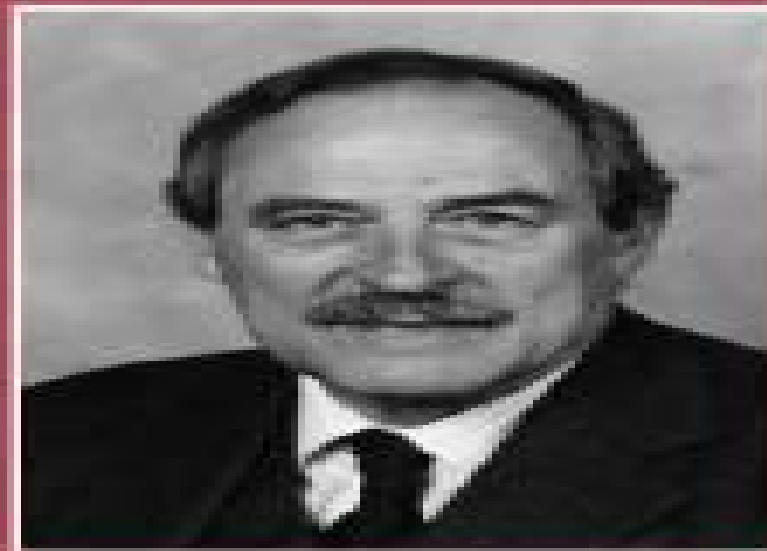


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THE SEARCH FOR PRINCIPLE

Essays in Honour of Lord Goff of Chieveley



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Hanokh Dagan



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The Search for Principle Robert Goff Baron Goff of Chieveley, Gareth H. Jones, William Swadling, 1999 Lord Goff of Chieveley retired as the Senior Law Lord on 1 September 1998 This collection of essays was specially commissioned to mark his lordship's contribution to legal scholarship not just from the bench but as a teacher of law and as the co author of the leading textbook on the Law of Restitution Apart from six essays on Restitution there are also contributions on Criminal Law on Comparative Law on Contract on Tort and on Private International Law and a Foreword by Lord Mackay of Clashfern

Unfair Terms in Banking and Financial Contracts Danny Busch, Matthias Lehmann, 2023 Providing an analysis of the impact of the Unfair Terms Directive on banking and finance contracts this book includes interpretation of its rules by the CJEU national courts and relevant ADR bodies across Europe

Justifying Strict Liability Marco Cappelletti, 2022-05-23 The imposition of strict liability in tort law is controversial and its theoretical foundations are the object of vigorous debate Why do or should we impose strict liability on employers for the torts committed by their employees or on a person for the harm caused by their children animals activities or things In responding to this type of questions legal actors rely on a wide variety of justifications Justifying Strict Liability explores in a comparative perspective the most significant arguments that are put forward to justify the imposition of strict liability in four legal systems two common law England and the United States and two civil law France and Italy These justifications include risk accident avoidance the deep pockets argument loss spreading victim protection reduction in administrative costs and individual responsibility By looking at how these arguments are used across the four legal systems this book considers a variety of patterns which characterise the reasoning on strict liability The book also assesses the justificatory weight of the arguments showing that these can assume varying significance in the four jurisdictions and that such variations reflect different views as to the values and goals which inspire strict liability and tort law more generally Overall the book seeks to improve our understanding of strict liability to shed light on the justifications for its imposition and to enhance our understanding of the different tort cultures featuring in the four legal systems studied

Private Law and Property Claims Peter Jaffey, 2023-10-19 Private Law and Property Claims sets out a distinctive analysis of some general issues in private law including the nature of categories such as contract tort and property duties and liabilities as the basis of claims in private law and the relationship between primary rights and remedies In the light of this analysis it offers a new approach to property in private law including claims that arise to protect and recover property It goes on to discuss the law of trusts fiduciary relationships and tracing the remedial role of the trust the nature of equity as a legal category and the relationship between property and claims in tort to protect property It also exposes the misconceptions underlying the modern approach to restitution and unjust enrichment and the problems this is causing in private law

Dimensions of Private Law S. M. Waddams, 2003-07-10 This book considers the inherent complexities of private law relevant to property tort contract legal method and legal theory

Definition in the Criminal Law Andrew

Halpin,2004-10 This book investigates the role and scope of definition in criminal law the nature of legal materials and the diversity of perspectives on law *Exploring Private Law* Elise Bant,Matthew Harding,2010-09-02 Inspired by recent debate the purpose of this collection of essays on private law doctrines remedies and methods is to celebrate and illustrate the contribution that both top down and bottom up methods of reasoning make to the development of private law The contributors explore a variety of topical subjects including judicial approaches to top down and bottom up methods teaching trusts law the protection of privacy in private law the development of the law of unjust enrichment the private law consequences of theft equity s jurisdiction to relieve against forfeiture the nature of fiduciary relationships and obligations the duties of trustees compensation and disgorgement remedies partial rescission the role of unconscionability in proprietary estoppel and the nature of registered title to land **The Law and Ethics of Restitution** Hanokh Dagan,2004-08-12 This 2004 book provides acomprehensive account of the American law of restitution *Elgar Encyclopedia of Comparative Law, Second Edition* J. M. Smits,2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar s I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners Biographical Memoirs of Fellows, I Thompson,2003-01-16 Volume 115 of the Proceedings of the British Academy contains 20 obituaries of recently deceased Fellows of the British Academy and an essay on James Bryce President of the Academy 1913 1917 Memoirs of Fellows have previously been published in the same annual Proceedings volume as that containing the British Academy s Lectures The Biographical Memoirs are henceforth to be published in a volume of their own within the Proceedings sequence *Regional Private Laws and Codification in Europe* Hector L. MacQueen,Antoni Vaquer,Santiago Espiau Espiau,2003-10-16 Regions within European Union member states such as Scotland in the UK and Catalonia in Spain have their own legal systems how will the process of Europeanization affect them This volume examines the phenomenon of regional private law in the European Union

considering jurisdictions and laws below those of the member states and drawing comparisons with other such jurisdictions elsewhere in the world such as Louisiana and Quebec The whole is considered in relation to the development of European private law and the use of codification in that process This volume will be of interest to academic lawyers worldwide advanced law students and European policy makers

Re-examining Contract and Unjust Enrichment Paula

Giliker,2007-06-30 This collection of essays addresses some of the fundamental questions facing the law of contract and of unjust enrichment in the twenty first century from a comparative perspective Leading academics from Canada and the United Kingdom analyse the nature and development of the principles of unjust enrichment their relationship with contract and fiduciary obligations and their impact upon traditional contractual doctrines such as mistake undue influence frustration and the assessment of damages The text provides an insightful contemporary and provocative examination of this fast developing area of law

Landmark Cases in the Law of Restitution Charles Mitchell,Paul Mitchell,2006-04-18 It is now well established that the law of unjust enrichment forms an important and distinctive part of the English law of obligations Restitutionary awards for unjust enrichment and for wrongdoing are clearly recognised for what they are But these are recent developments Before the last decade of the twentieth century the very existence of a separate law of unjust enrichment was controversial its scope and content matters of dispute In this collection of essays a group of leading scholars look back and reappraise some of the landmark cases in the law of restitution They range from the early seventeenth century to the mid twentieth century and shed new light on some classic decisions Some argue that the importance of their case has been overstated others that it has been overlooked or misconceived All persuasively invite the reader to think again about some well known authorities The book is an essential resource for anyone scholar student or practitioner with an interest in this fascinating area of the law

Unjust Enrichment and Countervailing Obligations KV Krishnaprasad,2025-01-09 This book explores the relationship between the English law of unjust enrichment and legal obligations arising from other branches of the law It examines the question primarily by considering how English courts resolve conflicts between restitution claims and countervailing legal entitlements This is much needed given recent cases such as IEG v Zurich Insurance and Avonwick Holdings Ltd v Azitio Holdings Ltd clearly showing the differing positions taken by English courts on the question By applying insights from the theory of unjust enrichment to Anglo Australian case law this study gives a welcome cogent explanation of a complex question

Gain-Based Damages James Edelman,2002-04-19 On July 27 2000 the House of Lords delivered a decision where for the first time in English law it explicitly recognised that damages for civil wrongs can be assessed by reference to a defendant wrongdoer s gain rather than a claimant s loss The circumstances in which such gain based damages might be available were left for development incrementally This book considers the nature of gain based damages and explains when they have historically been available and why and provides a framework for appreciating the operation of such damages awards The first part of the book justifies the existence of these damages which

focus upon a defendant wrongdoer's gain made as a result of a civil wrong explaining the nature and need for such a remedy and the scope of civil wrongs. The core thesis of the book is that two different forms of such gain based damages exist: the first is concerned with restitution of a defendant's gains wrongfully transferred from a claimant; the second is concerned only with stripping profits from the defendant's hands. Once these two gain based damages awards are separated they can be shown to be based upon different rationales and the basis for their availability can be easily understood. The second part of the book considers and applies this approach demonstrating its operation throughout the cases of civil wrongs. The operation of the two forms of gain based damages is demonstrated in cases in the area of tort (chapter 4), contract (chapter 5), equitable wrongs (chapter 6) and intellectual property wrongs (chapter 7). It is shown that these gain based damages awards have long been available in these areas and their operation has conformed to clear principle. The difficulty that has obscured the principle is the nomenclature which has hidden the true gain based nature of many of these damages awards.

Understanding Unjust Enrichment Jason W. Neyers, Mitchell McInnes, Stephen G.A. Pitel, 2004-04-20. This book is a collection of articles based on *Understanding Unjust Enrichment*, a symposium held at the University of Western Ontario in January 2003. The articles, written from the perspective of English, Australian, Canadian, German, and Jewish law, deal with numerous theoretical and practical issues that surround restitution and unjust enrichment. The articles outline recent developments across the Commonwealth, explain the unjust enrichment principle and its component parts, and address discrete issues such as tracing, choice of law, disgorgement damages for breach of contract, and the use of unjust enrichment in the cohabitation context. The contributors are Kit Barker, Peter Benson, Jeffrey Berryman, Michael Bryan, Andrew Burrows, Robert Chambers, Gerald Fridman, Peter Jaffey, Dennis Klimchuk, Thomas Krebs, John McCamus, Mitchell McInnes, Stephen Pitel, Stephen Waddams, and Ernest Weinrib.

Restitution Lionel Smith, 2020-11-26. This title was first published in 2001. In the Western legal tradition, the history of restitution for unjust enrichment reaches back to pre-classical Roman law. In common law, the roots of unjust enrichment may be said to lie in the fourteenth century, but its history as a subject of academic study is much shorter. The law of restitution has become increasingly important in the courts of the common law world during the last decade. This has generated a great deal of scholarly attention, and there has been an explosion of literature as legal academics have addressed the theoretical foundations of the subject, its structure, and its underlying principles.

Common Law and Civil Law Perspectives on Tort Law Mauro Bussani, Anthony James Sebok, Marta Infantino, 2022. The place of tort law: Negligence and strict liability; Recovery for physical harms; the case of medical malpractice; Non-economic damage and primary victims; Recovery of secondary victims for economic harm and emotional distress; Compensation for pure economic loss; Causation; Products liability.

French Civil Liability in Comparative Perspective Jean-Sébastien Borghetti, Simon Whittaker, 2019-12-26. The French law of torts or of extra-contractual liability is widely seen as exceptional. For long it was based on a mere five articles of the Civil Code of 1804, but on this foundation the

courts and legal scholars have constructed liabilities for fault and strict liability of an extraordinary breadth and significance. While the rest of the general law of obligations including contract in the Civil Code was reformed in 2016 by executive ordonnance, this area was left aside, being the subject in 2017 of a proposal by the French Government for the legislative reform of the law of civil liability: a new legislative category to include both contractual and extra contractual liability. This work considers important aspects of this developing area of French law in a series of essays by French lawyers and comparative lawyers working in French law and other civil law systems. In doing so it provides insight into the doctrinal thinking and judgments of French lawyers as well as the possible directions in which this area of the law may be developed in the future.

The Internationalisation of Law Mary Elizabeth Hiscock, William van Caenegem, 2010-01-01. This insightful book explores the acute challenges presented by the internationalisation of law, a trend that has been accelerated by the growing requirement for academics and practitioners to work and research across countries and regions with differing legal traditions. The authors have all confronted these challenges of internationalisation through their extensive knowledge and experience in civil law, common law and mixed jurisdictions around the globe. Their analysis of the implications for researchers and teachers as well as practitioners, law makers and reformers is original and their different proposals for dealing with the challenges are both practical and at times radical.

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