On the Limits of Constitutional Adjudication
Deconstructing Balancing and Judicial Activism

Juliano Z. Benvindo investigates the current movement of constitutional courts towards political activism and the consequent deployment of balancing as a “rational” method that could justify this process. From the critical perception of the serious risks of this movement to the separation of powers, the book takes as examples two constitutional realities, Germany and Brazil, in order to discuss the rationality, correctness and legitimacy of constitutional decisions within this context. Through a dialogue between Jacques Derrida’s deconstructionism and Jürgen Habermas’s proceduralism, the author confronts Robert Alexy’s defense of balancing and those constitutional realities. This confrontation leads to the introduction of the concept of limited rationality applied to constitutional democracy and constitutional adjudication, which affirms the double bind of history and justice as a condition for a practice of decision-making committed to the principle of separation of powers.

From the contents
German and Brazilian Constitutional Cultures: Constitutional Adjudication and Activism: An Approach to Decision-making.- Balancing Within the Context of German Constitutionalism: The Bundesverfassungsgericht’s Shift to Activism.- Balancing Within the Context of Brazilian Constitutionalism: The Supremo Tribunal Federal’s Shift to Activism.

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

Target groups
Research

Type of publication
Monograph

Due August 2010

2010. 500 p. Hardcover

€ 139.95 | £126.00

ISBN 978-3-642-11433-5

V. Boehme-Neßler, Berlin, Germany

Pictorial Law
Modern Law and the Power of Pictures

We live in a digital Media Society, in which pictures are becoming more and more important. So, human communication is increasingly becoming a visual communication. That is not a new finding. But the new question is: What does this development mean for the law? Up to now the law is the part of the society which is most sceptical towards images. Law has still resisted the visual temptation. This will not last for ever. The rush of pictures in everyday life and in every part of the society is much too strong - and it is even getting stronger. The invasion of images will change the character of modern law deeply. Modern law will become a Pictorial Law. What are the chances and the risks of Pictorial Law and visual law communication? This is the topic of the book.

Features
► Research on how images will dominate the future of law and will change it ► Helps to deal with visual legal communication ► Provides a fundamental legal contribution on the visual turn

Contents

Field of interest
Media Law

Target groups
Research

Type of publication
Monograph

Due October 2010

2010. 250 p. Hardcover

approx. € 89.95 | £81.00

ISBN 978-3-642-11888-3

C. Herrmann, University of Passau, Germany; J. P. Terhechte, University of Hamburg, Germany (Eds.)

European Yearbook of International Economic Law 2011

Part one of Vol. 2 (2011) of the European Yearbook of International Economic Law adresses two major topics of current academic debate and public interest: firstly, it focuses on the State and the Global Economy, secondly, on Climate Change and International Economic Law. Part two contains treatises of recent regional integration developments taking place in the major regions of the world. Part three covers the legal and political developments in the major international organizations and fora dealing with international economic policy making. Part four contains book reviews of recent works in the field of International Economic Law.

Features
► International source of reference ► Special focus at the state and the global economy ► Special focus at the climate change and International Economic Law

Contents
From the contents: Topics.- Special Focus I: The State and the Global Economy.- Special Focus II: Climate Change and International Economic Law.- Regional Integration.- International Economic Institutions.- Book Reviews.

Fields of interest
European Law/Public International Law; Political Science

Target groups
Research

Type of publication
Contributed volume

Due October 2010

2011. 600 p. (European Yearbook of International Economic Law, Volume 2) Hardcover

€ 169.95 | £153.00

ISBN 978-3-642-14431-8
Cybercrimes: A Multidisciplinary Analysis

Designed to serve as a reference work for practitioners, academics, and scholars worldwide, this book is the first of its kind to explain complex cybercrimes from the perspectives of multiple disciplines (computer science, law, economics, psychology, etc.) and scientifically analyze their impact on individuals, society, and nations holistically and comprehensively. In particular, the book shows: How multiple disciplines concurrently bring out the complex, subtle, and elusive nature of cybercrimes. How cybercrimes will affect every human endeavor, at the level of individuals, societies, and nations. How to legislate proactive cyberlaws, building on a fundamental grasp of computers and networking, and stop reacting to every new cyberattack. How conventional laws and traditional thinking fail short in protecting us from cybercrimes. How we may be able to transform the destructive potential of cybercrimes into amazing innovations in cyberspace that can lead to explosive technological growth and prosperity.

Features
- First book to explain complex cybercrimes from multiple perspectives and to analyze their impact on individuals, society, and nations in a holistically and comprehensively.
- Provides a well-founded understanding of its constituent dimensions, allowing the orientation of cyberspace activities towards a constructive and prosperous future.
- Shows how to legislate proactive cyberlaws, based on a fundamental grasp of computers and networking, and stop reacting to every new cyberattack.

Fields of interest
Criminal Law; International & Foreign Law/Comparative Law; Legal Aspects of Computing

Target groups
Research

Type of publication
Contributed volume

A Modern Treatise on the Principle of Legality in Criminal Law

This book discusses legality, one of the four main principles of criminal law, and is divided into six parts, according to the scientific understanding of this key concept. Chapter 1 explores the relation between legality and the general theory of criminal law in the context of the structure and development of legality in human society. This chapter also outlines the four secondary principles of legality and describes them in general terms. Chapters 2-5 discuss in detail each of the four secondary principles (Legitimate Sources of the Criminal Norm; Applicability of the Criminal Norm in Time; Applicability of the Criminal Norm in Place; and Interpretation of the Criminal Norm). Finally, Chapter 6 rounds out the discussion by addressing the problem of the conflict of laws.

Features
- There is no other book on that topic in criminal law.
- The book is written in a practical style with detailed references along the text.
- The book contains definite rules emphasized for practitioners (attorneys, judges, lawyers) as well as for students, lecturers and researchers.
- The book includes comparative criminal law.

Contents
2. The Legitimate Source of the Criminal Norm.
3. The Application of the Criminal Norm in Time.
4. The Applicability of the Criminal Norm in Place.
5. The Interpretation of the Criminal Norm.
6. The Conflict of Laws within the Principles of Legality.

Fields of interest
Criminal Law; Law Theory/Law Philosophy; International & Foreign Law/Comparative Law

Target groups
Upper undergraduate

Type of publication
Monograph
A. Wagner, Université du Littoral, Cote d’Opale, France; J. Broekman, Penn State University, Altoona, PA, USA (Eds.)

Prospects of Legal Semiotics

This book examines the progress to date in the many facets – conceptual, epistemological and methodological - of the field of legal semiotics. It reflects the fulfilment of the promise of legal semiotics when used to explore the law, its processes and interpretation. This study in Legal Semiotics brings together the theory, structure and practise of legal semiotics in an accessible style. The book introduces the concepts of legal semiotics and offers an insight in contemporary and future directions which the semiotics of law is going to take. A theoretical and practical oriented synthesis of the historical, contemporary and most recent ideas pertaining to legal semiotics, the book will be of interest to scholars and researchers in law and social sciences, as well as those who are interested in the interdisciplinary dynamics of law and semiotics.

Features
- Updates the current state of legal semiotics
- Highlights the interdisciplinary nature of legal semiotics
- Brings together the theory, structure and practise of legal semiotics in an accessible style
- Provides a theoretical and practical oriented synthesis of the historical and contemporary ideas on legal semiotics

From the contents

Fields of interest
Law Theory/Law Philosophy; Philosophy of Law; Linguistics (General)

Target groups
Research

Type of publication
Contributed volume

Internet of Things

Legal Perspectives

The Internet of Things as an emerging global Internet-based information architecture facilitating the exchange of goods and services is gradually developing. While the technology of the Internet of Things is still being dis-cussed and created, the legal framework should be established before the Internet of Things is fully operable, in order to allow for an effective introduction of the new information architecture. The regulatory framework must provide for provisions ensuring the security of the structure as well as the privacy of its users. Furthermore, legal barriers that may stand in the way of the coming into operation of the Internet of Things are to be considered. The Internet of Things has positive effects in different fields, such as the inclusion of developing countries in global trade and the use of search engines to the benefit of civil society.

Features
- Approaches for a legal framework
- Highly topical
- Real-life relevance

From the contents

Fields of interest
International & Foreign Law/Comparative Law; European Law/Public International Law; Legal Aspects of Computing

Target groups
Professional/practitioner

Type of publication
Monograph

Due September 2010

2010. 245 p. 10 illus., 5 in color. Hardcover
- € 99,95 | £90.00
- * € (D) 106,55 | € (A) 109,95 | sFr 155,50

Due July 2010

2010. XXIV, 129 p. Hardcover
- € 89,95 | £81.00
- * € (D) 96,25 | € (A) 98,95 | sFr 140,00
ISBN 978-3-642-11709-1