Comparative Public Law

This book examines administrative law in Asia, exploring the profound changes in the legal regimes of many Asian states that have taken place in recent years. Political democratization in some countries, economic change more broadly and the forces of globalization have put pressure on the developmental state model, wherein bureaucrats governed in a kind of managed capitalism and public-private partnerships were central. In their stead, a more market-oriented regulatory state model seems to be emerging in many jurisdictions, with emphases on transparency, publicity, and constrained discretion. This book analyses the causes and consequences of this shift from a socio-legal perspective, showing clearly how decisions about the scope of administrative law and judicial review have an important effect on the shape and style of government regulation. Taking a comparative approach, individual chapters trace the key developments in the legal regimes of major states across Asia, including China, Japan, Korea, Malaysia, Taiwan, Hong Kong, Indonesia, Singapore, the Philippines, Thailand and Vietnam. They demonstrate that, in many cases, Asian states have shifted away from traditional systems in which judges were limited in terms of their influence over social and economic policy, towards regulatory models of the state

involving a greater role for judges and law-like processes. The book also considers whether judiciaries are capable of performing the tasks they are being given, and assesses the profound consequences the judicialization of governance is starting to have on state policy-making in Asia.

Uwe Kischel's comprehensive treatise on comparative law offers a critical introduction to the central tenets of comparative legal scholarship. The first part of the book is dedicated to general aspects of comparative law. The controversial question of methods, in particular, is addressed by explaining and discussing different approaches, and by developing a contextual approach that seeks to engage with real-world issues and takes a practical perspective on contemporary comparative legal scholarship. The second part of the book offers a detailed treatment of the major legal contexts across the globe, including common law, civil law systems (based on Germany and France, and extended to Eastern Europe, Scandinavia, and Latin America, among others), the African context (with an emphasis on customary law), different contexts in Asia, Islamic law and law in Islamic countries (plus a brief treatment of Jewish law and canon law), and transnational contexts (public international law, European Union law, and lex mercatoria). The book offers a coherent treatment of global legal systems that aims not only to describe their varying norms and legal institutions but to propose

a better way of seeking to understand how the overall context of legal systems influences legal thinking and legal practice.

In an era marked by processes of economic, political and legal integration that are arguably unprecedented in their range and impact, the translation of law has assumed a significance which it would be hard to overstate. The following situations are typical. A French law school is teaching French law in the English language to foreign exchange students. Some US legal scholars are exploring the possibility of developing a generic or transnational constitutional law. German judges are referring to foreign law in a criminal case involving an honour killing committed in Germany with a view to ascertaining the relevance of religious prescriptions. European lawyers are actively working on the creation of a common private law to be translated into the 24 official languages of the European Union. Since 2004, the World Bank has been issuing reports ranking the attractiveness of different legal cultures for doing business. All these examples raise in one way or the other the matter of translation from a comparative legal perspective. However, in today's globalised world where the need to communicate beyond borders arises constantly in different guises, many comparatists continue not to address the issue of translation. This edited collection of essays brings together leading scholars from various cultural and

disciplinary backgrounds who draw on fields such as translation studies, linguistics, literary theory, history, philosophy or sociology with a view to promoting a heightened understanding of the complex translational implications pertaining to comparative law, understood both in its literal and metaphorical senses.

This book is a comparative legal study of the private and public art collections in various states of the world, covering the most important issues that usually arise and focusing on the differences and the similarities of the national laws in the treatment of those issues.

This book discusses contemporary accountability and transparency mechanisms by presenting a selection of case studies. The authors deal with various problems connected to controlling public institutions and incumbents' responsibility in state bodies. The work is divided into three parts. Part I: Law examines the institutional and objective approach. Part II: Fairness and Rights considers the subject approach, referring to a recipient of rights. Part III: Authority looks at the functional approach, referring to the executors of law. Providing insights into increasing understanding of various concepts, principles, and institutions characteristic of the modern state, the book makes a valuable contribution to the area of comparative constitutional change. It will be a valuable resource for

academics, researchers, and policy-makers working in the areas of constitutional law and politics.

The book delves into the 'deeper structures' of the world's legal systems, where law meets culture, politics and socio-economic factors.

Introduction to Public Law offers a new approach to public law, defined as the law of the public good, by drawing on historical and comparative analysis of England, France, Germany and the United States.

This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide-ranging and diverse critical survey of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honoured but not easily understood in all its dimensions. In the current era of globalization, this discipline is more relevant than ever, both on the academic and on the practical level. The Handbook is divided into three main sections. Section I surveys how comparative law has developed and where it stands today in various parts of the world. This includes not only traditional model jurisdictions, such as France, Germany, and the United States, but also other regions like Eastern Europe, East Asia, and Latin America. Section II then discusses the major approaches to comparative law - its methods, goals, and its relationship with other fields, such as legal history, economics, and

linguistics. Finally, section III deals with the status of comparative studies in over a dozen subject matter areas, including the major categories of private, economic, public, and criminal law. The Handbook contains forty-eight chapters written by experts from around the world. The aim of each chapter is to provide an accessible, original, and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come. Each chapter also includes a short bibliography referencing the definitive works in the field.

In this Handbook, distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective. The book covers the historical beginnings of comparative administrative law scholarship, and discusses important methodological issues and basic concepts such as administrative power and accountability.

Awareness of the need to deepen the method and methodology of legal research is only recent. The same is true for comparative law, by nature a more adventurous branch of legal research, which is often something researchers simply do, whenever they look at foreign legal systems to answer one or more of a range of questions about law, whether these questions are doctrinal, economic, sociological, etc. Given the diversity of comparative research projects, the

precise contours of the methods employed, or the epistemological issues raised by them, are to a great extent a function of the nature of the research questions asked. As a result, the search for a unique, one-size-fits-all comparative law methodology is unlikely to be fruitful. That however does not make reflection on the method and culture of comparative law meaningless. Mark Van Hoecke has, throughout his career, been interested in many topics, but legal theory, comparative law and methodology of law stand out. Building upon his work, this book brings together a group of leading authors working at the crossroads of these themes: the method and culture of comparative law. With contributions by: Maurice Adams, John Bell, Joxerramon Bengoetxea, Roger Brownsword, Seán Patrick Donlan, Rob van Gestel and Hans Micklitz, Patrick Glenn, Jaap Hage, Dirk Heirbaut, Jaakko Husa, Souichirou Kozuka and Luke Nottage, Martin Löhnig, Susan Millns, Toon Moonen, Francois Ost, Heikki Pihlajamäki, Geoffrey Samuel, Mathias Siems, Jørn Øyrehagen Sunde, Catherine Valcke and Matthew Grellette, Alain Wijffels.

International courts and tribunals make decisions which shape international law. Yet what grants them the legitimacy to make these decisions in the first place? This book proposes a theory of international public law that argues that these international courts democratically derive their legitimacy from the people and

citizens.

This is the first comprehensive book that explores the subject of federalism from the perspective of comparative constitutional law, whilst simultaneously placing a strong emphasis on how federal systems work in practice. This focus is reflected in the book's two most innovative elements. First, it analyses from a comparative point of view how government levels exercise their powers and interact in several highly topical policy areas like social welfare, environmental protection or migrant integration. Second, the book incorporates case law boxes discussing seminal judgments from federal systems worldwide and thus demonstrates the practical impact of constitutional jurisprudence on policymakers and citizens alike. “This is simply the best analysis of contemporary federalism currently available. It is comprehensive in its coverage, thorough in its analysis, and persuasive in its conclusions. Every student of federalism, from novice to expert, will find benefit from this volume.” Professor G Alan Tarr, Rutgers University “Wading through the thicket of the multiple forms that the federal idea has taken in the contemporary world, this remarkably comprehensive treatise backed by case law fills a long-awaited gap in the literature on comparative federalism. It combines a mastery of the literature on federal theory with a critical understanding of how it plays out in practice. Outstanding in the breadth of its scope, this magisterial

survey will serve as a work of reference for generations of scholars who seek to understand how federalism works in developed as well as developing countries." Professor Balveer Arora, Jawaharlal Nehru University New Delhi "This book is an extraordinarily handy work of reference on the diverse federal-type systems of the world. It handles both shared principles and differences of perspective, structure or practice with confidence and ease. It will become a standard work for scholars and practitioners working in the field." Professor Cheryl Saunders, The University of Melbourne "This is a remarkable book – for its sheer breadth of scope, combining detail of practice with analysis of federal principles, and for its fresh look at federalism. With great erudition, drawing on world scholarship and the practice of federalism across the globe, Palermo and Kössler magnificently traverse from the ancient roots of federalism to the contemporary debates on ethno-cultural dimensions and participatory democracy. The book sets a new benchmark for the study of comparative federalism, providing new insights that are bound to influence practice in an era where federal arrangements are expected to deliver answers to key governance and societal challenges." Professor Nico Steytler, University of the Western Cape

This landmark volume of specially commissioned, original contributions by top international scholars organizes the issues and controversies of the rich and

rapidly maturing field of comparative constitutional law. Divided into sections on constitutional design and redesign, identity, structure, individual rights and state duties, courts and constitutional interpretation, this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law. While some chapters reference the text of legal instruments expressly labeled constitutional, others focus on the idea of entrenchment or take a more functional approach. Challenging the current boundaries of the field, the contributors offer diverse perspectives - cultural, historical and institutional - as well as suggestions for future research. A unique and enlightening volume, Comparative Constitutional Law is an essential resource for students and scholars of the subject.

First published in 1946, this book formed part of the Cambridge Studies in International and Comparative Law series. The text was written with three key aims: to explain the origin and meaning of comparative law; to describe the purposes for which the comparative method of legal study can be utilised; and to estimate the value of comparative law as an instrument for the growth and development of the law. Tables of cases and statutes are included. This book will be of value to anyone with an interest in comparative law and legal history.

This book examines claims involving unjust enrichment and public bodies in

France,England and the EU. Part 1 explores the law as it now stands in England and Wales as a result of cases such as Woolwich EBS v IRC, those resulting from the decision of the European Court of Justice (ECJ) in Metallgesellschaft and Hoechst v IRC and those involving Local Authority swaps transactions. So far these cases have been viewed from either a public or a private law perspective, whereas in fact both branches of the law are relevant, and the author argues that the courts ought not to lose sight of the public law issues when a claim is brought under the private law of unjust enrichment, or vice versa. In order to achieve this a hybrid approach is outlined which would allow the law access to both the public and private law aspects of such cases. Since there has been much discussion, particularly in the context of public body cases, of the relationship between the common law and civilian approaches to unjust enrichment, or enrichment without cause, Part 2 considers the French approach in order to ascertain what lessons it holds for England and Wales. And finally, as the Metallgesellschaft case itself makes clear, no understanding of such cases can be complete without an examination of the relevant EU law. Thus Part 3 investigates the principle of unjust enrichment in the European Union and the division of labour between the European and the domestic courts in the ECJ's so-called 'remedies jurisprudence'. In particular it examines the extent to which the

two relevant issues, public law and unjust enrichment, are defined in EU law, and to what extent this remains a task for the domestic courts. Cited with approval in the Court of Appeal by Beatson, LJ in Hemming and others v The Lord Mayor and Citizens of Westminster, [2013] EWCA Civ 5912 Cited with approval in the Supreme Court by Lord Walker, in Test Claimants in the Franked Investment Income Group Litigation (Appellants) v Commissioners of Inland Revenue and another [2012] UKSC 19

The field of comparative constitutional law has grown immensely over the past couple of decades. Once a minor and obscure adjunct to the field of domestic constitutional law, comparative constitutional law has now moved front and centre. Driven by the global spread of democratic government and the expansion of international human rights law, the prominence and visibility of the field, among judges, politicians, and scholars has grown exponentially. Even in the United States, where domestic constitutional exclusivism has traditionally held a firm grip, use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U.S. Supreme Court. The trend towards harmonization and international borrowing has been controversial. Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and

functions of commercial contracts, that seems far from the case in constitutional law. Can a parliamentary democracy be compared to a presidential one? A federal republic to a unitary one? Moreover, what about differences in ideology or national identity? Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context? Is it perilous to compare minority rights in a multi-ethnic state to those in its ethnically homogeneous counterparts? These controversies form the background to the field of comparative constitutional law, challenging not only legal scholars, but also those in other fields, such as philosophy and political theory. Providing the first single-volume, comprehensive reference resource, the 'Oxford Handbook of Comparative Constitutional Law' will be an essential road map to the field for all those working within it, or encountering it for the first time. Leading experts in the field examine the history and methodology of the discipline, the central concepts of constitutional law, constitutional processes, and institutions - from legislative reform to judicial interpretation, rights, and emerging trends.

In the domain of comparative constitutionalism, Israeli constitutional law is a fascinating case study constituted of many dilemmas. It is moving from the old British tradition of an unwritten constitution and no judicial review of legislation to fully-fledged constitutionalism endorsing judicial review and based on the text of a series of basic

laws. At the same time, it is struggling with major questions of identity, in the context of Israel's constitutional vision of 'a Jewish and Democratic' state. Israeli Constitutional Law in the Making offers a comprehensive study of Israeli constitutional law in a systematic manner that moves from constitution-making to specific areas of contestation including state/religion relations, national security, social rights, as well as structural questions of judicial review. It features contributions by leading scholars of Israeli constitutional law, with comparative comments by leading scholars of constitutional law from Europe and the United States.

This volume makes a timely intervention into a field which is marked by a shift from unipolar to multipolar order and a pluralization of constitutional law. It addresses the theoretical and epistemic foundations of Southern constitutionalism and discusses its distinctive themes, such as transformative constitutionalism, inequality, access to justice, and authoritarian legality. This title has three goals. First, to pluralize the conversation around constitutional law. While most scholarship focuses on liberal forms of Western constitutions, this book attempts to take comparative law's promise to cover all major legal systems of the world seriously; second, to reflect critically on the epistemic framework and the distribution of epistemic powers in the scholarly community of comparative constitutional law; third, to reflect on - and where necessary, test - the notion of the Global South in comparative constitutional law. This book breaks down the theories, themes, and global picture of comparative constitutionalism in the

Global South. What emerges is a rich tapestry of constitutional experiences that pluralizes comparative constitutional law as both a discipline and a field of knowledge.
Governance by regulation – rules propounded and enforced by bureaucracies – is taking a growing share of the sum total of governance. Once thought to be an American phenomenon, it is now a central form of state action in every part of the world, including Europe, Latin America, and Asia, and it is at the core of much international lawmaking. In Comparative Law and Regulation, original contributions by leading scholars in the field focus both on the legal dimension of regulation and on how this dimension operates in those places that have turned to regulation to meet their obligations.
The West's cherished dream of social harmony by numbers is today disrupting all our familiar legal frameworks - the state, democracy and law itself. Its scientistic vision shaped both Taylorism and Soviet Planning, and today, with 'globalisation', it is flourishing in the form of governance by numbers. Shunning the goal of governing by just laws, and empowered by the information and communication technologies, governance champions a new normative ideal of attaining measurable objectives. Programmes supplant legislation, and governance displaces government. However, management by objectives revives forms of law typical of economic vassalage. When a person is no longer protected by a law applying equally to all, the only solution is to pledge allegiance to someone stronger than oneself. Rule by law had already secured the principle of impersonal power, but in taking this principle to extremes, governance

by numbers has paradoxically spawned a world ruled by ties of allegiance.
Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices. The objective behind this Companion is to present the reader with a succinct yet wide-ranging companion to a modern comparative constitutional law course.
How much power does a monarch really have? How much autonomy do they enjoy? Who regulates the size of the royal family, their finances, the rules of succession? These are some of the questions considered in this edited collection on the monarchies of Europe. The book is written by experts from Belgium, Denmark, Luxembourg, the Netherlands, Norway, Spain, Sweden and the UK. It considers the constitutional and political role of monarchy, its powers and functions, how it is defined and regulated, the laws of succession and royal finances, relations with the media, the popularity of the monarchy and why it endures. No new political theory on this topic has been developed since Bagehot wrote about the monarchy in The English Constitution (1867). The same is true of the other European monarchies. 150 years on, with their formal powers greatly reduced, how has this ancient, hereditary institution managed to survive and what is a modern monarch's role? What theory can be derived about the role of monarchy in advanced democracies, and what lessons can the different European monarchies learn from each other? The public look to the monarchy to represent continuity, stability and tradition, but also want it to be modern, to reflect modern values

and be a focus for national identity. The whole institution is shot through with contradictions, myths and misunderstandings. This book should lead to a more realistic debate about our expectations of the monarchy, its role and its future. The contributors are leading experts from all over Europe: Rudy Andeweg, Ian Bradley, Paul Bovend'Eert, Axel Calissendorff, Frank Cranmer, Robert Hazell, Olivia Hepsworth, Luc Heuschling, Helle Krunke, Bob Morris, Roger Mortimore, Lennart Nilsson, Philip Murphy, Quentin Pironnet, Bart van Poelgeest, Frank Prochaska, Charles Powell, Jean Seaton, Eivind Smith.

Through an extensive exploration of comparative constitutional endeavours past and present, near and far, Ran Hirschl shows how attitudes towards engagement with the constitutive laws of others reflect tensions between particularism and universalism as well as competing visions of who 'we' are as a political community. Drawing on insights from social theory, religion, history, political science, and public law, Hirschl argues for an interdisciplinary approach tocomparative constitutionalism that is methodologically and substantively preferable to merely doctrinal accounts. The future of comparative constitutional studies, he contends, lies in relaxing thesharp divide between constitutional law and the social sciences.

Comparative constitutional change has recently emerged as a distinct field in the study of constitutional law. It is the study of the way constitutions change through formal and informal mechanisms, including amendment, replacement, total and partial revision,

adaptation, interpretation, disuse and revolution. The shift of focus from constitution-making to constitutional change makes sense, since amendment power is the means used to refurbish constitutions in established democracies, enhance their adaptation capacity and boost their efficacy. Adversely, constitutional change is also the basic apparatus used to orchestrate constitutional backslide as the erosion of liberal democracies and democratic regression is increasingly affected through legal channels of constitutional change. Routledge Handbook of Comparative Constitutional Change provides a comprehensive reference tool for all those working in the field and a thorough landscape of all theoretical and practical aspects of the topic. Coherence from this aspect does not suggest a common view, as the chapters address different topics, but reinforces the establishment of comparative constitutional change as a distinct field. The book brings together the most respected scholars working in the field, and presents a genuine contribution to comparative constitutional studies, comparative public law, political science and constitutional history.

The Max Planck Institute for Comparative Public Law and International Law in Hamburg, Germany, is concerned with all aspects of public international law, the law of international organizations, the international legal relations of the Federal Republic of Germany, and constitutional and administrative law in other countries. The institute lists its departments and staff members, provides visitor information, details its upcoming meetings and conferences, and describes its facilities and publications. The institute is named after the German physicist Max Planck (1858-1947).

This book explores current human rights controversies arising in UK law, in the light of the way such matters have been dealt with in Canada. Canada's Charter of Rights predates the United Kingdom's Human Rights Act by some 20 years, and in the 40 years of the Charter's existence, Canada's Supreme Court has produced an increasingly sophisticated body of public law jurisprudence. In its judgments, it has addressed broad questions of constitutional principle relating to such matters as the meaning of proportionality, the 'horizontal' impact of human rights norms, and the proper role of judicial 'dereference' to legislative decision-making. The court has also considered, more narrowly, specific issues of political controversy such as assisted dying, voting rights for prisoners, the wearing of religious symbols, parental control of their children's upbringing, the law regulating libel actions brought by politicians, pornography and labour rights. All of these issues are discussed in the book. The contributions to this volume provide detailed analyses of such broad and narrow matters in a comparative perspective, and suggest that the United Kingdom's public law jurisprudence and scholarship might benefit substantially from a closer engagement with their Canadian counterparts.

By definition, international law, once agreed upon and consented to, applies to all parties equally. It is perhaps the one area of law where cross-country comparison seems inappropriate, because all parties are governed by the same rules. However, as this book explains, states sometimes adhere to similar, and at other times, adopt different interpretations of the same international norms and standards. International legal rules are not a monolithic whole, but are the basis for ongoing contestation in which states set forth competing interpretations. International norms are interpreted and redefined by national executives, legislatures, and judiciaries. These varying and evolving interpretations can, in turn, change

and impact the international rules themselves. These similarities and differences make for an important, but thus far, largely unexamined object of comparison. This is the premise for this book, and for what the editors call "comparative international law." This book achieves three objectives. The first is to show that international law is not a monolith. The second is to map the cross-country similarities and differences in international legal norms in different fields of international law, as well as their application and interpretation with regards to geographic differences. The third is to make a first and preliminary attempt to explain these differences. It is organized into three broad thematic sections, exploring: conceptual matters, domestic institutions and comparative international law, and comparing approaches across issue-areas. The chapters are authored by contributors who include leading international law and comparative law scholars with diverse backgrounds, experience, and perspectives.

This volume examines the relationship between central government and local institutions, taking Italy as a case study to present a comparative perspective on how the Italian experience has influenced the global developments of federal and regional states. As the country with the longest standing regional system, Italy has a lot to tell countries that are dealing with similar issues in present times. Adopting a theoretical/analytical approach coupled with comparative analysis, this volume critically reflects on the changes brought to the Italian system of government by the reform of Title V of the Italian constitution, the reasons why further decentralisation has been resisted and offers a comparative overview of the place and contributions that the Italian experience has brought to the global debate on regionalism and federalism. The book is divided into two parts: Part I distils the essence of the evolution of Italian regionalism and the respective debate before and after 2001. While focusing on Italy,

the various chapters situate it within the global framework of discussion. Part II reflects on how the Italian regional constitutional architecture contributes to the global debate, particularly focusing on the main innovations brought about by constitutional reform. The book will be essential reading for researchers, academics and policy-makers working in the areas of constitutional law and politics, and federalism.

This major collection contains selected papers from the second Public Law Conference, an international conference hosted by the University of Cambridge in September 2016. The collection includes contributions by leading academics and judges from across the common law world, including senior judges from Australia, Canada, New Zealand and the UK. The contributions engage with the theme of unity (and disunity) from a number of perspectives, offering a rich panoply of insights into public law which significantly carry forward public law thinking across common law jurisdictions, setting the agenda for future research and legal development. Part 1 of the volume contains chapters which offer doctrinal and theoretical perspectives. Some chapters seek to articulate a unifying framework for understanding public law, while others seek to demonstrate the plurality of public law through the method of legal taxonomy. A number of chapters analyse whether different fields such as human rights and administrative law are merging, with others considering specific unifying themes or concepts in public law. The chapters in Part 2 offer comparative perspectives, charting and analysing convergence and divergence across common law systems. Specific topics include standing, proportionality, human rights, remedies, use of foreign precedents, legal transplants, and disunity and unity among subnational jurisdictions. The collection will be of great interest to those working in public law.

This book discusses a number of important themes in comparative law: legal metaphors and methodology, the movements of legal ideas and institutions and the mixity they produce, and marriage, an area of law in which culture – or clashes of legal and public cultures – may be particularly evident. In a mix of methodological and empirical investigations divided by these themes, the work offers expanded analyses and a unique cross-section of materials that is on the cutting edge of comparative law scholarship. It presents an innovative approach to legal pluralism, the study of mixed jurisdictions, and language and the law, with the use of metaphors not as an illustration but as a core element of comparative methodology.

While the role of comparative law in the courts was previously only an exception, foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts. There is considerable variation between the practices of courts and the role of comparative law, and methods remain controversial. In the US, the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts. Contributing to the existing discussion of the use of comparative law in the courts, this book provides an inclusive, coherent, and practical analysis of the relevant law and jurisprudence in comparative law in the courts. It examines the consequences for court procedures and the form of judgments, as well as how foreign sources are drawn upon in private international law, European law, administrative law, and constitutional law as well as before general courts. The book also includes case studies of comparative law used in particular spheres of the law, such as tort law and consumer law. Written by practising judges and lawyers as well as leading academics, this book serves as a central reference point concerning the role of comparative law before the courts.

Introduction to Public LawA Comparative StudyMartinus Nijhoff Publishers

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.

This book reimagines administrative law as the law of public administration by making its competence the focus of administrative law.

Investment treaty arbitration has a hybrid nature combining public international law (as regards its substance) with elements of international commercial arbitration (mainly as regards procedure). However, in essence and function it deals with a special, internationalised form of judicial review of governmental conduct that is more akin to the judicial control of governmental action provided for by national administrative and constitutional law than to either classic inter-state dispute resolution or international commercial arbitration. This has been recognised in some academic writing and several awards, where reference to national administrative law concepts and principles of international law-based judicial review of governmental action, such as international trade or human rights law, is used to help specify and apply the open-ended concepts

of investment treaties. In-depth conceptualization is however often lacking. The current study is the first, pioneering effort to bring these under-developed ad hoc references to comparative and international administrative law concepts into a deeper theoretic and systematic framework. The book thus intends to develop a 'bridge' between treaty-based international investment arbitration and comparative administrative law on both a theoretical and practical level. The major obligations in investment treaties (indirect expropriation, fair and equitable treatment, national treatment, umbrella/sanctity of contract clause) and major procedural principles will be compared with their counterpart in comparative public law, both on the domestic as well as international level. That 'bridge' will allow international investment law to benefit from the comparative public law experience, which could enhance its legitimacy, its political acceptance, and its ability to develop more finely-tuned interpretations of central treaty obligations.

Comparative constitutional law is a field of increasing importance around the world, but much of the literature is focused on Europe, North America, and English-speaking jurisdictions. The importance of Asia for the broader field is demonstrated here i