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NEW RESEARCH COLLECTION

Environmental Constitutionalism

Edited by **James R. May** and **Erin Daly**, Widener University School of Law, US

Environmental constitutionalism is a new concept for protecting local and global environmental conditions by invoking national and subnational constitutional law. As constitution-drafters in all legal traditions commit to environmental stewardship, protection and sustainability, courts are increasingly called upon to vindicate protected environmental rights in both their substantive and their procedural aspects. Designed for judges, advocates, and policy-makers as well as scholars in the field, this book assembles key writings on environmental constitutionalism from around the world, drawing attention to its contours, its challenges, and its potential for enhancing both environmental protection and constitutional governance in theory and context.

28 articles, dating from 1998 to 2013

Contributors include: A. Ansari, D. Boyd, C. Bruch, L. Ferris, P. Hassan, L. Kotze, O. Pedersen, D. Shelton.

June 2015 c 972 pp Hardback 978 1 78471 168 9 c £285.00
The International Library of Law and the Environment series

Law and the Limits of Government

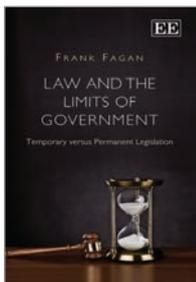
Temporary versus Permanent Legislation

Frank Fagan, Erasmus University Rotterdam, the Netherlands and University of Bologna, Italy

'Law and the Limits of Government by Frank Fagan is a creative and enormously useful book for any scholar of legislation, timing rules, and politics.'

— Jacob Gersen, Harvard Law School, US

2013 168 pp Hardback 978 0 85793 865 7 £73.00
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NEW

Withdrawal from the European Union

A Legal Appraisal

Adam Lazowski, University of Westminster, UK

This discerning book offers a comprehensive and insightful appraisal of withdrawal from the European Union. It examines the mechanics of EU divorce as well as the terms and conditions of such a development. Adam Lazowski argues that while unilateral withdrawal is intellectually tempting, it remains an unrealistic proposition. The book determines that if the EU divorce is possible, it must be conducted on the basis of a withdrawal treaty and the legal character, potential contents and structure of such a treaty are considered. Furthermore, readers are presented with critical evaluation of alternative models of integration available to countries departing from the European Union.

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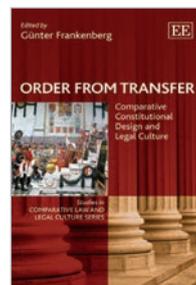
Comparative Constitutional Design and Legal Culture

Edited by **Günter Frankenberg**, Goethe University, Germany

'Frankenberg's work gives a new insight of what comparative law can be in the context of globalization, representing an outstanding achievement. His theory of "transfer" supersedes the metaphors of mainstream scholarship, displaying that constitutions are not mere "commodities" or items to be assembled. The real matter is rather, which "meanings" are generated through transfer. In this way, beyond any usual flat version, we may perceive that any "constitutional relocation" exhibits a reappraisal of the whole world we live in.'

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Series editors: **Rosalind Dixon**, University of New South Wales, Australia, **Susan Rose-Ackerman**, Yale University and **Mark Tushnet**, Harvard University, US

Constitutions are a country's most important legal document, laying the foundation not just for politics, but for all other areas of law. They allocate power among different levels and branches of government, record and promote a society's shared values, and protect the rights of citizens. Countries around the world are adopting written constitutions, though what defines a constitution is evolving to include a variety of sources beyond canonical texts, such as political conventions, statutes, judicial decisions and administrative law norms.

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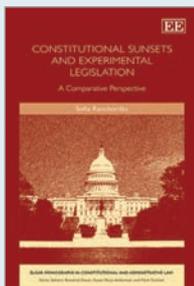
NEW

Constitutional Sunsets and Experimental Legislation

a Comparative Perspective

Sofia Ranchordás, Tilburg University, the Netherlands

'This rigorous and comprehensive study sheds light on an underappreciated tool of legal regulation. Using a comparative perspective that seamlessly integrates jurisprudential and policy analysis, Ranchordás has made a major contribution to our understanding of the interaction of law and time.'



– Tom Ginsburg, University of Chicago Law School, US

This innovative book explores the nature and function of 'sunset clauses' and experimental legislation, or temporary legislation that expires after a determined period of time, allowing legislators to test out new rules and regulations within a set time frame and on a small-scale basis. Sofia Ranchordás presents a thorough analysis of sunset clauses and experimental legislation from a comparative perspective, and offers a clear legal framework for their implementation.

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Political Technology and the Erosion of the Rule of Law

Normalizing the State of Exception

Günter Frankenberg, Goethe University, Germany

'Books abound on the question whether states of emergency can be legally controlled. But Frankenberg's account stands out because of his mastery of the political and legal contexts in which the terms of the debate about states of emergency were framed for us – the situation of Weimar and the constitutional reaction in postwar Germany. In addition, Frankenberg has an astonishing command of the history of political theory from Hobbes to the present. His innovative but scholarly analyses permit him to construct a narrative about the potential of the rule of law to respond to emergencies that includes detailed examinations of Schmitt, Foucault, Habermas, Agamben, and many others. His treatments of these figures seek to draw out the genuine insights they might offer, so that, even though none of the figures escapes the force of his criticism, his argument will challenge the assumptions of all involved in the debate.'

– David Dyzenhaus, University of Toronto, Canada

This timely volume by distinguished scholar Günter Frankenberg offers a sophisticated analysis and sharp critique of the reactions of nations such as the US, Great Britain and Germany to perceived terrorist threats, organized crime actions and other political emergencies that have occurred in recent years.

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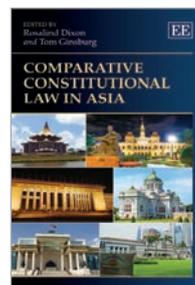
Comparative Constitutional Law in Asia

Edited by **Rosalind Dixon**, University of New South Wales, Australia and **Tom Ginsburg**, University of Chicago, US

Comparative constitutional law is a field of increasing importance around the world, but much of the literature is focused on Europe, North America, and English-speaking jurisdictions. The importance of Asia for the broader field is demonstrated here in original contributions that look thematically at issues from a general perspective, with special attention on how they have been treated in East Asian jurisdictions.

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Comparative Constitutional Law

Edited by **Tom Ginsburg**, University of Chicago, US and **Rosalind Dixon**, University of New South Wales, Australia

'A comprehensive index closes this overall impressive volume. . . all future studies in this field will be well advised to take advantage of the highly inspiring and thought-provoking articles collected in this volume.'

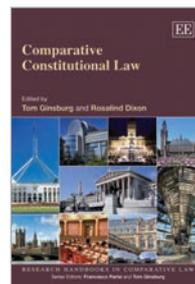
– Manfred Stelzer, ZÖER (Journal of Public Law)

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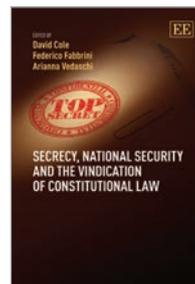
Edited by **David Cole**, Georgetown University Law Center, US, **Federico Fabbrini**, Tilburg University Law School, the Netherlands and **Arianna Vedaschi**, Bocconi University, Italy

'This book contains the broadest and deepest analysis of the legal and policy issues that relate to secrecy and national security on one hand, and the imperatives of a functioning democracy on the other. The broadest because it brings to bear materials from many countries, the deepest because it brilliantly explores a core problem of constitutional government.'

– Norman Dorsen, New York University, US and President, American Civil Liberties Union, 1976–1991

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Economic and Social Integration

The Challenge for EU Constitutional Law

Dagmar Schiek, Chair, Queens University Belfast, UK

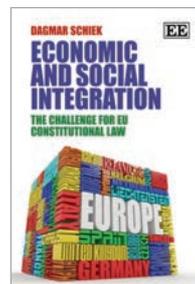
'At a time of crisis and therefore a crucial juncture in European politics, Dagmar Schiek offers us an inspiring vision of the potential of the European Union. In her brilliant study, she exposes the obstacles that economic integration has posed for achievement of social justice, and provides a bold solution. Rejecting more limited models of constitutionalism, she presents a convincing alternative which is socially embedded, allowing space for action by manifold actors at multiple levels of governance.'

– Tonia Novitz, University of Bristol, UK

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Advanced Introduction to Comparative Constitutional Law

Mark Tushnet, Harvard University, US

'Tushnet provides an authoritative review of the growing literature on comparative constitutional law. ... This book, however, is much more than a review of the existing literature and is a must read for both newcomers and those with more experience in the field.'

— H. Shambayati, Florida Coast University, Choice

'With this brilliant, well-composed book, Mark Tushnet once again demonstrates his eminent scholarship and his unique combination of constitutional theory and realism. He presents a fascinating conversation among the leading voices in the field and illuminates some of the standard themes and problems of comparative constitutional law [constitution-making, judicial review, rights and structures of government]. This is an "Advanced Introduction" and more: an elegantly written summary of liberal constitutionalism.'

— Günter Frankenberg, Goethe University Frankfurt, Germany

Mark Tushnet, a world-renowned scholar of constitutional law, presents an introduction to comparative constitutional law through an analysis of topics at the cutting-edge of contemporary scholarship. His authoritative study investigates constitution making, including the problem of unconstitutional constitutional amendments; recent developments in forms of constitutional review, including 'the battle of the courts'; proportionality analysis and its alternatives; and the emergence of a new 'transparency' branch in constitutions around the world. Throughout, the book draws upon examples from a wide range of nations, demonstrating that the field of comparative constitutional law now truly encompasses the world.

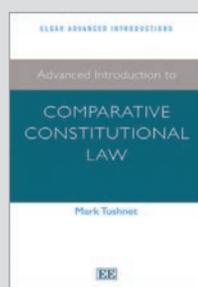
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Adam Cygan, University of Leicester, UK

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— Olaf Tans, Amsterdam University College, the Netherlands

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Research Handbook on Transparency

Edited by Padideh Ala'i and Robert G. Vaughn, American University Washington College of Law, US

"Transparency" has multiple, contested meanings. This broad-ranging volume accepts that complexity and thoughtfully contrasts alternative views through conceptual pieces, country cases, and assessments of policies – such as freedom of information laws, whistleblower protections, financial disclosure, and participatory policymaking procedures.'

— Susan Rose-Ackerman, Yale University Law School, US

In the last two decades transparency has become a ubiquitous and stubbornly ambiguous term. Typically understood to promote rule of law, democratic participation, anti-corruption initiatives, human rights, and economic efficiency, transparency can also legitimate bureaucratic power, advance undemocratic forms of governance, and aid in global centralization of power. This path-breaking volume, comprising original contributions on a range of countries and environments, exposes the many faces of transparency by allowing readers to see the uncertainties, inconsistencies and surprises contained within the current conceptions and applications of the term.

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Corruption and Conflicts of Interest A Comparative Law Approach

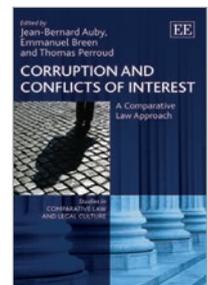
Edited by Jean-Bernard Auby, Sciences Po, Emmanuel Breen, Paris Sorbonne University and Thomas Perroud, Paris Est University and Sciences Po, France

As in all periods of swift economic development and political upheaval, our era of globalization has brought corruption and conflicts of interest into the spotlight. This comprehensive study highlights the difficulties of devising global legislative and judicial responses to these issues.

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European Union Human Rights Law

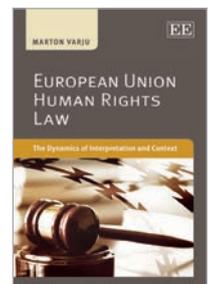
The Dynamics of Interpretation and Context

Marton Varju, Hungarian Academy of Sciences, Budapest and University of Debrecen, Debrecen, Hungary

The European Union's jurisprudence is responsible for a complex body of human rights law which pursues a busy, multi-tiered agenda and is essential for the lawful and effective operation and development of the EU polity and its legal order. This innovative book investigates the character of EU human rights law as shaped by the interplay between interpretation and context in the jurisprudence of EU courts.

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The European Court of Human Rights and its Discontents

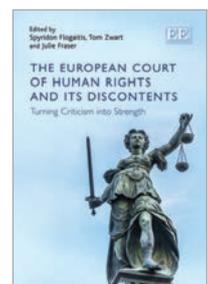
Turning Criticism into Strength

Edited by Spyridon Flogaitis, European Public Law Organisation, Tom Zwart and Julie Fraser, the Netherlands School of Human Rights Research

The European Court of Human Rights has long been part of the most advanced human rights regime in the world. However, the Court has increasingly drawn criticism, with questions raised about its legitimacy and backlog of cases. This book for the first time brings together the critics of the Court and its proponents to debate these issues. The result is a collection which reflects balanced perspectives on the Court's successes and challenges.

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January 2015

EE Edward Elgar
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Front List – 2014

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Reference/Dictionaries
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