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Representative Opinions of Justice Ruth Bader Ginsburg
Edited by NANCY GERTNER

EDITED WITH INTRODUCTORY MATERIAL by Judge Nancy Gertner (Retired), this anthology consists of representative opinions from Associate Justice Ruth Bader Ginsburg's extraordinary body of work. It includes both the opinions on rights and discrimination for which Justice Ginsburg was best known and her precedent-setting work on civil and criminal procedure. Likewise included are her dissents in the cases that have defined the Supreme Court's recent terms, from Obamacare to the Voting Rights Act. These volumes provide an indispensable guide to the work of this remarkable woman and judicial giant.

Nancy Gertner was a United States District Court Judge (D. Mass.) from 1994–2011. Prior to 1994, Judge Gertner was a civil rights and criminal defense lawyer in Massachusetts. She retired from the federal bench to join the faculty at Harvard Law School. She served as a Commissioner on President Biden’s Commission on the Supreme Court of the United States. Named one of “The Most Influential Lawyers of the Past 25 Years” by Massachusetts Lawyers Weekly, she has published widely on sentencing, discrimination, forensic evidence, women’s rights, the jury system, and the Supreme Court. Judge Gertner has received numerous awards, including the American Bar Association's Thurgood Marshall Award, Margaret Brent Women Lawyers of Achievement Award from the American Bar Association Commission on the Status of Women in the Profession, and the National Association of Women Lawyers' Arabella Babb Mansfield Award.

Justice Ruth Bader Ginsburg always said she stood on the shoulders of giants and Judge Nancy Gertner—a judicial giant in her own right—collects here the building blocks of RBG’s judicial legacy. Don’t let the memes mislead you: RBG was one of the most meticulous radicals in history, and the intricate scaffolding assembled in these pages stands as her love letter to equality, dignity, and constitutional democracy itself.

DAHLIA LITHWICK
Senior Legal Editor, Slate

Judge Gertner has provided a remarkable curated tour of Justice Ginsburg’s oeuvre. These volumes not only enable an understanding of the breadth and innovation of Justice Ginsburg’s judgments but also serve as guidance, from generation to generation, on the work that remains to be done.

JUDITH RESNIK
Arthur Liman Professor of Law, Yale Law School
co-author of Representing Justice: Invention, Controversy and Rights in City-States and Democratic Courtrooms
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Translated and Edited by WILLIAM E. BUTLER

liv, 409 pp.
ISBN 978-1-61619-664-6
Hardcover 2022
$185.

THE CRIMINAL CODE of the Russian Federation records the fundamental transformation in Russian criminal law in the post-Soviet era and reflects the accumulated experience of three decades of criminal policy. Since its inception in 1996, the Code has expanded in size substantially. The current version contains the responses of the Russian Federation to its new perception of its place in the international community.

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Translated and Edited by WILLIAM E. BUTLER

cxviii, 1020 pp.
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MARK WONNACOTT

xxix, [1], 325 pp.
Hardcover 2022
$85.

DO YOU EVER WORRY that all our modern textbooks tell the same story about land law in England and Wales, and that it might be the wrong story? That fewer than half a dozen books came through the great extinction event of the 1925 Birkenhead legislation, to frame the way that we have thought about land law ever since? This book is about the narratives that were forgotten. It is about what needs to be remembered, for principled decision making today. And if it were possible to write a thoroughly subversive book about black-letter land law, then this would be it.

Mark Wonnacott spent more than thirty years in full time practice at the Chancery Bar, the last ten in silk. He is the author of two other books—Possession of Land (2006) and The History of the Law of Landlord and Tenant (2012)—which were also about the interconnectedness of land law, and how forgetting yesterday’s law produces bad decisions today. Forgotten Land Law completes the trilogy. Mark intends to retire to Fiesole.

Also Available from MARK WONNACOTT

The History of the Law of Landlord and Tenant in England and Wales

The Lawbook Exchange, Ltd.
lvi, 363 pp.
Hardcover with Dust Jacket 2012
$75.

This well-written and thoroughly researched book is essential reading for anyone interested or involved in property law or in English legal history. The main text and the footnotes both contain fascinating information. Mark Wonnacott’s book throws illuminating shafts of light on the political, economic, social, and religious history of this country, as well as its legal history.

LORD NEUBERGER OF ABBOTSBURY, M.R.
Contemporary International Law of Civilized Peoples

F. F. MARTENS

Edited and Translated by WILLIAM E. BUTLER

FIRST PUBLISHED in Russian in 1882–1883, Contemporary International Law of Civilized Peoples ranks among the greatest treatises on international law and relations written during the nineteenth century. In this work Martens develops his concept of the international community and the respective roles of “civilized” and “uncivilized” peoples, and promotes several concepts that would become important in the twentieth century, such as the importance of “international administrative law” and the central role of human rights. The work has two complementary parts: the General Part, which addresses the conceptual and historical foundations of international law, the status of the international community, states, and individuals and territory and law of treaties, and the Special Part, which addresses Martens’s concept of international administration, diplomatic and consular law, human rights, private international law, international criminal law and the laws of war and neutrality.

Enriched by an extensive biographical introduction, Butler’s is the first English translation of this important work and the only version in any language to address changes made by the author between editions, including sections omitted in later versions. At long last, the English reader has access to the leading Russian thinker and diplomatist of the Imperial Russian period, one who continues to influence the development of international law.

Fedor Fedorovich Martens [1845–1909] was Professor of International Law at St. Petersburg University, nominated repeatedly for the Nobel Peace Prize, senior legal advisor to the Ministry of Foreign Affairs and the Emperor of the Russian Empire, member of the Hague Permanent Court of International Arbitration, diplomatic historian, a principal architect of the Hague peace conferences, author of major treatises on international law and the leading Russian textbook, recipient of honorary doctorates at continental and American law schools, and a member of the Institute of International Law elected to numerous academies of sciences, including the Russian Academy of Sciences.

William E. Butler has written extensively on the history of international law and is the founding editor of Jus Gentium: Journal of International Legal History (2016—). He is the John Edward Fowler Distinguished Professor of Law, Dickinson Law, Pennsylvania State University; Professor Emeritus of Comparative Law in the University of London (University College London); and Foreign Member, Russian Academy of Natural Sciences, National Academy of Sciences of Ukraine, and National Academy of Legal Sciences of Ukraine.
Grotius on War and Peace in English Translation

WILLIAM E. BUTLER

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THE SEVEN PRINCIPAL ENGLISH-LANGUAGE VERSIONS of Hugo Grotius’s classic work On the Law of War and Peace (1625) were published between 1654 and 1928. Either by design or serendipity, each of these appeared on the eve of, during, or immediately after a major international conflict. All major achievements in their time, they expressed an overriding conviction that Grotian insights would enlighten present-day readers and help to lessen the incidence and horrors of armed conflict. Drawing upon archival sources never used previously, this study considers the history of these translations and their different approaches to Grotius’s complicated text.

Also available with a New Introduction by WILLIAM E. BUTLER

De Jure Belli Ac Pacis Libri Tres

HUGO GROTIIUS

The 1925 Translation by FRANCIS W. KELSEY

The Lawbook Exchange, Ltd.
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$150.

IN 1906 THE CARNEGIE INSTITUTION agreed to sponsor and finance a project to republish the “Classics of International Law” with new translations, annotations, and introductions, among them Grotius’s De Jure Belli ac Pacis. When health reasons compelled the replacement of the original translator, the project was handed to Francis W. Kelsey [1858–1927], a classicist and archaeologist at the University of Michigan, who was assisted by a team of colleagues. The result was the present volume: a new translation based on the last edition by the author (1646). Kelsey and his team painstakingly and thoroughly compared other language texts and translations, verified all of the footnotes and quotations and confirmed the use of legal terminology with specialists in international law. In all, no effort was spared to create a scholarly translation with lucid English prose. This facsimile reprint is accompanied by a new introduction that explores the previously unknown history of Kelsey’s translation.

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SINCE 1787, only twenty-seven amendments have been proposed by two-thirds majorities in Congress and ratified by three-fourths of the states. During this same time, members of Congress have introduced more than eleven and a half thousand proposals, and states have filed close to four hundred additional petitions for constitutional conventions to propose amendments.

These four volumes edited and introduced by John R. Vile collect and update compilations of lists of proposed amendments and convention petitions that have been scattered about in a variety of governmental reports. They also reprint classic studies by Herman Ames and Michael Musmanno that analyzed amending proposals introduced during the nation’s early years. The work includes texts of basic constitutional documents like the Articles of Confederation, the U.S. Constitution and its amendments, and the Confederate Constitution, as well as a comprehensive index of all amendments proposed through 2001. This fourth volume, which covers the years 2001–2021, replaces an earlier supplement that covered the years 2001–2010.

Holmes Reads Holmes
Reflections on the Real-Life Links Between the Jurist & the Detective in the Library, in the Courtroom, and on the Battlefield

Edited by ROSS E. DAVIES and M.H. HOEFLICH

84 pp.
Hardcover 2020
$24.95

STARTING IN THE VICTORIAN AGE, “Holmes” became a great name. First there was the best-selling essayist and poet Oliver Wendell Holmes, Sr. Then, as the 19th century turned to the 20th, his son Oliver Wendell Holmes, Jr. rose to fame as a judge, and, almost simultaneously, Sherlock Holmes rose to fame as a detective. The careers of those three Holmeses, and their respective reputations in both literature and in law, intertwined over seven decades—from the Civil War in the 1860s to the Supreme Court during the Depression years of the 1930s—as they occasionally influenced or entertained each other, and sometimes even shared the public spotlight.

Notes from the Commonplace Book of a Legal Antiquarian

M.H. HOEFLICH

xii, 38 pp.
Paperback 2021
$12.95

NESTLE INTO A COMFORTABLE OLD CHAIR, pour a glass of a fine vintage port and enjoy a pleasant winter’s entertainment. In the tradition of commonplacing, the recording of extracts from favorite texts, the author has selected sixteen pieces of poetry, prose and legal ephemera from his vast personal library for the enjoyment of his friends—and he considers anyone who reads this volume a friend. These selections on lawyers and the law include ten pieces of prose, four poems, one original essay and a menu from a dinner given by a Harvard Law School social club in 1893. With wit, charm and introspection, they span the seventeenth through the twentieth centuries, paying homage to the lawyer’s life, “one of unwearied exertion”—for better or worse.

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JUSTICE OLIVER WENDELL HOLMES, JR. (1841–1935) is one of the most significant figures in American history, both as a judge and as a legal scholar. He was also, without question, one of the most well-read and erudite jurists of his age. Justice Holmes kept his personal notes in a volume that he called the Black Book. For more than 50 years, Holmes filled his Black Book with lists of books he read (including detailed notes on some of them), accounts of his travels, and even observations about flower blooms in Washington, DC, where he served on the U.S. Supreme Court from 1902 to 1932, and where he lived (except for summers at his place in Beverly Farms, MA)—and continued to make entries in his Black Book—until his death in 1935. This volume gives insight into his mind and activities for a half-century.

Here the original text is provided in facsimile, with a transcription on facing pages. Additional essays by the editors and other scholars highlight the significance of the Black Book and situate it in jurisprudential and historical context.

The editors of the Black Book have produced a veritable Rosetta Stone for an important part of the Holmes oeuvre.... Now, Holmes students no longer need struggle with deciphering the justice's cramped handwriting and obscure references and can refer to reliable transcriptions linked to the original. A series of illuminating essays by the editors on several aspects of Holmes's jurisprudence completes this masterwork.

JEFFREY M. FLANNERY
Library of Congress Manuscript Division (Retired)

Every serious Holmes scholar will want a copy of this book. Absent context, many of Holmes's writings are difficult to interpret. But supplying context is often the problem. Holmes not only read widely, he read carefully. Like many of his generation, he preserved his thoughts in a diary, his so-called Black Book. Unfortunately, the problem for scholars has been that Holmes's handwriting is even more inscrutable than his prose. Now, thanks to M.H. Hoeflich and Ross E. Davies, we have a complete transcript of these diaries. The transcription and the accompanying essays are most helpful and I expect they will influence Holmes scholarship for years to come.

CATHARINE WELLS
Professor of Law, Boston College
Author, Oliver Wendell Holmes: Willing Servant of an Unknown God (Cambridge University Press, 2020)
Talbot Publishing is pleased to announce Vol. 17, No. 2, September 2022

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In addition, articles and reviews are contributed by Ding Chunyan, Geoffrey Samuel, Faye Wang & Xi Chao.

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**Discovering the Unexpected**
Comparative Legal Studies in Eastern and Central Europe

Edited by **WILLIAM E. BUTLER** and **O. V. KRESIN**

xiv, 562 pp.
ISBN 978-1-61619-655-4
Hardcover 2021
$150.

**COMPARATIVE LAWYERS** from Belarus, Turkish Republic of Northern Cyprus, Czech Republic, Hungary, Poland, Romania, Russia, Ukraine and the United States explore the contributions of Eastern and Central European comparatists mostly unknown outside the region in 25 essays addressing individuals, processes and institutions from the sixteenth century to recent times. Most names will be unfamiliar to comparative lawyers not from the region; some overlap in their geographical affiliation, and the boundaries of the region itself are controversial. Several contributors give attention to Slavic law and its place within historical comparative studies. New light is cast on the development of comparative legal studies during the Soviet era and some of the principal personalities involved.

**William E. Butler** is the John Edward Fowler Distinguished Professor of Law, Dickinson School of Law, Pennsylvania State University; Emeritus Professor of Comparative Law, University of London (University College London); Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine.

**Oleksiy Kresin**, доктор юридичних наук, is a leading Ukrainian comparative lawyer; Head, Center of Comparative Jurisprudence, Koretsky Institute of State and Law, National Academy of Sciences of Ukraine; Secretary-General, Ukrainian Association of Comparative Jurisprudence; President, Ukrainian National Committee, International Association of Legal Sciences; Associate, International Academy of Comparative Law.

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**Bentham Around the World**

Edited by **SIMON PALMER** and **ZHAI XIAOBO**

xvii, 241 pp.
ISBN 978-1-61619-656-1
Hardcover 2021
$95.

**THIS COLLECTION OF ESSAYS** covers the reception of Jeremy Bentham’s legal and political thought in a variety of different countries and historical periods. Authors from around the world explore how Bentham’s utilitarian program of legal and political reform was disseminated (and sometimes distorted) in the United States, France, Germany, Japan, Russia, China, Italy, Spain and Australia. Themes or issues shared amongst the essays include the prominent role Étienne Dumont’s famous redactions of Bentham’s texts played in the early international reception of Bentham’s thought, the ways in which Bentham’s theories of law and government both succeeded and failed to penetrate political cultures that possessed natural law leanings and, relatedly, the apparent philosophical plasticity of Bentham’s thinking (from which both liberal and authoritarian traditions have tried to profit). Together, the essays offer a fresh perspective on the relationship between Bentham’s legal and political thought and the global history of utilitarianism.

**Simon Palmer** is a research student at the University of Leuphana Lüneburg. His research interests include both contemporary legal philosophy as well as its history, with a particular interest in Bentham’s views on language, morality and law. He has taught at University College London and at the University of Oxford.

**Zhai Xiaoobo** is Associate Professor at the University of Macau. His research interests include legal philosophy, constitutional theory and Bentham studies. His publications in English have appeared in *Law and Philosophy*, *The Journal of Legal History* and *International Journal of Constitutional Law*. His coedited volume, *Bentham’s Theory of Law and Public Opinion*, was published by Cambridge University Press in 2014.

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**Comparative Law in Warsaw, 1800–1835**

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**THE PARTITIONS OF POLAND** (1772, 1793, 1795) and Napoleon’s invasions of Central and Eastern Europe (1806–1813) made the territories of the former Polish-Lithuanian Commonwealth an unexpected recipient of legal traditions and substantive law imposed by conquering neighbors. At the same time the science of comparative law was beginning to develop. Influenced by these events and a keen interest in German legal thought and French codification, Polish jurists debated the appropriate balance of imported versus autochthonic law, the proper role of legal education, the development of a legal consciousness and the social role of the jurist. This is the first comprehensive study in English to examine the genesis of comparative legal studies in Poland, and Polish contributions to that field, during this decisive era in European history.

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**The Comparative Method in the Science of Law**

Edited and Translated by **WILLIAM E. BUTLER** and **O. V. KRESIN**

xxiv, 203 pp.
Hardcover 2022
$150.

**THIS STUDY**, previously unknown to the world of comparative law, may be considered to be the first monograph in the world devoted to the methodology
of comparative jurisprudence. Submitted in 1947 and defended as a dissertation in 1948 at the Ukrainian Free University in the Ukrainian language, the author considered comparative law to be a method. In turn, he defined “method”, following other scholars, as the targeted use of a complex of means of effectuating scientific research on the basis of previously determined rules which also provide the formulation of the concepts and forming of a systemic notion about the subject-matter of the research. Especially rich in its treatment of interwar German materials, this volume is a historical landmark in the history of comparative law.

Lev Rebet (1912–1957) was a Professor at the Ukrainian Free University in Munich.

DIPPEL assesses the Virginia Declaration of Rights of 12 June 1776 and shows how its ten principles made it the founding document of modern constitutionalism, which subsequently spread across the United States and, beginning with the French Revolution, Europe and Latin America. He shows how these principles were always confronted, in varying degrees, by resistance and opposition and always enriched, modified, or diluted by local or regional variations. With its multiple examples from the 17th through the 21st centuries, he shows how both a global and individual national history of modern constitutionalism might look like and how it would help us to better understand the present constitutional situation of individual American and European states, as well as the world we live in.

Horst Dippel is professor emeritus of British and American Studies at the University of Kassel, Germany. He published widely on the constitutional history of the United States and Western European countries and was the editor-in-chief of the 33-volume series Constitutions of the World from the Late 18th Century to the Middle of the 19th Century (2005–2014), to which he contributed the 8-volume Constitutional Documents of the United States of America 1776–1860 (2006–2011).

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Legal Machines
Of Subsumption Automata, Artificial Intelligence, and the Search for the “Correct” Judgment

STEPHAN MEDER
Translated from German by VERENA BECK

2023

Order by Phone: (732) 382-1800 or (800) 422-6686
ENGLISH AND AMERICAN LAW share a common origin. Yet the differences between them are now greater than the similarities. Anglo-American Law: A Comparison identifies the differences between the two systems of law and their constitutions. From Anglo-Saxon law to Brexit, from the Founders to President Trump, Arnheim compares the English and American legal systems and shows how they differ, particularly in matters of constitutional law, tort, civil and human rights, abortion, codification, freedom of religion, privacy, judicial review, defamation, and more.

Dr. Michael Arnheim is a practicing London Barrister and Sometime Fellow of St. John's College, Cambridge. He started life as a Classicist, and his Cambridge Ph.D. dissertation was published as a book by the Oxford University Press. He was then elected a Fellow of St. John's College, where he did a good deal of teaching as well as research. At the age of 31 he was invited to take up the position of full Professor and Head of the Department of Classics back at his old university in South Africa. He returned to Britain, where he was called to the Bar in 1988. He has combined his legal practice with teaching and writing, including the book US Constitution for Dummies, published by Wiley, which is now in its second edition. The present book is Dr. Arnheim’s 21st published book. For more information see https://en.wikipedia.org/wiki/Michael_Arnheim.

Clear, crisp, and eminently readable, Michael Arnheim’s Anglo-American Law offers readers a well-planned comparative exploration of two great Common Law jurisdictions. Addressing topics ranging from judicial and legislative lawmaking to free speech and protection of privacy, the text colorfully explains key differences and commonalities, supported by vivid excerpts from cases and statutes spanning centuries on both sides of the Atlantic. The text is lucid, insightful, and occasionally provocative.

A London barrister-at-law (with a St. Johns College, Cambridge, Ph.D.) wades into the evolution of US and UK legislation and case law, both codified and common, and emerges with an entertaining and pointed comparison of the US and UK legal systems. ... Anglo-American Law can be read on several levels, but an intellectually curious lay reader may profit the most. Dr. Arnhem’s synopses of dozens of leading US and UK appellate court decisions are alone worth the price of admission.

James Veach
former Senior Counsel, Mound, Cotton, Wollan & Greengrass (NYC Office); Adjunct Professor, Fairleigh Dickinson University
JUS GENTIUM Journal of International Legal History is the first dedicated journal in the United States addressing the history of international law. Much current scholarship on the history of international law is preoccupied not with international law, but with international legal doctrine; the doctrinal writings of remarkably few individuals dominate the discourse. Issued twice a year, in January and July.

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The Strange Case of Dr. Paul Schöppe

MARK W. PODVIA

xv, 147 pp., 8 b&w illustrations
Paperback 2022
$24.95

MARIA STEINNECKE, a wealthy spinster, died in the central Pennsylvania borough of Carlisle on January 28, 1869. At first her death was not considered suspicious. That changed when her doctor, Paul Schöppe, presented a will in his handwriting; it said she had left her entire estate to him. Soon afterwards, an autopsy performed on Miss Steinnecke revealed traces of prussic acid, a deadly poison. Thus began the murder case of Commonwealth of Pennsylvania v. Paul Schöppe, an event that brought national and international attention to Carlisle. Found guilty, Dr. Schöppe would come within days of his execution before the efforts of America’s physicians and the German-American community combined to force a second trial that ultimately freed him. Exciting events at the time, the two trials of Dr. Schöppe forever changed the way that medical evidence was presented and appeals were conducted in criminal cases.

Mark W. Podvia is a member of the emeritus faculty of the Dickinson School of Law of the Pennsylvania State University. Following his retirement from Penn State, he served as University Librarian and Law Library Co-Director at the West Virginia University College of Law, where he retired in 2021. He is a graduate of Grove City College, the Pennsylvania State University, Clarion University, and the Dickinson School of Law. Mark has published over 75 articles and reviews in various law reviews and journals. He is co-author of A Citizen’s Guide to a Modern Constitutional Convention.

Lucy and the Judge
Wood v. Lucy, Lady Duff-Gordon

M.H. HOEFLICH and STEPHEN SHEPPARD

56 pp., 21 b&w illustrations.
Paperback 2022
$19.95

WITH THIS FUN COLLECTION Mike Hoeflich and Steve Sheppard invite readers to explore the story behind an iconic American contract law case, Wood v. Lucy, Lady Duff-Gordon. In addition to personal reflections from the authors on the case and its legacy, it includes a brief summary of existing scholarship about the case and the parties, a reprint of the contract and Judge Cardozo’s opinion, and selections from Sears’s catalogue featuring Lady Duff-Gordon’s designs.
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