

FOUNDATIONS OF PRIVATE LAW

*Property, Tort, Contract,
Unjust Enrichment*

JAMES GORDLEY

OXFORD

Foundations Of Private Law Property Tort Contract Unjust Enrichment

Todd J. Zywicki, Peter J. Boettke



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Foundations of Private Law James Gordley, 2006-01 *Foundations of Private Law* is a treatise on the Western law of property contract tort and unjust enrichment in both common law and civil law systems It describes the doctrines that govern these fields of law and identifies principles that can explain both the similarities and differences between them The thesis of the book is that underlying these fields of law are common principles and that these principles can be used to explain the history and development of these areas These underlying common principles are matters of common sense which were given their archetypal expression by older jurists who wrote in the Aristotelian tradition These principles shaped the development of Western law but can resolve legal problems which these older writers did not confront , **Research Handbook on Remedies in Private Law** Roger Halson, David Campbell, 2019 p p1 margin 0 0px 0 0px 0 0px font 10 0px Arial This Research Handbook comprehensively and authoritatively reviews the contemporary challenges in research regarding remedies in private law The Research Handbook on Remedies in Private Law focuses on the most important issues throughout contract equity restitution and tort law as they have arisen in the major common law jurisdictions touching upon those of other jurisdictions where pertinent *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 **The Law of Unjust Enrichment in China: Necessary or Not?** Siyi Lin, 2022-08-30 This book is the first book focusing on the Chinese law of unjust enrichment in English and introducing it to Western jurisdictions Unjust enrichment is currently one of the most controversial areas of law in many jurisdictions and rife with academic debate This book analyzes the historical evolution current doctrines and relationships of unjust enrichment with other areas of private law in China It also provides insights into judicial practice In May 2020 China promulgated its first ever Civil Code since the establishment of the People's Republic of China which is a milestone in the history of Chinese law Before the Civil Code there was only one legal provision regulating unjust enrichment which requires a person obtaining benefits without a legal basis to return such benefits However the new Civil Code contains a separate chapter regulating unjust enrichment This book analyzes and evaluates those new provisions in the Civil Code to provide a most up to date analysis of the Chinese law of unjust enrichment *Advanced Introduction to Private Law* Jan M. Smits, 2016-12-30 Elgar Advanced Introductions are stimulating and thoughtful introductions to major fields in the social sciences and law expertly written by the world's leading scholars Designed to be accessible yet rigorous they offer concise

and lucid surveys of the substantive and policy issues associated with discrete subject areas In this Advanced Introduction one of the world's leading private law scholars takes the reader on an intellectual journey through the different facets and dimensions of the field from the family home to Kuta Beach and from Thomas Piketty to Nina Hagen This concise book provides an accessible and fresh introduction to private law presenting the topic as a unified whole of which the main branches on contract tort property family and inheritance are governed by conflicts between individual autonomy and countervailing principles The book stands out as a unique account of how private law allows individuals to optimally flourish in matters of economy work leisure family and life in general

The Oxford Handbook of Fiduciary Law Evan J.

Criddle, Paul B. Miller, Robert H. Sitkoff, 2019 The Oxford Handbook of Fiduciary Law provides a comprehensive overview of fiduciary law explaining how fiduciary principles operate across diverse substantive fields and legal systems Unparalleled in its breadth and depth of coverage the Handbook represents an invaluable resource for practitioners policymakers scholars and students of this essential field of law

Title and Title Conflicts in respect of Intermediated Securities under English Law Wenwen Liang, 2013-08-19 This book examines property issues in respect of intermediated securities under English law namely title and title conflicts between a true owner and a purchaser Intangible book entry securities held with an intermediary often commingled with the holdings of other clients of the intermediary often give rise to uncertainty in property rights in the securities of an investor under most legal systems for example whether property rights can be established and how title conflicts are dealt with This book identifies the flexible framework of English property law for establishing property rights over commingled intangibles in particular through trusts establishes the policy of priority rules as of comparing the merits of rights and preferring a vested right of a true owner over a subsequent purchaser particularly a vested right under fiduciary relations The book works towards the conclusion that given the general principle of English property law for vested rights title conflicts may be tilted towards purchasers in a mild rather than a radical way by introducing a good faith purchaser rule to intermediated securities or leaving it to judicial discretion where an estoppel might work in favour of a purchaser This book is suitable for lawyers officials and academics in the field of intermediated securities as well as trust property and financial regulation

Property and the Law of Finders Robin Hickey, 2010-01-20

Are finders keepers This most simple of questions has long evaded a satisfactory legal answer Generally it seems to have been accepted that a finder acquires a property right in the object of her find and can protect it from subsequent interference but even this turns out to be the baldest statement of principle resting on obscure and confused authority This first full length treatment of finders sets them in their legal historical context and discovers a fascinating area of law lying at the crossroads of crime obligations and property That on the same facts a finder might be thief bailee and or property right holder has clouded our conceptual analysis and prevented us from stating simply our rules about finding Nonetheless when the applicable doctrines and policies of our property law particularly the central concept of possession are explored and

understood in the light of countervailing rules of crime and tort we can argue confidently that despite centuries of doubt and confusion English law has succeeded in producing a body of law that is theoretically and practically coherent Property and the Law of Finders makes this argument and will appeal to anyone specifically interested in the law of personal property and also to those with broader concerns about the evolution of common law concepts and their ability to yield workable practical solutions Modernising Civil Liability Law in Europe, China, Brazil and Russia Gert Bruggemeier,2011-05-19 Non contractual liability stemming from damage accountably caused to another has been the subject of the PETL and DCFR VI European reform initiatives Gert Bruggemeier however proposes alternative reforms which instead of trying to overcome the differences between civil law delict and common law torts are restricted to civil liability The focus is on the grounds of accountability and stricter forms of liability are at the fore Quasi strict enterprise liability is introduced to fill the lacuna between personal fault and forms of strict liability A commentary is included on recent legislation on civil liability in China Brazil and Russia to demonstrate how these large countries try to come to grips with the challenges of risk society

Property and Human Flourishing Gregory S. Alexander,2018-02-26 Many people assume that what morally justifies private ownership of property is either individual freedom or social welfare defined in terms of maximizing personal preference satisfaction This book offers an alternative way of understanding the moral underpinning of private ownership of property Rather than identifying any single moral value this book argues that human flourishing understood as morally pluralistic and objective is property's moral foundation The book goes on to develop a theory that connects ownership and human flourishing with obligations Owners have obligations to members of the communities that enabled the owners to live flourishing lives by cultivating in their community members certain capabilities that are essential to leading a well lived life These obligations are rooted in the interdependence that exists between owners and their community members and inherent in the human condition Obligations have always been inherent in ownership Owners are not free to inflict nuisances upon their neighbors for example by operating piggeries in residential neighborhoods The human flourishing theory explains why owners at times have obligations that enable their fellow community members to develop certain necessary capabilities such as health care and security This is why for example farm owners may be required to allow providers of health care and legal assistance to enter their property to assist employees who are migrant workers Moving from the abstract and theoretical to the practical this book considers implications for a wide variety of property issues of importance both in the literature and in modern society **Street on Torts** John Murphy,Christian Witting,Harry Street,2012-03-08 Well established and highly regarded Street on Torts provides a detailed yet clear overview of tort law with strong analysis of case law and contextualisation of individual torts The highly praised broad coverage and logical structure are maintained ensuring the book remains a classic 50 years after publication of the first edition

Law, Mind and Brain Michael Freeman,Oliver R. Goodenough,2017-05-15 Over the past 20 years cognitive neuroscience has revolutionized our ability to understand the

nature of human thought Working with the understandings of traditional psychology the new brain science is transforming many disciplines from economics to literary theory These developments are now affecting the law and there is an upsurge of interest in the potential of neuroscience to contribute to our understanding of criminal and civil law and our system of justice in general The international and interdisciplinary chapters in this volume are written by experts in criminal behaviour civil law and jurisprudence They concentrate on the potential of neuroscience to increase our understanding of blame and responsibility in such areas as juveniles and the death penalty evidence and procedure neurological enhancement and treatment property end of life choices contracting and the effects of words and pictures in law This collection suggests that legal scholarship and practice will be increasingly enriched by an interdisciplinary study of law mind and brain and is a valuable addition to the emerging field of neurolaw

The Foundation of Choice of Law Sagi Peari, 2018-03-30 This book focuses on the subject of choice of law as a whole and provides an analysis of its various rules principles doctrines and concepts It offers a conceptual account of choice of law called choice equality foundation CEF which aims to flesh out the normative basis of the subject The author reveals that despite the multiplicity of titles and labels within the myriad choice of law rules and practices of the U S Canadian European Australian and other systems many of them effectively confirm and crystallize CEF's vision of the subject This alignment signifies the necessarily intimate relationship between theory and practice by which the normative underpinnings of CEF are deeply embedded and reflected in actual practical reality Among other things this book provides a justification of the nature and limits of such popular principles as party autonomy most significant relationship and closest connection It also discusses such topics as the actual operation of public policy doctrine in domestic courts and the relation between the notion of international human rights and international commercial dealings and makes some suggestions about the ability of traditional rules to cope with the advancing challenges of the digital age and the Internet

Research Handbook on Austrian Law and Economics Todd J. Zywicki, Peter J. Boettke, 2017-12-29 The original contributions to the Research Handbook provide an introduction to the application of Austrian economics to law The book begins with chapters on the methodology of law and economics Further chapters discuss key concepts in Austrian economics dynamic competitive processes spontaneous order subjective value entrepreneurship and the limited nature of individual knowledge as they relate to topics in evolutionary law social rules self governance dispute resolution and basic law torts antitrust civil procedure business and family law

Computers, Privacy and Data Protection: an Element of Choice Serge Gutwirth, Yves Poullet, Paul De Hert, Ronald Leenes, 2011-02-26 This timely interdisciplinary work on current developments in ICT and privacy data protection coincides as it does with the rethinking of the Data Protection Directive the contentious debates on data sharing with the USA SWIFT PNR and the judicial and political resistance against data retention The authors of the contributions focus on particular and pertinent issues from the perspective of their different disciplines which range from the legal through sociology surveillance studies and technology assessment to computer sciences Such

issues include cutting edge developments in the field of cloud computing ambient intelligence and PETs data retention PNR agreements property in personal data and the right to personal identity electronic road tolling HIV related information criminal records and teenager s online conduct to name but a few

Rights at the Margins Virpi Mäkinen,Jonathan William Robinson,Pamela Slotte,Heikki Haara,2020-11-04 The essays in this volume explore the ways rights were available to those in the margins of society By tracing pivotal judicial concepts such as right of necessity and subjective rights back to their medieval versions and by situating them in unexpected contexts such as the Franciscans theory of poverty and colonization or today s immigration and border control this volume invites its readers to consider whether individual rights were in fact or at least in theory available to the marginalized By focusing not only on the economically impoverished but also those who were disenfranchised because of disability gender race religion or infidelity this book also sheds light on the relationship between the early history of individual rights and social justice at the margins Contributors are Wim Decock Heikki Haara Virpi Mäkinen Alejandra Mancilla Julia McClure Ilse Paakkinen Mikko Posti Jonathan Robinson John Salter Pamela Slotte and Jussi Varkemaa

Just Price Theory Joaquín Reyes,2023-08-10 This book presents an original theory of the just price and it is a welcome addition to scholarship on a radically underdeveloped field This work reassesses the age old idea that there is a just price of things one that goes beyond the Scholastic tradition of the just price and its exclusive concern with commutative justice There is more to just price theory than the concern for keeping equality of value between goods exchanged Modern concerns over efficiency autonomy and distributive justice can also find a place within a theory of the just price The book Presents a new approach to just price theory through a broad analysis of different values and the incorporation of those conceptions into a wider normative framework Argues that these different values ground varied conceptions of the just price and Promotes a virtue based approach to price justification as an adequate framework for meeting the challenges that stem from each conception Perfect for scholars and students in the fields of jurisprudence philosophy of private law contract law and political theory this book makes a significant contribution to legal theory and the emerging field of the philosophy of economics

The Foundations of European Private Law Roger Brownsword,Hans-W Micklitz,Leone Niglia,Stephen Weatherill,2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future

prospects for enforcement and compliance *Law and Social Economics* M. White, 2015-03-04 This edited volume is the first collection of essays exploring the intersection of social economics and the law providing alternatives to neoclassical law and economics and applying them to real world issues Law is a social enterprise concerned with values such as justice dignity and equality as well as efficiency which is the same way that social economists conceive of the economy itself Social economists and legal scholars alike need to acknowledge the interrelationship between the economy and the law in a broader ethical context than enabled by mainstream law and economics The ten chapters in *Law and Social Economics* written by an international assortment of scholars from economics philosophy and law employ a wide variety of approaches and methods to show how a more ethically nuanced approach to economics and the law can illuminate both fields and open up new avenues for studying social economic behavior policy and outcomes in all their ethical and legal complexity

Enjoying the Beat of Term: An Emotional Symphony within **Foundations Of Private Law Property Tort Contract Unjust Enrichment**

In a world eaten by displays and the ceaseless chatter of immediate connection, the melodic beauty and psychological symphony developed by the prepared term often diminish into the backdrop, eclipsed by the relentless noise and interruptions that permeate our lives. Nevertheless, situated within the pages of **Foundations Of Private Law Property Tort Contract Unjust Enrichment** a stunning literary treasure overflowing with raw emotions, lies an immersive symphony waiting to be embraced. Crafted by an outstanding composer of language, this charming masterpiece conducts readers on an emotional journey, well unraveling the concealed melodies and profound affect resonating within each carefully constructed phrase. Within the depths of the poignant evaluation, we shall discover the book is central harmonies, analyze their enthralling writing model, and submit ourselves to the profound resonance that echoes in the depths of readers souls.

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