Theory of Legal Principles

This book intends to help understand and apply principles and rules better. Its target is to keep the distinction between principles and rules whereas structuring it on different foundations than those jurisprudence ordinarily employs. The first object of investigation is the phenomenon of interpretation in Law in order to understand that the classification of certain normative species as either principles or rules depends in the first place on axiological connections that are not ready prior to the interpretation process that unveils them. Then, a definition of principles is proposed, aiming to understand what their unique characteristics are when compared to other norms of the legal order. Thirdly, the conditions for the application of principles and rules are examined, which are the normative applicative postulates. It will be shown, on one hand, that principles not only explicit values, but also set forth precise species of behaviors, though indirectly; on the other hand, the creation of [...] Features

Connects the Anglo-Saxon, the German, and the Spanish/Brazilian discussion in one of the most central issues in legal theory and legal philosophy. Gives a central role to metanorms in legal reasoning. With a profound analysis of concepts such as balancing, practical coherence, reasonableness and proportionality. Does not confine its analyses to a thorough review of the distinction between rules and [...] Contents

1. First Considerations. 2. Norms: Principles and rules. 2.1 First distinctions. 2.2 An overview of the evolution of the distinction between principles and rules. 2.3 Principles and rules distinction criteria. 2.4 Proposal to distinguish principles and rules. 3. Metanorms: Normative Postulates. 3.1 Definition of normative applicative postulate. 3.2 Guidelines to analyze normative applicative postulates. 3.3 Species of postulates. 4. Conclusions. 5. References.

Fields of interest

Constitutional Law; Law Theory/Law Philosophy

Target groups

Law students, post graduate students in law and ethical philosophy

Type of publication

Monograph

Due May 2007

Pollution of the Sea - Prevention and Compensation

The International Max Planck Research School for Maritime Affairs hosted an international conference addressing marine pollution. Academics and practitioners debated recent developments from an interdisciplinary perspective. The present volume of the Hamburg Studies reflects those discussions covering the ecological, economic, political and legal aspects of the pollution of the sea.

Fields of interest

European Law/Public International Law; Environmental Law; International & Foreign Law; Environmental Economics; Terrestrial Pollution; Marine Ecology

Target groups

Libraries

Type of publication

Proceedings

Due July 2007


79,95 €

ISBN 978-3-540-73395-9

Diplomacy and International Law in Globalized Relations

Diplomacy is transforming and expanding its role as the method of interstate relations to a general instrument of communication among globalized societies. Adapting to globalization the practice of diplomacy is shared by non-state participants, thus becoming privatized and popularized. With the strife for common values, the finality of international interactions moves beyond national interest towards communitarianism. International law governing foreign relations can be strengthened through judicial review by national courts. Working on the interface of diplomacy and academia, this practitioner’s perspective combines an insider view into innovation and change of the diplomatic process with a concise interdisciplinary academic analysis.

Features

Comprehensive understanding of the widening scope of public as well as private diplomacy and its normative framework. Practitioner’s inside view of diplomacy combined with interdisciplinary academic analysis. Recommended by Prof. Jan Melissen, Netherlands Institute of International Relations “Clingendael” and Prof. Thomas Risse, Free University Berlin/Harvard University.

Contents

Introduction: Practitioner’s perspective of diplomacy. - Essentials of modern diplomacy: Diplomacy between statecraft and social science. - From national to European Foreign Service. - Symbolism and ritual in multilateral diplomacy. - Flexibility and pragmatism as response to global challenges. - Reciprocity versus communitarianism. - II - Transformation of globalized relations and its impact on diplomacy: New participants and corporate diplomacy: symbiosis [...] Fields of interest

European Law/Public International Law; Political Science; Interdisciplinary Studies

Target groups

National diplomatic academies (worldwide), transnational companies, junior diplomats

Type of publication

Monograph

Due April 2007

2007. VI. 147 p. Hardcover

49,95 €

ISBN 978-3-540-71100-1
### Shifts in Compensation between Private and Public Systems

Why have some legal systems abandoned tort law in some areas and replaced it with some form of no-fault compensation scheme or strict liability? What have been the effects? How should we evaluate these ‘shifts’? Why have they not been adopted in other countries? These questions have been the focus of the “Shifts in Compensation” research project and this is the final volume in this series, addressing, on the one hand, the issues relating to ‘shifts’ in compensation systems at a more general level, and on the other hand, addressing shifts in particular domains. The papers examining the shifts at a more general level provide a framework for the analysis of the various shifts and explain the shifts towards an increasing use of strict liability and no-fault regimes. To what extent shifts in compensation can be explained by insurance markets and their relative flexibility is also dealt with. In addition, shifts in the specific areas of medical mishaps and disasters are also examined.

**Contents**


**Fields of interest**

Civil Law; International & Foreign Law; Law and Economics

**Type of publication**

Collection of essays

Due September 2007

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### Religion in the Public Sphere: A Comparative Analysis of German, Israeli, American and International Law

How closely related should church and state be? May a state recognize or dignify the role and meaning of religion at all, and if so can it treat different religious groups differently? This book intends to answer these questions through a portrayal and comparison of various legal orders including those of Germany, Israel, France and the USA. Some authors consider the issue of “church and state” from an international law perspective. The analyses are structured from both a state-institutional as well as from a fundamental rights and human rights perspective. Here the religious and secular freedoms are brought into focus. Whether, and how, these church-and-state aspects vary within divergent modern state contexts – and how they transnationally evolve – is also discussed.

**Fields of interest**

International & Foreign Law; European Law/Public International Law; Religion

**Type of publication**

Proceedings

Due June 2007

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### The Market for Corporate Control in Japan

This book analyzes the modern trend in the Japanese M and A market and reveal from different angles the process of convergence to a new monitoring model of the corporation: the market for corporate control. A prima facie verification is based on the examination of the evolution of the M and A environment in the last twenty years including statistics, analysis of cultural and structural impediments, and economic-political reforms. Then, the analysis of seventeen cases of hostile takeover and of the process of transformation of the regulatory framework governing takeovers related legal issues particularly focused on the important METI-MOJ Guidelines of 2005, will further corroborate the final argument. Inside the academic debate of theories of convergence and path-dependence, the conclusions of the author ultimately support the hypothesis that the Japanese corporate control has converged to a “hybrid Americanized version of the model of market for corporate control”. Dr. Colcera’s book is based on [...]

**Fields of interest**

International & Foreign Law; Management

**Type of publication**

Monograph

Due August 2007

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E. Colcera, Fosso, Venice, Italy

### Other Publications

- W. Brugger, M. Karayanni (Eds.)

- E. Colcera, Fosso, Venice, Italy
Law as Symbolic Form
Ernst Cassirer and the Anthropocentric View of Law

Jurisprudence, according to Cassirer, is not merely the systematic, conceptual pursuance of ethics. They are separate domains for Cassirer, and both direct their claims differently on the individual. Whereas ethics concerns the motives of the individual, law ultimately achieves a cosmos for our world of outward actions. However, they are not separated by a neutral line or a vacuum. For law to have effect, it must be a symbolic form and it is necessary that it reflects the law in the mind of people i.e., that one could and ought to have assented to it out of ethical principles and maxims. The conceptual analysis of law goes hand to hand with its genetic account. Both ethics and law are products of, spring forth from the formative or symbolic powers of man, and although, as any other symbolism, they might confront us as something objective, i.e., as part of reality that is beyond our immediate reach, ultimately we must always bring them to account to their very source: our independent and individual moral [...]

Features
Synthesizes a vast amount of current Cassirer-literature and makes a contribution to jurisprudential First systematic elaboration on law as a symbolic form. Sheds new lights on a still dark area of intellectual and jurisprudential thought. New insights relevant for the Kelsen debate, in particular the question of legal validity and its foundational underpinning.

Contents

Fields of interest
Law Theory/Law Philosophy; Interdisciplinary Studies; Philosophy of Law; Political Science

Target groups
Specialists in the fields of legal theory, legal philosophy, and its history; cassirer-scholarship

Type of publication
Monograph

Due July 2007

Linking and Aligning Scores and Scales

The comparability of measurements made in differing circumstances by different methods and investigators is a fundamental pre-condition for all of science. Successful applications of technology require comparable measurements. While the applications here focus on educational tests, score linking issues are directly applicable to medicine and many branches of economic science. Since the 1980s, the fields of educational and psychological measurement have enhanced and widely applied techniques for producing linked scores that are comparable. The interpretation attached to a linkage depends on how the conditions of the linkage differ from the ideal. In this book, experts in statistics and psychometrics describe classes of linkages, the history of score linkings, data collection designs, and methods used to achieve sound score linkages. They describe and critically discuss applications to a variety of domains including equating of achievement exams, linkages between computer-delivered exams and [...]?

Features
Define what linking is, to distinguish among the varieties of linking and to describe different procedure for linking. Convey the complexity and diversity of linking by covering different areas of linking and providing diverse perspectives. Written by experts in the field of testing.

Contents

Fields of interest
Statistics for Social Science, Education, Public Policy, and Law; Assessment, Testing & Evaluation; Psychometric Methods/Evaluation; Psychometrics

Type of publication
Monograph

Due July 2007

Shifts in Compensation for Environmental Damage

This volume examines the shifts in the compensation of environmental damage between private and public systems. Recent developments at both the European and international level are presented with a focus on the shifts relating to the compensation of oil pollution, damage arising as a result of nuclear accidents and soil pollution. The authors discuss the nature of the particular shift and examine whether the shift is always from private to public funding. The reasons for the introduction of the shifts and their effects are also examined as well as the consequences of the various shifts in the oil pollution regime from an economic perspective. New developments, such as the shift towards voluntary compensation schemes and environmental damage insurance, are presented and [...]?

Features
- Examines the shifts in the compensation of environmental damage between private and public systems - Offers many supporting practical examples

Contents

Fields of interest
Civil Law; International & Foreign Law

Target groups
Practising private lawyers, policy-makers in environmental policy, insurers

Type of publication
Collection of essays

Due September 2007

2007. XX, 396 p. (Statistics for Social and Behavioral Sciences) Hardcover

109.95 €
ISBN 978-3-211-71551-2

Law Theory/Law Philosophy; Interdisciplinary Studies; Philosophy of Law; Political Science
**Law Against Unfair Competition**

Towards a New Paradigm in Europe?

While almost all countries agree that commercial practices shall be fair, the approach to ensure this fairness can be quite different. At the European level no real harmonisation could be reached yet. However, the enlargement of the EU could help to overcome the existing difficulties. The book discusses the particular approach to unfair competition law in the 10 new Member States and the possible impact on the future development of European unfair competition law.

**Fields of interest**

International & Foreign Law; European Law/Public International Law; European Integration; Political Science

**Target groups**

Lawyers (researchers, attorneys), politicians, European institutions

**Type of publication**

Monograph

**Due July 2007**


79,95 €  
ISBN 978-3-540-71881-9

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**New Forms of Governance in Research Organizations**

Disciplinary Approaches, Interfaces and Integration

Higher education and research institutions are confronted with changing and sometimes contradictory claims from state, industry and society. They have to face growing volatility and an acceleration and internationalization of the knowledge process. This book undertakes to develop a sector specific theory of governance of the public research sector and applies it to the German research system. The book is the outcome of a large interdisciplinary project. It analyzes the reforms in the German research system from an integrated perspective of law, economics and social sciences. The case of Germany is compared to reforms in other European countries such as Austria, the Netherlands and the United Kingdom. The study emphasizes an integrated approach considering the research function of universities as well as the non-university research sector. The focus is on the integration of external and internal governance. First, we pose the question how external competition and control mechanisms do [...]

**Features**

Integrates legal and social science approaches to governance
Comparative analysis of the governance of Higher Education and Research Systems
Develops a comparative tool, the “governance equalizer”
Covers the multi-level characteristics of research systems and their governance patterns
Tests empirically prominent theses on the new dynamics of science (such as “mode 2 of knowledge production” and “triple helix”)

**Fields of interest**

Public Law; R & D/Technology Policy; Business/Management Science, general; Political Science; Sociology

**Target groups**

Practitioners and scholars in Higher Education Studies, Management of Higher Education, Research and Innovation Management, Science and Technology Studies, Science and Technology Policy, Governance and Governance Theory; New Public Management

**Type of publication**

Contributed volume

**Due March 2007**


79,95 €  
ISBN 978-3-540-5830-1

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**Shifts in Compensating Work-Related Injuries and Diseases**

Inspired by developments mirroring shifts in the legal basis for compensating damage from civil law to public funding and vice versa, this book examines the developments in compensation systems for damage arising from work-related injuries and diseases. The shifts which have occurred in this area in Germany, England, Belgium and the Netherlands are the subject of this volume. The shifts in the legal doctrine, legislation and the case law of these countries will first be mapped from a historical and comparative perspective, with the aim of discovering the precise nature of the given shifts. Subsequently the shifts will be analysed and explained on the basis of the legal history so as to comprehend the reasons behind the shifts. Finally, the effects of the shifts will be examined. Did the shifts have the desired effects or did other, perhaps unexpected, effects arise and if so why and in what form? An economic analysis of law will be included to provide an answer to these questions.

**Features**

Most recent developments in Germany, Belgium, England and the Netherlands in the field of compensating work-related injuries and diseases

**Fields of interest**

Civil Law; International & Foreign Law; Law and Economics

**Target groups**

Practising private lawyers, policy-makers in environmental policy, insurers, researchers

**Type of publication**

Collection of essays

**Due September 2007**

2007. IX, 236 p. (Tort and Insurance Law, Vol. 20) Hardcover

89,95 €  
ISBN 978-3-211-71555-0
Environmental Policy Analyses
Learning from the Past for the Future - 25 Years of Research

There is no doubt that environmental policies have developed enormously from the beginning of the eighties up to now. These policies have served as a test ground for many policy concepts, which have been implemented in other areas since the beginning of the nineties: in evaluation, monitoring, implementation improvement schemes, contracting or redistribution. They opened up the way for new insights into the field of multilevel governance, new administrative arrangements and – more recently – the rediscovery of property and use rights as well as global and individual quota regimes. This evolution has been closely documented by policy scientists and their work has occasionally greatly influenced ongoing governmental practice as well as the evolution of analytical frameworks and skills of policy science as a whole. This book, written by a practice-oriented political scientist, together with the teachers and researchers from various universities in Europe and the rest of the world is a testimony to [...]
The Liability of Classification Societies

Classification societies are discharging various functions in the interest of flag States and shipowners. They are important actors in the system of maritime safety. Because the liability of shipowners is limited, classification societies have been considered as exempt from liability for a long time—and in several jurisdictions this view still prevails. This study analyses which actions of classification societies may give rise to claims and whether or not the societies can be held liable under English, German or United States maritime law. Moreover, the fundamental aspects of an international convention on the limitation of the liability of classification societies are developed.

Contents

Indirect Sampling

Following the classical sampling theory, the survey statistician selects samples of people, businesses or others, in order to obtain the desired information. Drawing the samples is usually done by randomly selecting from a list representing the target population. In practice, this list is often not available. At best, the statistician only has access to a different list, indirectly related to the targeted population. The example of a survey of children where the statistician only has a list of adults persons is a typical case. In this case, the statistician first draws a sample of adults, and for each selected adult, the statistician then identifies his/her children. The survey is done from the latter. This is what is called indirect sampling. When indirect sampling is used jointly with the sampling of clusters of persons (families, for example), many complications arise for the survey statistician. One of the complications relates to the computation of the estimates from the survey. The production […]

Features
Parameters are estimated by not sampling the target population, but another population that is linked to the target one The proposed approach offers elegant and practical solutions

Contents
Introduction.- Description and use of the GWSM.- Literature review.- Properties.- Other generalisations.- Application to longitudinal surveys.- GWSM and calibration.- Non-response.- GWSM and record linkage.- Conclusion.

Fields of interest
Statistics for Social Science, Education, Public Policy, and Law; Statistical Theory and Methods; Population Economics; Quality of Life Research; Demography; Methodology of the Social Sciences

Target groups
Statisticians

Type of publication
Monograph
On the Interpretation of Treaties

The Modern International Law as Expressed in the 1969 Vienna Convention on the Law of Treaties

Traditionally, the substance of Articles 31-33 has been described by reference to the various means of interpretation enumerated in said provisions, and little more than that. As argued in this book, more detail is required. On closer inspection, not only does the Vienna Convention provide information on the interpretation data (or means of interpretation) to be used by appliers when interpreting a treaty provision. It also instructs the appliers how, by using each datum, they shall argue at a conclusion about the meaning of the interpreted provision; and, to some extent, it determines the weight that different data of interpretation shall be afforded when appliers discover that, depending on the specific datum they bring to bear on the interpretation process, the conclusion arrived at will be different. Hence, the regime laid down in VCLT Articles 31-33 will have to be described as a system of rules. This book investigates the contents and structure of this system. By importing knowledge [...] Features

The first comprehensive account of the modern international law of treaty interpretation expressed in 1969 Vienna Convention, Articles 31-33 As stated by the anonymous referee, it is the most theoretical advanced and analytically refined work yet accomplished on this topic. The style of writing is clear and concise. For the international lawyer, the law of treaty interpretation is a matter of constant [...] Contents


European Law/Public International Law; Law Theory/Law Philosophy; International & Foreign Law; General Law/Fundamentals Target groups

Scholars in the fields of international law or legal philosophy; legal practitioners with a professional concern for treaty interpretation issues Type of publication

Monograph

Introduction to Applied Bayesian Statistics and Estimation for Social Scientists

"Introduction to Applied Bayesian Statistics and Estimation for Social Scientists" covers the complete process of Bayesian statistical analysis in great detail from the development of a model through the process of making statistical inference. The key feature of this book is that it covers models that are most commonly used in social science research, including the linear regression model, generalized linear models, hierarchical models, and multivariate regression models. And it thoroughly develops each real-data example in painstaking detail. The first part of the book provides a detailed introduction to mathematical statistics and the Bayesian approach to statistics, as well as a thorough explanation of the rationale for using simulation methods to construct summaries of posterior distributions. Markov chain Monte Carlo (MCMC) methods - including the Gibbs sampler and the Metropolis-Hastings algorithm - are then introduced as general methods for simulating samples from distributions. Extensive [...] Features

First book written at an introductory level for social scientists interested in learning about MCMC Contents


Methodology of the Social Sciences; Statistics for Social Science, Education, Public Policy, and Law; Demography Target groups

Social scientists Type of publication

Monograph

Reclaiming the Land

Rethinking Superfund Institutions, Methods and Practices

Features

Fills a clear void in the available literature for superfund site management, teaching and research Fields of interest

Environmental Management; Environmental Law; Landscape/Regional and Municipal Planning; Environmental Economics Target groups

Practitioners such as lawyers, engineers, consultants, government officials, and undergraduates and masters students in environmental science, policy, and engineering, urban studies and planning, sociology, and environmental law Type of publication

Contributed volume

Due September 2007
Good and Evil in Art and Law
An Extended Essay

People complain about our system of justice and how it deals with villains. If it is not the government complaining about how lenient judges are, it is the Press whining about inadequately punished rapists or the premature release of prisoners. There are also so frequent calls for more criminals to be committed to prison and predictions of an apocalypse if the law continues to strive for balanced solutions. This is an interdisciplinary essay. It looks at art and especially literature in juxtaposition with law and speculates how the two disciplines approach, in their separate but inter-related ways, the notions of “good” and “evil.” Full of detail, it examines how the two disciplines deal with these notions, why the evil-doer is often aggrandized in literature but is base in real life and how good and evil change with time. Though one discipline cannot influence the reasoning process of the other, this book, addressed to the general educated reader, is a plea for a broader humanistic education.

Features
Examines the cardinal notions of good and evil that dominate law, art, and literature First, specific, comparative, and scholarly approach, arguing that what is good or evil can change depending upon the perspective (political, moral, religious, aesthetic) chosen and the time when these notions are judged Emphasizes how nuanced and relative both the notions are Invites the reader to question such widely held [...] 

Contents
From the contents Setting the Scene.- Six Figures: Real and Imaginary.- The Appeal of the Characters.- Just Deserts.- Some Technical Reasons for the Differences.- The "Flawless" Hero.- Controlling People's Thoughts. -&nb;Joining up &nbsp;the dots. - Works referred to this book. - Index of names. - A few words about the author.

Fields of interest
Law Theory/Law Philosophy; Philosophy of Law; ARTS

Target groups
Researchers, students, the interested layman

Type of publication
Monograph

Due March 2007

Real Estate Investments in Germany
Transactions and Development

The real estate market in Germany is on the move. Not only are major real estate portfolios changing hands but a considerable number of small portfolios and individual properties are also being developed and sold. Against this backdrop, this publication provides investors and project developers with practical explanations of the legal, tax and economic requirements surrounding real estate investments in Germany.

Features
Concise and relevant legal advice to manage and evaluate real estate projects or transactions in Germany

Contents

Fields of interest
International & Foreign Law; Management; Commercial Law

Target groups
Foreign investors, project developers, attorneys, consultants

Type of publication
Monograph

Due June 2007

2007. XV, 153 p. Hardcover
69.95 €
ISBN 978-3-540-46403-9

Criminalising Harmful Conduct
The Harm Principle, its Limits and Continental Counterparts

What are the limits to criminalisation? Is insult harmful or just offensive? What is wrong with criminalising disrespect to state symbols? Should criminal codes be moral codes? This book addresses the issue of legitimate criminalisation in a modern liberal society. It argues that criminalisation, as one of the most intrusive state interventions into the autonomous sphere of the individual, should be limited by normative principles, defining the substance of what can be legitimately proscribed. In part, it is a comparative study between two major criminal legal systems (its theories), the Anglo-American, on one side, and the Continental criminal legal system of Germanic legal circle, on the other. Moreover, the book explores a model structure of the ideal criminalisation in respect of the principles and other criteria that should be followed to render the outcome justifiable. The model's central element is the Anglo-American principle called the ‘harm principle’, which is elaborated upon, its main [...] 

Features
Moves beyond analytical and descriptive Introduces a substantive principle of criminalisation into the Continental criminal legal theory The only comparative (Anglo-American v. Continental) book on criminalisation in English

Contents

Fields of interest
Criminology & Criminal Justice; Criminal Law; Law Theory/Law Philosophy

Target groups
Legal scholars interested in Criminology, Criminal Law and Legal Philosophy

Type of publication
Monograph

Due March 2007

2007. XV, 153 p. Hardcover
76.95 €
Accessing and Sharing the Benefits of the Genomics Revolution

There is a veritable gold rush mentality in the life science world as scientists, entrepreneurs and multinationals are staking claims to the ‘code of life’ embodied in the world’s current stock of plants, animals, microbes and human populations. This edited volume explores the legal, economic and political context for the debate about intellectual property rights for traditional knowledge and genetic resources and critically analyses the theory and practice of access and benefits sharing efforts around the world. The book also investigates the current flashpoints - the David and Goliath battle between Monsanto and Percy Schmeiser over farmers’ rights; the dispute over coexistence of GM and organic production; and the ownership and control of human genetic materials stored in human gene banks around the world.

Features
Explores the legal, economic and political context for the debate about intellectual property rights for traditional knowledge and genetic resources Investigates the current flashpoints: the battle between Monsanto and Percy Schmeiser over patented seeds, the dispute over coexistence of GM and organic production; and the ownership and control of human genetic materials Critically analyses the theory and [...] 

Contents

Fields of interest
Ethics; Law Theory/Law Philosophy; Life Sciences, general

Target groups
Scholars in law, economics, agricultural economics, sociology, political science and science/technology/society, especially in issues of patents, plant genetic resources, ethics of IPRs and indigenous studies; policy institutes and actors across the world, IFPRI and IPGRI, the Cartagena Protocol on Biosafety, the World Intellectual Property Office, UN agencies; national government agencies directed at understanding and participating in the policy area, NGOs and activists

Type of publication
Contributed volume

Due July 2007


99.95 €

German Corporate Governance in International and European Context

The main aim with this book is to provide English speaking readers with a comprehensive overview of the German corporate governance model. The authors introduce the reader to the unique features of the German Business and Enterprise Law. The book deals with the most important company organs, namely the General Meeting, the Management Board and the Supervisory Board. The unique interplay among these organs are also covered and the reader is introduced to the particular dynamics of the German two-tier board structure. Further the authors deal with the dominant role of the “German banks” and new players in the German financial markets, focussing particularly on voting rights of these institutions at companies’ general meetings and appointing members to companies’ supervisory boards. The final chapter gives an overview of corporate governance in the European Union, the OECD Principles of Corporate Governance and corporate governance in the US, the UK and Australia.

Features
Understanding the German corporate governance model in International and European context Probably one of the most comprehensive works in English available on the German corporate governance model

Contents
An Overview of German Business or Enterprise Law. - An Overview of the Corporate Governance Debate in Germany. - The General Meeting and the Management Board as Company Organs. - The German System of Supervisory Codetermination by Employers. - The Impact of European Development on German Codetermination. - Accounting as the Documentary Proof of Good Corporate Governance. - The Dominant Role of the German Banks and New Players in the German Financial Sector. - Corporate Governance in the EU, the OECD Principles of Corporate Governance and Corporate [...] 

Fields of interest
Commercial Law; International & Foreign Law; Management

Target groups
Graduates/lawyers in companies, advocates

Type of publication
Graduate/advanced undergraduate textbook

Due June 2007

2007. XIII, 276 p. Hardcover

49.95 €

Autonomy in the Law

Autonomy in the Law considers one of the most important benefits of the rule of law. Juxtaposing European and American conceptions of autonomy in the law of families, capital punishment and, criminal trials reveals the common values that justify all legal systems. Law protects the autonomy of individuals and associations by defending the boundaries of their own self-rule. This book illuminates the fundamental purpose of law by examining how European and American lawyers, judges and citizens do and should apply legal autonomy to the practical circumstances of litigation, legislation and the law.

Features

- Compares European and American viewpoints
- Considers the practical applications of the value of autonomy
- Clarifies the conception of autonomy in the law

Contents


Fields of interest

- International & Foreign Law; Law Theory/Law Philosophy; Philosophy of Law; General Law/Fundamentals; European Law/Public International Law

Target groups

- Lawyers, law professors and law students

Type of publication

Yearbook

Due September 2007

Complementary and Alternative Medicine

Ethics, the Patient, and the Physician

Complementary and Alternative Medicine examines the real-life implications of patient issues and the healthcare system in which care is delivered. Because complementary and alternative medicine (CAM) are not presently considered to be a part of conventional medicine, this book discusses the effect that CAM has on patients, physicians, healthcare, and policymakers. Also included are the implications that CAM has on traditional patient-physician relationships as well as the physician’s ethical obligations on this subject.

Features

- Examines the ethical challenges that CAM raises for patients and their physicians, and for patient-physician relationships
- Includes valuable patient education resources on CAM discussions and risk management issues in CAM
- Presents a forward-looking exploration of current and potential ethical challenges in CAM research
- Written by a multidisciplinary team of CAM ethics and policy analysts, researchers and...

Contents


Fields of interest

- Theory of Medicine/Bioethics; Medical Law; Ethics

Target groups

- Physicians, bioethicists, lawyers, medical students

Type of publication

Yearbook

Due May 2007

Outsourcing to India - A Legal Handbook

For the benefits offered by outsourcing and off-shoring, organisations outsourcing to India must however recognise that there are real risks involved, and allocating such risk through a well-constructed contract is a crucial step in minimizing such risk. As is the case with respect to any material agreement, the structure of an outsourcing agreement is important because it embodies the rights, remedies, duties and obligations of the parties and provides a blueprint for the parties’ relationship. When contracts transcend national boundaries, the national legal regime of any single country becomes inadequate. When the parties to the contract are located in different countries, at least two systems of law impinge upon the transaction and the rules of International Law come into play. Clauses however addressing certain issues can only be governed by Indian Law. Specific legal factors around Data Processing, Intellectual Property and staffing implications (TUPE) must also be given careful consideration.

Features

- Concise, digestible and relevant legal advice to ensure the outsourcing deal delivers on its promise
- Checklist for companies to ensure critical factors are adequately addressed within their contract with the service provider

Contents

- Background and snapshot of key issues.- Outsourcing fundamentals.- Attitudes to outsourcing worldwide.- Selecting a outsourcing service provider.- The Indian judicial system.- Critical contract considerations – jurisdiction issues.- Allocation of risk into the contract.- Privity of contract.- Project management.- Contract discharge and methods to reduce liability.- Pricing.- Transition-in and change control.- Scope of services to be outsourced.- Service Level Agreement (SLA).- Contract enforcement.- Contract termination procedures.- Unenforceable contract terms under Indian legal ...

Fields of interest

- International & Foreign Law; Management; Commercial Law

Target groups

- Lawyers, solicitors, business and IT directors, senior managers within any company contemplating outsourcing, outsourcing suppliers, consultants and general business advisors

Type of publication

Yearbook

Due August 2007

2007. XVI, 208 p. Hardcover

59,95 €
ISBN 978-3-540-72219-9

Due May 2007

2007. XV, 241 p. (Biomedical Ethics Reviews) Hardcover

69,95 €

Due September 2007


39,95 €
ISBN 978-1-4020-6489-0

L. Snyder, American College of Physicians, Philadelphia, PA, USA (Ed.)
State Responsibility for Interferences with the Freedom of Navigation in Public International Law

A multitude of conventions in the area of the Law of the Sea contains provisions on the issue of compensation for (wrongful) interferences with navigation. Even though interferences by warships and coast guard vessels, due to a perceived increased risk of international crimes at sea, seem to have become more frequent, the compensation provisions have hardly been applied. The book analyses all relevant compensation provisions and compares them to the general law of state responsibility. This necessarily includes a discussion of issues like the responsibility of international organizations, liability for lawful conduct and several and joint liability in public international law.

Contents
The perpetual conflict between freedom and security in the Law of the Sea.- Principles drawn from the treaty provisions on State responsibility for interferences with navigation on the high seas.- The U.S. strategy: 28 bilateral treaties and the Proliferation Security Initiative.- Compensation for interferences in international conflicts.- Conclusions and Outlook.

Fields of interest
European Law/Public International Law; International & Foreign Law

Target groups
Libraries, Institutes for maritime law, assurance companies, shipping companies

Type of publication
Monograph

Due September 2007

79,95 €
ISBN 978-3-540-74332-3

Essential Cases on Natural Causation

This volume of the “Digest of European Tort Law” is the first product of a most ambitious research project: a collection of court decisions from almost all European jurisdictions on the most fundamental aspects of tort law. These cases are not only accumulated, but also structured, analysed and commented both from a national as well as a comparative perspective. Historical aspects are also considered, as are future trends, as outlined by current projects on the harmonisation of European tort laws. This complex comparative study shall thereby not only offer guidance for researching cross-border cases, but also allow a discussion of such harmonisation projects on the basis of real-life case settings. This first volume covers one key aspect of tortious liability – natural causation. The conditio sine qua non rule is examined and tested throughout all jurisdictions, in particular with an eye on whether and to what extent courts are willing to deviate from the strict concept of this formula.

Features
First comprehensive collection of tort law cases from almost all European jurisdictions Essential tool for comparing tort law in action throughout Europe

Contents
From the contents: Conditio sine qua non in General.- Damage Caused by Omission.- Preventive Expenses Incurred Before the Damaging Event.- Damage Caused by Psychological Influence.- Damage Caused by Multiple Tortfeasors.- Damage Caused by Less Than All Possibly Harmful Events: Damage Caused by Less Than All Possibly Harmful Events Outside the Victim’s Sphere; Damage Caused by Less Than All Possibly Harmful Events Including Events or Hazard Within the Victim’s Sphere; Damage Caused to Less Than All Victims by a Harmful Event; Damage Caused to Less Than All Victims by One or More Possibly […]

Fields of interest
Civil Law; International & Foreign Law

Target groups
Academics and researchers, practitioners with cross-border practice, insurers, attorneys

Type of publication
Reference work

Due March 2007

2007. XXI, 632 p. (Digest of European Tort Law, Vol. 1) Hardcover
178,00 €
ISBN 978-3-211-36957-9
Introduction to Variance Estimation

We live in the information age. Statistical surveys are used every day to determine or evaluate public policy and to make important business decisions. Correct methods for computing the precision of the survey data and for making inferences to the target population are absolutely essential to sound decision making. Now in its second edition, Introduction to Variance Estimation has for more than twenty years provided the definitive account of the theory and methods for correct precision calculations and inference, including examples of modern, complex surveys in which the methods have been used successfully. The book provides instruction on the methods that are vital to data-driven decision making in business, government, and academia. It will appeal to survey statisticians and other scientists engaged in the planning and conduct of survey research, and to those analyzing survey data and charged with extracting compelling information from such data. It will appeal to graduate students and university [

Features
The book is organized in a way that emphasizes both the theory and applications of the various variance estimating techniques. Now in its second edition, Introduction to Variance Estimation has for more than twenty years provided the definitive account of the theory and methods for correct precision calculations and inference, including examples of modern, complex surveys in which the methods have been used successfully. The book provides instruction on the methods that are vital to data-driven decision making in business, government, and academia. It will appeal to survey statisticians and other scientists engaged in the planning and conduct of survey research, and to those analyzing survey data and charged with extracting compelling information from such data. It will appeal to graduate students and university [

Contents

Fields of interest
Statistical Theory and Methods; Statistics for Social Science, Education, Public Policy, and Law; Marketing, Assessment, Testing & Evaluation; Monitoring/Environmental Analysis/Environmental Ecotoxicology; Demography

Target groups
Graduate students, researchers

Type of publication
Monograph

Due March 2007

Implementing Integrated Water Resources Management in Central Asia

The problems afflicting the Aral Sea and its environs as a result of the overuse and abuse of the rivers flowing into it are well documented. Until now, however, it was difficult to hear the voices of those responsible for actually managing those waters. This volume describes, from the practitioner’s perspective, the problems encountered in the region’s efforts to implement integrated water resources management, and solutions that have been put in place in order to address these. The book sets out the approaches taken by each basin state, by way of the institutional, legal and financial frameworks adopted by them. It details the management practices that have been utilised in order both to surmount potential inter-state conflicts arising from water use disagreements and to make the best use of the available water, and it provides practical examples demonstrating how IWRM has been implemented at more local levels. Ultimately, it conveys the strong spirit of collaboration that drives water [

Features
Experiences of the most senior water managers in the region in their own words, including those of Ministers, local experts and eminent academics Proceedings of a rare meeting of all principal Aral Sea basin managers Transboundary water management in practice Experience of application of IWRM at the inter-state level

Contents

Fields of interest
International & Foreign Law; Environmental Law; Waste Water Technology / Water Pollution Control / Water Management / Aquatic Pollution

Target groups
Water managers, academics, those interested in Central Asia, especially its transboundary water management and the security of the region, those interested in the environment of the Aral Sea, Development professionals

Type of publication
Proceedings

Due April 2007
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