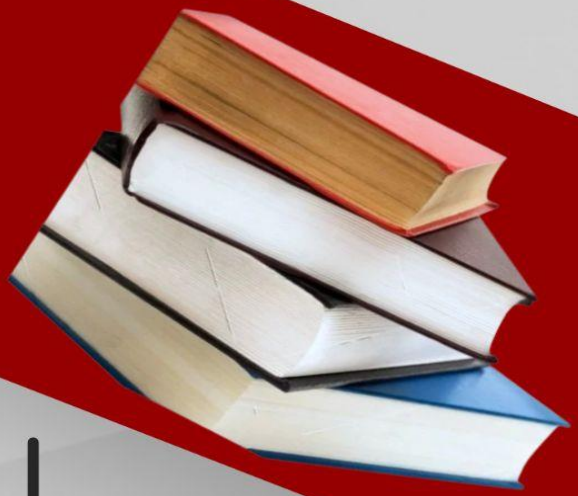
NASSDOC RESEARCH INFORMATION SERIES: 1

NEW ARRIVALS

(LIST OF NEW ADDITIONS WITH SUMMARIES)





SEPTEMBER, 2026

Indian Council of Social Science Research
National Social Science Documentation Centre
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Foreword

The current issue of "New Arrivals: List of New Additions with Summaries" contains a list of New Books that were processed in the month of September, 2026 and are available for use in the National Social Science Documentation Centre of ICSSR. In the main text, entries are arranged by the title in alphabetical order, followed by bibliographical details and a summary of the document. For easy retrieval, the Author and Keyword Index are also given at the end where the number in front of the Author or Keyword denotes the serial number of the entry in the main list of New Arrivals. Interested readers can consult the listed titles by visiting the library.

Suggestions are always welcome.

Dr. S.N.Chari (Director)
NASSDOC

S.No.	Title and Other Details	Acc. No.

1 Cultural Influences on the Law of the Sea: History, Legacy, and Future Prospects/ Kraska, James (ed.); Ryou-Ellison, Hayoun (ed.) - Oxford University Press, London, 2024; xiv, 318p. E-901

This book explores the cultural norms that underpin oceans governance, from the regulation of maritime shipping to seabed mining and the protection of the marine environment. The great cultural norms of the world's major civilizations have informed and continue to shape international maritime law. These norms or values include freedom and liberty emanating from Western Europe, Latin American cultural concepts of dependency theory and post-colonial security, African notions of community and common heritage, and the East Asian belief in Confucian social hierarchy. While fortune is often geography, policy preferences and international diplomacy are also shaped by enduring cultural norms and values. This volume analyses the contributions of regional cultures to the international law of the sea, from historic development to contemporary practice. The continental-sized civilizations in this volume cover Western Europe, Eastern Europe, North America, Latin America, Africa, South Asia, East Asia, and Oceania. In assessing the influences of these cultural regions, the book concludes with a normative evaluation of what each of the world's civilizations has contributed to the law of the sea and how they can promote oceans governance today.

2 National Security, Journalism, And Law In An Age Of Information Warfare/ Ambinder, Marc (ed.); Henrichsen, Jennifer R. (ed.); Rosati, Connie (ed.) - Oxford University Press, London, 2024; xxxii, 329p. E-902

In a hyperconnected, hyperpartisan world, institutional norms—quiet rules for doing things the right way—face unrelenting pressure. For the professionals working at the intersection of national security, journalism, and the law, these norms have often been inverted: where there once was a need to know, there is now a presumption that what is not known is being kept secret for nefarious reasons; where invisible statecraft was seen as the key to efficient statecraft, it is now a marker that the system is irreversibly captured by nefarious informational rent seekers and propagandists. The national security official now must wrestle with the significant increases in visibility for actions of statecraft. The journalist, for whom exposing powerful truths was always a mission, now must adjust their work to reconcile the complexities of a world where visibility can be lost amidst a sea of disinformation. Finally, those professionals charged to foster a culture of respect for the rule of law must navigate moments where legal norms are regularly upended by technological developments once thought impossible. This book represents an important effort to organize and compile leading voices that seek to navigate these dilemmas. Each of the contributions offers insights into how each of these professional communities is drawing upon their own rich histories and traditions to address future challenges.

3 The Arms Trade And International Criminal Law: Reframing Accountability For Complicit Weapon Suppliers/ Hamilton, Tomas - Oxford University Press, London, 2024; x, 228p. E-903

The Arms Trade and International Criminal Law offers a rigorous analysis of how the global arms trade intersects with accountability in the era of the International Criminal Court (ICC). The book argues that individuals—including corporate executives, state officials, and arms traffickers—can be held directly accountable under international law for supplying weapons. By examining the complexities of the arms trade and the doctrines of accomplice liability, the book explores how international justice mechanisms have become narrowly focused on the prosecution of military and political leaders, neglecting the more structural causes of atrocity. The book assesses the failings of current 'Arms Trade Law'—including UN embargoes, the Arms Trade Treaty (ATT), and the EU Common Position—to prevent weapons from reaching perpetrators or to achieve substantive accountability. It argues that International Criminal Law can complement existing export regulation, particularly through prosecutions that express condemnation of the wrongdoing of arms dealers who profit from atrocity. The book advances a specific interpretation of actus reus and mens rea for complicity under Article 25 of the Rome Statute, providing a sound legal basis for the ICC to prosecute an arms trader. It explores the institutional attitudes within the ICC that hinder such prosecutions, drawing on interviews, participant observation, and empirical research to assess the perspectives of judges and lawyers. Case studies from the Second Congo War and the DRC investigations illustrate missed opportunities. The book concludes with a call for broader engagement with the Rome Statute's mandate, to ensure that accountability reaches all types of actors responsible for international crimes.

4 Data Retention In Europe And Beyond: Law And Policy In The Aftermath Of An Invalidated Directive/ Kosta, Eleni (ed.); Kamara, Irene (ed.) - Oxford University Press, London, 2024; xxx, 490p. E-904

Bringing together leading scholars, members of the judiciary, and practitioners, this book provides a cutting-edge, comprehensive, and multifaceted analysis of data retention and the subsequent access of law enforcement authorities to retained electronic communications data. In the aftermath of the invalidated Data Retention Directive, the Court of Justice of the European Union (CJEU) has published rich case law that shapes the rules, requirements, and safeguards on retention and access in accordance with EU law. This book focuses on selected topics surrounding data retention aiming not only at providing a critical assessment of legal and policy developments, but also at guiding policy makers on the potential future for data retention regulation in the European Union and beyond. Chapters in this book explore the development of the EU case law, the interaction with ECtHR jurisprudence, the interplay between data retention and mass surveillance, the proportionality principle in the CJEU rulings, and data retention in the proposed ePrivacy Regulation, while no fewer than 11 chapters are dedicated to country-specific analyses of European Member States. Acknowledging that data retention is far from an EU matter only, the book also offers international perspectives, with country-specific chapters on India, Japan, and the United States. The book is complemented with chapters dedicated to the role of the courts in the context of data retention, epistemic (in)justice, extensive contributions on automated analysis of retained data by means of algorithms, and retention as intrinsic facet of administrative and surveillance vulnerability.

Comprehensive and informative, this book is a valuable tool for everyone interested in the topic, from students and legal scholars, to practitioners and policy-makers.

5 The Double Black Box: National Security, Artificial Intelligence, And The Struggle For Democratic Accountability/ Deeks, Ashley S - Oxford University Press, London, 2024; viii, 260p. E-905

This book addresses a pressing challenge posed by artificial intelligence: its use may weaken democratic accountability for consequential U.S. national security choices, including war. To ensure that those choices adhere to the public law values of rationality, legality, and accountability, we rely on Congress and the courts, as well as foreign allies, whistleblowers, and even U.S. technology companies. But their work is hindered by the classified, "black box" nature of the Executive's national security decision-making. The rise of AI systems to enhance national security decision-making—or even make autonomous decisions—deepens this critique, because it is difficult to understand how AI algorithms, often described as "black boxes," reach their conclusions. How can we be confident that these AI systems comport with our laws and values? The widespread use of AI inside the national security ecosystem renders U.S. national security choices even more opaque to the public, congressional overseers, U.S. allies, and even the officials making the decisions. This "double black box" raises critical challenges for democratic accountability. Because China is committed to becoming the world leader in AI and faces fewer legal and values-based constraints in its pursuit of military AI, democracies' commitment to using AI in lawful and ethical ways will be tested. This book defines and explores the double black box phenomenon and then identifies ways that policymakers, military and intelligence officials, and lawyers in democratic states such as the United States can reap the advantages of advanced technologies without surrendering their public law values.

6 Ex-ministers As Constitutional Judges/ Möschel, Mathias - Oxford University Press, London, 2024; viii, 204p. E-906

The appointment of former politicians to constitutional courts is a global phenomenon. While ex-politician appointees may bring status, visibility, knowledge, and political awareness to the job, their previous roles may influence their assessment of the constitutionality of legislation. Ex-Ministers as Constitutional Judges sheds light on this practice in four of the world's oldest and most established constitutional courts: Austria, France, Germany, and Italy. Weaving together legal, political, sociological, and historical sources, including press articles, surveys, and interviews with constitutional judges and high-level personnel, the book provides the first comprehensive exploration of ex-politicians becoming constitutional court judges. It analyses the advantages and disadvantages such personalities bring to constitutional courts, as well as assessing what limitations supranational law may set for such participation. Whereas the participation of ex-ministers does not seem to have posed serious structural issues to constitutional courts so far, this volume posits that the risks have been underestimated. In this context, Ex-Ministers as Constitutional Judges ultimately suggests normative steps for minimizing such risks and for

strengthening the independence and impartiality of constitutional courts in view of democratic and constitutional backsliding.

7 Antitrust And Upstream Platform Power Plays: A Policy In Bed With Procrustes/ Moltke, A.K. von - Oxford University Press, London, 2024; vi, 364p. E-907

Large digital platform firms have been in the doghouse of antitrust decision-makers worldwide since the tail end of the last decade. Trustbusters agree, urgent intervention is needed. Interestingly, it is the plight of victimized suppliers—of merchants, app developers, publishers, labourers, and the like, who are upstream in the platform economy value chain—that has topped the policy agenda, prompting scrutiny of an almost unprecedented intensity. Amid such anxieties, this book asks a somewhat provocative question: are upstream platform power plays really 'competition problems', and ones for antitrust, at that? The apparently obvious answer—'yes'—is deceptively simple. For one, it contradicts contemporary antitrust's single-minded focus on consumers, which has all but erased supplier exploitation in the brick-and-mortar economy from the policy's radar. For another, the wider antitrust community remains bitterly divided when it comes to judging platform practices. Plus, if any consensus could be had, it would almost certainly confirm the long-standing tenet that antitrust cannot be about supplier welfare, as such. These paradoxes call for a policy introspection—precisely what this book provides. The analysis offered here is altogether normative, theoretical, and practical. Normative because it engages in a supplier-mindful soul-searching exercise, which advances our understanding of antitrust's foundations; theoretical as it sheds multidisciplinary insights on upstream effects in the platform economy and develops new frameworks for rationalizing them; practical since it takes a deep dive into the complex antitrust machinery while staying attuned to other available levers of public action.

8 Borders And Belonging: Toward A Fair Immigration Policy/ Motomura, Hiroshi - Oxford University Press, London, 2024; xiv, 197p. E-908

Borders and Belonging is a pathbreaking, comprehensive, and compact analysis of responses to human migration. By answering questions that are rarely asked together, this book's approach is unique. Borders and Belonging starts with an inquiry into how countries restrict movement, rights, and privileges based on citizenship and immigration status. The book next suggests ways to think about challenges to national borders. Sometimes, people make claims based on their humanity, objecting to national borders that inflict harm that no one human being should have to endure. At other times, people make claims of a different sort—based on belonging, or being part of communities in a given country. Borders and Belonging next applies these concepts to analyze who should be able to be enter a country, and how to think about someone entering for a temporary or indefinite stay. The book next looks at responses to people without lawful status, and at enforcement. The final three chapters delve deeper, starting with ways to respond genuinely to immigration skeptics or opponents, and then discussing what it means to address the root causes of migration. The last chapter of the book explores the injustices that national borders can enable, the best ways to make decisions about immigration, and the role of history in immigration policy.

The unique contribution of Borders and Belonging is its unprecedented synthesis of many ways to think about national borders and migration.

9 Hybrid Justice: Innovation And Impact In The Prosecution Of Atrocity Crimes/ Ainley, Kirsten (ed.); Kersten, Mark (ed.) - Oxford University Press, London, 2024; xxii, 422p. E-909

The last decade has seen the unexpected re-emergence of hybrid and internationalized courts, tribunals which operate with varying combinations of national and international law, procedure, and staff. The permanent International Criminal Court (ICC) should have made such hybrid mechanisms largely obsolete, yet hybrids have recently been established or proposed for crimes committed in Chad, South Sudan, Israel/Palestine, the Central African Republic, Kosovo, Syria, Sri Lanka, Myanmar, The Gambia, and Liberia, among others. One of the most pressing conversations in international criminal law is whether and how a hybrid tribunal can be set up to address Russia's commission of the crime of aggression in Ukraine. Hybrid courts are often a response to the need to make justice more—albeit not entirely—local. They operate with differing degrees and elements of national and international law and staff. Some hold proceedings in the relevant situation country, others in third-party states, and yet others offer a mix of both. All contribute significantly to the broader 'system' of international criminal justice. This edited volume examines the resurgence of hybrids. The contributors—lawyers, academics, and activists—offer analyses of the ways in which hybrids have succeeded or failed to achieve their objectives and, in doing so, help to clarify what makes hybrids more or less likely to succeed in their mandates and impacts. The authors focus on hybrid courts and resilience: the resilience of hybrid mechanisms to withstand political and other pressures in order to deliver justice and accountability, and the potential contribution of hybrids to the resilience of affected communities. Chapters are grouped into sections on the fields, practices, innovations, and impacts of hybrid courts, to draw out lessons for the future of hybrid justice.

10 Latin American International Law In The Twenty-first Century/ Chehtman, Alejandro (ed.); Huneeus, Alexandra (ed.); Puig, Sergio (ed.) - Oxford University Press, London, 2024; xxxviii, 652p. E-910

Latin America has been a pivotal site for influential and innovative developments in international law since the colonial era. Throughout much of the twentieth century, Latin American politics were entangled with the political and economic interests of the United States. Today, as the global order shifts, scholars and legal practitioners are grappling with the current restructuring and potential transformation of international relations—and what this means for international law in the region. This collection of essays brings together a group of highly regarded scholars to present a broad survey of Latin America's approaches and contributions, historically and presently, to the field of international law. Comprehensive, diverse, and multidisciplinary, the book covers recent developments in environmental regulation, internet regulation, Indigenous rights, LGBTIQ rights, and public health, among others. It also considers more traditional themes, such as law and development, the doctrine of non-intervention, human rights, and jurisdictional disputes in the Spanish colonies. A timely publication covering an ever-evolving region, Latin

American International Law in the Twenty-First Century explores the role of Latin American politics on the world stage. Theories, perspectives, and methods of international law are expertly interwoven with those of sociology, political science, anthropology, philosophy, history, and economics to present a dynamic and multifaceted work of scholarship.

11 Trade Agreements And Women: Transcending Barriers/ Bahri, Amrita - Oxford University Press, London, 2024; xxiv, 275p. E-911

This book explores whether and how trade agreements can enhance women empowerment, how they might be altered to more effectively address such interests, and what different negotiating options countries have for including women's concerns in their future trade agreements. With a multitude of trade negotiations ongoing and an increasing demand for attention to non-trade issues on the verge of trade cooperation, this book presents a unique tool for trade negotiators and policymakers to address the topic of women empowerment in the trade policy context. It provides timely contributions and guidance for policymakers to prepare, revise, and negotiate new norms to regulate trade in an inclusive manner and to ensure that it works for all including women.

12 We The Men: How Forgetting Women's Struggles For Equality Perpetuates Inequality/ Hasday, Jill Elaine - Oxford University Press, London, 2024; viii, 301p. E-912

In a nation whose Constitution purports to speak for "We the People," too many of the stories that powerful Americans tell about law and society include only We the Men. A long line of judges, politicians, and other influential voices have ignored women's struggles for equality or distorted them beyond recognition by wildly exaggerating American progress. Even as sexism continues to warp constitutional law, political decisionmaking, and everyday life, prominent Americans have spent more than a century proclaiming that the United States has already left sex discrimination behind. Jill Elaine Hasday's We the Men is the first book to explore how forgetting women's struggles for equality—and forgetting the work America still has to do—perpetuates injustice, promotes complacency, and denies how generations of women have had to come together to fight for reform and against regression. Hasday argues that remembering women's stories more often and more accurately can help the nation advance toward sex equality. These stories highlight the persistence of women's inequality and make clear that real progress has always required women to disrupt the status quo, demand change, and duel with determined opponents. America needs more conflict over women's status rather than less. Conflict has the power to generate forward momentum. Patiently awaiting men's spontaneous enlightenment does not. Transforming America's dominant stories about itself can reorient our understanding of how women's progress takes place, focus our attention on the battles that are still unwon, and fortify our determination to push for a more equal future.

13 Eu Regulatory Responses To Crises: Adaptation Or Transformation?/ Fromage, Diane (ed.); Héritier, Adrienne (ed.); Weismann, Paul (ed.) - Oxford University Press, London, 2024; xxv, 213p. E-913

The past years have seen a number of crises, for example the Great Financial Crisis, the migration crisis, and the COVID-19 pandemic. At the EU level, these crises have strongly affected the following fields: Economic and Monetary Union, financial regulation and supervision, health policy, state aid, energy policy, migration policy, and foreign and defence policy. As a reaction to these crises, EU rule-making in these fields has developed in various ways. These changes—essentially brought about only on the basis of secondary law—have had an institutional dimension; that is, they have concerned the actors involved in rule-making. Beyond that, the changes have also affected the shape or nature of the rules—such as the increasing use of non-binding rules ('soft law')—and the process of rule-making as such. Further dimensions of this change concern the cooperation with national bodies. Additionally, the substance of existing rules (including primary law) has been reconsidered, as a result of unprecedented challenges. In this vein, there has been a deviation in practice from the Dublin system as regards the distribution of refugees, and the EU has indebted itself on a considerable scale in the wake of the pandemic. This book provides an account of these developments with regard to each of the above policy fields, as well as in a horizontal perspective. Thereby, in a perspective combining legal and political science expertise, a comprehensive picture is drawn of the EU's regulatory crisis toolkit and its enrichment and refinement in reaction to new challenges.

14 Sentencing, Public Opinion, And Criminal Justice: Essays In Honour Of Julian V Roberts/ Manikis, Marie (ed.); Watson, Gabrielle (ed.) - Oxford University Press, London, 2024; xx, 304p. E-914

This volume celebrates the achievements of Julian V Roberts KC (Hon), Emeritus Professor of Criminology at the University of Oxford, over forty years of scholarship. To mark his extraordinary influence on sentencing and criminal justice on the global stage, the contributors—a mix of international scholars and members of the judiciary—present a collection of themed essays in his honour. Roberts is a leading academic authority on sentencing theory, policy, and practice in common law jurisdictions and his work has made a landmark contribution to the analysis and development of sentencing worldwide. His work is innovative and inspired, known for identifying core challenges and defining research needs before they become central to criminal justice agendas. A distinguished group of authors engage in an interdisciplinary appreciation of Roberts' work in three distinct domains: fundamentals of sentencing and penal theory, sentencing policy and penal practice, and public opinion and criminal justice. Drawn from seven jurisdictions, the authors offer fresh insight into Roberts' past accomplishments as well as the future of the field that he continues to shape. Together, they demonstrate a collective commitment to advancing Roberts' lifelong project of normative, comparative, and empirical engagement with questions of crime and justice.

15 On Privacy And Technology/ Solove, Daniel J - Oxford University Press, London, 2024; xii, 124p. E-915

How is technology changing privacy? Are we doomed? Is there anything we can do? "Privacy is dead!" This cry has rung out again and again as we have witnessed the rapid rise of new digital technologies. Are we destined to watch

helplessly as technology turns our society into a terrible blend of Franz Kafka's The Trial, George Orwell's 1984, Aldous Huxley's Brave New World, and Margaret Atwood's The Handmaid's Tale? Can anything be done to save us from a dystopian world without privacy? In this short and accessible book, internationally renowned privacy expert Professor Daniel J. Solove reflects on his examination of privacy over the past twenty-five years. On Privacy and Technology describes the profound changes technology is wreaking upon privacy, why these changes matter, and what can be done about them. Solove's lively discussions of technology and policy, infused with the humanities, argue that the law should focus on power and structure and that it is failing because it is not holding creators and users of technology accountable for the harms they create. Solove deftly weaves together philosophical ideas with concrete practical knowledge from his many years of working with technology companies and talking with policymakers. His book is an essential primer for anyone who wants to understand the threats to privacy in today's Digital Age and how we can face them effectively. Succinct, understandable, and engaging, On Privacy and Technology is beautifully written, passionate, and filled with surprising insights.

16 America's Military Biomedical Complex: Law, Ethics, And The Drive For Scientific Innovation/ Parasidis, Efthimios - Oxford University Press, London, 2024; xiii, 400p. E-916

This book is the first to trace the fascinating story of how laws and ethical codes have co-evolved with the nation's military science pursuits, dating back to the founding of the United States. It details scores of examples where untoward conduct has been rationalized as necessary to promote national security and achieve military goals. This includes hazardous research on unsuspecting individuals, military field tests across the country with atomic, biological, and chemical weapons, and the creation of biomedical enhancements that are poised to become essential elements of military missions. Due to secrecy mandates, governmental immunities, and lackluster healthcare, many individuals injured by these actions have been left without legal remedies or adequate means to address their injuries. The book shows how the drive for scientific and military superiority has shifted the moral compass of government and society. Without passing retrospective judgment, it details the moral calculus of decision makers at key moments in military science. This analysis reveals that officials were keenly aware of ethical dilemmas but nonetheless chose to engage in risky—and sometimes unlawful—activities to advance pressing national security goals. Coupled with this historical reflection, the book recommends policies that harmonize contemporary national security concerns with fundamental principles of justice, fairness, and human dignity. It introduces the concept of jus in praeparatione bellum—justice in war preparations—a doctrine of restraint and responsibility that aims to elucidate just and unjust means of preparing for war. The book applies jus in praeparatione bellum to contemporary military science pursuits, and proposes new laws and policies to guide military science projects.

17 Biotechnology, Gestation, And The Law/ Romanis, Elizabeth Chloe - Oxford University Press, London, 2024; xiv, 226p. E-917

Gestation is the process of which each of us are the result. The very nature of human gestation, however, has shifted and will continue to shift as a result of

technology. Uterus transplantation, the transplant of a functioning uterus into the body of a person absent a uterus, enables a person who was previously unable to sustain a pregnancy to do so. Gestation as we have known it has been confined to the uterus of a person assigned female at birth. Uterus transplantation makes imaginable pregnancies in bodies that were not assigned female at birth, such as cis men. Thus, it has the capacity to 'unsex' pregnancy. Ectogestation, the partial or complete facilitation of gestation in an artificial device (outside the body), more drastically alters the nature of gestation as we know it: by enabling gestation without pregnancy, that is, gestation beyond the body. These novel possibilities raise important conceptual questions. Are pregnancy and gestation the same thing? Who are these technologies for and when? Who are the parents when novel forms of gestation are used? How do these technologies disrupt our notions of reproductive biosex? And are they tools of emancipation? In exploring these and other questions, this book explores the implications of novel technologies enabling gestation.

18 Corporate Purpose, Csr, And Esg/ Binder, Jens-Hinrich (ed.); Hopt, Klaus (ed.); Kuntz, Thilo (ed.) - Oxford University Press, London, 2024; xxviii, 381p. E-918

Corporate purpose, CSR, and ESG have been the themes dominating the debate on corporate law and governance on both sides of the Atlantic for several years. While similar trends are visible in policy debates, significant differences remain: European legislation has, for a long time already, established specific CSR/ESG reporting obligations, and the EU has proposed a comprehensive framework for corporate sustainability due diligence with substantial implications for a wide range of companies. Within Europe, in other words, the trend is, to a large extent, regulatory in nature. In the United States, by contrast, the debate has largely been driven by activist shareholders and other stakeholders, with regulators like the US Securities and Exchange Commission (SEC) only recently stepping forward with regulatory agendas which have met considerable resistance. Thus, it would be a mistake to interpret the ongoing discourse on the public corporation's fundamental role in economies and society as identical. This book brings together first class authors from the United States and Europe to explore further commonalities and differences, building on analyses of recent developments in the broader legal environment.

19 Debt Capital Markets: Law, Regulation, And Policy/ Bavoso, Vincenzo - Oxford University Press, London, 2024; xxx, 226p. E-919

This monograph deals with the law and regulation of debt capital markets. It explores in particular the role that these markets and products have in fuelling episodes of crisis and financial instability. The central argument proposed in this book is that instability in financial markets—culminating with the global financial crisis of 2008 and resurfacing with urgency in 2020—is the offspring of a process of transformation that started in the 1980s. The analysis in this book proceeds by charting the evolution of debt capital markets and their growth propelled by undisputed belief in neoclassical economics, and attendant assumptions of efficient markets. This orthodoxy in turn informed the changes that shaped, between the 1980s and 1990s, the regulatory edifice of capital markets. This book explains how this process of transformation and liberalization led to debt capital markets—from bonds to more sophisticated

forms of securitized credit—becoming uncontrolled engines of private debt creation, excessive levels of leverage, and inevitably, financial instability. Ultimately, this book contends that the regulatory reactions engineered after the global financial crisis of 2008 have not gone far enough in re-evaluating those underlying beliefs and assumptions, which in fact are at the heart of current policies. As a result, debt capital markets remain the main locus of financial instability, and the financial system as a whole is as fragile and exposed to shocks as it was before 2008.

20 Environmental Assessment As A Tool For Climate Change Mitigation/ Mayer, Benoit - Oxford University Press, London, 2024; l, 249p. E-920

The focus of environmental assessment procedures has long been on local environmental issues, such as air, water, and land pollution. In recent years, however, these procedures have increasingly been used to consider the emission of greenhouse gases and climate change. When applying environmental assessment to climate change, governments thus face difficult issues, for instance when determining what constitutes a significant climate impact, assessing carbon leakage, and promoting public participation in the absence of affected populations. This book aims to enrich our understanding of the modalities and, ultimately, the opportunity of the climate assessment of proposed activities. It presents and discusses jurisdictional developments and national debates in a global comparative perspective. While many jurisdictions face similar policy issues when applying environmental assessment as a tool for climate change mitigation, they have adopted different solutions. In this context, national debates could benefit from international perspectives. This book documents the use of environmental assessment as a tool for climate change mitigation. It identifies the main conceptual and practical issues facing climate assessment. The analysis leads to an evaluation of the solutions that jurisdictions have contemplated or implemented to address these issues. The book concludes by identifying 10 practices that lawmakers, regulators, national agencies, judges, and lawyers should consider when developing and applying the law on climate assessment.

21 Illicit Firearms Markets And Organized Crime: Global, Regional, And Local Perspectives/ Bright, David (ed.) - Oxford University Press, London, 2024; xii, 323p. E-921

This book represents an interdisciplinary, global edited collection drawing together cutting-edge research on illicit firearms markets in different regions, with a specific focus on the interconnections and interrelationships between illicit firearms markets and organized crime/organized criminal groups. This includes: (1) the methods and routes by which firearms enter illicit markets; (2) illicit firearms as facilitators and enablers of other illicit markets and other crime including organized crime; (3) the role of illicit firearms in exacerbating organized crime, and related crime and violence; and (4) policy responses to illicit firearms and the efficacy of such, including unintended consequences. Each chapter examines a particular global region or a specific thematic topic, and sheds light on the links between illicit firearms markets, illicit firearms trafficking, and organized crime.

22 Redefining Codification: A Comparative History Of Civil, Commercial, And Procedural Codes/ Heirbaut, Dirk - Oxford University Press, London, 2024; xii, 462p. E-922

More than half of the world's population lives under law codes. Yet, defining the concept of codification remains elusive. Rather than delving into abstract theories, this book provides a rich, contextual comparative legal history of codes in France, Germany, the Netherlands, and Belgium from the late eighteenth century to the present. The first part studies the evolution of French, German, Dutch, and Belgian codes in their political and comparative context, thus challenging deeply rooted national narratives. It covers not only the well-studied French, German, Dutch, and Belgian civil codes but also their often-overlooked commercial and procedural counterparts and drafts that failed to become law. The second part embarks on a comprehensive analysis of the factors contributing to the success or failure of codification efforts. Employing an innovative method of comparative legal history, it explores the key players and objectives behind codification, revealing that traditional notions of codification are far removed from reality. Following this deconstruction of some 'universal truths' about codifications, the book proposes a fresh, empirically based definition of codification, offering new insights. This book is essential for law scholars in civil and common law countries who study codification. For both beginners and specialists, it can also serve as a gateway to the histories and recent developments in private, commercial, and procedural law in France, Germany, the Netherlands, and Belgium. Historians and political scientists will find a behind-the-scenes analysis of the machinery of lawmaking in this book. Politicians and drafters of new codes can use this book as an overview of best practices in codification.

23 Value And Circumstance: Justice, Consent, Equality, And Law/ Macklem, Timothy - Oxford University Press, London, 2024; xx, 214p. E-923

Four values—justice, consent, equality, and collective decision in the form of law—have profoundly shaped the practice of law in the twentieth century and beyond. Value and Circumstance revisits these political and moral ideals, uncovering the relationship between value and the moment. Each of the four key subjects is explored by returning to first principles in a way that invites reflection on the nature and functions of morality itself. The author claims that there is a deep and ongoing connection (and sometimes a dialogue) between the ideal and the everyday. As such, each of those things can be fully understood, appreciated, and pursued only in partnership with the other, even in cases when that partnership is unspoken and unacknowledged. Moreover, the book argues that sound moral comprehension is immanent in experience and engagement. We learn fully what justice calls for by doing justice; learn consent properly through practising consent; learn just when, in what manner, and in what domains to pursue equality through engaging with the prevailing equalities (both secured and unsecured) of our particular times and places; and learn what law should look like only by deciding what law is to be. In this dynamic, the moral world is steadily enlarged by our ordinary engagement with it. We both construct and draw upon the realm of value, to which we are accountable for our flourishing. We cannot live well with reference to the ideal alone.

24 Party Status To Armed Conflict In International Law/ Wentker, Alexander - Oxford University Press, London, 2024; xlvi, 261p. E-924

This book analyses why it matters and how it is established that a State, international organisation, or armed group is a party to an armed conflict under international law. International lawyers have spent much time thinking about what constitutes an armed conflict. Yet, wrapped up in the question of whether there is an armed conflict is often a question of who is engaged in that conflict, since States, international organisations, and armed groups tend not to go to war alone. Although ever-present in historical and recent conflicts, that question has received little attention. Against this background, Part I of the book shows that party status is central to all levels of the international legal regulation of armed conflicts. In response to widespread cooperation practices in armed conflict, Part II develops a common analytical framework for identifying parties to conflicts with multiple parties on the same side. This framework is rooted in the general structure of the legal system regulating armed conflict and informed by international practice. The book then demonstrates that the proposed framework for identifying co-parties also allows for a refined account of the allocation of obligations in armed conflict. This account may contribute to mitigating the risk of diffused responsibilities in cooperative settings and harnessing the potential of cooperation for increased protection capacity. Overall, the analysis of party status aims to enhance our understanding of the architecture of the international legal regulation of armed conflict and how it can respond to the complex realities of contemporary armed conflicts.

25 A Model Civil Procedure Code For England And Wales/ Sorabji, John - Oxford University Press, London, 2024; lxiv, 540p. E-925

Civil procedure law is integral to our understanding of access to justice, dispute resolution, and ultimately the rule of law. However, the field is rapidly changing, shifting dispute resolution away from courts and judgments, towards other legal pathways such as negotiation, mediation, arbitration, and Ombudsman. Similarly, the increasing digitisation of society and looming potential of AI will profoundly influence future reforms. Civil justice is thus at a critical turning point. In response to these developments, John Sorabji proposes a new model civil procedure code for England and Wales. Building on the work of the ALI/UNIDROIT Principles of Transnational Civil Procedure and the ELI-UNIDROIT Model European Rules of Civil Procedure, he articulates a simplified, principle-based, seventeen-part approach that covers all major stages from issue to enforcement, with sections on costs and funding, provisional measures, access to evidence and privileges, case statements, hearings, and dispute management.

26 Arbitrating Empire: United States Expansion And The Transformation Of International Law/ Powers, Allison - Oxford University Press, London, 2024; xvi, 274p. E-926

Arbitrating Empire: United States Expansion and the Transformation of International Law offers a new history of the US rise to global power—one shaped as much by attempts to conceal colonial violence from international legal scrutiny as it was by efforts to project influence across the globe. Drawing on

extensive archival research in the United States, Mexico, Panama, and the United Kingdom, the book traces how thousands of dispossessed residents of US-annexed territories petitioned arbitral Claims Commissions between the 1870s and the 1930s to charge the United States with violating international legal protections for life and property. Through attention to their claims-making, the book demonstrates how unexpected plaintiffs—from colonized subjects to migrant workers—transformed a series of tribunals designed to establish the legality of US interventions into sites through which to challenge the legitimacy of US governance. Moving between Arizona copper mines, Texas cotton fields, Samoan port cities, Cuban sugar plantations, the locks and stops of the Panama Canal Zone, and the arbitrations convened in metropolitan capitals to which claimants turned for redress, the book uncovers how seemingly ordinary people used international law to hold the United States accountable for state-sanctioned violence during the decades when the nation was first becoming a global empire—and demonstrates why the State Department's attempts to erase their claims transformed international law in ways that continue to shield the US government from liability to this day.

27 Constructing Victimhood: Beyond Innocence And Guilt In Transitional Justice/ Lawther, Cheryl - Oxford University Press, London, 2024; x, 290p. E-927

This book seeks to go 'beyond innocence and guilt' to expand the criminological, victimological, and transitional justice imagination with regard to who we 'see' as victims, what we 'hear' as experiences of victimisation, and who makes these determinations. The book argues that the construction, reproduction, and politicisation of victimhood is structured not only by notions of innocence and guilt and the existence of complex victims, but by larger questions concerning the existence of hierarchies of victimhood, the exercise of voice and agency, the role of silence and the silencing of certain variants of victimhood, the presence of victimhood in the physical landscape, and the haunting impact of unresolved legacies of violent conflict. By failing to cast the transitional justice gaze more widely, this book argues that it is not only the 'voices in the cracks' that will be collapsed but entire experiences of victimhood and victimisation. Moreover, if transitional justice is to live up to its claims of being 'victim-centred', widening its conceptual and practical boundaries to recognise the multiple and overlapping variables that construct and reproduce understandings of victimhood is essential. Pursing this line of enquiry, this book aims to make a step-change in the understanding of victimhood in post-conflict and transitional contexts.

28 Global Rights?: Human Rights In Complex Governance/ Bhuta, Nehal (ed.); Vallejo, Rodrigo (ed.) - Oxford University Press, London, 2024; viii, 264p. E-928

Global governance has become a prevalent way to signify complex modes of socio-economic and political orderings that have dynamically taken shape beyond the state. What is the place and role of human rights law within these orderings? The present volume moves beyond merely apologetic and sceptical views of human rights in global governance, by showing that the answer to this question is inevitably varied and nuanced. It does so through a set of in-depth studies of several global governance regimes based on diverse theoretical and methodological approaches, including historiography, institutionalism, actor–

network theory, political economy, and doctrinal analysis. The volume thus serves as a contemporary reflection and set of arguments on how to study and productively think about human rights in complex governance settings that conveys a refreshing contribution to human rights theory, the law of global governance, and transnational legal studies.

29 Hobbes On Justice/ Olsthoorn, Johan - Oxford University Press, London, 2024; xii, 292p. E-929

Thomas Hobbes (1588–1679) is widely regarded as one of the most important political thinkers in the western tradition. Justice is one of the main political concepts today. This is the first book-length analysis of Hobbes's ideas on justice. Hobbes made many startling claims about justice. Norms of justice have no place outside the commonwealth, the civil law determines what is just and unjust, and nothing sovereigns do is unjust to their citizens. But what exactly did Hobbes mean by justice? And how did he convince his audience that he was speaking about justice when advancing such controversial views, and not about something else? In Hobbes on Justice, Olsthoorn traces the place of justice in Hobbes's moral, legal, political, and international thought as developed over time. The book reconstructs his idiosyncratic glosses on notions like justice, rights, injury, obligation, and law; proposes new solutions to some long-standing interpretive puzzles; and provides in-depth discussions of property, slavery, treason, just war, and other neglected aspects of Hobbes's thought. Olsthoorn shows that Hobbes's theory of justice doubled as a civil theodicy: it aimed to morally empower sovereign rulers by vindicating them from all stains of injustice, no matter how horrid their rule.

30 Industrial Policy, National Security, And The Perilous Plight Of The Wto/ Mavroidis, Petros C - Oxford University Press, London, 2024; xvi, 355p. E-930

The WTO is going through an unprecedented crisis that has seriously eroded its relevance. The repeated invocations of national security against other members are evidence of a growing distrust. Industrial policy in the name of national security was unheard of when the WTO entered the realm of international relations. The disputes that arise cannot be adequately addressed because the WTO contract cannot be adequately enforced due to the dysfunctional Appellate Body. But even if this were not the case, could enforcement of an outdated contract ever solve the emerging problem? The response in this book is negative—the WTO contract is in dire need of updating. Alas, no one is working in this direction. The WTO is facing what Joseph Nye called a "Kindleberger trap": the parties that could take the lead to invest in the international order are either unwilling or find it impossible to do so. Trading nations seem to have forgotten that the cost of no WTO is sizeable anyway (if trade growth wanes). And there is a risk that the cost extends beyond international commercial relations.

31 New Frontiers Of Eu Funding: Law, Policy, Politics/ Kilpatrick, Claire (ed.); Scott, Joanne (ed.) - Oxford University Press, London, 2024; viii, 238p. E-931

EU funding has been characterized by significant innovations since 2020, and these often controversial innovations give rise to complex legal issues. This

volume makes the case for legal scholars to pay increasing attention to the European Union (EU) budget rather than focusing primarily on non-budget funding or picking up on one specific angle—such as rule of law conditionality. This volume embeds the analysis of the shifting EU funding landscape in the broader context of EU budget and funding law and practice. The chapters in the volume provide a rich and broad overview and evaluation of three new frontiers of EU funding. The first considers the why, and how, of EU funding innovations. The second frontier is mainly centred around rule of law concerns while the third considers whether, and how, new EU funding has entered and fundamentally reshaped the terrain of substantive EU law and policy. The evaluation is both policy-orientated and legal in nature. The volume is a valuable resource for legal scholars, practitioners, and others who want to make sense of the rapidly changing landscape of EU funding.

32 Redefining Comparative Constitutional Law: Essays For Mark Tushnet/ Khosla, Madhav (ed.); Jackson, Vicki C (ed.) - Oxford University Press, London, 2024; vi, 435p. E-932

Redefining Comparative Constitutional Law: Essays for Mark Tushnet reflects upon the field of comparative constitutional law, which has emerged in recent decades as a major domain of scholarship and judicial practice. Among the most prominent figures in the ongoing renaissance of this field has been Mark Tushnet. This book uses the occasion of Professor Tushnet's recent retirement from Harvard Law School to think critically about the field. Each chapter takes up one of Professor Tushnet's major recent themes. To begin with, the book both takes off from and ends with reflections on Tushnet's curiosity about the world; it considers different questions of methodology, canon, empiricism, and language. Another set of essays then consider the relationships among constitutionalism, liberal democracy, and international law, including reflections on debates over constitutional design, global values, and constituent power. A third focus of the next set of chapters is the relationship of rights to courts and legislatures, in liberal democracies, the countries of the Global South, and First World autocracies. Fourth, reflecting Tushnet's work on constitutionalism outside the courts is a set of chapters exploring institutional design and the role of nonjudicial actors, such as fourth branch institutions. Fifth is a set of essays that focus on variations within liberal constitutionalism and the possibility of other forms of constitutionalism under different political regimes. An epilogue by Professor Tushnet reflects further on constituent power and constitutional theory.

33 Socialism And International Law: The Cold War And Its Legacies/ Grosescu, Raluca (ed.); Richardson-Little, Ned (ed.) - Oxford University Press, London, 2024; x, 276p. E-933

This volume explores the overlooked role of state socialist intellectuals, experts, and governments from Eastern Europe, Africa, and Asia in developing international law in the twentieth and twenty-first centuries. The chapters in this book examine both contributions to current international law and competing ideas and initiatives that, although they did not achieve global consensus, constituted important disruptive moments in the history of international law. The socialist world existed as an ambiguous and fragile construct, with one foot in

Eurocentric traditions and the pursuit of peaceful co-existence with the West via the Soviet-led Eastern Bloc and the radical Third World challenges to the status quo, primarily from postcolonial Afro-Asian states. Far from a monolith, the socialist world was an intricate and dynamic space that, however, shared common understandings of global affairs and the meaning of the law within them. By examining how different state socialist ideologies, legal principles, and realpolitik affected contemporary international law frameworks, the book contests existing linear and Western-dominated histories. The volume considers these state socialist engagements in interaction with liberal and Western approaches and underlines the divisions that existed between socialisms from different world regions and across the North–South divide. The legacies of the attempts at a socialist international law are still with us today, as are the consequences of its failure.

34 The Global Community Yearbook Of International Law And Jurisprudence 2023: Global Law, Politics, Ethics, Justice/ Capaldo, Giuliana Ziccardi (ed.) - Oxford University Press, London, 2024; xiv, 807p. E-934

The 2023 volume marks a decisive stage for the Global Community Yearbook of International Law and Jurisprudence, introducing significant refinements to its composition, its scope, and its format. The revamping work includes the establishment of a new editorial board, an increase in the number of international courts and tribunals covered, as well as increasing attention on the role of both "ethics" and "politics" in the global legal system. The 2023 edition of the Yearbook is dedicated to exploring globalization, including threats to the environment and democracy which in turn endanger the stability of the global community, as well as UN and WTO sustainable development reforms and the movement toward a constitutionalization of global health. This volume continues to provide expert coverage of the Court of Justice of the European Union (ECJ) and diverse tribunals from the International Court of Justice (ICJ) to the International Tribunal for the Law of the Sea (ITLOS), to criminal tribunals such as the International Criminal Court (ICC), to economically based tribunals such as ICSID and the WTO Dispute Resolution panel, to courts of human rights (ECtHR, IACtHR, ACtHPR), and more. The expansion of the Yearbook's scope has opened up to the jurisprudence of other judicial bodies such as: Caribbean Court of Justice (CCJ); Economic Court of the Commonwealth of Independent States (CIS Economic Court); ECOWAS Community Court of Justice (ECCJ); European Free Trade Agreement Court (EFTA COURT); EuroAsian Economic Union Court (EAEU COURT); among others. The Yearbook provides students, scholars, and practitioners alike an informed, constructive debate of fundamental questions in international and global studies facing emerging global legal system as well as the most recent updates in the emerging global community in terms of international legal theory, digital technologies and approaches, and judicial best practices.

35 The Judicial System Of China/ He, Xin - Oxford University Press, London, 2024; xvi, 269p. E-935

Grounded in both English- and Chinese-language sources, The Judicial System of China is a systematic study of Chinese courts after Xi Jinping took power and thoroughly reformed China's judiciary. How have Chinese courts come to the

shape they are in today? How are decisions made on the major categories of cases—civil, criminal, and administrative? What drives and explains the behavior of the judges? How do the common people view the law and courts? How are the legal professions developed, and what are their roles in court? How do the judges interact with other actors—their political bosses, the prosecutors, and the lawyers? Different from the judicial independence perspective and the rights-protection approach, this book presents a governance model for understanding the operation of the Chinese court system, under which the courts have two overarching characteristics—policy implementation and legitimacy enhancement. The various policies that the courts are tasked with implementing, and the approaches the courts use for enhancing the judiciary's legitimacy—and, by extension, that of the state, have played key roles in the courts' evolution. This book is as much an account of Chinese courts in action as a social ethnography of China in the midst of momentous social change.

36 The Most Powerful Court In The World: A History Of The Supreme Court Of The United States/ Banner, Stuart - Oxford University Press, London, 2024; viii, 658p. E-936

In the United States, we answer some of our most bitterly contested questions by presenting them to nine lawyers, the justices of the Supreme Court. The Court was the most powerful court in the world when it was established in the late 1700s, and until recently it has had no competitors for the title. This book is about how the Court acquired so much power, how it has retained its power in the face of repeated challenges, and what it has done with its power over the years. The book shows that from the beginning, the Court has always been tasked with deciding high-profile cases involving issues that a great many people cared deeply about, along with a much larger number of obscure cases raising technical questions of little interest to most people. Critics of the Court's best-known decisions have always accused the justices of deciding cases on political rather than legal grounds. In this respect, today's criticism of the Court continues a tradition that has lasted for more than two centuries.

37 The Refugee Definition In International Law/ Storey, Hugo - Oxford University Press, London, 2024; xi, 790p. E-937

At international law, the refugee definition enshrined in Article 1A(2) of the Refugee Convention and its 1967 Protocol remains central. Yet after seventy years, the meaning of its key terms is still widely perceived to be unclear and uncertain. Siren voices continue to warn against any attempt at further definition. How long must we brook such a lack of clarity? That is this study's core question. In trying to answer it, this study does three main things. It seeks to address several 'framework' questions concerned with approaches to definition, interpretation, ordering and to the interrelationship between the definition's different elements. Next, it analyses each element of the definition, applying Vienna Convention of the Law of Treaties (VCLT) rules in systematic fashion. In the process, it seeks to address the main interpretive positions that have been taken in UNHCR, case law, and academic materials regarding each element of the definition, evaluating their merits and demerits, and proposes solutions animated by a human rights approach. The third and by far most important exercise concerns identifying what propositions have been widely agreed and

trying to assemble all of these in the one place so as to achieve a 'working definition'. The author argues there is much more agreement than many think about the meaning of key terms, that many of the main disagreements have been resolved, and it is now within reach to concretise this working definition, most practicably by a wholesale revision of Part One of the 1979 UNHCR Handbook.

38 Foundations Of American Criminal Due Process At Trial/ Herrmann, Francis R; Speer, Brownlow M - Oxford University Press, London, 2024; xii, 281p. E-938

The workings of the American criminal justice system are familiar to virtually the entire citizenry. Through films, television, and popular print media, its hallmark principles of fairness and protection of the rights of the accused are widely understood. The popular culture has absorbed relatively sophisticated doctrines of the criminal law, such as the right to confront accusers face to face and to remain silent when charged with a crime. The average individual knows that these and other principles of criminal justice are rooted in the Bill of Rights of the American Constitution. This perception is true to the extent that trial by jury, the most cherished feature of the American criminal justice system, comes to us directly from early thirteenth-century England and is obliquely referenced in Magna Carta. But it fails to take into account the diverse origins of specific rights that make the jury system the byword for fair trial procedure. The rights to remain silent and to confront opposing witnesses, the presumption of innocence, the protection against double jeopardy, the requirement that conviction demands a high standard of proof, the rule that confessions be voluntary, and the guarantee of a trial conducted in accordance with standard rules of evidence—none of these integral parts of due process originated in the common law of England. This book joins an emerging body of work that seeks to place the American legal experience within a larger Western tradition.

39 Kofi Annan And Global Leadership At The United Nations/ Williams, Abiodun - Oxford University Press, London, 2024; vi, 200p. E-939

Kofi Annan was the most significant and influential Secretary-General of the United Nations. Kofi Annan and Global Leadership at the United Nations explores how Annan conceived his role as Secretary-General and exercised global leadership at a turbulent period in world affairs. It sheds light on the importance of leadership for the performance of a global institution. It discusses the challenges he faced during his tenure from 1997 to 2006 and how he dealt with them. It examines such issues as Conflict Prevention, Peacekeeping, Peacebuilding, the Millennium Development Goals, HIV/AIDS, the Responsibility to Protect, Human Rights, Climate Change, and Migration. It provides insight into how Annan led the UN during several international crises, including the terrorist attacks of 9/11, conflicts in Kosovo and East Timor, and the war in Iraq. It illustrates how he built partnerships with nonstate actors, including nongovernmental organizations, the private sector, universities, think tanks, and Nobel laureates in order to advance the UN's mission without relying exclusively on state power and interstate cooperation. It recounts how he used the bully pulpit to articulate a global agenda, speak to a global public, and shape norms. The book charts Annan's ambitious efforts to reform and adapt the UN to the needs of the twenty-first century.

40 Blackstone's Magistrates' Court Handbook 2024/ Dalton, Bartholomew; Liggins, Caroline - Oxford University Press, London, 2024; liv, 597p. E-940

This book provides a complete practical guide by incorporating full references to the Magistrates' Court Sentencing Guidelines. It covers all the key aspects of magistrates' court practice and focuses on the areas most likely to arise at short notice that require an instant response from the advocate. It looks at offences most frequently experienced at court, such as assault, public order, dishonesty, drugs, weapons, driving, criminal damage, and sexual offences. The book includes tables, flow-charts, and a clear system of icons that aid comprehension and speedy navigation. Cross-referencing to Blackstone's Criminal Practice 2024 provides an easy access to in-depth commentary.

41 Cognitive Aging And The Federal Circuit Courts: How Senescence Influences The Law And Judges/ Black, Ryan C; Owens, Ryan J; Wohlfarth, Patrick C. - Oxford University Press, London, 2024; viii, 254p. E-941

Cognitive aging affects all people. Judges are people. Therefore, cognitive aging must affect judges. Today’s federal circuit court judges are older than ever. Yet scholars know next to nothing about the consequences of cognitive aging on these judges. The central effort of this book is to examine the effects of cognitive aging on federal circuit court judges. The authors undertake a rigorous empirical approach, focusing on a variety of judicial behaviors, including opinion writing, bargaining, voting, and more. The book uncovers a number of sobering trends. Judges require more time to craft their opinions as they age. They tend to rely more on cognitive shortcuts when they bargain over opinion content. Their written opinions become less cognitively complex as they age. Aging judges increasingly rely on their law clerks to write their opinions and borrow more language from party briefs. Their judicial colleagues are less likely to cite older judges’ opinions. Aging judges apply Supreme Court precedent in an increasingly ideological manner. And their legal influence on panels wanes while susceptibility to persuasion increases. Cognitive aging appears to influence nearly everything federal circuit court judges do. These findings speak to a broader policy debate about judicial tenure. The authors test public support for a handful of reforms and find surprisingly high support for them. There is no utopian or perfect cure for the problems associated with cognitively aging judges. But incremental changes that remain loyal to judicial independence might alleviate some of the most pernicious consequences.

42 Crime And Civilization: The Birth Of Criminology In The Early Nineteenth Century/ Kivivuori, Janne - Oxford University Press, London, 2024; viii, 236p. E-942

Crime and Civilization presents a history of the rise of criminology in the first part of the nineteenth century. The story begins in 1827, in Paris, when the first modern national crime statistic was published. The Compte général de l’administration de la justice criminelle en France was a paradigmatic game changer, sending shock waves across European intellectual circles interested in the analysis of crime. The new concept of national crime statistics made it possible to test theories and hypotheses about crime using a shared data instrument. Much of the initial research and reception triggered by the new instrument reflected a core theme of the Enlightenment tradition—the question

of how the civilizing process impacted human morality. This cultural context had several variations: British parliamentarians struggling to civilize their 'bloody code', French liberals supporting technical progress against royalist and religious backlash, and German lawyers raising the flag of their religious and moral Kultur against secular civilization. Yet they all embraced the concept of national crime statistics as research-enabling innovation. While the French ignited the flame, the story of the first criminology is a European affair transcending national borders. Crime and Civilization argues that the history of criminology should be approached from the perspective of data and instruments, complementing the traditional story based on theories and explanatory shifts from 'classicism' to 'positivism' and beyond. The book is a prequel to Discovery of Hidden Crime (2011), which inspected the rise of the crime survey in the twentieth century.

43 Law's Machinery: Reforming The Craft Of Lawyering In America's Industrial Age/ Funk, Kellen R - Oxford University Press, London, 2024; xvi, 304p. E-943

Law's Machinery tells how Americans, in an age of industrialization, began to think of law as a tool, one that could be forged and reformed to fit their needs without regard to the traditional ways of litigating cases in court. By legislating a "code of practice," innovators like New York attorney David Dudley Field and his associates across the elite American bar attempted to rebuild the practice of law from the ground up in the mid-nineteenth century. While many of their reforms proved futile or misguided over time, ultimately, the codifiers succeeded in making American law a machine run by, and in the interests of, professional lawyers like themselves. Often overlooked in histories of the world's great code systems, the United States settled on a code of practice that elevated lawyers as the dominant force among America's legal institutions. This account ranges widely from the Jacksonian Era to the end of the Gilded Age, from industrializing Gotham to the periphery of the American West and Reconstruction South, from the parlors of Brooklyn pastors and merchants to the ornamented courthouses of Wall Street. Drawing on innovative methods in digital legal history, Law's Machinery offers a sweeping intellectual, cultural, and political history of the modernization of American legal practice.

44 Mitigation In The Law Of Damages/ Summers, Andy - Oxford University Press, London, 2024; viii, 288p. E-944

This book provides the first comprehensive theoretical and doctrinal treatment of the law of mitigation in any common law jurisdiction. Mitigation determines how a claimant's own response to a breach affects the damages they can recover. It responds to the basic argument: 'although I did wrong, you made things worse'. It applies to all claims for compensation, regardless of the claimant's cause of action and irrespective of the defendant's level of fault (if any). The book's main argument is that the twin principles of choice and abnormality, which underlie 'commonsense' causal reasoning, also explain how judges approach questions of mitigation. Contrary to the conventional view, the rules of mitigation apply symmetrically to benefits as well as harms. If the claimant makes a choice not to replicate their 'no-breach' position in the usual way then damages will be assessed counterfactually as if they had done so, for better or worse. The book also explains the relation between mitigation and other

damages doctrines including the market rule, intervening acts by the claimant, betterment, remoteness, and contributory negligence. The book's arguments have broader implications for our understanding of the legal concepts of causation, choice, and loss, and call for a re-evaluation of existing theories of damages.

45 New Property In International Law/ Ho, Jean - Oxford University Press, London, 2024; xii, 229p. E-945

New Property in International Law is a story of how international law constantly falls short when it comes to property regulation because its stakeholders have consistently failed to define what property is. Until now, property in international law has been an enigma. We are told that international law possesses sufficient content to regulate property, we are shown provisions in international instruments addressing property rights, and we bear witness to the resolution of property disputes in accordance with international law. Yet, when we are asked what the defining attributes of property in international law are, we draw a collective blank. The absence of reformist agitation from the international community towards an international law that brazenly regulates what it cannot or will not even define represents the turning of a collective blind eye to a critical knowledge gap. In the same way that driving a car with closed eyes is a possibly fatal accident in the making, driving the content of international law on property regulation without discerning the object of regulation is a possibly fatal anomaly in the laborious, and supposedly progressive, enterprise of legal development. Duly defined, newer forms of property push international law to a regulatory breaking point. When treaties as stalwart sources of international law prescribe obligations without properly identifying the object and penalizing the violators of those obligations, regulatory regimes built on treaties—such as the ones currently applicable to cultural, common, and contingent property—resemble a mirage. They offer victims shimmering hope and reprieve from a distance but vanish when the victim gets close enough to contemplate and formulate redress for the wrong suffered.

46 Odious Debt: Bankruptcy, International Law, And The Making Of Latin America/ Corredera, Edward Jones - Oxford University Press, London, 2024; x, 250p. E-946

This book is the first history of odious debt. This five-hundred-year history shows that the origins of debates on legitimate and illegitimate state debts date back to Hugo Grotius' moral critique of the Spanish Empire. Latin American rebels and rulers harnessed these ideas as they sought to establish what their nations owed the Spanish Crown. Commutative debt continued to shape relations in the Catholic Spanish Empire while contracts became the law of the land in Protestant Europe and North America. With a focus on Mexico, Colombia, and Argentina, this book draws on archival sources in seven countries, overlooked congressional debates, and understudied thinkers. It analyses how officials who drafted Latin America's first constitutions reconciled Catholic ideas of moral economy with visions of justice embedded in the Protestant law of nations. Debates over slavery, reprisal, and property rights shaped the creation of the new Latin American states. When constitutions failed and interventions over unpaid debts increased, Latin Americans sought to turn

the law of nations into a code for a global moral economy. The sanctity of contracts was used to legitimate interventions and yet, as Latin American thinkers countered, the use of violence undermined the sacred purpose of debt: to fulfil the state's obligations to the community. Today, as China's global financial expansion grows by the day and international politics are increasingly dominated by debates on reparations, Latin America can reframe what it owes to the world and what the West owes to the rest.

47 The Digital Fourth Amendment: Privacy And Policing In Our Online World/ Kerr, Orin - Oxford University Press, London, 2024; vi, 248p. E-947

When can the government read your email or monitor your web surfing? When can the police search your phone or copy your computer files? In the United States, the answers come from the Fourth Amendment to the Constitution and its ban on "unreasonable searches and seizures." The Digital Fourth Amendment: Privacy and Policing in Our Online World takes the reader inside the legal world of how courts are interpreting the Fourth Amendment in the digital age. Computers, smartphones, and the Internet have transformed criminal investigations, and even a routine crime is likely to lead to digital evidence. But courts are struggling to apply old Fourth Amendment concepts to the new digital world. Mechanically applying old rules from physical investigations doesn't make sense, often leading to dramatic expansions of government power based only on coincidences of computer design. Written by a prominent law professor whose scholarship has often been relied on by courts in the field, The Digital Fourth Amendment shows how judges must craft new rules for the new world of digital evidence. It explains the challenges courts confront as they translate old protections to a new technological world, bringing the reader up to date on the latest cases and rulings. Informed by legal history and the latest technology, this book gives courts a blueprint for legal change with clear rules for courts to adopt to restore our constitutional rights in the computer age.

48 The Keepers Of The Common Good/ Galligan, D J - Oxford University Press, London, 2024; xx, 396p. E-948

A study of constitutional authority from the perspective of the people, the method social enquiry, the object social understanding. How the people assess the constitutional order; a discourse emerges, a lower register; contrast with another discourse, the upper register embedded in official presentation of constitutional authority. From history and experience the two registers are drawn. The constitutional field is entered and examined to show relations between the discourses. Several models of rule, of constitutional authority, are proposed, based on patterns of opinion of the people; the advantages and disadvantages of each are assessed from the point of view of the people. A fourth model, the people as keepers of the common good, is proposed, the appeal explained, and the evidence assembled.

49 Borderlines In Private Law/ Day, William (ed.); Grower, Julius (ed.) - Oxford University Press, London, 2024; viii, 294p. E-949

Borderlines in Private Law offers a collection of essays written by some of the UK's leading academic lawyers regarding the borderlines and intersections of

private law. It discusses key concepts and the interplay of contract, tort, unjust enrichment, property, and equity. Some arguments indicate distinct categories and support the careful maintenance of borders, while others celebrate cross-border exchanges. Borderlines in Private Law also includes responses from senior members of the UK judiciary that offer their thoughts on the structure, order, and understanding of private law in the context of real-world disputes. It highlights that mapmaking analogies are a long-standing hallmark of private law scholarship.

50 Corruption And Misuse Of Public Office/ Nicholls, Colin; Baracese, Alan; Maton, James; Scott, Rachel; Hatchard, John - Oxford University Press, London, 2024; xii, 1043p. E-950

The 4th edition of this authoritative work has been fully revised and updated. It includes all major developments concerning preventing and combating corruption in England and Wales and globally. Special features include: • Corruption and the impact of the COVID pandemic • New chapter on debarment and the role of the World Bank • Anti-corruption regulation and compliance mechanisms • Implementation and effectiveness of anti-corruption laws and strategies • Impact of AI • Gender dimension of corruption England and Wales coverage: • Bribery Act and the pre-Bribery Act legislation • Developments in beneficial ownership transparency • Developments in asset recovery including those relating to kleptocrats • Proposals for corporate criminal liability reform • Legal and practical issues concerning the investigation and prosecution of corruption cases • Developments in arbitration cases involving corruption. • Revised codes of conduct for parliamentarians and other public officials • Dealing with corruption related cases at public inquiries and disciplinary and other tribunals Global coverage: Ρεθνεατσ• Detailed analysis of all the international and regional anti-corruption initiatives including the UN Convention Against Corruption and OECD anti-bribery convention and the effectiveness of their monitoring mechanisms • Revised chapter on the Foreign Corrupt Practices Act • Standard setting in the private sector • Corruption and money laundering • Corruption laws and regulations of some key jurisdictions • Role of civil society in fighting corruption

51 Dignity And Judicial Authority/ Bayefsky, Rachel - Oxford University Press, London, 2024; x, 184p. E-951

“Dignity” is a rallying cry of social and political movements worldwide. It also appears in legal doctrine and scholarship. But the meaning of dignity and its legal implications are deeply contested. What is dignity, and which concrete legal outcomes does it support? Dignity and Judicial Authority focuses on the role of dignity in courts in the United States. It offers a theory of dignity that emphasizes respect for status, nondomination, and control over self-presentation to others. It then explains how courts can recognize dignity as legally actionable harm and how they can provide remedies for this harm. In applying these ideas, the book explores such topics as constitutional standing doctrine, the “dignitary torts,” and court-mandated apologies. The book’s inquiry sheds light not only on the nature of dignity but also on the power of courts and their proper function in a constitutional democracy. How can judges decide whether dignity has been violated, especially when these decisions risk embroiling judges in contentious

social disputes? Will accepting dignitary claims burst open the proverbial "floodgates of litigation"? The book shows how courts can productively integrate dignity into legal determinations. More generally, the book brings together theoretical analysis and detailed doctrinal discussion. It demonstrates the connections between dignity and subjects such as jurisdiction and remedies, which help to delineate the bounds of judicial authority.

52 Empowering The Un Security Council: Reforms To Address Modern Threats/ Khalil, Mona Ali (ed.); Lavaud, Floriane (ed.) - Oxford University Press, London, 2024; xiv, 184p. E-952

The book provides an in-depth analysis of the challenges and the opportunities associated with empowering the UN Security Council (UNSC)—the principal UN organ responsible for the maintenance of international peace and security. The book argues that now is the time to restore the UNSC's place at the center of the international legal and political order. To that end, the book offers reforms to enhance the credibility and improve the performance of the UNSC, that can be achieved without amending the UN Charter,including reforms to improve the representative character of the UNSC, empower its elected members, restrain the use of the veto, and improve its response to aggression and mass atrocity crimes. The book also explores the UNSC's relations with internal and external partners, including tapping the potential of the UN General Assembly, reinforcing the International Court of Justice and the International Criminal Court, as well as strengthening regional cooperation. The book argues that now, more than ever, there is a realistic possibility borne out of the imperative of necessity to meaningfully reform the UNSC so that it can better ensure international peace and security for future generations. The book brings together co-authors from all regions of the world, from a cross-section of diverse disciplines. The book includes a foreword by a Nobel Peace Prize laureate and ten chapters contributed by a distinguished list of authors, including several current and former UN ambassadors; former senior UN officials; as well as notable lawyers, practitioners, and academics.

53 Foundations Of Indian Contract Law/ Krishnaprasad, KV (ed.); Venkatesan, Niranjan (ed.); Swaminathan, Shivprasad (ed.); Varottil, Umakanth (ed.) - Oxford University Press, London, 2024; viii, 580p. E-953

Foundations of Indian Contract Law is an authoritative, critical commentary on Indian contract law. It comprises 24 chapters that examine the historical, philosophical, and comparative foundations of the Indian Contract Act 1872, the central doctrines and concepts of Indian contract law, the law relating to certain specific types of contracts, and a concluding chapter by Professor Hugh Beale. The book features contributions from 32 academics and practitioners from around the world. The authors adhere to a methodology that is carefully calibrated to address the shortcomings in traditional Indian contract law scholarship. The primary presuppositions of this methodology are that: (a) the answers to many difficult questions of Indian contract law are to be found in the history of the Contract Act; and (b) while it is difficult to understand the Contract Act other than against the backdrop of the common law, one should not assume that on all difficult points Indian contract law mirrors the common law. Each chapter pays close attention to the legislative history of the relevant provision(s)

of the Contract Act. None aims to survey every single Indian case in the area. The result is an overview of the foundational concepts, derived from an analysis of what the legislator set out to achieve and the leading (but not all) authorities. The book aims to influence the Indian courts' approach to contract law, inform meaningful legislative reform and, more broadly, catalyse a culture of critical scholarship on Indian private law.

54 In Between And Across: Legal History Without Boundaries/ W. Mack, Kenneth (ed.); Cogan, Jacob Katz (ed.) - Oxford University Press, London, 2024; xvi, 312p. E-954

The boundaries between the history of law and the history of everything else are quite blurry nowadays. Whether one is asking questions about the origins of the carceral state, the relationship between slavery and capitalism, the history of migration flows and empires, the longer story of human rights, the building of the straight state, the role of religion in public life, or many other topics, there is a shared belief that law and its history matters. In fact, legal historians have begun to focus on the blurring of boundaries such as those between markets and politics, between identity and state power, as well as between national borders and the flows of people, capital, and ideas around the world. Legal history, broadly conceived, seems to mark much of the most exciting work that is redrawing the boundaries of historical scholarship in many areas of study. In Between and Across: Legal History without Boundaries gathers some of the newest and freshest work by both younger and established scholars who are carrying forward that project and extending it into new areas of historical inquiry. It captures the best of the new and innovative tools and questions that have made law a central plane of inquiry, charts novel directions for the field, and poses broader questions concerning the past, present, and future. Crossing a wide variety of geographic areas (from British-ruled Australia, to colonial India, to the United States), the authors sketch new boundaries for the field to cross—boundaries of time, geography, and method—and claim that legal history provides the language to talk across national borders.

55 Interstitial Private Law/ L. Bray, Samuel (ed.); Goldberg, Professor (ed.); B. Miller, Paul (ed.); E. Smith, Henry (ed.) - Oxford University Press, London, 2024; xii, 272p. E-955

Interstitial Private Law encourages the next generation of private law theorists to engage with the "connective tissue" of private law. Long regarded by US legal scholars as uninteresting, private law theory has received renewed attention in the United States and around the world. Yet, even amid this scholarly revival, private law is still too often reduced to the more traditional concepts found within tort, property, and contract law. These basic categories alone cannot provide sufficient basis for informed doctrinal analysis—lawyers who hope to apply private law theory must also understand the rules and concepts that operate independently of, across, or within the interstices of these fields. This book introduces and analyzes these crucially important interstitial aspects, including legal personhood, agency, and other attribution rules, consent, estoppel, equity, remedies, and restitution. Contributions explain what interstitial concepts are and explore the ways they operate, contributing to the systematicity and functional coherence of private law systems. In doing so, the book broadens and

deepens the scholarly agenda for private law theory in the United States and worldwide.

56 Omissions In Tort Law/ Steel, Sandy - Oxford University Press, London, 2024; xxxiv, 270p. E-956

The book analyses and explains the legal significance of the distinction between acts and pure omissions in tort law. It articulates an alternative distinction between worsening and not-worsening which it proposes as a desirable re-conceptualisation of the current law. It defends the justifiability of a distinction in tort between positive and negative duties on grounds of non-instrumentalisation and freedom. The book then provides a conceptual and normative analysis of possible examples of positive duties which arise in tort law, such as innocent creation of risk, interference with aid, assumption of responsibility, control, special statutory duties, and the duties of public authorities.

57 On Theocratic Criminal Law: The Rule Of Religion And Punishment In Iran/ Khodadadi, Bahman - Oxford University Press, London, 2024; xxxviii, 277p. E-957

On Theocratic Criminal Law explores the roots and structures of the criminal law system of the world's most prominent constitutional theocracy, the Islamic Republic of Iran. While discussing the processes of forced de-westernization and de-modernization which occurred in the wake of the Islamic Revolution, this work examines how the Islamic conception of civil order and polity has been established within the legal and theological framework of the Iranian Constitution. The book engages in a process of 'rational reconstruction' of Iranian theocratic criminal law and offers a critical analysis of the way criminal law functions as the centrepiece of this theocratic mode of political domination. It illuminates how this theocratic, revelation-based, punitive ideology functions, how the current Islamic Penal Code (IPC) mirrors prevailing Shiite jurisprudence, and ultimately, from what sort of fundamental defects theocratic criminal law in Iran is suffering. This work provides a critical assessment of the criminalization and sentencing theories that have stemmed from the shariatization (Islamization) of all law in the wake of the Islamic Revolution of 1979. By embarking upon a typology of punishment in Shiite Islamic jurisprudence and the Iranian Islamic Penal Code, the book then provides a systematic critical analysis of the three types of punishment stipulated in the Iranian Penal Code, namely ta'zir, hadd, and qisas. It also explores the jurisprudential principles and dynamic power of Shiite Islam not only as a driving force behind political and social change but as a force that has been capable of forging a whole theocratic legal system.

58 Proving International Crimes/ McDermott, Yvonne - Oxford University Press, London, 2024; xlii, 207p. E-958

Proving International Crimes elucidates how international criminal tribunals have tackled the immense and complex task of proving international crimes such as genocide, war crimes, and crimes against humanity. The challenges posed by the scale and scope of these crimes and the distance in time and space between their commission and their prosecution are well known. Nevertheless,

investigators, lawyers, scholars, and policy makers often look to the law and practice of international criminal tribunals to establish what standards need to be met in the collection, preservation, presentation, and analysis of evidence to prove international crimes. In providing a comprehensive account of the law and practice of evidence before international criminal courts and tribunals to date, as well as recommendations for future practice, this book aims to inform domestic, regional, and international accountability processes for atrocity crimes going forward. This book demonstrates that, as a consequence of the flexibility built in to the legal and procedural frameworks of international criminal courts and tribunals, the law of international criminal evidence is currently unpredictable and uncertain. To this end, it argues for the development of a coherent epistemic framework driven by two guiding principles: rectitude of decision and the highest standards of fairness.

59 Selective Publication In The U.S. Courts Of Appeals: The Invisible Norm That Perpetuates Inequality/ Hinkle, Rachael K. - Oxford University Press, London, 2024; xx, 174p. E-959

This book presents a comprehensive, first of its kind, examination of the theoretical and empirical implications of a key institutional practice in a highly influential set of courts. The U.S. Courts of Appeals both formulate legal policy and provide a forum for losing litigants to pursue an appeal. In order to keep up with an increasing number of appeals, yet still provide quality legal analysis, in the 1970s these courts adopted the practice of designating some decisions as unpublished and declaring that such rulings are not binding precedent. Scholars focused on policy and the lawmaking function of circuit courts understandably avoid the difficult task of grappling with the massive number of unpublished decisions. However, all dispositions impact the lives of those directly involved. And even more importantly, the distinction between published and unpublished rulings creates a breeding ground for disparities in power and privilege that raise serious concerns about social justice. The vast number and relative obscurity of unpublished decisions create substantial barriers to uncovering the nature and extent of the distributional consequences that flow from the selective publication norm. This book sheds light on these consequences by drawing on an original dataset of over two hundred thousand cases. Rigorous empirical examination reveals how the seemingly benign institutional feature of selective publication contributes to problematic differences in the way resources and demographic features shape power and privilege in the circuit courts. In short, selective publication plays a significant role in who gets what, when, and how.

60 Torts On Three Continents: Honouring Jane Stapleton/ Burns, Kylie (ed.); Gardner, Jodie (ed.); Morgan, Jonathan (ed.); Steel, Sandy (ed.) - Oxford University Press, London, 2024; xxvii, 382p. E-960

This book celebrates and honours Jane Stapleton’s scholarship on tort law, on the occasion of her retirement as Master of Christ’s College, Cambridge. The contributions range widely across the major themes—and continents—of the honorand’s legal scholarship. Thus, there are chapters on product liability, the nature of damage, negligence liability for pure economic loss and psychiatric harm, the duty of care, theories of tort law, vulnerability in tort, and compensation schemes. There are also three chapters on causation in law. The

chapters form a tribute to Jane Stapleton's lasting influence. Their authors include tort scholars from Australia, England, and the United States, plus judges from the High Court of Australia and the UK Supreme Court. That court's president, Lord Reed, contributes the preface.

61 Why We Vote/ Fiss, Owen - Oxford University Press, London, 2024; xii, 170p. E-961

Why We Vote is a bold and inspiring reconstruction of judicial doctrine giving expression to the democratic aspirations of the U.S. Constitution. It shifts the focus from equal protection and free speech to the freedom that democracy generates—the right of those who are ruled to choose their rulers. It explains why that right, derived from a reading of the Constitution as a whole, requires the extension of the franchise to all citizens. It provides the grounds for the rules that facilitate, as a purely practical matter, the exercise of the right to vote, ensure that the vote of one is equal to that of another, and guarantees feasible access to the ballot for independent candidates and new political parties.

62 Overlapping Individual And Interstate Claims In International Law/ Howley, Jessica - Oxford University Press, London, 2024; lx, 324p. E-962

Overlapping Individual and Interstate Claims in International Law addresses the relationship between overlapping invocations of State responsibility by individuals and States under international law. Despite the important practical and theoretical implications of this overlap, it was largely omitted from consideration in the Articles on State Responsibility finalised by the International Law Commission in 2001. This book aims to fill the resulting gap. The book provides a comprehensive survey of the potential for overlapping individual and interstate claims to arise, and underlines issues of fairness, consistency, and interference with autonomy that can result when multiple claimants vie to have their claims determined before the same or different forums. It examines in detail how treaty provisions and various rules and principles relevant to the law of State responsibility can be expected to regulate such overlapping claims, including the local remedies rule, the rule precluding double recovery, the principle of res judicata, waiver, and consent, countermeasures, and self-defence as circumstances precluding wrongfulness. The book clarifies the nature of international claims, including in the theoretically muddled field of diplomatic protection, and highlights undertheorised foundations of topical debates concerning the use of countermeasures and self-defence outside of the interstate arena. It concludes with a human rights-oriented proposal for resolving the complex policy issues to which these overlapping claims give rise.

63 Recognition Of States In International Law/ Kilibarda, Pavle - Oxford University Press, London, 2024; xxi, 287p. E-963

Although the recognition of States is a common occurrence in international relations and still retains a central position in discussions of international law, its nature and legal effects remain controversial well into the twenty-first century. Regardless of whether recognition is said to play a fundamental role in the creation of statehood or is denied any legal value at all, debates surrounding any case where statehood is disputed will sooner or later turn to the matter of

recognition, or lack thereof, by other States. This book challenges the widespread view of statehood as an absolute or empirical fact and of recognition as merely declaratory in the creation of States as the primary and original persons of international law. Drawing upon a comparative analysis of contested States ranging from Palestine and Kosovo to Somaliland and Eastern Ukraine, it builds a normative theory of recognition that sets out the legal value and effects of this act in various situations, distinguishing between cases where statehood may be inferred from applicable rules of international law, those where it could only be explained by recognition, and those where the establishment of a State is prevented by international legal norms. In addition to discussing a range of issues related to recognition, this work provides an up-to-date overview of the most important international and domestic case-law and practice and includes reflections on various cases of contested statehood around the world.

64 The Award In International Investment Arbitration/ Gómez, Katia Fach (ed.); Titi, Catharine (ed.) - Oxford University Press, London, 2024; xii, 580p. E-964

The Award in International Investment Arbitration is an unparalleled comprehensive study of the international investment award, whose aim is to serve as a unique reference work and an authoritative one-stop resource on the topic for both practitioners and academics. The book is interested in the award in a holistic manner: from award drafting to the procedural principles that govern it; from arbitral deliberations and tribunal dynamics to post-award challenges; from the role of gender in decision-making to the impact of tribunal secretaries. Rigorously written from an academic perspective, The Award in International Investment Arbitration puts the emphasis on the practitioners' needs, presenting them with a careful selection of hands-on topics, such as fact-finding in complex disputes, the role of experts, and legal reasoning and persuasion. Sensitive to contemporary challenges, the book addresses both existing questions that have evolved over time and novel topics that have not yet received sufficient attention, such as the impact of technology on award drafting. The Award in International Investment Arbitration features a unique line-up of outstanding, highly qualified arbitrators and experts from academia and international legal practice. It offers a singular reservoir of knowledge and experience by bringing together the biggest names in the contemporary investment arbitration scene. They study the complex topic of the international investment award from a variety of angles, sharing with the readers their vast practical experience and scholarly insights.

65 Blackstone's Counter Fraud Professionals' Handbook/ Betts, Michael J; Eshelby, Laura; Whitehouse-Hayes, David - Oxford University Press, London, 2024; xxvii, 315p. E-965

Blackstone's Counter Fraud Professionals' Handbook is a collection of highly practical, up-to-date chapters covering a range of essential subjects in counter fraud. Developed from a detailed understanding of the modern counter fraud professional's needs, this series seeks to explain the relevant law, practice, theory, and procedure, with first-hand insights from those involved in the development of the Government Counter Fraud Profession. This includes an overview of the evolving threat from fraud, bribery, and corruption. It sets out how to move to a more preventative and proactive approach to counter fraud via the application of fraud risk assessment, as well as detection and measurement

techniques to understand the fraud landscape in which organizations are operating and improving the overall response. This text offers practical straightforward advice to practitioners dealing with fraud and economic crimes. The book covers many disciplines and updates to build awareness and for planning an effective response. This includes essential approaches for effective gathering of intelligence and how to undertake professional and effective investigations, and the fundamental role of leadership in a counter fraud context. These in turn inform the most effective disposal routes including prosecutions, other civil and criminal sanctions, as well stand-alone or parallel redress options. It sets out how this holistic approach can reduce the harm caused and ultimately protect individuals, businesses, and the public sector from the harm and damage that fraud causes.

66 Jurisprudence In The Mirror: The Common Law World Meets The Civil Law World/ Burazin, Luka (ed.); Himma, Kenneth Einar (ed.); Pino, Giorgio (ed.) - Oxford University Press, London, 2024; x, 521p. E-966

This book originates in a sense of puzzlement often experienced by scholars interested in jurisprudence. On the one hand, jurisprudence deals with abstract questions concerning the nature, structure, and distinctive features of law. Questions such as these are not system-specific: when jurisprudents theorize about such topics as nature of legal norms, the legal system, legal reasoning, and interpretation, they aim at producing a theory that is true of all possible legal norms—and not those that happen to be in force in some particular legal system. On the other, though, jurisprudents are tacitly influenced by their background institutional context. Even from the more limited vantage point of contemporary analytical jurisprudence as practised in the post-World War II Western world, one cannot help but notice a substantive divide between theorizing about the law in the civil law world (in particular, Continental Europe and Latin America) and in the common law world (the UK, the USA, Canada, Australia, and New Zealand)—a 'cultural divide' within analytic jurisprudence that has never been described or explained in a systematic way. The book fills this gap: it includes twelve chapters written by prominent and influential jurisprudents from the civil law world, which are meant to provide the idea of how a general treatise in jurisprudence would look like from the perspective of their tradition. Each chapter is then followed by a response by a jurisprudent from the common law world, which will help highlight what the two worlds share, where they part ways, and why.

67 The Supreme Guide To Writing/ Barton, Jill - Oxford University Press, London, 2024; xx, 215p. E-967

The Supreme Guide to Writing cuts through competing advice to detail definitive grammar rules based on the nation's unequivocal authority: the U.S. Supreme Court. The book details a revolution in legal writing, with the justices progressing beyond the drab and technical for the deft and lyrical. With the first-ever analysis of 10,000 pages of Court opinions, the book pinpoints grammar and style rules that the justices follow—and describes the outdated rules they leave behind. Today's Court casts aside formality in favor of pop-culture references, contractions, and approachable language. In addition to establishing grammar and style rules, The Supreme Guide to Writing illustrates best practices

with hundreds of examples of the justices' most brilliant sentences from the past several years. With step-by-step instructions, the book describes how to emulate the justices' writing styles by breaking down their strategies and techniques. It shows how Justice Elena Kagan lands amusing quips and weaves together down-to-earth analogies, how Justice Neil Gorsuch executes witty retorts, and how Chief Justice John Roberts pens unforgettable lines with understated style and humor. The best writing appears effortless, but it also takes tremendous effort. Legal writing even more so. The Supreme Guide to Writing provides a nonpartisan look at how the justices present their words to the world.

68 Rights And Right-holding: A Philosophical Investigation/ H. Kramer, Matthew - Oxford University Press, London, 2024; vi, 414p. E-968

Rights and Right-Holding presents a rigorous philosophical investigation of the two phenomena mentioned in its title. With a lengthy exposition of the analysis of legal and moral positions that was propounded in the early twentieth century by the American legal theorist Wesley Hohfeld, it plumbs the logical relationships among such positions, and it amplifies the Hohfeldian analysis by showing how logical quantification has to be incorporated into Hohfeld's schema. The volume then ponders the longstanding debates over the Interest Theory of right-holding versus the Will Theory of right-holding, as it champions the Interest Theory while undertaking some lengthy and innovative critiques of the Will Theory. Finally, it considers at length the ethical and analytical questions involved in ascertaining what sorts of beings are capable of holding claim-rights at all. In so doing, the book delves deeply into some foundational matters of moral and political philosophy even while it continues to engage with subtle points of logical quantification and analysis. It concludes that the beings capable of holding claim-rights include not only human adults of sound mind but also all other living human beings, many dead people, all future generations of people, and most non-human animals.

69 Deference In Human Rights Adjudication/ Chan, Cora - Oxford University Press, London, 2024; xvi, 207p. E-969

In human rights adjudication, courts sometimes face issues that they lack the expertise or constitutional legitimacy to resolve. One way of dealing with such issues is to 'defer', or accord a margin of appreciation, to the judgments of public authorities. Although there is a rich literature on the subject of deference, two important questions remain unresolved: what devices courts should use to exercise deference, and how deference can be made more workable for judges and predictable for litigants. This book offers the first comprehensive analysis of these questions. It introduces six devices for deference (namely, the burden of proof, standard of proof, standard of review, giving of weight, choice of interpretation, and choice of remedy), analyses how courts should choose amongst them, and proposes techniques for rendering deference practicable. The book's arguments will enable human rights adjudication to be more principled and more in line with the rule of law and separation of powers. The book has two distinctive features. First, it engages with the jurisprudence of six common law jurisdictions that apply a structured proportionality test in rights adjudication, namely, Canada, Hong Kong, Ireland, Israel, New Zealand, and the United Kingdom. Second, the book offers guidelines for judges who wish to

apply its theoretical arguments. Combining theory with practice in a broad range of jurisdictions, the book will be an important reference for researchers and students of constitutional theory, comparative constitutional law, and human rights law around the world. It will also assist practitioners, judges, and policymakers who have to grapple with issues of deference in adjudication.

70 Relational Justice: A Theory Of Private Law/ Dagan, Hanoch; Dorfman, Avihay - Oxford University Press, London, 2024; xii, 300p. E-970

What makes private law private? What is its domain? What are the values it promotes? Relational Justice: A Theory of Private Law addresses these foundational questions in a robust analysis of the key doctrines of private law, including torts, contracts, and restitution. Discarding the vision of private law as a bastion of negative duties of non-interference or efficiency maximization, this book reframes private law in terms of what it calls "relational justice"—reciprocal respect for self-determination and substantive equality. By vindicating self-determination, private law can forge the horizontal interactions vital to the ability to shape and implement a conception of the good life. By structuring these interactions in terms requiring parties to respect one another for who they are, private law can cast them as interactions between equals. In the book's first part, the authors set out a normative position they term relational justice, whereby the rules of private law abide by the fundamental maxim of reciprocal respect for self-determination and substantive equality. The second part of the book applies this framework to an analysis of familiar private law doctrinal areas, followed by a third part charting newer areas including workplace safety, poverty, discrimination, and implications for international law. Throughout, the authors show how relational justice theory provides a normative vocabulary for evaluating core features of existing private law, while suggesting directions for necessary or desirable reforms.

71 Data Privacy And Competition Law In The Age Of Big Data: Unpacking The Interface Through Complexity Science/ Esayas, Samson Y. - Oxford University Press, London, 2024; xxiv, 350p. E-971

The monetization of personal data has become an increasingly common business practice, igniting global debate on the interface between data privacy law and competition law. Data Privacy and Competition Law in the Age of Big Data provides a comprehensive, novel, and interdisciplinary analysis of this nexus. Drawing insights from emergent properties and complexity science, it exposes the commonalities and conflicts between how data privacy law and competition law address challenges resulting from the commercialization of personal data. The book begins by identifying key shifts in big data: the growing trend of processing personal data for diverse purposes, the aggregation of data across various operations, and the shift from offering stand-alone products and services to ecosystems of several, with personal data central in connecting the different markets. These shifts engender a complex economic landscape, marked by multiple actors, a web of interactions, and non-linear, emergent outcomes. Despite this complexity, the prevailing approach to data privacy law and competition law emphasizes isolated units of analysis—whether a relevant market or a distinct processing operation. This approach overlooks system-wide (emergent) risks borne of cumulative processing operations and cross-market

practices. Additionally, a mindset focused on either data privacy law or competition law overlooks the increasing intersection between the two regimes, missing opportunities for synergy. In light of these challenges, the book calls for recalibrating data privacy law and competition law for a complex economy, emphasizing a holistic, systems-level perspective that addresses emergent harms and a polycentric strategy that leverages the strengths of each legal regime.

72 Net Zero And Natural Resources Law: Sovereignty, Security, And Solidarity In The Clean Energy Transition/ Olawuyi, Damilola S (ed.); González, José Juan (ed.); Mostert, Hanri (ed.); Montoya, Milton Fernando (ed.); Banet, Catherine (ed.) - Oxford University Press, London, 2024; xii, 378p. E-972

Net Zero and Natural Resources Law offers a comprehensive and authoritative account of the nature, scope, and guiding principles of natural resources law and policy in a net zero era. In response to the climate emergency, several countries, corporations, and other actors worldwide have announced programmes aimed at bringing down global emissions of greenhouse gases that contribute to climate change to net zero by the year 2060 or earlier. While the need for a clean energy transition is clear, incoherently designed transition programmes could produce complex environmental, social, and governance risks, including legal liability and protracted disputes. At the same time, the growing rush for minerals needed to manufacture clean energy technologies raises fundamental questions. Most crucial is how to ensure the exploration and development of energy transition minerals in a manner that does not exacerbate resource conflicts, resource nationalism, human rights violations, protectionism, energy insecurity, social exclusions, and inequity, especially in conflict-affected and high-risk regions. With case studies from Africa, Asia, Europe, North and South America, and Australasia, this book offers a multijurisdictional exposition of how legal and regulatory systems are responding and can better respond to the wide range of sovereignty, security, and solidarity risks in the clean energy transition. Consideration is given to a nexus and integrated resource governance roadmap—focusing on net zero-aligned natural resource contracts, legislation, mineral strategies, human rights due diligence tools, dispute resolution and cooperative mechanisms—needed to improve coherence and coordination in the design, financing, and implementation of energy transition programmes across the entire natural resource value chain.

73 Palestinian Political Organizations In Israeli Prisons/ Bernstein, Alyssa G. - Oxford University Press, London, 2024; xviii, 292p. E-973

Palestinian Political Organizations in Israeli Prisons examines the evolution and changes within the Palestinian Prisoners Movement and the structural opportunities and constraints that inform collective resistance today. Drawing on observation-based fieldwork and over forty interviews with ex-prisoners and additional interviews with lawyers and advocates, this book presents a sociological account of Palestinian prisoners in Israel—an important reflection of the wider Israeli–Palestinian conflict. The Oslo Accords, the peace agreements between the Palestinian Liberation Organization and Israel, transformed not only Palestinian politics but the entire prison environment. By exploring issues including the specific characteristics of women's resistance, the effects of the Islamicization, new hunger strike strategies, consumerism within

the prison, parenting children, and escapes, Palestinian Political Organizations in Israeli Prisons offers a fresh analysis of political resistance in Israeli prisons. Applying a social movement approach and drawing comparisons to other politically motivated prisoner groups, the book traces the effects of changes from the Oslo Accords through to today, including the Second Intifada, the split between Hamas and Fatah, the co-optation of the Palestinian Authority, and increasingly systematic prison management, explaining how these factors have affected life for Palestinian prisoners in Israeli prisons and influence conflicts today.

74 Aligning Election Law/ Stephanopoulos, Nicholas O - Oxford University Press, London, 2024; x, 388p. E-974

This book argues that alignment between governmental outputs and popular preferences should be a tenet of the law of democracy. Alignment is a core democratic value. Yet it isn't appreciated by election law scholarship, much of which focuses on other democratic goals. Nor do the courts consider alignment when deciding election law cases. In fact, the Roberts Court has undermined alignment at almost every turn. And in part because of these rulings, modern American politics is marred by pervasive misalignment. If alignment were recognized as a legal and political principle, it could function as a sword or as a shield. As a sword, alignment would be wielded offensively to strike down misaligning electoral practices (or not to enact them in the first place). As a shield, alignment would be deployed defensively to justify aligning electoral practices (in litigation or in public discourse). The federal courts could be a valuable ally in the struggle for alignment. Unfortunately, the Roberts Court has been a foe rather than a friend, declining to invalidate many misaligning policies and nullifying several aligning ones. Fortunately, federal litigation isn't the only route to a more aligned political system. Congress could pass a range of potent aligning laws. So could state legislatures. State courts are also more promising venues, relative to their federal counterparts, because they adhere to a democracy principle unfamiliar to federal law. Last but not least, the people themselves could pursue alignment on their own, through either direct democracy or wholly private activity.

75 Oxford Studies In Philosophy Of Law Volume 5/ Green, Leslie (ed.); Leiter, Brian (ed.) - Oxford University Press, London, 2024; viii, 205p. E-975

This volume presents an important collection of newly commissioned work on central issues in general and specific jurisprudence, covering the nature of law and legal reasoning, the jurisprudence of the late Eugenio Bulygin, the legal realist tradition in France, and the philosophy of tort, criminal, and international law, among other topics. Oxford Studies in Philosophy of Law is a forum for some of the best new philosophical work on law, by both senior and junior scholars from around the world. The essays range widely over issues in general jurisprudence (the nature of law, adjudication, and legal reasoning), the philosophical foundations of specific areas of law (from criminal law to evidence to international law), the history of legal philosophy, and related philosophical topics that illuminate the problems of legal theory. OSPL will be essential

reading for philosophers, academic lawyers, political scientists, and historians of law who wish to keep up with the latest developments in this flourishing field.

76 International Space Law In The New Space Era: Principles And Challenges/ Bhat B., Sandeepa (ed.); Ukey, Dilip (ed.); Variath, Adithya (ed.) - Oxford University Press, London, 2024; xii, 322p. E-976

International Space Law in the New Space Era: Principles and Challenges addresses the international legal and regulatory aspects of outer space that still govern the current developments. This book covers five United Nations space treaties along with soft laws and policies. Though there are recent attempts to undo the foundations of international space law to promote commercialization, the principles of international space law continue to exist as strongly as they existed before the beginning of space commercialization. Hence, understanding those foundations of international space law in the right sense and respecting them becomes essential for ensuring a sustainable future for all in outer space. The chapters of this book have been diversified in such a way that the book can cover the entire gamut of international space law in a nutshell. The inadequacies of international space law in light of the current developments (such as space commercialization, space tourism, space mining etc) are covered in each chapter. The holistic and comprehensive structure of this book provides an easy approach to understanding international space law, as close attention is also paid to the selection of contributors and sub-structures of the chapters. Each contributor is an established expert in the domain of space law, having a unique vision and approach to space law. The traditional understanding of international space law and visualizing it from the perspective of current developments can only be undertaken by such established scholars. This volume will act as a reference book for a variety of audiences consisting of students, researchers, scholars, academicians, policymakers, and practitioners. The book can also be referred to by the people within the space industry as well as by individuals who wish to learn about the regulations of outer space.

77 Data Protection Law And Emotion/ Clifford, Damian - Oxford University Press, London, 2024; vi, 241p. E-977

Data protection law is often positioned as a regulatory solution to the risks posed by computational systems. This is logical given the pervasive data processing that underpins much of the technology we rely on daily. Despite the widespread adoption of data protection laws, however, there are those who remain very sceptical about their capacity to regulate these risks. Much of this criticism focuses on the role of us, the ‘data subjects’. For instance, it has been demonstrated repeatedly that we lack the capacity to act in our own best interests and, what is more, that our decisions have negative impacts on others. It is hard to dispute these points. Our decision-making limitations seem to be the inevitable by-product of the technological, social, and economic reality. The problems with data protection law also seem baked in through notions such as consent and the subjective control rights provided for in these frameworks and also the reliance on those processing our data to do so fairly. Despite these valid concerns, this book argues that the critiques of the instrumental role of control fail to recognize that its effectiveness is often more difficult to discern than the more critical literature would suggest, but it also emphasizes the importance of

the conceptual value of subjective control. These points are analysed (and, indeed, exposed) by exploring data protection law through the lens of the insights provided by law and emotion scholarship.

78 Legal Professional Privilege In Criminal Investigations And Proceedings/ Hayes, Will; Cochrane, Vivien - Oxford University Press, London, 2024; x, 268p. E-978

This is a book about the law of legal professional privilege and its practical application in criminal cases and internal investigations. It is intended to be a single point of reference for all criminal practitioners regardless of the type of case in which they are involved. Although aimed primarily at criminal defence lawyers—both solicitors and barristers—it also contains guidance for others involved in the criminal justice system more widely, including prosecution lawyers, investigators, independent counsel undertaking privilege reviews, and members of the judiciary who are asked to determine privilege issues in criminal proceedings. The content and structure of the book are determined first and foremost by the practical issues that criminal lawyers encounter and the stage in proceedings at which they typically arise. Topics include communicating with third parties to obtain evidence for trial, invoking the crime-fraud exception in criminal proceedings, the effect on privilege of disclosing the reasons for advice to answer no comment, the relationship between privilege and powers of search and seizure, conducting privilege reviews, compelled interviews, reference to privileged material in an expert's report, prosecution privilege and disclosure obligations, corporate cooperation and waiver of privilege, inadvertent waiver by lawyers at court, appeals based on criticism of previous legal representatives and fresh evidence, and the extent to which privilege can apply to internal investigation witness interviews and fact-finding reports.

79 Philosophical Foundations Of Private International Law/ Green, Michael S. (ed.); Michaels, Ralf (ed.); Banu, Roxana (ed.) - Oxford University Press, London, 2024; xvi, 408p. E-979

Private international law has long been understood as a doctrinal and technical body of law, without interesting theoretical foundations or implications. By systematically exploring the rich array of philosophical topics that are part of the fabric of private international law, Philosophical Foundations of Private International Law fills a significant and long-standing void in the legal and philosophical literature. The contributions to this volume are testimony to the significant potential for interaction between philosophy and private international law. Some aim to expand and rethink classical jurisprudential theories by focusing on law beyond the state and on the recognition of foreign law and judgments in domestic courts. Others bring legal and moral theories to bear on traditional debates in private international law, such as legal pluralism, transnational justice, the interpretation of foreign legal policies, and the boundaries of the legal system. Several engage with the history of both private international law and legal and political philosophy. They point to missed opportunities when philosophers ignored law's transnational dimensions, or when private international law scholars failed to position their theories within broader philosophical schools of thought. Some seek to complete past attempts to articulate the philosophical dimensions of private international law that were

never carried through. Thought-provoking and topical, this volume displays the varied themes cutting through the disciplines of private international law and philosophy.

80 The Principles Of The Law Of Restitution/ Virgo, Graham - Oxford University Press, London, 2024; vii, 864p. E-980

This book provides detailed exposition and analysis of the Law of Restitution, encompassing the Law of Unjust Enrichment, Restitution for Wrongs, and Proprietary Restitutionary Claims. It is primarily doctrinal with a focus on clear exposition of a complex area of law and critical analysis of the law and its development. This edition has been substantially rewritten to reflect the significant changes in the Law, particularly the Law of Unjust Enrichment, and the expansion in the theoretical and critical commentary on the subject since the publication of the last edition in 2015. Following important decisions of the Supreme Court and other courts, large-scale changes have been made to the chapters on enrichment, at the expense of the claimant, lawful bases for receipt, and compulsion. Part III Restitution for Wrongs has been significantly rewritten to reflect important developments in the law and thinking about its operation. Chapters on absence of intention as a ground of restitution and the defence of illegality have been completely rewritten. References to developments in other Common Law jurisdictions have been expanded, particularly regarding Singapore and Australia. Further analysis of controversies about the justification for the Law of Unjust Enrichment has been substantially developed. However, one significant aspect of the book remains unchanged: the focus on the identification and analysis of the principles which underpin the Law of Restitution as a whole, but with reference to its three distinct parts. This tripartite division continues to reflect the law as it is applied and developed by the courts.

81 Free Speech As Civic Structure: A Comparative Analysis Of How Courts And Culture Shape The Freedom Of Speech/ Krotoszynski, Ronald J - Oxford University Press, London, 2024; xx, 300p. E-981

Free Speech as Social Structure examines and explains the very limited relevance of constitutional text to the scope and vibrancy of free speech within a particular polity. The limited relevance of text to expressive freedom holds true in the United States, where the Supreme Court largely ignores the actual text of the First Amendment, as well as in other democratic countries. In Australia, Israel, South Africa, the United Kingdom, and the United States, all surveyed in this book, the presence of relevant constitutional text (the United States and South Africa), relevant statutory text (the United Kingdom), in addition to the complete absence of constitutional text (Australia) or lack of a formal, entrenched constitution as such (Israel) all make little to no difference to free speech rights on the ground. The strength or weakness of free speech protections depends critically on the willingness and ability of judges to police government efforts to censor speech—in conjunction with the salience of speech as a sociolegal value within the body politic. Thus, a legal system featuring independent courts, ideally vested with a power of judicial review, but that lacks a written free speech guarantee, will likely feature broader protection of the freedom of expression than a legal system with a written guarantee that lacks independent courts. Across jurisdictions, text or its absence invariably serves as,

at best, a starting point for judicial efforts to protect speech. Judges, engaged in a common law enterprise, matter far more than text, and common law constitutionalism constitutes the global rule rather than the exception.

82 Punishment For The Greater Good/ Kolber, Adam J. - Oxford University Press, London, 2024; x, 248p. E-982

Over ten million people are incarcerated throughout the world, even though punishment theorists have struggled for centuries to morally justify the practice. Theorists usually address criminal justice under abstract, idealized conditions that assume away real-world uncertainty. We don't have time, however, to wait for a perfect moral theory, and the history of philosophy suggests we will never find it. This book examines the justification of punishment in the here and now, recognizing that we are uncertain about matters of both fact and value. Retributivists believe offenders deserve punishment because of their wrongdoing. They treat deserved punishment as intrinsically valuable. Retributivism is too unfinished, however, to address punishment in the here and now, and the widely popular notion of proportional punishment at its core is both elusive and often undesirable. Rather than seeking retribution, we should reduce suffering by deterring crime and incapacitating and rehabilitating dangerous people. Though this consequentialist approach has fallen out of favor in recent decades, it is better suited to addressing punishment in the here and now than the approach commonly taken by retributivists. If consequentialism successfully justifies punishment, then contrary to some carceral abolitionists, at least some incarceration under some conditions is justified today. In the here and now, we will rarely know how to punish for the greatest good, but we can seek to punish for the greater good.

83 Eu Food Law/ Schebesta, Hanna; Purnhagen, Kai - Oxford University Press, London, 2024; xiv, 418p E-983

This book provides a panorama of EU food law and legislation. It covers European Integration and Food Law (Part I); Food Safety Umbrella Laws: The General Food Law Regulation and the Official Controls Regulation (Part II); The Food Law Acquis (Parts III–VII), which comprises food technology law, food safety law, food information law, food quality law, food nutrition law; international food law (Part VIII) and a final chapter that presents the conclusions and an outlook on the future of food law. The book demonstrates that EU food law is currently predominantly food-safety oriented, and outlines initiatives and opportunities for a future of food law that is more oriented towards aspects of sustainability, health, and integrated food system regulation.

84 Making And Shaping The Law Of Armed Conflict/ Sivakumaran, Sandesh (ed.); Burne, Captain Christian R. (ed.) - Oxford University Press, London, 2024; xxiv, 368p. E-984

This volume explores the making and shaping of the law of armed conflict. A variety of aspects of law-making and shaping are analyzed, from identification of a rule of customary international humanitarian law to questions of treaty interpretation and from whether and how to regulate a "new" situation to whether a treaty rule continues to bind the parties. Issues of making and shaping

the law underlie almost every contentious legal issue, from whether an intended practice is covered by an existing rule of conventional or customary international humanitarian law to the weight to be given to interpretations of particular actors. Despite the importance of questions of making and shaping the law, there are relatively few in-depth treatments of the subject. The volume explores the fundamental materials of the law of armed conflict, actors and influences, spaces, and questions of unmaking.

85 Constitutional Identity And Constitutionalism In Africa/ Fombad, Charles M (ed.); Steytler, Nico (ed.) - Oxford University Press, London, 2024; xxviii, 317p. E-985

In its modern history, Africa has experienced different waves of constitutional ordering. The latest wave, which began in the 1990s, has set the stage over the past decade for what is now a hotly debated issue: whether recent new or fundamentally revised constitutions truly reflect an African constitutional identity. Constitutional Identity and Constitutionalism in Africa brings a number of important research questions to the fore—historically, contemporarily, and prospectively. Firstly, it raises the question of whether the concept of constitutional identity provides a useful optic with which to look at and appreciate African constitutions. The second question concerns the role of path dependency in forming constitutional identities. To what degree have colonial foundations shaped the constitutional identities that surfaced in independence and post-independence constitutional ordering? A third issue relates to the widening gap between most African constitutions—which in many cases incorporate fundamental principles of modern constitutionalism—and the actuality of practice. A fourth question is whether African traditional authorities and institutions are part of national constitutional identity-building or merely a sentimental cultural relic of the past with little relevance today? Closely related to these is the question of whether constitutionalism should form part of an African constitutional identity. The chapters in this volume take one on a journey through the realities of constitutional identity and constitutionalism in Africa. They provide a broad overview that not only covers countries influenced by the two dominant constitutional traditions on the continent, namely the common law and civil law traditions, but also take into account indigenous African legal systems.

86 Constitutional Review And International Investment Law: Deference Or Defiance?/ Schneiderman, David - Oxford University Press, London, 2024; viii, 251p. E-986

The revival of interest in comparative constitutional studies, alongside the rise of legal limitations to state action due to investment treaty commitments, calls for a unique analysis of both investment law and comparative constitutional law. The unresolved tensions that arise between the two are only beginning to be addressed by judges. Are courts resisting efforts at diminishing constitutional space as a consequence of new international limits on state capacity? Constitutional Review and International Investment Law: Deference or Defiance? pioneers this discussion by examining how a selection of the highest courts around the world have addressed this potential discord. A comparison of decisions in the US, Europe, Colombia, Indonesia, Israel, and elsewhere reveals that, rather than issuing declarations of constitutional incompatibility, courts are

more likely to respond to constitutional tensions indirectly. Their rulings adopt stances that range from hard deference (such as the Peruvian Constitutional Court viewing constitutional law and investment law as entirely compatible) to soft defiance (for example the Colombian Constitutional Court requiring only modest renegotiation of some treaty terms so that they are constitutionally compliant). Readers learn that judges are not aiming to undermine the investment law regime but are seeking to mitigate constitutional collision.

87 Democracy Despite Itself: Liberal Constitutionalism And Militant Democracy/ Schupmann, Benjamin A - Oxford University Press, London, 2024; x, 231p. E-987

This book advances a liberal normative theory of militant democracy to address the existential threat to democracy posed by 'legal revolution'. 'Militant democracy' refers to the use of measures of constitutional entrenchment to defend democracy. Legal revolution occurs when democratically elected actors use legal procedures to undermine democratic constitutional essentials, evident today in countries like Hungary, India, and Turkey. This book develops its normative theory by combining John Rawls' political liberalism and Carl Schmitt's constitutional theory to argue that basic liberal rights are an essential part of the democratic constitutional framework and that the state has the right to defend its democratic political identity against internal challenges. It argues that militant democracy is institutionalized by three key mechanisms: explicit unamendability, political rights restrictions, and guardianship by a constitutional court, exemplified by the 1949 German Basic Law. It concludes that incorporating these defensive measures is a crucial safeguard of democracy against the threat of legal revolution, offering a model for the design of democratic constitutions in the future.

88 Governing Cross-border Data Flows: Reconciling Eu Data Protection And International Trade Law/ Yakovleva, Svetlana - Oxford University Press, London, 2024; vi, 396p. E-988

This book explores how the European Union can reconcile and pursue simultaneously two important legal and policy objectives, namely, on the one hand, protecting fundamental rights guaranteed under the EU Charter of Fundamental Rights (EU Charter) concerning privacy and personal data and, on the other hand, maintaining and developing a binding rules-based global trading system to ensure appropriate access to foreign digital markets for EU businesses. The book first demonstrates that there is a real clash between international trade law and European data privacy law when it comes to the governance of cross-border flows of personal data. To resolve the tensions caused by this clash, the book proposes concrete and detailed ways to ameliorate the situation from both ends (international trade and personal data protection), specifically through reforms of both international trade and Chapter V of the General Data Protection Regulation (GDPR). To explain how such reforms could be effectuated, the author also looks at the role of discourse in the evolution of trade law in the last two decades. The book also paves the way for further research necessary to design a fully-fledged reform proposal of the EU framework for transfer of personal data outside the EEA.

89 Hybrid Threats And Grey Zone Conflict: The Challenge To Liberal Democracies/ Regan, Mitt (ed.); Sari, Aurel (ed.) - Oxford University Press, London, 2024; x, 726p. E-989

Geopolitical competition between liberal democracies and authoritarian States is one of the defining features of our age. Most of this competition takes place below the threshold of armed confrontation, using measures short of war. Relying on the notions of hybrid threats and grey zone conflict to help make sense of these developments, this book brings together thinkers from various disciplines and backgrounds to consider some of the most pressing legal and ethical questions that arise in this context. The volume offers readers an assessment of the key concepts, trends, and dynamics as well as a detailed analysis of specific areas. Individual chapters explore to what extent the existing rules and institutions of international law remain suitable for containing contemporary forms of geopolitical rivalry; how the law itself serves as an instrument, domain, and object of strategic contestation; and what ethical principles might provide normative guidance to liberal democracies and inform the application of conventional legal categories. The contributions in the book reflect different perspectives and approaches, but share the common assumption that hybrid threats and grey zone conflict exploit the vulnerabilities of democratic nations and pose substantial challenges to the international legal system. By providing a systematic assessment of these challenges, the book contributes to a better understanding of the field and towards devising more effective responses to address the adverse effects that hybrid and grey zone conflict have on liberal democracies and on the international rule of law.

90 Informers Up Close: Stories From Communist Prague/ Drumbl, Mark A.; Holá, Barbora - Oxford University Press, London, 2024; viii, 252p. E-990

Informers contribute to the power of repressive regimes. While informers may themselves be victims, and are enlisted by the state, their actions cause other individuals to suffer significant harm. Informers, then, are central to the proliferation of endemic human rights abuses. Through a case study of Communist Czechoslovakia (1945–1989)—and drawing from secret police archives, oral histories, and a broad gamut of secondary sources—this book unearths what fuels informers to speak to authorities in repressive times and considers how transitional justice should approach informers once repression ends and a successor regime emerges. This book unravels the complex drivers behind informing and the dynamics of societal reactions to informing. It explores the agency of both informers and secret police officers. By presenting informers ‘up close’, and the relationships between informers and secret police officers in high resolution, this book centres the role of emotions in informer motivations and underscores the value of dignity in transitional reconstruction. This book also leverages research from informing in authoritarian states to improve our understanding of informing in so-called liberal democratic states which, after all, also rely on informers to maintain law and preserve order.

91 International Law And Universality/ Aral, Isil (ed.); d'Aspremont, Jean (ed.) - Oxford University Press, London, 2024; viii, 341p. E-991

This book takes a hard and unflinching look at the multitude of roles and functions played by universality in international legal discourses as well as its associated narratives of progress and virtues. In doing so, it provides a critical appraisal of the mechanisms of inclusion and exclusion that come with international law and its universalist discursive strategies. This requires that universality is not reduced to the question of the geographical outreach of international law, but instead is understood in terms of boundaries. This also entails examining how the idea of universality—which does not lend itself to a translation in all languages—was developed in some of the dominant vernaculars of international law—primarily English and French—before being universalized and imposed upon international lawyers from all traditions. This simultaneously offers an opportunity to revisit the ideologies that constitute the identity of international lawyers today, as well as the socialization, reproduction, and legal educational processes which they undergo to become international lawyers. Special attention is paid to the place which Europe has secured for itself by virtue of the progress and historical narratives built around the idea of universality.

92 Property Law In The Society Of Equals/ Essert, Christopher - Oxford University Press, London, 2024; xii, 233p. E-992

Property Law in the Society of Equals is an account of the property law and its justificatory foundations. It begins with the common worry that property is an inegalitarian institution and shows that, contrary to the worry, property is actually an essential constituent of a society of equals. Property law is the solution to the Problem of Yours and Mine, a moral problem about the impossibility of our relating to one another on terms of equality absent an institution that allows us to have things as our own. This understanding of property not only shows why property is required for us to have equal relations, it also provides a distinctive perspective on the ways in which our current institutions of property are defective from their own internal point of view and require radical reform. The book uses this abstract account to explain contemporary property law. The book explains private law doctrines including trespass, licence, nuisance, acquisition, transfer, tenancy, and the law of servitudes; it also illuminates the boundaries between property rights and personal rights and between property rights and contract rights, and explores various liminal cases of property through that lens. In addition, the book critiques property internally, showing how property's justification requires a state to provide homes to all of its subjects and showing how other parts of the public law of property, including various forms of land use regulation, should be understood as part of the law of property rather than external limitations on it.

93 The 3 Regional Human Rights Courts In Context: Justice That Cannot Be Taken For Granted/ Burgorgue-Larsen, Laurence - Oxford University Press, London, 2024; 536p. E-993

The book takes a critically engaged look at both the creation and the workings of the three regional human rights systems, of which the 3 Courts are the jewels in the crown, so to speak. It is the first to offer a comprehensive legal and political–scientific analysis comparing the three systems. Rather than merely

juxtaposing analogous features in each system, it compares and contrasts each within an integrated whole. It also includes historical, political, and sociological insights and observations alongside its primary legal focus—hence the 'in context' in the title. A close analysis of the processes by which the systems came into being makes it clear that, regardless of distinctive political, cultural, and other factors, states on each of the three continents have chafed hard at the bit of international supervision. The commonly accepted wisdom that, after the Second World War, the ethical, cultural, and political thrust of the human rights project was so powerful that states simply did not need to discuss it, is no longer tenable. The subtitle of the book—Justice That Cannot Be Taken for Granted—underscores this key point, which is buttressed further by analyses of how each system has evolved and how the rulings of each court have been implemented.

94 The Collective-action Constitution/ Siegel, Neil S. - Oxford University Press, London, 2024; xii,503p. E-994

The primary structural purpose of the US Constitution is to empower the federal government to solve collective-action problems for the states and to prevent the states from undermining these solutions or causing such problems. Any faithful account of what the Constitution is for and how it should be interpreted must include this main structural function. The Constitution was established principally because of the widely recognized failures of its predecessor, the Articles of Confederation, to adequately address multistate collective-action problems, including funding the national government, regulating foreign and interstate commerce, and defending the nation from attack. These challenges are called collective-action problems because the states would need to act collectively, not individually, to solve them, and they would often struggle to do so. In a fundamental sense, the US Constitution is the Collective-Action Constitution, and the sobering problems facing America today—including inadequate access to health care, climate change, the COVID-19 pandemic and future ones, opioid addiction, gun violence, racism and other bigotry, political extremism, unlawful immigration, terrorism, and nuclear proliferation—cannot be adequately dealt with by government if Americans do not recognize this truth. The main goal of the Collective-Action Constitution is not to vindicate a conception of economic efficiency but to create and maintain political and economic union.

95 The Conflict Of Laws/ Briggs, Adrian - Oxford University Press, London, 2024; vi, 428p. E-995

The book examines and analyses private international law—the conflict of jurisdictions, the conflict of judgments and the conflict of laws, in the aftermath of Brexit. Where retained EU laws are to be assimilated into the structure of the subject, the problems to which this may give rise are dealt with and solutions proposed. The theory underpinning the subject is exposed, for without an understanding of what the conflict of laws does, and why it does it, the detail of the law can appear overwhelming, when the truth is the opposite: almost every decision and principle can be seen to be part of a rational, coherent, structure. Where criticism—whether of legislation or the absence of legislation, or of judicial decisions—is called for, it is made. Punches are not pulled. Where the law has been let down by legislators or judges (not only in London), the

shortcomings are explained, the better to help the reader appreciate what the subject, taken as a whole, seeks to do. Where reform is necessary, the need is explained. But above all, the reading is intended to be fun, or at least provocative. For as soon as the reader is stimulated to produce his or her own thought, reaction and assessment, the book will have achieved its most important purpose.

96 The King Can Do No Wrong: Constitutional Fundamentals, Common Law History, And Crown Liability/ Fortin, Marie-France - Oxford University Press, London, 2024; x,317p. E-996

This book traces the evolution of the king can do no wrong in legal thinking to revisit our current understanding of crown liability. Arguing that the king can do no wrong is one of the most fundamental yet most misunderstood ideas of the common law tradition, the book describes ways in which these misunderstandings have serious consequences, most dramatically by making it difficult—and sometimes impossible—for individuals to successfully sue the state for the harm caused to them by governmental institutions. This book offers a novel framework for understanding the core features of legal thinking on crown liability as they developed historically. The book delves deep into traditional legal sources to develop an intellectual history of a key legal idea. The different meanings conveyed by the king can do no wrong in the common law world are explained and the contradictions between them are revealed. The mutation from the king can do no wrong to the crown can do no wrong is brought to light, and the resulting departure from core constitutional tenets is discussed. The study of the evolution of the king can do no wrong in English legal thinking, mirrored in Canada, is complemented by a historical comparative analysis of the idea in Australia, Ireland, and the United States, including its relationship with sovereign immunity. By retracing the historical constitutional foundations of the king can do no wrong, this book enhances academics', students', practitioners', and judges' understanding of the law of governmental liability in the common law world and its relationship with constitutional fundamentals.

97 Trial By Numbers: A Lawyer's Guide To Statistical Evidence/ Chilton, Adam; Rozema, Kyle - Oxford University Press, London, 2024; 200p. E-997

A significant problem within the legal profession is that many of the lawyers litigating cases and the judges deciding them have only a limited understanding of how to properly interpret empirical evidence. The goal of this book is to provide an easy way for members of the legal profession to acquire a basic understanding of some of the most common methods that serve as the building blocks for empirical evidence in academic articles, policy briefs, and expert witness reports. To accomplish this goal, the authors take a different approach from that of other introductory books on empirical methods. They omit the formulas and equations found in other books and instead focus on explaining the intuition and logic of common empirical methods. They also exclusively use examples that are relevant to law school and legal practice. Making the book accessible in this way is intended to help counteract the aversion toward empirical evidence that is far too common in law schools, law firms, and the courts.

98 Victims And The Labour Of Justice At The International Criminal Court: The Blame Cascade/ Ullrich, Leila - Oxford University Press, London, 2024; x, 364p. E-998

Victim participation at the ICC has routinely been viewed as an empty promise of justice or mere spectacle for audiences in the Global North, providing little benefit for victims. Why, then, do people in Kenya and Uganda engage in justice processes that offer so little, so late? How and why do they become the court's victims and intermediaries, and what impact do these labels have on them?Victims and the Labour of Justice at the International Criminal Court offers a response to these poignant questions, demonstrating that the notion of 'justice for victims' is not merely symbolic, expressive, or instrumental. On the contrary — the book argues — the ICC's methods of victim engagement are productive, reproducing the Court as a relevant institution and transforming victims in the Global South into highly gendered and racialized labouring subjects. Challenging the Court's interplay with global capitalist relationships, the book makes visible the hidden labour of justice, and how it lures, disciplines, and blames both victims and victims' advocates. Drawing on critical theory, criminological analysis, and multi-sited ethnographic fieldwork in The Hague, Kenya, and Uganda, Victims and the Labour of Justice at the International Criminal Court illuminates how the drive to include victims as participants in international criminal justice proceedings also creates and disciplines them as blameworthy capitalist subjects. Yet, as victim workers learn to 'stop crying', 'be peaceful', 'get married', 'work hard', and 'repay debt', they also begin to challenge the terms of global justice.

99 Compliance With European Consumer Law: The Case Of E-commerce/ Pflücke, Felix - Oxford University Press, London, 2024; viii, 221p. E-999

European consumer law has adapted and evolved in response to the rapid growth of e-commerce in the last two decades. This monograph examines the evolving legal framework at the EU and national levels—from mandatory disclosures to unfair contract terms—and analyses the extent to which scientifically grounded evidence or theories underpin these legislative choices. It depicts the increasing use of evidence in EU consumer law and policy but highlights the lack of scientific rigour and evidence in enforcement. At the heart of the book lies an original empirical inquiry assessing compliance among e-commerce traders with consumer protection rules. The empirical analysis investigates whether 300 traders from four jurisdictions comply with their legal duties and identifies reasons for non-compliance. It translates the evidence of previously undiscovered non-compliance patterns into precise and actionable policy recommendations. The underlying objective of this monograph is to advocate for a more evidence-driven approach within European consumer law aimed at strengthening the effectiveness of the rules and fostering trader compliance. Ultimately, it serves as a foundational step, setting the stage for future empirical research in this dynamic domain.

100 The Transformation Of The Prohibition Of Torture In International Law/ Oette, Lutz - Oxford University Press, London, 2024; viii, 303p. E-1000

The book analyses the nature, significance, and implications of the transformation of the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment in international law. It demonstrates how this fundamental human rights norm has withstood challenges in the 'war on terror', albeit with ambivalent outcomes. In parallel, multidisciplinary scholarship, practice in the field, and jurisprudence have developed the conceptual understanding of torture and other ill-treatment, including their link with discrimination, and innovative approaches to prevention, accountability, and reparation. The prohibition has also benefited from cross-fertilization in its interaction with international criminal law, international humanitarian law, and international migration law, although not without facing challenges in terms of its interpretation and application. The book sets out a relational understanding of torture and other ill-treatment that locates them in wider power structures. It identifies the tensions and dialectics inherent in the prohibition between its conventional focus on extreme forms of state violence and broader, evolving understandings. Applying the prohibition to key twenty-first century challenges, particularly in respect of health, poverty, and climate change, the book argues that the prohibition plays a critical role in highlighting and addressing widespread, intolerable structural pain and suffering through an integrated human rights approach with a distinctive transformative focus and dimension. This includes interrogating the role of international law, and the international order more widely, in facilitating, legitimizing, and obscuring systemic suffering and degradation through legal concepts such as sovereignty, punitive social control, and detrimental economic policies.

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