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 corporate responsibility 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.

Contents

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

Target groups
Research

Discount group
Professional Non-Medical

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

Discount group
Professional Non-Medical

Due January 2014
► $129.00
ISBN 978-94-007-7925-9

Due December 2013
2014. XX, 509 p. (Beiträge zum ausländischen öffentlichen Recht und Völkerrecht, Volume 247) Hardcover
► $129.00
ISBN 978-3-642-44945-1

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

Discount group
Professional Non-Medical

Due December 2013
2014. XII, 340 p. Hardcover
► $179.00
ISBN 978-3-642-44901-7
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

Discount group
Professional Non-Medical

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

Discount group
Professional Non-Medical

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 Staxter.- 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

Discount group
Professional Non-Medical
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

**Discount group**

Professional Non-Medical

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

**The Scope and Structure of Civil Codes**

**Contents**


**Fields of interest**

Private International Law, International & Foreign Law, Comparative Law; Philosophy of Law; Commercial Law

**Target groups**

Research

**Discount group**

Professional Non-Medical

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V. Vadi, H. E. Schneider, Maastricht University, Maastricht, The Netherlands (Eds)

**Art, Cultural Heritage and the Market**

**Ethical and Legal Issues**

**Contents**


**Fields of interest**

International Economic Law, Trade Law; Cultural Heritage; Fine Arts

**Target groups**

Research

**Discount group**

Professional Non-Medical

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Due January 2014

2014, VIII, 452 p. (Ius Gentium: Comparative Perspectives on Law and Justice, Volume 32)

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