

1. Record Nr.	UNINA9910453225903321
Titolo	Private law : key encounters with public law // edited by Kit Barker and Darryn Jensen [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2013
ISBN	1-139-89466-8 1-107-50256-X 1-316-64229-1 1-107-50650-6 1-107-49699-3 1-107-50377-9 1-107-51689-7 1-139-85647-2 1-107-51410-X
Descrizione fisica	1 online resource (x, 376 pages) : digital, PDF file(s)
Disciplina	346
Soggetti	Civil law Public law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Part I. Introduction -- Private law : key encounters with public law / Kit Barker -- Part II. Private and Public : Definitions, Theory and Taxonomy -- Public and private : neither deep nor meaningful / William Lucy and Alexander Williams -- Courts as public authorities, private law as instrument of government / Steve Hedley -- Origins of the public/private theory of legal systems / Christian Turner -- Part III. Private and Public : Key Encounters -- What is the point of charity law? / Matthew Harding -- Public benefit, discrimination and the definition of charity / Adam Parachin -- Private law and its normative influence on human rights / Michelle Flaherty -- The synthesis of public and private in finance law / Alastair Hudson -- Discerning public law concepts in corporate law discourse / Anita Krug -- A public role for the intentional torts / Dan Priel -- Cy-pres as a class action remedy --

justly maligned or just misunderstood? / Jeff Berryman and Robyn Carroll.

Sommario/riassunto

The relationship between private and public law has long been the focus of critical attention, but recent years have seen the growing influence upon private law of statutory intervention, public regulation, corporate globalisation and constitutional and international human rights norms. Such developments increasingly call into question the capacity of private law reasoning to operate in isolation from public institutions and goals. Commencing with three contrasting visions of the nature and importance of distinctions between public and private in the modern day, this book traces a number of encounters between private law and 'public' values in key areas of private law doctrine, such as charity law, commercial law, tort law and class actions, across several jurisdictions. It examines the influence within these fields of public concepts and goals, such as behavioural modification, accountability and anti-discrimination norms, as well as the (reverse) influence that private law has upon ('public') human rights jurisprudence.
