D. Abels, University of Amsterdam, The Netherlands

**Prisoners of the international community**

The legal position of persons detained at international criminal tribunals

Little has been written about the legal position and conditions of detention of persons detained by international criminal tribunals, particularly as regards their internal legal position (their rights and duties inside the remand facility). The primary purpose of this book is to set out the law governing the detention of persons detained under the tribunals’ jurisdiction. The book provides a detailed account of this area of international criminal law. It sets out the applicable law, including the law’s underlying principles, and focuses on a number of specific procedural and substantive legal issues.

**Features**

- First book that provides an insight into the law of detention of international criminal tribunals
- A substantial clarification and critical assessment of the current issues and paradoxes of the domain in question
- An extremely useful guidance for practitioners in applying the law and principles of the tribunals’ detention law

**Contents**

Introduction.- The protection of detained persons under international law.- The legal regimes governing detention at the international criminal tribunals.- Principles of law governing detention at international criminal tribunals.- Making and handling complaints.- Discipline.- The designation of States for the enforcement of recommendations.- Contact with the outside world.- Concluding remarks and recommendations.

**Fields of interests**

International Criminal Law; Human Rights; Public International Law

**Target groups**

Research

**Product category**

Monograph

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Patenting of Pharmaceuticals and Development in Sub-Saharan Africa

Laws, Institutions, Practices, and Politics

This book critically investigates the patent protection of medication in light of the threats posed by HIV/AIDS, malaria and tuberculosis epidemics to the citizens of countries in Sub-Saharan Africa (hereinafter “SSA” or “Africa”). The book outlines the systemic problems associated with the prevailing globalized patent regime and the regime’s inability to promote access to life-saving medication at affordable prices in SSA. It argues that for pharmaceutical patents to retain their relevance in SSA countries, human development concepts must be integrated into global patent law and policy-making. An integrative approach implies developing additional public health and human development exceptions/limitations to the exercise of patent rights with the goal of scaling up access to medication that can treat epidemics in SSA.

**Contents**

General introduction and overview.- Exploring the conceptual domains for patent discourse in global trade relations.- Evolutionary trajectories of patents and the politics of exclusion in Sub-Saharan Africa.- The ‘myth’ of patent justifications: triumph and failure dichotomy in the north and south.- Patent regulatory and institutional mechanisms in Sub-Saharan Africa.- Pharmaceutical patents, the right to health, and constitutional supremacy in Sub-Saharan Africa.- Pharmaceutical patents and human development in Sub-Saharan Africa.- General conclusions.

**Fields of interests**

International IT and Media Law; Intellectual Property Law; Industrial Organization; Public Health/Gesundheitswesen

**Target groups**

Research

**Product category**

Monograph

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A. Belenky, Moscow, Russia

**Who Will Be the Next President?**

A Guide to the U.S. Presidential Election System

This book addresses the peculiarities of the current presidential election system not yet addressed in other publications. It argues that any rules for electing a President that may have a chance to replace the current ones should provide an equal representation of states as equal members of the Union, and of the nation as a whole.

**Features**

- Describes a new plan to improve the current election system under which every voter gains and no state loses its current Electoral College benefits, which has a chance to be introduced in the form of a constitutional amendment
- Analyses what the Founding Fathers overlooked and describes a logical mistake that they made in the initial design of the presidential election system
- Provides explanations of why the National Popular Vote plan may violate the Equal Protection Clause from the Fourteenth Amendment, and why the underlying claim of the plan is no more than wishful thinking of its originators and proponents

**Contents**

The initial design of the Electoral College: basic ideas, logical mistakes, and overlooked problems.- The Electoral College today.- Curbing contingent elections.- Inconvenient facts about the Electoral College.- The Electoral College and campaign strategies.- The National Popular Vote plan: a brilliant idea or a dead-on-arrival delusion?:- Equalizing the will of the states and the will of the nation.- Conclusion.

**Fields of interests**

Private International Law, International & Foreign Law; Comparative Law; Constitutional Law; Political Science; general

**Target groups**

Research

**Product category**

Brief
Monograph

**Lawyers Making Meaning**

The Semiotics of Law in Legal Education II

This book presents a structure for understanding and exploring the semiotic character of law and law systems.

**Features**

- Bridges the theory and practices of law
- Provides the basis of how to read, construct and apply modern law
- Enhances and intensifies awareness of the semiotic dimensions in legal handiwork
- Provides a structure for understanding and exploring the semiotic character of law and legal systems
- Cultivates a deep understanding of the ways in which lawyers make meaning
- Provides new insights into the sign-character of law and society

**Contents**


**Fields of interests**

Theories of Law, Philosophy of Law, Legal History; Communication Studies; Philosophy of Language

**Target groups**

Graduate

**Product category**

Monograph

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**Monstrous Crimes and the Failure of Forensic Psychiatry**

J. Douard, Rutgers, NJ, USA; P. D. Schultz, Alfred University, NY, USA

**Features**

- Focuses on widely shared views about "monstrous" crimes, and will address the moral panic over sex offending, premeditated murder and drug dealing to children
- Provides an analysis of both the scientific background and the ethical dimensions of forensic psychiatry and psychology
- Provides insight as to how mass media rhetorically frame issues of public health, particularly in regard to criminal behavior

**Contents**


**Fields of interests**

Theories of Law, Philosophy of Law, Legal History; Psychiatry; Law and Psychology

**Target groups**

Research

**Product category**

Monograph

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**Rethinking Natural Law**

J. M. Broekman, Penn State Law, Carlisle, PA, USA; L. Catá Backer, Penn State University, State College, PA, USA

**Fields of interests**

Theories of Law, Philosophy of Law, Legal History; Political Theory

**Target groups**

Graduate, Research

**Product category**

Monograph

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A. A. Ghouri, University of Turku, Finland

**Law and Practice of Foreign Arbitration and Enforcement of Foreign Arbitral Awards in Pakistan**

Pakistan has recently reformed its arbitration laws and laws on the recognition and enforcement of foreign arbitration agreements and awards. These reforms relate to both international commercial and investment arbitration. This book highlights the changes brought about by the recent enactments and explains the relationships between the old and new legislation. It provides a detailed and up-to-date analysis of Pakistani case law on foreign arbitration agreements and awards. Part I describes the background of arbitration laws in Pakistan. Part II explains the applicable substantive and procedural rules for the recognition and enforcement of foreign arbitration agreements and awards and other important issues, such as the severability of arbitration clauses from main agreements, questions of public policy, and interim measures supporting foreign arbitration.

**Contents**

- Introduction - Analysis of the AA-APC Regime.
- Commentary on up-to-date Pakistani arbitration laws and practice.

**Fields of interests**

- Private International Law, International & Foreign Law, Comparative Law, Dispute Resolution, Mediation, Arbitration; International Economic Law, Trade Law

**Target groups**

- Research

**Product category**

- Brief

**Due November 2012**

2013. VI, 50 p. (SpringerBriefs in Law) Softcover  
**€ (D) 53,45 | € (A) 54,95 | sFr 66,50**  
**€ 49,95 | £44.99**  
ISBN 978-3-642-32743-8

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S. C. Grover, Lakehead University, Thunder Bay, ON, Canada

**Humanity’s Children**

**ICC Jurisprudence and the Failure to Address the Genocidal Forcible Transfer of Children**

This book addresses the phenomenon of children as the particular targets of extreme cruelty and genocide during armed conflict. Selected International Criminal Court cases are analyzed to illustrate the ICC’s failure to address the genocidal forcible transfer of children to armed State and/or non-State groups or forces perpetrating mass atrocities and/or genocide. An original legal interpretation of children as a protected group in the context of the genocide provision of the Rome Statute is provided. The work also examines certain examples of the various modes in which armed State and/or non-State groups or forces perpetrating mass atrocities and/or genocide appropriate children and accomplish the genocidal forcible transfer of children to the perpetrator group.

**Contents**

- Part II ICC Prosecutor Case Selection and Charging Decision: Gravity and Interests of Justice Considerations.  
- Part III Selected ICC Cases Illustrating the Failure to Address the Genocidal Forcible Transfer of Children: Case 1: Prosecutor v. Thomas Lubanga Dyilo.  
- Part IV Conclusion: The Genocidal Forcible Transfer of Children: A Crime Well Established in International Law; Yet Still Not Prosecuted by the ICC.

**Fields of interests**

- International Criminal Law; International Humanitarian Law; Law of Armed Conflict; Human Rights

**Target groups**

- Research

**Product category**

- Monograph

**Due November 2012**

2013. 320 p. Hardcover  
**€ (D) 139,05 | € (A) 142,94 | sFr 173,00**  
**€ 129,95 | £117.00**  
ISBN 978-3-642-32500-7

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G. Hallevy, Ono Academic College, Kiryat Ono, Israel

**The Right to Be Punished**

**Modern Doctrinal Sentencing**

Does an offender have the right to be punished? „The right to be punished” may sound like an oxymoron, but it is not necessarily so. With the emergence of modern criminal law, the offender gained the right to be punished by rational criminal law rather than being lynched by an angry mob. The present-day offender may have the right to be punished by doctrinal sentencing rather than being subjected to verdicts based on vague, unclear, and uncertain principles. In modern criminal law, the imposition of criminal liability follows accurate and strict rules, whereas there are no similar rules for the imposition of punishment. The process of sentencing is vague and obscure, as are the considerations used for the imposition of punishments. The objective of the present book is to propose a comprehensive, general, and legally sophisticated theory of modern doctrinal sentencing. The challenges of such a legal theory are plenty and complex.

**Contents**

- First book to address modern doctrinal sentencing as one complex and the right to be punished.  
- Develops a complete and general theory of doctrinal sentencing.  
- Concrete, operative, and workable theory of criminal law with clear reflections on criminology and penology.

**Fields of interests**

- International Criminal Law; Theories of Law, Philosophy of Law, Legal History; Criminology & Criminal Justice

**Target groups**

- Research

**Product category**

- Monograph

**Due November 2012**

2013. X, 250 p. 5 illus., 2 in color. Hardcover  
**approx. € (D) 106,95 | € (A) 109,95 | sFr 133,50**  
**approx. € 99,95 | £90.00**  
ISBN 978-3-642-32387-4
E. Hartz, University of Southern Denmark, Odense, Denmark

From the American Civil War to the War on Terror

Three Models of Emergency Law in the United States Supreme Court

This book offers a systematic and comprehensive account of the key cases that have come to shape the jurisprudence on emergency law in the United States from the Civil War to the War on Terror. The legal questions raised in these cases concern fundamental constitutional issues such as the status of fundamental rights, the role of the court in times of war, and the question of how to interpret constitutional limitations to executive power. At stake in these difficult legal questions is the issue of how to conceive of the very status of law in liberal democratic states.

Features
► First comprehensive study of paradigmatic American Supreme Court cases on national emergency since Clinton Rossiter's renowned book Constitutional Dictatorship from 1948 ► Discusses the crucial question every democracy faces in times of peril: how to deal effectively with a national security threat without compromising the very liberal values we set out to defend

Contents

Fields of interests
Private International Law, International & Foreign Law, Comparative Law; Theories of Law, Philosophy of Law, Legal History; Constitutional Law

Target groups
Research

Product category
Monograph

Due November 2012

2013. VIII, 116 p. Hardcover
► approx. * € (D) 106,95 | € (A) 109,95 | sFr 133,50
► approx. € 99,95 | £90.00
ISBN 978-3-642-32632-5

P. Larouche, Tilburg University, The Netherlands; P. Cserne, University of Hull, UK (Eds)

National Legal Systems and Globalization

New Role, Continuing Relevance

Feature
► This book sheds a new light on the fate of national legal systems in an era of globalization, with a more optimistic message than elsewhere in the literature. This book was written by a team of experts in comparative law and law and economics, two perspectives which are rarely brought together. This book also contains many practical studies, on the Draft Common Frame of Reference, the new civil codes of Central and Eastern Europe, EU electronic communications and energy regulation (both institutional and substantive), impact assessments, as well as the national and European judiciary

Contents

Fields of interests
Theories of Law, Philosophy of Law, Legal History; European Law; Private International Law, International & Foreign Law, Comparative Law

Target groups
Research

Product category
Contributed volume

Due August 2012

2013. XV, 670 p. 4 illus., 3 in color. (Ius Gentium: Comparative Perspectives on Law and Justice, Volume 21) Hardcover
► approx. * € (D) 181,85 | € (A) 186,94 | sFr 226,50
► approx. € 169,95 | £153.00
ISBN 978-94-007-5439-3

E. J. Hollo, University of Helsinki, Finland; K. Kulovesi, University of Eastern Finland, Joensuu, Finland; M. Mehling, Ecologic Institute, Washington, DC, USA (Eds)

Climate Change and the Law


Fields of interests
Private International Law, International & Foreign Law, Comparative Law; Theories of Law, Philosophy of Law, Legal History; Constitutional Law

Target groups
Research

Product category
Contributed volume
The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain

Volume 2

Territorial autonomy in Spain has reached a crossroads. After over thirty years of development, the consensus regarding its appropriateness has started to crumble. The transformation project embodied by the reform of Statute of Catalonia (2006) has failed to achieve its most significant demands. Although the concept of Spain as a Federation is disputed -more within the country than beyond-, the evolution of the Spanish system needs to follow a markedly federalist path. In this perspective, reference models assume critical importance. This edition gathers the works of a broad group of European, American and Spanish experts who analyse the present-day challenges of their respective systems. The objective, thus, is to contribute ideas which might help to address the evolution of the Spanish system in the light of the experience of more established Federations. This second volume focuses its attention on the difficulties and challenges faced in two particular fields.

Contents


Fields of interest

Private International Law, International & Foreign Law, Comparative Law; Constitutional Law; Regional and Cultural Studies

Target groups

Research

Product category

Monograph

The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain

Volume 1

Territorial autonomy in Spain has reached a crossroads. After over thirty years of development, the consensus regarding its appropriateness has started to crumble. The transformation project embodied by the reform of Statute of Catalonia (2006) has failed to achieve its most significant demands. Although the concept of Spain as a Federation is disputed -more within the country than beyond-, the evolution of the Spanish system needs to follow a markedly federalist path. In this perspective, reference models assume critical importance. This edition gathers the works of a broad group of European, American and Spanish experts who analyse the present-day challenges of their respective systems. The objective, thus, is to contribute ideas which might help to address the evolution of the Spanish system in the light of the experience of more established Federations. This first volume analyses the challenges facing federal systems in the age of globalisation from a global perspective.

Contents


Fields of interest

Private International Law, International & Foreign Law, Comparative Law; Constitutional Law; Regional and Cultural Studies

Target groups

Research

Product category

Monograph

Due November 2012

2013. 900 p. illus. Hardcover

► approx. * € (D) 213,95 | € (A) 219,94 | sFr 266,50
► approx. ** € 199,95 | £180.00

ISBN 978-3-642-27716-0

Due November 2012

2013. 750 p. Hardcover

► approx. * € (D) 213,95 | € (A) 219,94 | sFr 266,50
► approx. ** € 199,95 | £180.00

ISBN 978-3-642-27719-1

Classification of Services in the Digital Economy

The classification of services in the digital economy proves critical for doing business, but it appears to be a particularly complex regulatory matter that is based upon a manifold set of issues. In the context of the General Agreement on Trade in Services (GATS), when the services classification scheme was drafted in the early 1990s, convergence processes had not unfolded yet and the internet was still in its infancy and not a reality in daily life. Therefore, policy makers are now struggling with the problem of regulating trade in electronic services and are in search of a future-oriented solution for classifying them in multilateral and preferential trade agreements. In late fall 2011, the authors of this study were mandated by the European Union, Delegation to Vietnam, in the context of the Multilateral Trade Assistance Project 3 (MUTRAP 3), to work out a report clarifying the classification of services in the information/digital economy and to assess the impact of any decision regarding the classifications on the domestic and external relations policy of Vietnam, as well as to discuss the relevant issues with local experts during three on-site visits.

Contents

IT Services, Telecommunications and New Media in a Converging Era.- Overview of Services Classifications and the Role of Services Classifications.- ICT Services Classification.- Conclusions.- Justification of Trade Restricting Rules (Article XIV GATS).

Fields of interest

Private International Law, International & Foreign Law, Comparative Law

Target groups

Research

Product category

Monograph

Due September 2012

2013. XVII, 135 p. Hardcover

► approx. * € (D) 106,95 | € (A) 109,95 | sFr 133,50
► approx. ** € 99,95 | £90.00

ISBN 978-3-642-31634-0
Privacy Impact Assessment

Contents
Foreword by Gary Marx.- Part 1 Setting the Scene.- 1 – Introduction to privacy impact assessment; David Wright and Paul de Hert.- 2 – A human rights perspective on privacy and data protection impact assessments; Paul de Hert.- 3 – (Regulatory) impact assessment and better regulation; David Parker.- 4 – Prior checking, a forerunner to privacy impact assessments; Gwenda Le Grand and Emilie Barrau.- Part 2 Five Countries Lead the Way.- 5 – PIAs in Australia: A work-in-progress report; Roger Clarke.- 6 – Privacy impact assessment – Great potential not often realised; Nigel Waters.- 7 – Privacy impact assessments in Canada; Robin Bayley and Colin Bennett.- 8 – PIA in New Zealand; John Edwards.- 9 – Privacy impact assessment in the UK; Adam Warren and Andrew Charlesworth.- 10 – PIA requirements and privacy decision-making in US government agencies; Kenneth Bamberger and Deirdre Mulligan.- Part 3 PIA in the Private Sector: Three Examples.- 11 – PIA: Cornerstone of privacy compliance in Nokia; Tobias Bräutigam.- 12 – How Siemens assesses privacy impacts; Florian Thoma.- 13 – Vodafone’s approach to privacy impact assessments; Stephen Deadman and Amanda Chandler.- Part 4 Specialised PIAs: the Cases of the Financial Services Industry and the RFID PIA Framework.- 14 – The ISO PIA standard for financial services; Martin Ferris.- 15 – The RFID PIA – developed by industry, agreed by regulators; Sarah Spiekermann.- 16 – Double-take: getting to the RFID PIA Framework; Laurent Beslay and Anne-Christine Lacoste.- Part 5 Specific Issues. [...]