1. Record Nr. UNINA9910782428403321 Titolo Justifying private law remedies / edited by Charles E.F. Rickett Oxford; Portland, Oregon,: Hart Publishing, 2008 Pubbl/distr/stampa **ISBN** 1-4725-6029-9 1-281-94840-3 9786611948405 1-84731-435-X Edizione [1st ed.] Descrizione fisica 1 online resource (422 p.) Disciplina 347.077 Soggetti Remedies (Law) Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Selected papers delivered at the third Australian Obligations Note generali Conference, hosted in Brisbane by the TC Beirne School of LawSelected conference papers Nota di bibliografia Includes bibliographical references and index Nota di contenuto Part I General Concepts -- 1. Two Conceptions of Remedies -- ERNEST J WEINRIB -- 2. Rights, Remedies, Wrongs and the Bribe-taking Fiduciary -- STRUAN SCOTT -- 3. 'Discretion and Remedies' -- THE HON P DE JERSEY AC, CHIEF JUSTICE -- 4. The Role of Policy in the Law of Obligations -- THE HON JUSTICE SUSAN KIEFEL -- Part II Performance -- 5. Substitutionary Damages -- STEPHEN A SMITH -- 6. The Inadequacy of Damages as a Remedy for Breach of Contract --RALPH M CUNNINGTON -- Part III Compensation -- 7. A Good Faith Perspective on Liquidated Damages -- JW CARTER AND ELISABETH PEDEN -- 8. Economic Loss and the Duty of Care: a Study in the Exercise of Legal Justification -- KIT BARKER -- 9. Compensation for Breach of Trust-The Remoteness Impasse -- DARRYN JENSEN -- Part IV Punishment -- 10. In Defence of Exemplary Damages -- JAMES EDELMAN -- 11. Justice and Punishment in Tort: A Comparative Theoretical Analysis -- ALLAN BEEVER -- Part V Restitution and Disgorgement -- 12. Restitutionary Remedies for Wrongs: Causation and Remoteness -- GRAHAM VIRGO -- 13. Subtractive and Wrongful Enrichment: Identifying Gain in the Law of Restitution -- DUNCAN

SHEEHAN -- 14. Equitable Relief from Forfeiture: Performance or

Restitution? -- MICHAEL BRYAN

Sommario/riassunto

In August 2006 the third Australian Obligations Conference was hosted in Brisbane by the TC Beirne School of Law. The theme of the Conference was "Justifying Private Law Remedies". This book contains a number of the papers delivered at that Conference, presented under several categories but all dealing with the fundamental issue of justification: General Concepts; Performance; Compensation; Punishment; and Restitution and Disgorgement. The authors are largely drawn from the legal academy, and include Canadian, Australian, British and New Zealand scholars. The collection will be of interest to all those concerned with the role, nature and place of remedies in the private law of the common law world