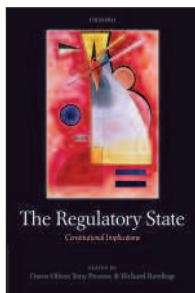


The Regulatory State

Constitutional Implications

Edited by **Dawn Oliver**, Emeritus Professor of Constitutional Law, University College London, **Tony Prosser**, Professor of Public Law, University of Bristol, and **Richard Rawlings**, Professor of Public Law, University College, London



This collection of fifteen essays by leading experts in regulation is unique in its focus on the constitutional implications of recent regulatory developments in the UK, the EU, and the US. The chapters reflect current developments and crises which are significant in many areas of public policy.

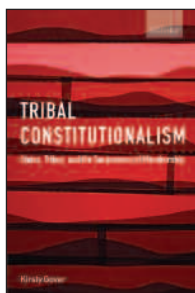
978-0-19-959317-0, Hardback £60.00

368 Pages
2010

Tribal Constitutionalism

States, Tribes, and the Governance of Membership

Kirsty Gover, Senior Lecturer, Melbourne Law School



'An important book: this is the leading scholarly account of key issues of membership and governance facing—and rocking—tribal nations in their modern rebirth as significant economic political forces.'

P.G. McHugh, Sidney Sussex College and Faculty of Law, University of Cambridge

A critical analysis of current political and sociological theories of tribalism and indigeneity which draws upon legal doctrine, policy, demographic data, and tribal practice to provide a comparative evaluation of tribal membership governance in the western settler states.

978-0-19-958709-4, Hardback £50.00

304 Pages
2010

The Politics of Reconciliation in Multicultural Societies

Edited by **Will Kymlicka**, Canada Research Chair in Political Philosophy, Queen's University, and **Bashir Bashir**, Fellow in the Department of Political Science at The Hebrew University of Jerusalem and a Research Fellow at The Van Leer Jerusalem Institute

This book explores how the politics of reconciliation and the politics of difference often interact in mutually supportive ways, as reconciliation leads to more multicultural conceptions of citizenship.

978-0-19-958748-3, Paperback £19.99

258 Pages
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Oxford Constitutional Theory

One consequence of the increase in interest in constitutions and constitutional law in recent years is a growing innovative literature in constitutional theory. The aim of *Oxford Constitutional Theory* is to provide a showcase for the best of these theoretical reflections and a forum for further innovation in the field.

The new series will seek to establish itself as the primary point of reference for scholarly work in the subject by commissioning different types of study. The majority of the works published in the series will be monographs that advance new understandings of the subject. Well-conceived edited collections that bring a variety of perspectives and disciplinary approaches to bear on specific themes in constitutional thought will also be included. Further, in recognition of the fact that there is a great deal of pioneering literature originally written in languages other than English and with regard to non-anglophone constitutional traditions, the series will also seek to publish English translations of leading monographs in constitutional theory.

The Constitutional State

Nick Barber, Fellow of Trinity College, Oxford

The Constitutional State provides an original account of the nature of the state and its constitution. This account casts light on some of the central puzzles faced by writers on constitutions—such as the possibility of states to undertake actions and form intentions, and the moral significance of these actions for the state's citizens.

Oxford Constitutional Theory
978-0-19-958501-4, Hardback £50.00

224 Pages
2010



Constitutional Fragments

Societal Constitutionalism and Globalization

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The powerful private sectors of the world economy remain largely unconstrained by fundamental constitutional rules, leading to human rights abuses on a massive scale. This book examines how the values of constitutional governance can be applied to the private sphere in the modern world, through a network of constitutional fragments.

Oxford Constitutional Theory
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March 2012

NEW IN PAPERBACK

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Edited by **Petra Dobner**, Associate Professor of Political Science at the University of Halle, Germany, and **Martin Loughlin**, Professor of Public Law, London School of Economics and Political Science

The concepts and values that underpin traditional constitutionalism are increasingly being challenged by political and economic realities that place substantial power beyond the state. This book gathers leading constitutional theorists to discuss the impact of the growth of transnational governance on the foundational values of constitutionalism.

Oxford Constitutional Theory
978-0-19-965199-3, Paperback £24.99
368 Pages, February 2012

Sovereignty's Promise
The State as Fiduciary

Evan Fox-Decent, Assistant Professor, McGill University

Arguing that the state and its people stand in a fiduciary relationship, *Sovereignty's Promise* puts forward a bold new account of political authority and its legal limits. In doing so it presents a fresh argument for common law constitutionalism and a novel theoretical framework for understanding the requirements of the rule of law.

Oxford Constitutional Theory
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A Theory of Republican Deliberation

Stephen Tierney, Professor of Constitutional Theory, University of Edinburgh

The constitutional referendum has become a vital feature of modern constitution-making and reform. This book provides the first full-length analysis of the theoretical foundations of constitutional referendums, assessing their democratic credentials and the design decisions that affect the value and legitimacy of the referendum process.

Oxford Constitutional Theory
978-0-19-959279-1, Hardback £50.00

280 Pages, January 2012

Beyond Constitutionalism

The Pluralist Structure of Postnational Law

Nico Krisch, Professor of International Law, Hertie School of Governance, Berlin

Rejecting current arguments that international law should be pluralist vision of postnational legal orders. It analyses the promise and problems of pluralism in theory and in current practice - focusing on the European human rights regime, the European Union, and global governance in the UN.

Oxford Constitutional Theory
978-0-19-922831-7, Hardback £50.00

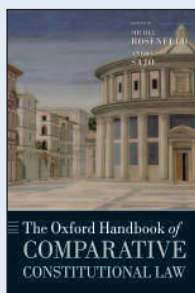
384 Pages, 2010

The Oxford Handbook of Comparative Constitutional Law

Michel Rosenfeld, Justice Sydney L. Robins Professor of Human Rights and Director, Program on Global and Comparative Constitutional Theory, Benjamin N. Cardozo School of Law, Yeshiva University, and **Andr s Saj **, Judge, European Court of Human Rights, and University Professor of the Central European University

The field of comparative constitutional law is vast and diverse, international and interdisciplinary. The first single source of reference on the topic, the entries in Handbook are written by leading authorities and discuss the most important subjects in the field, covering the history and development of the discipline, core concepts, structure and interpretations, institutions, rights, and emerging trends. It is an invaluable resource for everyone in the field.

Oxford Handbooks in Law
978-0-19-957861-0, Hardback
1100 Pages
March 2012



£125.00

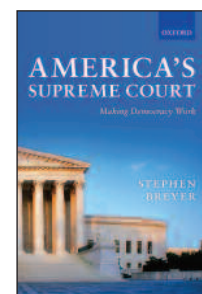
America's Supreme Court Making Democracy Work

Stephen Breyer, Associate Justice of the Supreme Court of the United States

The American Supreme Court is one of the most powerful and controversial judicial bodies in the world. The Court has assumed the role of settling fundamental issues of American social policy through its power of constitutional interpretation, and its rulings are among the most divisive, and controversial events in American political life.

A long-term liberal voice on the current US Supreme Court, Justice Breyer provides an insider's introduction to the Court and its political role. Examining key decisions made by the Court, he presents his views on how a constitutional court should fulfil its function as final interpreter of a democratic constitution.

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288 Pages
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Winner 2010 Alan Paton Literary Award

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Albie Sachs, formerly a Justice of the Constitutional Court of South Africa

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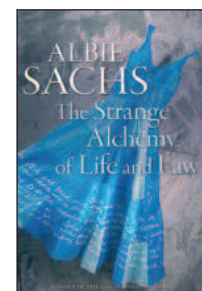
Nadine Gordimer, TLS

'If I still had responsibility for the English judiciary I would encourage every judge for whom I was responsible to read this book. I am sure it would improve their understanding of what the job really involves and what justice is about'

Lord Woolf, from the preface

In this book Albie Sachs gives an intimate account of his extraordinary life and work as a judge in South Africa. Mixing autobiography with reflections on his major cases and the role of law in achieving social justice, Sachs offers a rare glimpse into the workings of the judicial mind and a unique perspective on modern South African history.

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320 Pages
March 2011



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Sarah Birch, Reader in Politics, Department of Government, University of Essex

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224 Pages
November 2011



NEW EDITION Understanding Regulation Theory, Strategy, and Practice

SECOND EDITION

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Based on cross-national and cross-sectoral case studies, the revised and updated second edition of this seminal and successful text provides a multi-disciplinary introduction to key debates in regulation, including fundamental and institutional strategies and issues surrounding the design and operation of regulatory institutions.

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Constitutional Exclusion analyzes the histories of, justifications for, and the legitimacy of these exclusion doctrines. By juxtaposing the rules and highlighting their distinctive characters, the book sheds new light on topics of vital importance to the administration of criminal justice.

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436 Pages
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The Oxford Handbook of Regulation

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Oxford Handbooks in Business and Management
978-0-19-956021-9, Hardback £85.00
680 Pages
2010

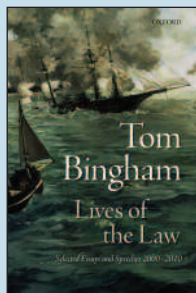


Lives of the Law

Selected Essays and Speeches: 2000–2010

Tom Bingham, Senior Law Lord, 2000–2008

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Lives of the Law collects the most important later writings of Tom Bingham, widely heralded as the greatest English judge of the twentieth century. Bingham brings his distinctive, engaging style to tell the story of the diverse lives of the law: its life in government, in business, and in human wrongdoing. With a vivid sense of history these papers tackle some of the major issues in contemporary public life—from reforming the constitution to the growth of human rights law—and brings them to life for the lawyer and general reader alike.

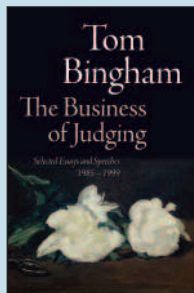
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'No lawyer sensible and curious enough to purchase the book will go away intellectually empty-handed.'

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This volume collects around fifty essays from colleagues and those influenced by Lord Bingham, from across academia and legal practice. The essays survey Lord Bingham's pivotal role in the transformations that took place in the legal system during his career.

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968 Pages
September 2011



Judicial Review of Commercial Regulation

Jaime Arancibia, Lecturer in Constitutional and Administrative Law and Vice-Rector for Academic Affairs, University of the Andes, Chile

Examining the law of judicial review in the context of commercial regulation, this book provides a critical view of British courts' deferential attitude to commercial regulation. It advocates a more intensive form of review based on the principle of proportionality which is more satisfactory in terms of individual justice.

978-0-19-960907-9, Hardback £60.00
256 Pages
April 2011

Administrative Law and Policy of the European Union

Herwig C.H. Hofmann, Professor, Faculty of Law, Economics and Finance, Université du Luxembourg, Gerard C. Rowe, Professor, Faculty of Law, Europa-Universität Viadrina Frankfurt (Oder), and Alexander H. Türk, Senior Lecturer, School of Law, King's College London

978-0-19-928648-5, Hardback £125.00
1,200 Pages
October 2011

For more information, please turn to page 29.

Public Law

Mark Elliott, University of Cambridge, and Robert Thomas, University of Manchester

'Lucid and elegantly written, with an admirable lack of jargon. Lively case studies and the insightful identification of key themes bring the subject to life. An excellent, concise but comprehensive textbook for students.'

Dawn Oliver, Emeritus Professor of Constitutional Law, University College London

Public Law is a high quality textbook that offers a mixture of black letter law and political analysis to give students an excellent grounding in the subject. It covers all of the key topics on undergraduate courses and includes a number of pedagogical features to aid understanding.

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912 Pages
March 2011

NEW EDITION
Administrative Law

FIFTH EDITION

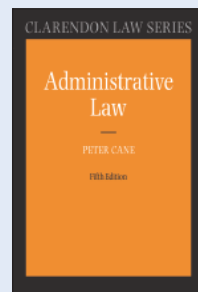
Peter Cane, Distinguished Professor of Law, Australian National University College of Law

- One of the most widely-read introductory texts on administrative law, this book is a must for all students studying public law
- The clear and comprehensive framework allows for a better understanding of the law, and reflects the sweeping transformation of administrative law in the modern era

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978-0-19-969232-3, Hardback £50.00

480 Pages
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The System of the Constitution

Adrian Vermeule, Professor of Law, Harvard Law School

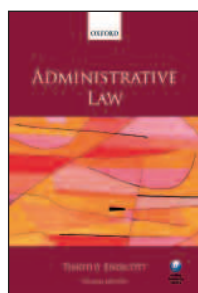
A constitutional order is a system of systems. It is an aggregate of interacting institutions, which are themselves aggregates of interacting individuals. In this book, Adrian Vermeule analyzes constitutionalism through the lens of systems theory, originally developed in biology, computer science, political science and other disciplines. Systems theory illuminates both structural constitution and constitutional judging, and reveals that standard views and claims about constitutional theory commit fallacies of aggregation and are thus invalid. By contrast, Vermeule explains and illustrates an approach to constitutionalism that considers the systemic interactions of legal and political institutions and of the individuals who act within them.

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208 Pages
February 2012 (OUP USA)

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SECOND EDITION

Timothy Endicott, Fellow in Law, Bailliol College, and Dean of the Faculty of Law, University of Oxford



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SEVENTH EDITION

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July 2011

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978-0-19-539974-5, Hardback £27.50
192 Pages
May 2011 (OUP USA)

Power from Powerlessness

Tribal Governments, Institutional Niches, and American Federalism

Laura E. Evans, Assistant Professor of Political Science, University of Washington

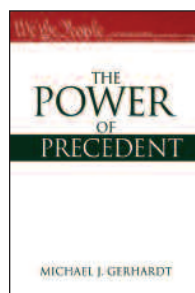


In *Power from Powerlessness*, Laura Evans looks at the successful policy interventions by a range of Indian tribes to explain how disadvantaged groups can build capacity and exploit niches in the institutional framework of American federalism to obtain unlikely victories. While some of the victories are admittedly small, Evans shows that they are quite impressive when viewed cumulatively. Not simply a book about American Indian politics, *Power from Powerlessness* forces scholars of institutions and inequality to reconsider the commonly held view that the less powerful are in fact powerless.

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May 2011 (OUP USA)

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NEW IN PAPERBACK

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Does the Constitution Follow the Flag?

Evolution of Territoriality in American Law

Kal Raustiala, UCLA Law School and UCLA International Institute

In this novel history of territoriality in American law and foreign policy, Kal Raustiala traces the evolving concept from its origins in post-revolutionary America to late nineteenth century imperialism, the Cold War and our own era of globalization. He closes with a powerful explanation of America's attempt to increase its extraterritorial power in the post-9/11 world. As American power has grown, its understanding of extraterritorial legal rights has expanded too. Throughout, he focuses on how the legal limits of territorial sovereignty have diminished to accommodate the expanding American empire, and addresses how such limits ought to look in the wake of Iraq, Afghanistan, and the war on terror. *Does the Constitution Follow the Flag?* will change how we think about American territory, American law, and ultimately-the changing nature of American power.

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September 2011

A More Perfect Military How the Constitution Can Make Our Military Stronger

Diane H. Mazur, Professor of Law, University of Florida College of Law

Since the 1970s, there has been a growing divide between civilians and the United States military, and the size of the gap is now wide enough that many observers are legitimately alarmed. Diane Mazur, a former Air Force officer provides a bracingly candid assessment of the military's constitutional health.

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February 2011 (OUP USA)

We Must Not Be Afraid to Be Free Stories of Free Expression in America

Ronald K.L. Collins, Harold S. Sheffelman Scholar, University of Washington School of Law, Fellow, First Amendment Center, and Sam Chaltain, Former National Director, Forum for Education and Democracy

'This engagingly written tour of First Amendment law will interest political scientists, prelaw and law students, and lawyers with a special interest in the subject. The authors present their expertise in a storytelling, literary style, and their authoritative mastery of their subject is evident.'

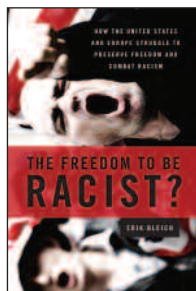
Washington Lawyer

978-0-19-517572-1, Hardback £17.99
448 Pages
2011

The Freedom to Be Racist?

How the United States and Europe Struggle to Preserve Freedom and Combat Racism

Erik Bleich, Associate Professor of Political Science, Middlebury College

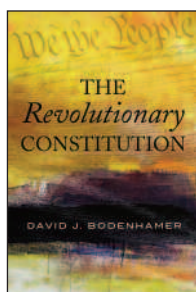


The Freedom to Be Racist? focuses on the tension between combating racism and protecting freedom of speech in the US, France, Britain, and Germany from 1945 to the present, and offers ways forward for the future.

978-0-19-973969-1, Paperback £15.99
978-0-19-973968-4, Hardback £60.00
224 Pages
October 2011 (OUP USA)

The Revolutionary Constitution

David J. Bodenhamer, Founder and Executive Director, The Polis Center, Indiana University-Purdue University



In *The Revolutionary Constitution*, David J. Bodenhamer provides a comprehensive new look at America's basic law, integrating the latest legal scholarship with historical context to highlight how it has evolved over time. With up-to-the-minute legal expertise and a broad grasp of the social and political context, this book is a tour de force of Constitutional history and analysis.

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304 Pages
March 2012 (OUP USA)

LAW FROM OXFORD JOURNALS

International Journal of Constitutional Law

Editors-in-Chief: J. H. H. Weiler, New York University and Michel Rosenfeld, Cardozo Law School



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The Executive Unbound

After the Madisonian Republic

Eric A. Posner and Adrian Vermeule

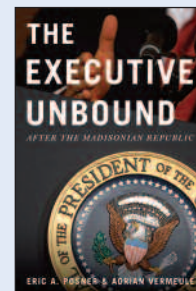
'Posner and Vermeule argue that in the most important public law fields of the day—administrative law, the war on terrorism, and the financial crisis—the President of the United States is weakly constrained, if constrained at all, by law, and that any limits on presidential power come not from Congress and courts, but instead from politics and public opinion. This exciting, contrarian, and learned book challenges the core of liberal legalism.'

Jack Goldsmith, Professor of Law, Harvard Law School

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- Challenges conventional wisdom about the ideal structure of American government
- Forces us to rethink our views on the rise of the imperial presidency

Piety toward the founders and a historic fear of tyranny have been powerful forces in American political thinking. Posner and Vermeule confront them both in this startlingly original contribution.

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256 Pages
March 2011



LAW FROM OXFORD JOURNALS

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Editor-in-Chief: Daniel Greenberg

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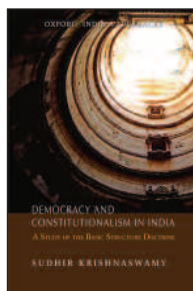
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Sudhir Krishnaswamy

This is a unique work aimed at completely refiguring our understanding of the judicial role in Indian constitutional law and the significance of the review of basic structure doctrine.

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Timothy Casey

The issue of post-9/11 government surveillance has pervaded the news media for several years, and the debate spawned by this controversy has left several important questions unanswered. In *The Patriot Act: The Decline of Legitimacy in the Age of Terrorism*, Professor Tim Casey speaks from his dual experience as a criminal lawyer and professor of law to address these vital questions. By explaining both the history of surveillance law and the ways in which the three branches of government are currently implementing that law, Casey elucidates a complex and evolving subject.

978-0-19-537039-3, Hardback, Bound Volume Series
Looseleaf
(OUP USA)

New Frontiers of State Constitutional Law

Dual Enforcement of Norms

Edited by James A. Gardner, Professor of Law, University at Buffalo Law School, State University of New York, and Jim Rossi, Professor of Law, Florida State University College of Law

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192 Pages
November 2011 (OUP USA)