners and government officials that must grapple with issues under their VAT or their prospective VAT. The comparative presentation of this volume offers an analysis of policy issues relating to tax structure and tax base as well as insights into how cases arising out of VAT disputes have been resolved. In the new edition, the authors have expanded the coverage to include new VAT related developments in Europe, Asia, Africa and Australia. A new chapter on financial services has been added as well as an analysis of significant new cases.

CONTENTS

1. Survey of taxes on consumption and income and introduction to Value Added Tax; Appendix A to chapter 1 - development taxation; 2. Forms of consumption-based taxes and altering the tax base; 3. Varieties of VAT in use; 4. Registration, taxpayer, and taxable business activity; 5. Taxable supplies of goods and services and tax invoices; 6. The Tax Credit mechanism; 7. Introduction to cross-border aspects of VAT; 8. Timing and valuation rules; 9. Zero rating and exemptions and government entities and non-profit organizations; 10. Gambling and financial services (other than insurance); 11. Insurance; 12. Inter-jurisdictional aspects of VAT in federal countries and common markets; 13. Real property; 14. Proposals for US tax on consumption; Appendices.

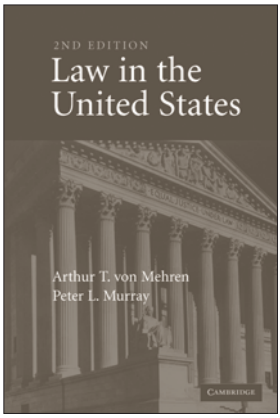
Cambridge Tax Law Series

2007 / 560 pp. / 33 tables / 978-0-521-85112-1 / Hb / List: $105.00 / 978-0-521-61656-0 / Pb / List: $58.00

Law in the United States

2nd Edition

Arthur T. von Mehren and Peter L. Murray
Harvard University



Law in the United States is a concise presentation of the salient elements of the American legal system. It focuses on features of American law likely to be least familiar to jurists from other legal traditions, such as American common law, the federal structure of the U.S. legal system, and the American constitutional tradition. Chapters in the second edition also cover such topics as American civil justice, criminal law, jury trial, choice of laws and international jurisdiction, the legal profession, and the influence of American law in the global legal order.

CONTENTS

1. Sources of American law; 2. American common law; 3. Comparative perspectives on American contract law; 4. American federalism; 5. American constitutional law and the role of the United States Supreme Court; 6. American civil justice; 7. American criminal justice; 8. American trial by jury; 9. Choice of law, international civil jurisdiction and recognition of judgments in the United States; 10. The American legal profession; 11. The United States and the global legal order.

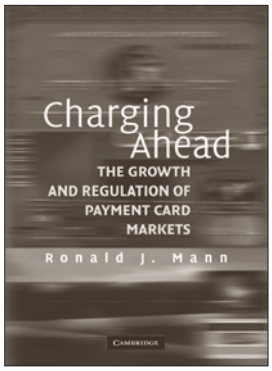
2007 / 342 pp. / 978-0-521-85206-7 / Hb / List: $79.00 / 978-0-521-61753-6 / Pb / List: $24.99

LAW AND ECONOMICS

Charging Ahead

The Growth and Regulation of Payment Card Markets around the World

Ronald J. Mann
Columbia University



"Mann offers a fresh, new perspective on credit cards. In a book that is deeply researched and based on careful analysis of previously-unpublished data, he compares the risks of plastic with other forms of payment to arrive at startling conclusions about the effect of credit cards on the American consumer. Mann's comparative data reach across Europe, North America and Asia, offering different visions of how payment systems may evolve. This is a must-read book for anyone who wants to understand the evolving world of consumer credit."
— ELIZABETH WARREN, Leo Gottlieb Professor of law, Harvard Law School

This book tells the story of credit cards around the world: why people use them, the effects on the economies of the nations where they prevail, why they are used so differently around the world, and what should be done to respond to the problems they cause. It includes a wealth of data from around the world, fascinating narratives about the differences from country to country, and penetrating analyses of policies that might stem misuse of cards.

2007 Book Prize, American College of Consumer Financial Services Lawyers

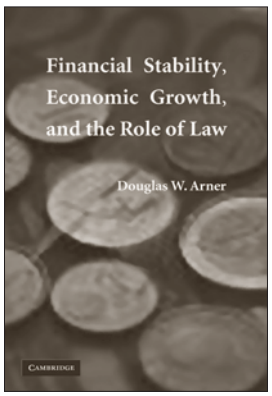
CONTENTS

Introduction; PART I. The Basics of Payment Cards: 1. Paper or plastic? - payment system functionality; 2. The mechanics of payment card transactions; PART II. Easy Money: 3. In defense of credit cards; 4. The psychology of card payments - card spending and consumer debt; 5. Over the brink - credit card debt and bankruptcy; PART III. The Puzzle of Payment Cards: 6. Explaining the pattern of global card use; 7. The introduction of the payment card; 8. Revolving credit; 9. Point-of-sale debit; 10. Convergence and exceptionalism in the use of cards; PART IV. Reforming Payment Systems: 11. Indirect approaches: regulating interchange and encouraging surcharges; 12. Contract design; 13. Regulating information; 14. Product design: affinity and rewards programs and teaser rates; PART V. Optimizing Consumer Credit Markets and Bankruptcy Policy: 15. Causation, consumer credit and bankruptcy; 16. Regulating consumer credit markets; 17. Consumer bankruptcy reform; Conclusion; Endnotes; Bibliography; Index.

2007 / 308 pp. / 978-0-521-71148-7 / Pb / List: $29.99

Financial Stability, Economic Growth, and the Role of Law

Douglas W. Arner
The University of Hong Kong



This book is about international and domestic responses to financial crises over the past twenty years. At the same time, it also provides an agenda for financial development to support economic growth while avoiding or reducing the impact of financial crises in individual economies. In so doing, the volume provides the first comprehensive analysis of the role of law and institutions in financial stability and financial development.

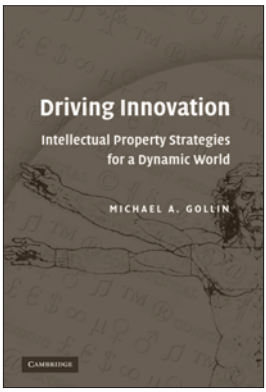
CONTENTS

PART I. Finance and the International Financial Architecture: 1. Law, finance, and development; 2. Financial stability and the international financial architecture; PART II. Foundations of Finance: 3. Preconditions for and institutional underpinnings of finance; 4. Central banking and financial policy; 5. Financial infrastructure; PART III. Financial Regulation and Supervision: 6. Banking: regulation, supervision, and development; 7. Non-bank finance: securities, insurance, pensions, and microfinance; 8. Financial liberalization, financial conglomerates and financial regulatory structure; Part IV. Looking Forward: 9. The international financial architecture; 10. Reforming financial systems.

2007 / 382 pp. / 978-0-521-87047-4 / Hb / List: $101.00 / 978-0-521-69056-0 / Pb / List: $37.99

INTELLECTUAL PROPERTY

NEW



Driving Innovation

Intellectual Property Strategies for a Dynamic World

Michael A. Gollin
Venable LLP, Washington D.C.

"Gollin elegantly crafts knowledge once held only in the minds of international patent lawyers, intellectual property professionals, and hard to access seminar materials. This ground breaking work meets the need for a focused treatise on strategic decision making not taught in law and business schools but which lawyers and business people use to make global decisions about effective management of intellectual property rights. The book is not only presented in an accessible way that maximizes value to students, academics and professionals in many disciplines but also includes concepts that are sure to inform seasoned intellectual property professionals."

— JON R. CAVICCHI, Professor & Intellectual Property Librarian, Franklin Pierce Law Cent

"This book is destined to be a classic in the field. The author builds on the lessons of practical experience, using a clear and engaging writing style to present useful strategies in a fresh way."

— STEPHEN C. GLAZIER, Esq., Partner, K&L Gates LLC, Author of *Patent Strategies for Business and Technology Deals*

"This work is timely and has a global reach. Perspectives from science, technology, the arts, history, business, investment, law, and public policy are acknowledged and integrated in a framework of vibrant strategies relevant to all these stakeholders. This approach has proven effective in graduate education, and readers from all backgrounds will pick up new insights and tools to help them shape the future."

— LEO JENNINGS, Esq., Baker & Hostetler LLP; Adjunct Professor, Georgetown University McDonough School of Business

Driving Innovation reveals the dynamics of intellectual property (IP) as it drives the innovation cycle and shapes global society. The book presents fundamental IP concepts and practical legal and business strategies that apply broadly to all innovation communities, including industry, nonprofit institutions, and developing countries. Topics include biotechnology, information technology, and entertainment. The book gives general readers and practitioners a global perspective on how the IP system balances exclusivity and public access to innovations, how it changes over time, and how it encourages, channels, and sometimes stifles innovation.

CONTENTS

2008 / 430 pp. / 13 tables / 978-0-521-87780-0 / Hb / List: $90.00 / 978-0-521-70169-3 / Pb / List: $29.99

NATIONAL SECURITY LAW

In the Common Defense

National Security Law for Perilous Times

James E. Baker
Judge, United States Court of Appeals for the Armed Forces

"Judge Baker's book on national security law and process is important reading for policymakers and any citizen interested in America's security. His analysis is clear, compelling, and accessible to the public at large, not just lawyers. Baker's book demonstrates why nonproliferation must form the essential core of U.S. national security law and policy. Baker draws upon his own experiences to demonstrate that the rule of law is not just about liberty, but also about our moral authority and is therefore an essential element of our nation's security."

— THE HONORABLE SAM NUNN, Former U.S. Senator, currently Co-Chairman of the Nuclear Threat Initiative

"Judge Jamie Baker very ably tackles the central challenge facing our country in the post-9/11 world ensuring our physical security while preserving the integrity of our Constitution and the principles it enshrines."

— THE HONORABLE WILLIAM S. COHEN, former Senator and Secretary of Defense

"Jamie Baker has done a masterful job of simplifying the complex world of the national security process and the applicable laws that govern. A must read for all, lawyers and laymen, interested in the complexities of issues confronting us in the global war on terror."

— HENRY H. SHELTON, General USA (Ret), 14th Chairman, Joint Chiefs of Staff

"National security law and process matter. Indeed, they are central to effective foreign policy. This superb overview of these critical issues is must reading for all concerned with American leadership in a dangerous world."

— JOHN NORTON MOORE, Professor of Law and Director of the Center for National Security Law, University of Virginia; former four term Chairman of the American Bar Association Standing Committee on National Security Law

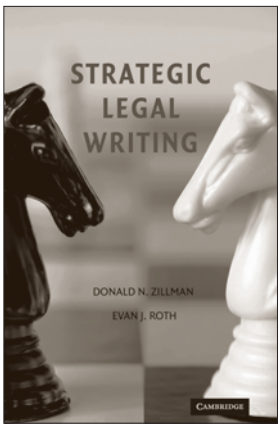
The threat of terrorism places U.S. national security police at the crossroads of security and liberty. This book focuses on the legal issues surrounding the war on terror. This book is essential reading for anyone who wants an honest review of the law and an accessible understanding of how law relates to U.S. national security. This is also a book about national security government and why it is dependent on good process and the moral integrity of those who wield its power. This is at heart a book about the process and practice of government and what we should mean when we refer to "good government."

CONTENTS

2007 / 418 pp. / 978-0-521-87763-3 / Hb / List: $30.00

LEGAL SKILLS

NEW



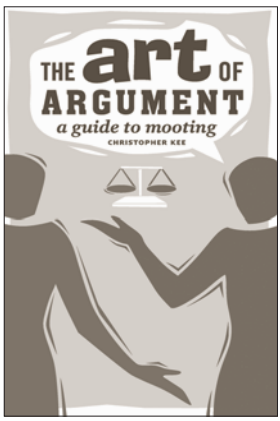
Strategic Legal Writing

Donald N. Zillman
University of Maine
Evan J. Roth
University of Maine

Many legal writing texts emphasize how one writes; this book is unique because it also focuses on why one writes. Every chapter challenges the reader to write to achieve a strategic objective. Each assignment has been carefully considered by the authors, and fully vetted to simulate the decision-making involved in the preparation of important legal writing, whether in a general counsel's office, a law office, a government attorney's office, or a judge's chambers. Simply put, the authors' approach is that effective legal writing does not exist in a vacuum. This book provides practical assignments that teach the student that the best legal writing is not an end in itself, but a means to a larger strategic objective.

CONTENTS

2008 / 240 pp. / 1 table / 978-0-521-87873-9 / Hb / List: $80.00 / 978-0-521-70343-7 / Pb / List: $24.99



The Art of Argument

A Guide to Mooting

Christopher Kee
Deakin University, Victoria

The Art of the Argument guides readers through the process of developing, defending and presenting a compelling argument. Primarily aimed at students who are about to undertake or participate in an international mooting competition, *The Art of the Argument* explains in a step-by-step process what to do when you first get the moot problem, how to begin researching the subject manner, the emotional highs and lows, why practice makes perfect, how to handle yourself at the competition, and most importantly to have fun.

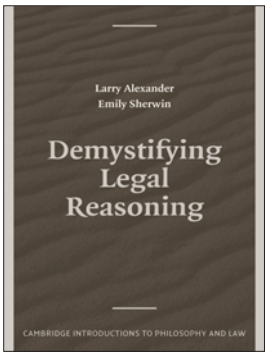
CONTENTS

2007 / 168 pp. / 978-0-521-68513-9 / Pb / List: $30.00

LEGAL THEORY

NEW

Demystifying Legal Reasoning



Larry Alexander
University of San Diego School of Law
Emily Sherwin
Cornell University Law School

Demystifying Legal Reasoning defends the proposition that there are no special forms of reasoning peculiar to law. Legal decision makers engage in the same modes of reasoning that all actors use in deciding what to do: open-ended moral reasoning, empirical reasoning, and deduction from authoritative rules. This book addresses common law reasoning when prior judicial decisions determine the law, and interpretation of texts. In both areas, the popular view that legal decision makers practice special forms of reasoning is false.

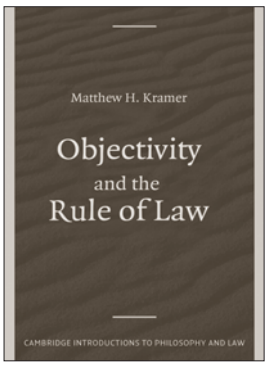
CONTENTS

PART I. Law and its Function: 1. Moral controversy; PART II. Common Law Reasoning: Deciding Cases When Prior Judicial Decisions Determine the Law: 2. Ordinary reason applied to law: natural reasoning and deduction from rules; 3. The mystification of common-law reasoning; 4. Common law practice; PART III. Reasoning from Canonical Legal Text: 5. Interpreting statutes and other posited rules; 6. Infelicities of the intended meaning of canonical texts and norms constraining interpretation; 7. Non-intentionalist interpretation; 8. Is constitutional interpretation different? Why it isn't and is; 9. All or nothing.

Cambridge Introductions to Philosophy and Law

2008 / 264 pp. / 978-0-521-87898-2 / Hb / List: $85.00 / 978-0-521-70395-6 / Pb / List: $26.99

Objectivity and the Rule of Law



Matthew H. Kramer
Churchill College, Cambridge

"In this focused and fluid new book, Professor Matthew Kramer explores the full terrain of th[e] important question [of law's objectivity]. Professor Kramer disentangles the complicated notion of objectivity into six distinct conceptions, and differentiates the rule of law – the set of conditions necessary for any functioning legal system – from the Rule of Law – a moral judgment entrenched in the liberal-democratic tradition ....The strength of this compelling account is Professor Kramer's effortless interweaving of positive and normative analysis....Though the principal audience of this book will be students of philosophy, law, and political science, Professor Kramer's clear prose welcomes lawyers and scholars who seek a fuller understanding of the relationship between law and objectivity."

— Harvard Law Review

What is objectivity? What is the rule of law? Are the operations of legal systems objective? If so, in what ways and to what degrees are they objective? Does anything of importance depend on the objectivity of law? These are some of the principal questions addressed by Matthew H. Kramer in this lucid and wide-ranging study that introduces readers to vital areas of philosophical enquiry.

CONTENTS

1. Dimensions of objectivity; 2. Elements of the rule of law; 3. Objectivity and law's moral authority.

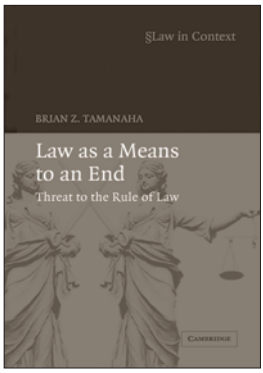
Cambridge Introductions to Philosophy and Law

2007 / 262 pp. / 978-0-521-85416-0 / Hb / List: $75.00 / 978-0-521-67010-4 / Pb / List: $27.99

Law as a Means to an End

Threat to the Rule of Law

Brian Z. Tamanaha
St John's University Law School, New York



*"Brian Tamanaha's **Law as a Means to an End** is something very rare – a book that has the potential to change thinking about the law in fundamental ways. The book accomplishes three substantial tasks with admirable brevity, erudition, and clarity. First, it traces the history of 'legal instrumentalism' in Nineteenth and Twentieth century jurisprudence and legal practice – a compelling story that illuminates the origins of our most basic assumptions about law. Second, it traces the pervasive influence of instrumentalist thinking in contemporary legal thought – acutely diagnosing the intellectual underpinnings of phenomena as diverse as 'cause lawyering' and the 'law and economics movement' in the legal academy. Third, it makes a compelling argument that the rise of instrumentalism has a fundamentally corrosive effect on the rule of law. This is not just an important book – it is THE important book of legal theory for this decade. **Law as a Means to an End** is superb."*

— LAWRENCE SOLUM, John E. Cribbet Professor of Law, University of Illinois College of Law

"Brian Tamanaha sounds a firebell in the night. He shows how the most progressive modern approaches to law, by undermining beliefs in its objectivity and formal rationality, and its rootedness in natural or customary standards of right conduct, have fatally undermined its claims to restrain power-seeking or serve the common good. Law is now seen simply as an instrument – not as a limit on greed and power, but a means by which interests pursue their own selfish ends. And it's not only interest-groups and their lawyers, but judges and jurists, who have signed on to an instrumentalism that challenges the very ideas of the rule of law and the public interest. Tamanaha is not a nostalgic romantic. He does not think the old days can or should be recovered. He does not tell us what to do. But he illuminates our predicament with succinct history, clear-headed observation, and unflinchingly bleak analysis."

— ROBERT W. GORDON, Chancellor Kent Professor of Law and Legal History, Yale University

The contemporary U.S. legal culture is marked by ubiquitous battles among various groups attempting to seize control of the law and wield it against others in pursuit of their particular agenda. This battle takes place in administrative, legislative, and judicial arenas at both the state and federal levels. This book identifies the underlying source of these battles in the spread of the instrumental view of law – the idea that law is purely a means to an end – in a context of sharp disagreement over the social good. It traces the rise of the instrumental view of law in the course of the past two centuries, then demonstrates the pervasiveness of this view of law and its implications within the contemporary legal culture, and ends by showing the various ways in which seeing law in purely instrumental terms threatens to corrode the rule of law.

2006 Honorable Mention in Law & Legal Studies of The Professional and Scholarly Publishing Divison (PSP) of the Association of American Publishers (AAP) Awards for Excellence

CONTENTS

Law in Context

2006 / 268 pp. / 978-0-521-86952-2 / Hb / List: $84.00 / 978-0-521-68967-0 / Pb / List: $33.99

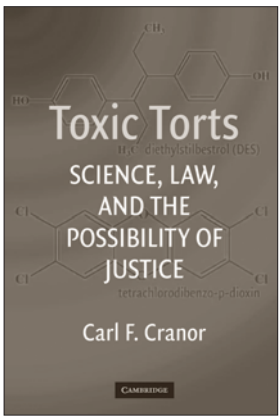
TORT LAW

NEW

Toxic Torts

Science, Law and the Possibility of Justice

Carl F. Cranor
University of California, Riverside



"Carl Cranor has achieved the almost impossible goal of a learned, readable, and exciting book on the torturous interactions between law and science in tort litigation. For a scientist, his analysis of case law in this field is exceptionally informative and provocative."
— ELLEN K. SILBERGELD, PhD, Professor, Environmental Health Sciences, Johns Hopkins University, Bloomberg School of Public Health

"Carl Cranor's exceptionally lucid analysis of science in regulation and litigation reveals brilliantly why circumstantial evidence currently can convict a dangerous person but not a toxic chemical."
— SHELDON KRIMSKY, Professor. Department of Urban & Environmental Policy & Planning, Tufts University

"This highly sophisticated examination of science's role in toxic tort litigation is presented so clearly that even a lay reader can comprehend the impact the courts' views on science are having on everyday lives."
— MARGARET A. BERGER, Suzanne J. and Norman Miles Professor of Law, Brooklyn Law School

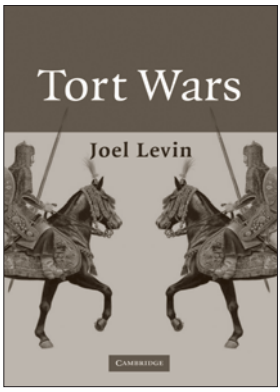
*"**Toxic Torts** is an excellent book, filled with keen observations about the science/law interaction, the epistemic structure of scientific inquiry, the norms and conventions which regulate the community of researchers, and the special difficulties faced by the torts [*108] system in obtaining justice and deterring malfeasance in toxic tort cases."*
— ANDREW T. HAYASHI, Department of Economics and Boalt Hall School of Law, University of California, Berkeley

The U.S. tort, or personal injury law, cloaked behind increased judicial review of science, is changing before our eyes, except we cannot see it. U.S. Supreme Court decisions beginning with *Daubert v. Merrell – Dow Pharmaceutical* altered how courts review scientific testimony and its foundation in the law. The complexity of both science and the law mask the overall social consequences of these decisions. Yet they are too important to remain hidden. Mistaken reviews of scientific evidence can decrease citizen access to the law, increase incentives for firms not to test their products, lower deterrence for wrongful conduct and harmful products, and decrease the possibility of justice for citizens injured by toxic substances. Even if courts review evidence well, greater judicial scrutiny increases litigation costs and attorney screening of clients, and decreases citizens' access to the law. This book introduces these issues, reveals the relationships that can deny citizens just restitution for harms suffered, and shows how justice can be enhanced in toxic tort cases.

CONTENTS

2008 / 414 pp. / 978-0-521-72840-9 / Pb / List: $32.99

NEW



Tort Wars

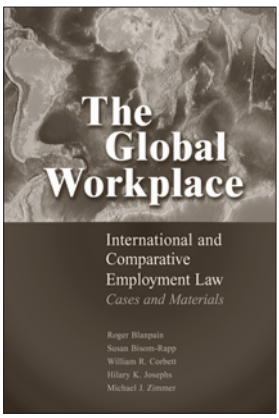
Joel Levin
Case Western Reserve University

Tort Wars brings together the diverse and usually insufficiently related strands of tort law and treats the moral, economic, and systemic problems running through those strands with a single analysis and theory. In that tort law employs theory at all, it is typically theory measured against notions of corrective justice or appeals to utility. Both have severe prescriptive restrictions and limited explanatory power and often stray from any useful description of tort cases in the courts. *Tort Wars* looks at the nature of dispute resolution techniques, criticizes the blasé justice and more esoteric utility theory, and examines the problems of both the legal academy and the veracity vacuum in the courtroom. Further, it explores the conceptual differences between tort and contract, locating contract as a subset of tort. It uses examples drawn from the edges of tort law in an attempt to measure central cases by the marginal ones and to provide a barometer of emerging legal and social change, achieved through imposing an individualized peace.

CONTENTS

2008 / 260 pp. / 978-0-521-89703-7 / Hb / List: $85.00 / 978-0-521-72173-8 / Pb / List: $29.99

LABOR AND EMPLOYMENT LAW



The Global Workplace

International and Comparative Employment Law – Cases and Materials

Roger Blanpain
Katholieke Universiteit Leuven, Belgium
Susan Bisom-Rapp
Thomas Jefferson School of Law
William R. Corbett
Louisiana State University
Hilary K. Josephs
Syracuse University
Michael J. Zimmer
Seton Hall University

With the forces of globalization as a backdrop, this pathbreaking casebook develops labor and employment law in the context of the national laws of nine countries important to the global economy – U.S., Canada, Mexico, U.K., Germany, France, China, Japan and India. National materials are contextualized by coverage of international labor standards promulgated by the International Labor Organization, as well as the principles that emerge from two regional trade arrangements – the North American Free Trade Agreement and the European Union – and TNC's self-regulatory efforts. Instructor resources include an extensive teachers' manual, powerpoint slides, and a website providing updates in this broad and fast-moving subject.

CONTENTS

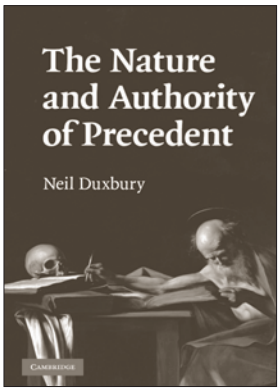
2007 / 700 pp. / 978-0-521-84785-8 / Hb / List: $95.00

PROCEDURAL LAW

NEW

The Nature and Authority of Precedent

Neil Duxbury
London School of Economics and Political Science



Neil Duxbury examines how precedents constrain legal decision-makers and how legal decision-makers relax and avoid those constraints. There is no single principle or theory which explains the authority of precedent but rather a number of arguments which raise rebuttable presumptions in favour of precedent-following. This book examines the force and the limitations of these arguments and shows that although the principal requirement of the doctrine of precedent is that courts respect earlier judicial decisions on materially identical facts, the doctrine also requires courts to depart from such decisions when following them would perpetuate legal error or injustice. Not only do judicial precedents not "bind" judges in the classical-positivist sense, but, were they to do so, they would be ill suited to common-law decision-making. Combining historical inquiry and philosophical analysis, this book will assist anyone seeking to understand how precedent operates as a common-law doctrine.

CONTENTS

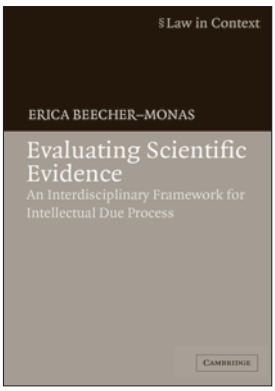
PART I. Introduction - The Usable Past: 1. Precedent; 2. Positivism and precedent; 3. A theory of precedent?; PART II. Why Does English Law Have a Doctrine of Precedent?: 4. The formation of a doctrine of precedent; PART III. Precedents as Reasons: 5. Looking for a certain ratio; 6. Shortcuts to reason; 7. Pre-emptive precedent?; 8. Conclusion; PART IV. Distinguishing, Overruling and the Problem of Self-Reference: 9. Distinguishing; 10. Overruling; 11. The power to overrule oneself; 12. The authority of the Practice Statement; PART V. Why Follow Precedent?: 13. Consequentialist justifications; 14. Deontological arguments; 15. Conclusion.

2008 / 208 pp. / 978-0-521-88579-9 / Hb / List: $100.00 / 978-0-521-71336-8 / Pb / List: $45.00

Evaluating Scientific Evidence

An Interdisciplinary Framework for Intellectual Due Process

Erica Beecher-Monas
Wayne State University



Evaluating Scientific Evidence explores the question of what counts as scientific knowledge, a question that has become a focus of heated court-room and scholarly debate, not only in the United States, but in other common law countries such as the United Kingdom, Canada and Australia. Controversies are rife over what is permissible use of genetic information, whether chemical exposure causes disease, whether future dangerousness of violent or sexual offenders can be predicted, whether time-honored methods of criminal identification have any better foundation than ancient divination rituals, among other important topics. This book examines the process of evaluating scientific evidence in both civil and criminal contexts, and explains how decisions by nonscientists that embody scientific knowledge can be improved.

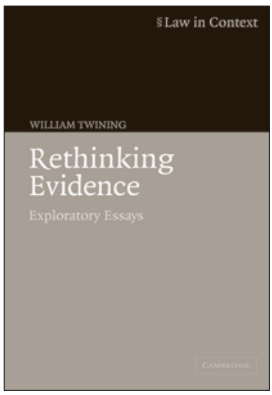
CONTENTS

Introduction; 1. Triers of science; 2. Intellectual due process; 3. A framework of analysis; 4. Toxic torts and the causation conundrum; 5. Criminal identification evidence; 6. Future dangerousness testimony: the epistemology of prediction; 7. Barefoot or Daubert? A cognitive perspective on vetting future dangerousness testimony; 8. Future dangerousness and sexual offenders; 9. Models of rationality: evaluating social psychology; 10. Evaluating battered woman syndrome; Conclusion.

Law in Context

2006 / 270 pp. / 978-0-521-67655-7 / Pb / List $47.00

Rethinking Evidence



Exploratory Essays
2nd Edition

William Twining
University College London

This book explores how globalisation influences the understanding of law. Adopting a broad concept of law and a global perspective, it critically reviews mainstream Western traditions of academic law and legal theory. Its central thesis is that most processes of so-called 'globalisation' take place at sub-global levels and that a healthy cosmopolitan discipline of law should encompass all levels of social relations and the legal ordering of these relations. It illustrates how the mainstream Western canon of jurisprudence needs to be critically reviewed and extended to take account of other legal traditions and cultures. Written by the one of the foremost scholars in the field, this important work presents an exciting alternative vision of jurisprudence. It challenges the traditional canon of legal theorists and guides the reader through a field undergoing seismic changes in the era of globalisation. This is essential reading for all students of jurisprudence and legal theory.

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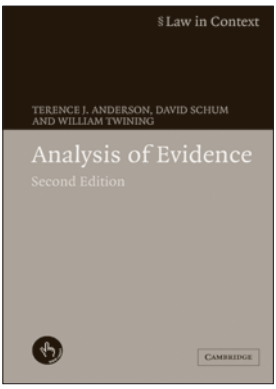
Law in Context

2006 / 532 pp. / 978-0-521-67537-6 / Pb / List: $62.00

Analysis of Evidence



2nd Edition

Terence Anderson
University of Miami
David Schum
George Mason University
William Twining
University College London

This extensively revised second edition covers the basic concepts and principles underlying the logic of proof; the uses and dangers of story-telling; probabilities and proof; the chart method and other methods of analyzing and ordering evidence. They are utilized in fact-investigation, preparing for trial, and in connection with other important decisions in legal processes and criminal investigation and intelligence analysis. Most of the chapters in the new edition have been rewritten; the treatment of fact investigation, probabilities and narrative has been extended; and new examples and exercises have been added.

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Law in Context

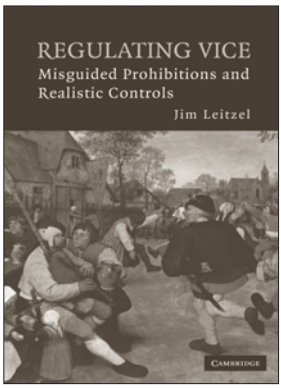
2005 / 434 pp. 978-0-521-67316-7 / Pb / List: $56.00

GENERAL LAW

Regulating Vice

Misguided Prohibitions and Realistic Controls

Jim Leitzel
University of Chicago



Regulating Vice focuses on public policy toward traditional vices such as alcohol, nicotine, drugs, gambling, and commercial sex. It explains why vice prohibitions generally are misguided, and also describes the dangers of unfettered access to alcohol, cocaine, or heroin. Sin taxes, advertising restrictions, licensing, and subsidies to treatment are all potentially desirable components of balanced vice policies. *Regulating Vice* brings a sophisticated analysis to vice control, an analysis that applies to prostitution as well as drugs, to tobacco as well as gambling, while remaining accessible to a broad audience.

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