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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

Proportionality is a German, and thus continental European, concept in public law that is applied by both the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). The principle specifies that measures adopted by executive authorities should not exceed the limits of what is appropriate and necessary in order to achieve legitimate objectives in the interest of the public. Using a functional comparative approach, this book evaluates the extent to which proportionality has been integrated into the English and Hong Kong judicial systems by comparing case law in these courts with that of the CJEU and the ECtHR. The text also reviews the development of proportionality and presents a topical understanding of why its adoption and application have encountered difficulties, particularly regarding socio-economic rights, in some jurisdictions, such as the United Kingdom and Hong Kong. Written by a scholar with experience from both within the Hong Kong judicial system and from international research, this book is the first all-encompassing reference for legal practitioners worldwide.

This book challenges the traditional framing of emergency powers as 'exceptions' by illustrating their long-term legal and political effects.

Germany's Constitution - the Basic Law of 23 May 1949 - created a democratic constitution which, despite amendments, has held up over the years, even providing the legal basis for German reunification in 1990. When it was written, the Basic Law was initially regarded as a temporary solution which would last until a pan-German constitution could be created, but over the years it has grown to become a mainstay of post-war stability and has even become one of Germany's most successful exports. Foreign scholars are particularly interested in the German conception of fundamental rights and the mechanisms in place for enforcing them in the courts, as well as in Germany's federal structure. Making and applying administrative law and working alongside the system of EU law are also subjects of great interest. This book, developed by a group of scholars in honour of the 60th anniversary of the Basic Law, presents examples of fundamental aspects of current scholarly debate. The analyses found in this book present the latest scholarly discussions, specifically for a foreign audience, touching upon constitutional law, administrative law and the place of the Federal Republic within the system of European Union law, with constitutional law providing the constant framework.

Lauterpacht, H[ersch]. *The Function of Law in the International Community*. Oxford: Clarendon Press, 1933. xxvi, 470 pp. Reprinted 2000 by The Lawbook Exchange, Ltd. LCCN 00-022124. ISBN 1-58477-090-2. Cloth. \$90. \* Lauterpacht disputes the widely held viewpoint in the international community that international law has inherent limitations and is incapable of unification, and presents his treatise in a well-researched technical format. "While on the surface Dr. Lauterpacht's study is an analysis of the judicial process, it embraces practically the whole philosophy of international law. However, it is less the scope than the manner of handling the subject which makes this book one of the most outstanding contributions to the science of international law." Francis Deak, *Columbia Law Review* 34:797. Marke, *A Catalogue of the Law Collection at New York University* 637.

A starting point for the study of the English Constitution and comparative constitutional law, *The Law of the Constitution* elucidates the guiding principles of the modern constitution of England: the legislative sovereignty of Parliament, the rule of law, and the binding force of unwritten conventions.

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