

CONSTITUTIONAL & ADMINISTRATIVE LAW
2020 NEW TITLES & SELECTED BACKLIST



NEW

Vox Populi

Populism as a Rhetorical and Democratic Challenge

Edited by **Ingeborg van der Geest**, **Henrike Jansen**, Leiden University and **Bart van Klink**, Vrije Universiteit Amsterdam, the Netherlands

This timely and engaging book examines the rise of populism across the globe. Combining insights from linguistics, argumentation theory, rhetoric, legal theory and political theory it offers a fully integrated characterization of the form and content of populist discourse.

Throughout the book, eminent scholars address questions central to the topic, such as: how does populism manifest itself rhetorically; how does it relate to liberal democracy; and how can the populist challenge be confronted? Carefully selected case studies are used to examine how populist behaviour deviates from that which we would expect to be the norm in a liberal democracy, for example through the use of obnoxious language and refusal to substantiate vulgar claims. The book also provides key insights into more fundamental issues, such as the opposition between the 'real' people versus the elite and the longing for a 'Heimat'.

Aug 2020 c 288 pp Hardback 978 178990 140 5 c £95.00 / c \$145.00
eBook • Elgaronline

NEW

The Legitimacy of Standardization as a Regulatory Technique

A Cross-disciplinary and Multi-level Analysis

Edited by **Mariolina Eliantonio** and **Caroline Cauffman**, Maastricht University, the Netherlands

'Standardization law has recently emerged as a dynamic and multifaceted field of research, calling for in-depth case-studies but also more fundamental, theoretical work by academics. This book, masterfully edited by Eliantonio and Cauffman, aspires to do both by enrolling an impressive line-up of scholars interested in standardization. While the jury is not out yet as to how legitimate standardization in various areas is as a regulatory technique, this volume will become an important entry point for all those who want to learn more about the theoretical and practical challenges of standardization at the European level.'

– Panagiotis Delimatsis, Tilburg University, the Netherlands

This timely book examines the field of European and global standardization, showing how standards give rise to a multitude of different legal questions. Each chapter offers in-depth analysis of a number of key policy areas such as food safety, accounting, telecommunications and medical devices. These multi-disciplinary contributions go beyond the field of law, and provide cross-disciplinary comparisons.

June 2020 c 336 pp Hardback 978 178990 294 5 c £100.00 / c \$155.00
eBook • Elgaronline

NEW

Public Private Partnerships

Governing Common Interests

Sara Valaguzza and **Eduardo Parisi**, University of Milan, Italy

'This book provides a timely review of the paths towards sustainable and mutually-beneficial PPPs. Consistent with UNCITRAL's recent work on this topic, the authors have demystified PPPs and located them appropriately in a good governance framework.'

– Caroline Nicholas, UNCITRAL Secretariat, United Nations



This insightful book critically examines the phenomenon of public private partnerships (PPPs) through a global, theoretical, lens. It considers the reasons for merging private entities and public administration, as well as the processes and consequences of doing so. The benefits for the community as well as the radical changes in the principles and modalities of administrative activity are theorized and discussed.

2020 256 pp Hardback 978 178990 372 0 £85.00 / \$125.00
eBook • Elgaronline

Comparative Government

Dragoljub Popović, Union University, Belgrade, Serbia and former Judge at the European Court of Human Rights

'This is an excellent comparison of different systems of government and their dynamic in the global perspective. Popovic, a distinguished scholar and retired European judge, combines both the competence in the theory of government and the knowledge of its practical operation. His book is focused on the institutional constitutional law organized into five principal models. What makes it particularly attractive is the attention given to the role of the judiciary in political process as well as the interest for the emerging systems (China) and systems escaping general classification (the Balkans). In brief, this is a modern and intellectually inspiring presentation of a very important topic.'

– Lech Garlicki, Professor of Law and retired Judge of the European Court of Human Rights and of the Constitutional Court of Poland



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Elgar Studies in European Law and Policy

Series editors: **Herwig C.H. Hofmann**, Professor of European and Transnational Public Law, Faculty of Law, Economics and Finance and **Robert Schuman** Institute for European Affairs, University of Luxembourg

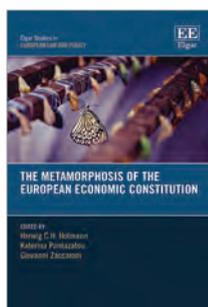
Elgar Studies in European Law and Policy is a forum for books that demonstrate cutting-edge legal and politico-legal analysis of the pertinent policies in a multi-jurisdictional Europe. The series is as relevant for academic reflection as for practical development of the matters addressed therein, such as policy relevance, its origins and the possibilities of future development. Books in the series take a multidisciplinary or multi-jurisdictional approach to the topics at their centres, with an aim to facilitating understanding of European law and policy matters and demonstrating their connectedness throughout jurisdictional levels.

The Metamorphosis of the European Economic Constitution

Edited by **Herwig C.H. Hofmann**, **Katerina Pantazatou**, University of Luxembourg, Luxembourg and **Giovanni Zaccaroni**, Dublin City University, Ireland

'This book provides us with a fantastic amount of precise information and high-level insights and ideas on the identification and future directions of form and content of the European Economic Constitution, through diverse methods ranging from an economic analysis of law to socio-legal perspectives. Whether adhering to the metamorphosis thesis underlying the work or criticising it, the reader will no doubt enjoy and benefit from the intellectual challenges the book contains.'

– Jacques Ziller, University of Pavia, Italy



Demonstrating the ways in which the micro and macro-economic constitutions of Europe have reacted to legal measures enacted to counter the economic crisis of the past decade, this innovative book takes an interdisciplinary approach in its attempt to understand and portray the metamorphosis of the European Economic Constitution.

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Elgar Studies in European Law and Policy

EE Elgar blog

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www.elgar.blog

Research Handbooks in Comparative Constitutional Law series

Series editor: **Tom Ginsburg**, University of Chicago, US

Comparative Constitutional Law is a burgeoning field, bringing to bear a diverse array of methodologies on a broad range of issues. The *Research Handbooks in Comparative Constitutional Law series* provides a set of comprehensive overviews of aspects of the field, including contributions by scholars from around the world. The aim is to give voice to the full range of constitutional experiences from a wide set of countries, from an interdisciplinary and comparative perspective. The *Research Handbooks* provide an invaluable resource in a world in which judges, constitution-makers and constitutional litigators borrow concepts and ideas across borders.

Comparative Constitution Making

Edited by **David Landau**, Florida State University, College of Law, US and **Hanna Lerner**, Department of Political Science, Tel Aviv University, Israel

'David Landau and Hanna Lerner, among the most knowledgeable students of constitution making, have gathered a highly qualified group of contributors from around the world to produce an exceptionally wide-ranging and informative volume. Scholars and practitioners will be able to benefit from this remarkable collection for years to come.'

– Donald Horowitz, author of *Constitutional Change and Democracy in Indonesia* (CUP)

2019 624 pp Hardback 978 1 78536 525 6 £215.00 / \$330.00
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Research Handbooks in Comparative Constitutional Law series

Comparative Constitutional Theory

Edited by **Gary Jacobsohn**, University of Texas at Austin and **Miguel Schor**, Drake University Law School, US

'Masterfully curated by Gary Jacobsohn and Miguel Schor, this unique collection features new essays by many of the most insightful comparative constitutional scholars writing today. Comparative Constitutional Theory advances our understanding of how people living in different political settings conceptualize and address constitutional dilemmas that are common to most modern political systems. It is a handbook that every serious student of comparative constitutionalism should read.'

– Ran Hirschl, University of Toronto, Canada

2018 552 pp Hardback 978 1 78471 912 8 £205.00 / \$297.00
2019 Paperback 978 1 78471 914 2 £45.00 / \$69.95
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Research Handbooks in Comparative Constitutional Law series

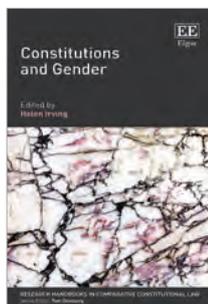
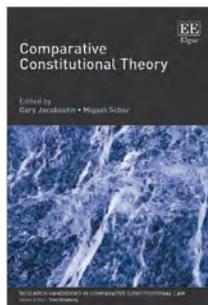
Constitutions and Gender

Edited by **Helen Irving**, The University of Sydney, Australia

Constitutions and gender is a new and exciting field, attracting scholarly attention and influencing practice around the world. This timely handbook features contributions from leading pioneers and younger scholars, applying a gendered lens to constitution-making and design, constitutional practice and citizenship, and constitutional challenges to gender equality rights and values. It offers a gendered perspective on the constitutional text and record of multiple jurisdictions, from the long-established, to the world's newly emerging democracies. *Constitutions and Gender* portrays a profound shift in our understanding of what constitutions stand for and what they do.

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Research Handbooks in Comparative Constitutional Law series



NEW

Controlling EU Agencies

The Rule of Law in a Multi-jurisdictional Legal Order

Edited by **Miroslava Scholten** and **Alex Brenninkmeijer**, Utrecht University, the Netherlands

'This book, so fully documenting the profusion of EU administrative agencies, their importance, and the variety of their practices and authorities, makes clear the need for uniform procedural provisions, such as have been drafted by the impressive Research Network on EU Administrative Law (ReNEUAL).'

– Peter L. Strauss, Betts Professor of Law Emeritus, Columbia Law School, US

Controlling EU Agencies launches the debate on how to build a comprehensive system of controls in light of the ongoing trends of agencification and Europeanisation of the executive in the EU.

Expert multi-disciplinary contributors explore the potential of interconnecting different concepts and types of controls, as well as different outputs of EU agencies, to address the challenges and limitations that individual types of control present. Insightful chapters analyse these issues in relation to individual concepts of control – autonomy, accountability, effective judicial protection, deference, protection of fundamental rights, transparency, liability – as well as specifically for different types of agencies' outputs, including both soft and hard laws. Through the creation of a systemic view, the book suggests ways in which this system of controls may be improved for the future.

May 2020 c 369 pp Hardback 978 1 78990 541 0 €100.00 / c \$150.00
eBook • Elgaronline



Comparative Administrative Law

Second Edition

Edited by **Susan Rose-Ackerman**, Yale University, **Peter L. Lindseth**, University of Connecticut and **Blake Emerson**, University of California, Los Angeles, US

A comprehensive overview of the field of comparative administrative law that builds on the first edition with many new and revised chapters, additional topics and extended geographical coverage. This research handbook's broad, multi-method approach combines history and social science with more strictly legal analyses. This new edition demonstrates the growth and dynamism of recent efforts – spearheaded by the first edition – to stimulate comparative research in administrative law and public law more generally, reaching across different countries and scholarly disciplines.

2017 752 pp Hardback 978 1 78471 865 7 £236.00 / \$350.00
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Research Handbooks in Comparative Law series



Research Handbook on Global Climate Constitutionalism

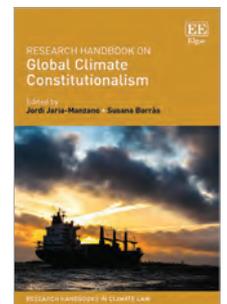
Edited by **Jordi Jaria-Manzano** and **Susana Borràs**, Universitat Rovira i Virgili, Catalonia, Spain

'Anyone concerned about an orderly and principled human response to the planetary consequences of climate change will find guidance and insight in this collection of engaged essays ranging from conceptual perspectives on global governance and justice through to practical and institutional analysis of the ongoing transition in energy systems.'

– Jamie Benidickson, University of Ottawa, Canada

2019 352 pp Hardback 978 1 78811 580 3 £160.00 / \$230.00
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NEW

Freedom of Religion or Belief

Creating the Constitutional Space for Fundamental Freedoms

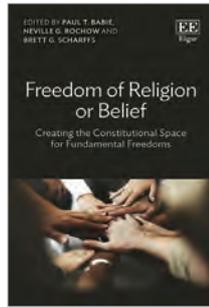
Edited by **Paul T. Babie**, **Neville G. Rochow QC**,
The University of Adelaide, Australia and
Brett G. Scharffs, Brigham Young University, US

'Freedom of Religion or Belief is an exceptional contribution to the important debate over the potential conflicts between the freedom of religion and belief and other important freedoms. The book does a beautiful job of balancing chapters that explore the nature and importance of religious freedom and those that address the problems that can arise when religious freedom conflicts with the rights of others. Significantly, the book as a whole shows that these conflicts can be navigated without destroying religious freedom or other important freedoms.'

– Frank S. Ravitch, Michigan State University, US

The book asserts that when governance is guided by principle, convergence creates greater space for all human rights and fundamental freedoms; both community and individuals thrive. Conversely when any right or freedom is given precedence over any other for reasons of political expediency, this results in the loss or diminution of human rights and fundamental freedoms. Addressing the issues surrounding the freedom of religion or belief, this timely book explores the dimensions of constitutional space and the content of this freedom, as well as comparative approaches to defining and protecting this freedom.

May 2020 c 416 pp Hardback 978 178897 779 1 c £115.00 / c \$170.00
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Authoritarian Constitutionalism

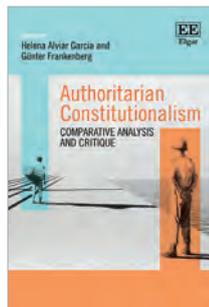
Comparative Analysis and Critique

Edited by **Helena Alviar García**, Universidad de Los Andes, Colombia and **Günter Frankenberg**, Goethe University in Frankfurt/Main, Germany

'The terms "authoritarian constitutionalism" may appear contradictory; but as this rich and far-reaching collection of essays demonstrates it is a widespread phenomenon which must be taken seriously at a time when democracy is under threat worldwide. This superb collection serves variously as an introduction to the topic, a penetrating theoretical and jurisprudential analysis, a new lens from which to view important debates about issues such as nationhood and inequality, and a global examination of the varying forms of authoritarian constitutionalism. It also sheds uncomfortable light on what we take to be exemplary, liberal and democratic constitutionalism. The result is the elaboration of an illuminating framework with which to study global and comparative constitutionalism.'

– Tony Anghie, National University of Singapore and University of Utah, US

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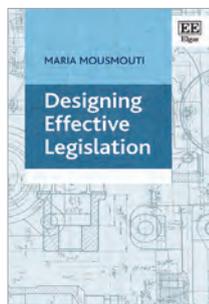
Designing Effective Legislation

Maria Mousmouti, IALS, University of London, UK and Centre for European Constitutional Law, Greece

'Legislation is central in the law. However, its study has not fully acquired the position it deserves within legal scholarship. Maria Mousmouti makes a fundamental contribution to filling this gap. Designing Effective Legislation does not only tackle the construction of effective legislation, with her idea of "mechanics", Mousmouti sets a pivotal step in the legislative studies, by offering an innovative and intriguing analytical tool to penetrate and understand the often confusing and blurred world of legislative law-making.'

– Mauro Zamboni, Stockholm University, Sweden

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NEW

The EU-Turkey Statement on Refugees

Assessing Its Impact on Fundamental Rights

Hülya Kaya, Deputy Governor of Istanbul, Turkey

'From 2015, substantially more refugees began arriving in the EU, mainly from Turkey, triggering a policy crisis regarding their reception and integration. This book meticulously examines the EU's choice of action and effective agreement with the Turkish authorities, the so-called EU-Turkey Statement. The controversy, both legal and humanitarian, which this deal sparked in the EU and Turkey is brilliantly set out, beginning with the legal frameworks relevant to the issue. This is mandatory reading for those interested in regional refugee protection regimes.'

– Elspeth Guild, Queen Mary University of London, UK

This thought-provoking book critically analyses how the implementation of the EU-Turkey Statement on Refugees affects the rights of refugees and asylum seekers. Bringing together an in-depth examination of both EU and Turkish law and fieldwork data within a theoretical human rights framework, Hülya Kaya discusses the operational realities and failures of the agreement between Turkey and the EU from a socio-legal perspective.

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Regional Governance in the EU

Regions and the Future of Europe

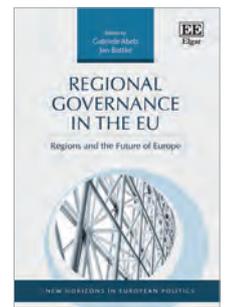
Edited by **Gabriele Abels** and **Jan Battke**,
University of Tübingen, Germany

'Although hopes for a "Europe of the regions" have long been quashed, this important volume recognises and explores the obstinacy of regions in contemporary politics. The interdisciplinary and broad-ranging discussion provides a rigorous and much-needed re-assessment both of the status quo of regional governance and the role that regions can and should play in tackling the current crises of democratic politics in Europe.'

– Anwen Elias, Aberystwyth University, UK

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New Horizons in European Politics series



The Quest for Rights

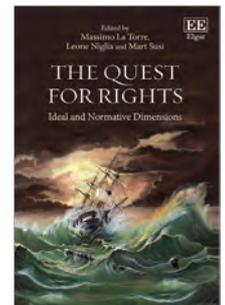
Ideal and Normative Dimensions

Edited by **Massimo La Torre**, Magna Græcia University, Italy, **Leone Niglia**, University of Madrid, Spain and **Mart Susi**, Tallinn University, Estonia

'The Quest for Rights explores both the meaning of, and justification for, fundamental constitutional rights. It is a quest to establish a strong meaning of the normativity of law, and its role in the social acts of positive law and legal instantiation. The incredibly varied contributions philosophically and critically engage with the thesis of Robert Alexy's ideal dimension of law, and offer a wide discussion of political and legal reasoning alongside the quest for proportionality in the realization of rights. This masterful book should be considered key reading in legal philosophy.'

– Jean-Yves Cherot, Aix Marseille University, France

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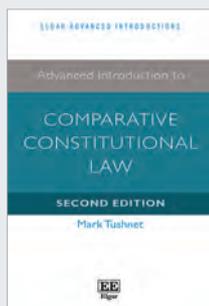
Advanced Introduction to Comparative Constitutional Law

Second Edition

Mark Tushnet, Harvard University, US

'In terms of succinctness, readability and sophistication, probably the best advanced introduction to comparative constitutional law you can find in under 150 pages.'

– Mattias Kumm, New York University, School of Law, US



Elgar Advanced Introductions are stimulating and thoughtful introductions to major fields in the social sciences and law, expertly written by the world's leading scholars. Designed to be accessible yet rigorous, they offer concise and lucid surveys of the substantive and policy issues associated with discrete subject areas.

Through an analysis of topics at the cutting edge of contemporary scholarship, this authoritative study investigates constitution making, forms of constitutional review, proportionality analysis and its alternatives, and the development of a new 'transparency' branch in constitutions around the world. Throughout, the book draws upon examples from a wide range of nations, demonstrating that the field of comparative constitutional law now truly encompasses the world.

New to this revised and enlarged second edition:

- Updated and extended material to encompass the developments in practice and scholarship since the original edition's publication back in 2014
- With substantial additional attention, Tushnet analyses abusive constitutionalism, the idea of the constituent power, eternity clauses and unconstitutional amendments
- Recent developments in weak- and strong-form constitutional review are given fresh analysis, as well as an expanded consideration of third generation rights.

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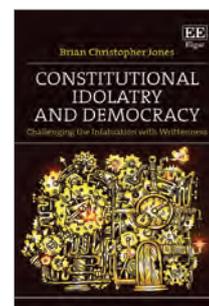
Constitutional Idolatry and Democracy

Challenging the Infatuation with Writtleness

Brian Christopher Jones, University of Sheffield, UK

'This powerful book explores the limits of written constitutions and the ways in which we idolise them. Jones develops an impressive critique of dominant constitutional thinking, assessing the broader impact of written constitutions on our democracy, our politics and our citizens. The book offers an important challenge to those who assume a written constitution is the best way to reform the UK's political system, and clearly reveals the risks of overstating what written constitutionalism can achieve.'

– Michael Gordon, University of Liverpool, UK



This thought-provoking book investigates the increasingly important subject of constitutional idolatry and its effects on democracy. Focussed around whether the UK should draft a single written constitution, it suggests that constitutions have been drastically and persistently over-sold throughout the years, and that their wider importance and effects are not nearly as significant as constitutional advocates maintain.

Analysing a number of issues in relation to constitutional performance, including whether these documents can educate the citizenry, invigorate voter turnout, or deliver 'We the People' sovereignty, the author finds written constitutions consistently failing to meet expectations. This innovative book also examines how constitutional idolatry may frustrate and distort constitutional change, and can lead to strong forms of constitutional paternalism emerging within the state. Ultimately, the book argues that idolising written constitutions is a hollow endeavour that will fail to produce better democratic outcomes or help solve increasingly complicated societal problems.

June 2020 c 208 pp Hardback 978 1 78897 109 6 c £75.00 / c \$115.00
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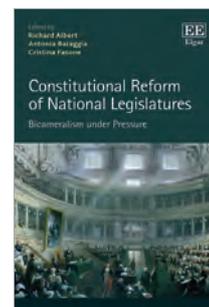
Constitutional Reform of National Legislatures

Bicameralism under Pressure

Edited by Richard Albert, University of Texas at Austin, US, Antonia Baraggia, University of Milan and Cristina Fasone, LUISS Guido Carli, Rome, Italy

'Despite its distinguished constitutional history and rationales, bicameralism has often been a contested choice. This excellent edited collection explores the pros and cons of bicameral legislative structures and especially their ability to reform themselves. Covering a rich variety of jurisdictions, the book is bound to be of great interest to comparative constitutionalist and political scientists alike.'

– Robert Schütze, Durham Law School, UK



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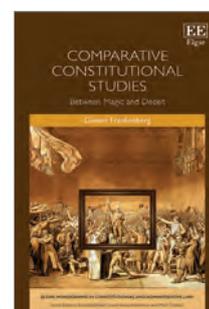
Comparative Constitutional Studies

Between Magic and Deceit

Günter Frankenberg, Goethe University in Frankfurt, Germany

'Günter Frankenberg is one of the most influential and original authors in the study of comparative constitutionalism, and this is his main contribution in the matter. Comparative Constitutional Studies is an intelligent, informed and profound book, which is called to become a must read for students and professionals in the area.'

– Roberto Gargarella, Torcuato Di Tella University, Argentina



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 2019 Paperback 978 1 78990 216 7 £29.95 / \$47.95
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Elgar Monographs in Constitutional and Administrative Law series

NEW IN PAPERBACK

Rethinking US Election Law
Unskewing the System

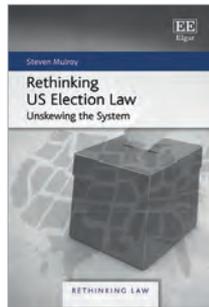
Steven Mulroy, University of Memphis,
School of Law, US

'Steven Mulroy's Rethinking US Election Law is a concise and refreshing book on US election law. The book takes the reader on a tour through the various and profound shortcomings of the country's reliance on single-member districts (SMDs) and demonstrates that, so long as these SMDs remain the principal building block of US elections, little can be done to resolve the many ailments that afflict the process. It is a powerful, thoughtfully-reasoned and clearly-written argument in favor of electoral reform... Mulroy offers a compelling argument for electoral reform that should be required reading for the next redistricting cycle or for any undergraduate class on voting rights and redistricting. Even the most skeptical critic would have difficulty refuting his analysis.'

– American Political Science Association

This timely analysis of election law and politics outlining key structural election reforms combines distinct analysis of presidential, Senate, and U.S. House elections reforms, while also addressing reforms at the state and local government level. The author argues for fundamental structural changes to U.S. elections like Proportional Representation and Ranked Choice Voting, without requiring any constitutional amendments. Analysis of recent political developments such as progress on the National Popular Vote Interstate Compact, the adoption of Ranked Choice Voting state-wide in Maine, and the 2018 Supreme Court gerrymandering cases add real-world relevance and applicability.

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Rethinking Law series



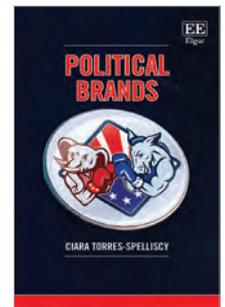
Political Brands

Ciara Torres-Spelliscy, Stetson University,
College of Law, Florida, US

'Professor Torres-Spelliscy has written a haunting, informative, and provocative narrative tying together many of these threats. You may not sleep quite as well after you read this important book, but you will be substantially smarter for it, and in today's United States, that's about all we can ask of an author trying to describe and analyze contemporary American politics.'

– Eric Segall, Dorf on Law blog

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The External Dimension of EU Agencies and Bodies

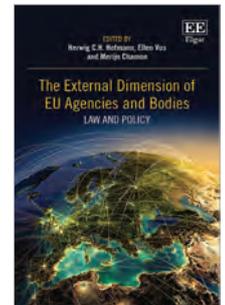
Law and Policy

Edited by Herwig C.H. Hofmann, University of Luxembourg, Luxembourg, Ellen Vos, Maastricht University and Maastricht Centre for European Law, the Netherlands and Merijn Chamon, Ghent University, Belgium

'This book does pioneering work. It is, of course, common knowledge that our polities depend upon ever more finely tuned regulatory support. What this book makes us aware of is the transnational follow-up to this insight. Gaining control of globalization processes will require ever more co-operation. It is high time that we explore this irresistible development, and an important step has now been taken.'

– Christian Joerges, Hertie School of Governance, Germany

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