Responsibility and Punishment

This volume provides discussions of both the concept of responsibility and of punishment, and of both individual and collective responsibility. It provides in-depth Socratic and Kantian bases for a new version of retributivism, and defends that version against the main criticisms that have been raised against retributivism in general. It includes chapters on criminal recidivism and capital punishment, as well as one on forgiveness, apology and punishment that is congruent with the basic precepts of the new retributivism defended therein. Finally, chapters on corporate responsibility and punishment are included, with a closing chapter on holding the U.S. responsibility for its recent invasion and occupation of Iraq.

Features

- Provides solid link between concepts of responsibility and punishment
- Provides a defense of a new retributivist analysis of punishment
- Provides discussions of timely topics in the law such as capital punishment, corporate responsibility and punishment, and the U.S.’s responsibility for its recent invasion and occupation of Iraq

Contents


Fields of interest

Theories of Law, Philosophy of Law, Legal History; Philosophy (general); Criminology & Criminal Justice

Target groups

Research

Product category

Monograph

International Environmental “soft law”

The Functions and Limits of Nonbinding Instruments in International Environmental Governance and Law

In international negotiations, the question of the design and the legal form of the negotiated instrument is as complex as it is often controversial. Intended as a read for both practitioners and academics, this book provides a comprehensive treatise of the characteristics, the potential and the limits of nonbinding instruments in international environmental law and governance.

Features

- Comprehensive overview, many examples and in-depth case studies provide rich reference material for both practice and research
- Analysis of functions and limits will enable decision-makers to take more informed decisions on legal form
- Legitimacy analysis with its specific focus on nonbinding norms provides a new perspective for researchers and gives suggestions for practitioners working in national government, NGOs and international institutions

Contents


Fields of interest

International Environmental Law; Environmental Law/Policy/Ecojustice; International Relations

Target groups

Research

Product category

Monograph

China and International Human Rights

Harsh Punishments in the Context of the International Covenant on Civil and Political Rights

This book is designed to introduce law students, legal actors and human rights activists, particularly participants in human rights dialogues with China, to the process and reality of a newly confident China’s participation in the international human rights system, albeit with inherent challenges.

Features

- Case studies and the latest data help the reader to learn the major factors leading to harsh punishments and human right abuses in today’s China
- A special chapter on the Next Steps for a Human Rights Strategy prepares readers for the future, building on China’s good first step of ratifying the ICCPR early on
- Includes tips on how to avoid misunderstandings in human rights dialogues, particularly those between China and the international community

Contents

Introduction.- A general theory on international human rights standards.- China’s cooperation (With the international human rights system).- The death penalty and international human rights law.- The death penalty: China’s practice and policy.- Forced labor and international human rights law.- Forced labor: China’s policy and practice.- Next steps: China’s human rights strategy.- Conclusion.- Appendix.

Fields of interest

Human Rights; Regional and Cultural Studies; Criminal Law

Target groups

Research

Product category

Monograph
Indigenous Cultural Heritage and Intellectual Property Rights
Learning from the New Zealand Experience?

Now more than ever, indigenous peoples’ interests in their cultural heritage are in the spotlight. Yet, there is very little literature that comprehensively discusses how existing laws can and cannot be used to address indigenous peoples’ interests. This book assesses how intangible aspects of indigenous cultural heritage (and the tangible objects that hold them) can be protected, within the realm of a broad range of existing legal orders, including intellectual property and related rights, consumer protection law, common law and equitable doctrines, and human rights. It does so by focusing on New Zealand’s Māori.

Features
► Comprehensively deals with the situation in New Zealand ► Offers an academic analysis with practical application of New Zealand law for intangible indigenous cultural heritage ► Offers a practical solution through analysing the Wai 262 Report

Contents

Fields of interest
International IT and Media Law, Intellectual Property Law; Cultural Heritage; Private International Law, International & Foreign Law, Comparative Law

Target groups
Research

Product category
Monograph

Effects of Insurance on Maritime Liability Law
A Legal and Economic Analysis

The book examines how the absence of insurance in the past led to some special maritime liability law principles such as ‘general average’ (i.e., losses or expenses shared by all the parties to a maritime adventure) and the limitation of shipowners’ liability. In the absence of insurance, these principles served the function of insurance mostly for shipowners. As commercial marine insurance is now widely available, these principles have lost their justification and may in fact interfere with the most important goal of liability law i.e.

Features
► First examination of maritime liability law using a formal economic analysis approach ► Explores the connection between insurance and maritime liability law ► Argues that liability insurance is not a hindrance but a complementary force towards achieving the deterrent goal of liability law

Contents

Fields of interest
Law of the Sea, Air and Outer Space; Insurance; International Environmental Law

Target groups
Research

Product category
Monograph

Precedent in the United States Supreme Court

This volume presents a variety of both normative and descriptive perspectives on the use of precedent by the United States Supreme Court. It brings together a diverse group of American legal scholars, some of whom have been influenced by the Segal/Spaeth “attitudinal” model and some of whom have not.

Features
► A diversity of scholarly perspectives provides an unique overview of important Supreme Court precedent ► Contributions by top legal scholars makes this the ‘go-to’ reference on the topic ► Provides a comparative framework for debates about precedent in civil-law and emerging legal systems

Contents
Contributors.- Introduction; Christopher J. Peters.- 1 The Dialectic of Stare Decisis Doctrine; Colin Starger.- 2 Did Casey Strike Out? Following and Overruling Constitutional Precedents in the Supreme Court; Larry Alexander.- 3 An Epistemic Defense of Precedent; Deborah Hellman.- 4 Private-Rights Litigation and the Normative Foundations of Durable Constitutional Precedent; Maxwell L. Stearns.- 5 Group Formation and Precedent; Neal Devins.- 6 Stare Decisis and the Selection Effect; Frederick Schauer.- 7 Methodological Stare Decisis and Constitutional Interpretation; Chad M. Oldfather.- 8 Constitutional Method and the Path of Precedent; Randy J. Kozel.- 9 Originalism, Stare Decisis, and Constitutional Authority; Christopher J. Peters.- Index.

Fields of interest
Constitutional Law; Philosophy of Law; Political Science, general

Target groups
Research

Product category
Contributed volume
A. Reis Monteiro, University of Lisbon, Portugal

Ethics of Human Rights

This volume focuses on the ethical significance of human rights, aiming at contributing to a universal culture of human rights with deep roots and wide horizons. Its purpose, scope and rationale are reflected in the three-part structure of the manuscript. Part I has a broad introductory historical, theoretical and legal character. Part II submits that an Ethics of Human Rights is best understood as an Ethics of Recognition of human worth, dignity and rights.

Features
► Provides a global, trans-disciplinary approach to the ethical meaning of human rights
► Includes an original human dignity account
► Answers the most common questions and objections concerning human rights

Contents

Fields of interest
Private International Law, International & Foreign Law, Comparative Law; Ethics; International and Comparative Education

Target groups
Research

Product category
Monograph

J. C. Rivera, Buenos Aires, (C1015ABP), Argentina (Ed)

The Scope and Structure of Civil Codes

Contents
Preface.- Acknowledgements.- Table of Contents.- Part One.- The Scope and Structure of Civil Codes – Relations with Commercial Law, Family Law, Consumer Law and Private International Law - A Comparative Approach; Julio César Rivera.- Part Two.- Argentina - Argentina on the Eve of a New Civil and Commercial Code; Graciela Medina.- Belgium - Private Law Codifications in Belgium; D. Heibaut and M. E. Storme.- China - Codification in China: the Special Case of Macau; Augusto Teixeira Garcia, Dan Wei, Paula Nunes Correia and Tong Io Cheng.- Czech Republic - Recodification of Private Law in the Czech Republic; David Elicher, Ondřej Frinta and Monika Paukenrova.- Estonia - Codification of Private Law in Estonia; Irene Kull.- Finland - Finnish Private Law: Statutory System Without a Civil Code; Teemu Juutilainen.- France - French Law; Borghetti, Jean-Sebastien.- Greece - The Greek Civil Code Facing the Process of Decodification and Recodification of Law; Christina Delianni-Dimitrakou.- Israel - Private Law Codification in a Mixed Legal System - the Israeli Successful Experience; Eyal Zamir.- Italy - A Civil Code Originated During the War (the Italian codice civile); Rodolfo Sacco.- Japan - Codification, Decodification, and Recodification of the Japanese Civil Code; Hirono SHIKIWA.- Netherlands - A Matter of Honour, in which a Small People an be Great - The Dutch Codification Efforts in Brief; Ann Berlee.- Portugal - The Scope and Structure of the Portuguese Civil Code; Dário Moura Vicente. [...]