



RITES + WRONGS

Rites Wrongs

Robert Stevens



Rites Wrongs:

Rights, Wrongs, and Injustices Stephen A. Smith, 2019-11-07 *Rights Wrongs and Injustices* is the first comprehensive account of the scope foundations and structure of remedial law in common law jurisdictions The rules governing the kinds of complaints that common law courts will accept are generally well understood However the rules governing when and how they respond to such complaints are not This book provides that understanding It argues that remedies are judicial rulings and that remedial law is the law governing their availability and content Focusing on rulings that resolve private law disputes for example damages injunctions and restitutionary orders this book explains why remedial law is distinctive how it relates to substantive law and what its foundational principles are The book advances four main arguments First the question of what courts should do when individuals seek their assistance the focus of remedial law is different from the question of how individuals should treat one another in their day to day lives the focus of substantive law Second remedies provide distinctive reasons to perform the actions they command in particular they provide reasons different from those provided by either rules or sanctions Third remedial law has a complex relationship to substantive law Some remedies are responses to rights threats others to wrongs and yet others to injustices Further remedies respond to these events in different ways while many remedies merely replicate substantive duties others modify substantive duties and some create entirely new duties Finally remedial law is underpinned by general principles principles that cut across the traditional distinctions between so called legal and equitable remedies Together these arguments provide an understanding of remedial law that takes the concept of a remedy seriously classifies remedies according to their grounds and content illuminates the relationship between remedies and substantive law and presents remedial law as a body of principles rather than a historical category *Rights, Wrongs and Responsibilities* M. Kramer, 2001-10-10 In this wide ranging investigation of many prominent issues in contemporary legal and political philosophy eight distinguished philosophers and legal theorists including Matthew Kramer Hillel Steiner Antony Duff Sandra Marshall Wilfrid Waluchow and Nicholas Bamforth tackle issues such as the rights of animals and foetuses the relationship between law and politics the requirements of justice the demands of practical rationality the role of public policy considerations in legal reasoning the fundamental characteristics of legal and moral entitlements the appropriateness of compensation as a means of rectifying mishaps and misdeeds the extent of individuals responsibility for the consequences of their choices and the culpability of failed attempts to commit crimes Together the eight principal essays in *Rights Wrongs and Responsibilities* shed philosophical light on public law criminal law and most areas of private law as they explore the bearings of the three key concepts in the volume s title *Southern Rights and Northern Wrongs* John Montgomery Gordon, 1870 **Property Rights and Bijuralism** Jan Jakob Bornheim, 2020-10-12 Using the Canadian experience as a model Jan Jakob Bornheim shows that the efficient interaction of common law and civil law can take place on both vertical and horizontal planes **Rights and Private Law** Donal Nolan, Andrew Robertson, 2011-12-02 In recent years

a strand of thinking has developed in private law scholarship which has come to be known as rights or rights based analysis Rights analysis seeks to develop an understanding of private law obligations that is driven primarily or exclusively by the recognition of the rights we have against each other rather than by other influences on private law such as the pursuit of community welfare goals Notions of rights are also assuming greater importance in private law in other respects Human rights instruments are having an increasing influence on private law doctrines And in the law of unjust enrichment an important debate has recently begun on the relationship between restitution of rights and restitution of value This collection is a significant contribution to debate about the role of rights in private law It includes essays by leading private law scholars addressing fundamental questions about the role of rights in private law as a whole and within particular areas of private law The collection includes contributions by advocates and critics of rights based approaches and provides a thorough and balanced analysis of the relationship between rights and private law

Catalogue of the York Gate Library Formed by Mr. S. William Silver Edward Augustus Petherick, Stephen William Silver, 1886 **Rights, Wrongs, and Remedies** Robert L. Spurrier, 1986 This text focuses on the remedies available to an individual when their constitutional rights are infringed upon by public officials The remedies pursuant to 42 U S C Sec 1983 in view of the Monell and Owen decisions are explained

Torts and Rights Robert Stevens, 2007-09-06 The law of torts is concerned with the secondary obligations generated by the infringement of primary rights This work seeks to show that this apparently simple proposition enables us to understand the law of torts as found in the common law Using primarily English materials but drawing heavily upon the law of other common law jurisdictions Stevens seeks to give an account of the law of torts which relies upon the core material familiar to most students and practitioners with a grasp of the law of torts This material is drawn together in support of a single argument in a provocative and accessible style and puts forward a new theoretical model for analysing the law of torts providing an overarching framework for radically reconceiving the subject

Structure and Justification in Private Law C.E.F. Rickett, Ross Grantham, 2008-02-27 Peter Birks's tragically early death and his immense influence around the world led immediately to the call for a volume of essays in his honour by scholars who had known him as a colleague teacher and friend One such volume published in 2006 contained essays largely from scholars working in England Mapping the Law Essays in Memory of Peter Birks edited by Andrew Burrows and Lord Rodger This volume contains the essays of those outside England who chose to honour Peter and appears later than the English volume reflecting the far flung habitations of its authors The essays contained in this volume are focussed around the law of unjust enrichment but are not narrowly preoccupied instead they move freely from unjust enrichment to some of the most profound questions in private law concerning taxonomy the relationship between contract property and unjust enrichment and the place of remedies within private law This volume featuring the work of some of the world's great private lawyers provides a fitting tribute to a great scholar and a series of thought provoking essays inspired by his example Contributors Kit Barker Michael Bryan Peter Butler Hanoch Dagan Simone

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