Foreword

In 1996 I was helping to advise on setting up one of the first online lottery websites. Analysing how UK law applied to this activity was challenging but manageable. The law at the time had obviously not anticipated the arrival of the internet, and so we wrestled with interesting metaphysical challenges. What exactly was a 'ticket' so far as the Web was concerned? Where were website 'offers' made? Nonetheless, the extensive writings on UK gambling law made it possible to attempt answers to these questions.

When, however, we came to examine the global issues, there was no help at all to be found in the literature. Cross-border gambling was rare, perhaps non-existent, and all the national laws differed widely in their underlying policy aims. There was also no consistency about which aspects of gambling were regulated and how that regulation was implemented. National law texts did not even envisage the possibility that a foreign gambling company might offer gambling services cross-border.

In the interim, gambling has changed status in many countries. In some it has ceased to be a disreputable and semi-secret activity, tolerated within limits but not encouraged by the law, and has instead become an important economic activity. As a pure service activity it is ideally suited to the online environment, and all but the smallest gambling providers now have an online presence. This means that their activities are visible worldwide, and potentially their gambling services are available worldwide as well. This exposure to foreign laws, which may well be far less tolerant of gambling in general or of particular gambling activities, poses real legal difficulties. Understanding the cross-border application of law is now a fundamental necessity for the gambling industry and also for its regulators.

It is therefore fortunate that Julia Hörnle and Brigitte Zammit have written this excellent book. It is the first to deal with these issues in sufficient depth and breadth to enable the reader to understand them and, whether a gambling provider or a lawmaker, to make properly informed choices about online gambling. It does not provide definitive answers to the difficult questions, because there are no definitive answers. What it does achieve, in a clear and accessible way, is a deep understanding of the global situation which will help readers to produce answers that apply to their specific circumstances. Its strong, though not exclusive, focus on the EU and the US will be particularly welcome to readers on both sides of the Atlantic.

Fourteen years is a long time to wait for a book, but in this case it was worth it.

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