

1. Record Nr.	UNINA9910797972903321
Titolo	The common law of obligations : divergence and unity // edited by Andrew Robertson and Michael Tilbury
Pubbl/distr/stampa	Oxford : , : Hart Publishing, , 2016
ISBN	1-78225-659-8 1-78225-658-X
Descrizione fisica	1 online resource (371 p.)
Disciplina	346.02
Soggetti	Civil law Common law Obligations (Law)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index. "This book had its origins in the Seventh Biennial Conference on the Law of Obligations (Obligations VII), which was co-hosted by the Faculty of Law at the University of Hong Kong and Melbourne Law School and held in Hong Kong on 15-18 July 2014."
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	1. Unity, Divergence and Convergence in the Common Law of Obligations -- Andrew Robertson and Michael Tilbury -- 2. The Influence of Comparative Law on the English Law of Obligations -- Andrew Burrows -- 3. Unity,Then Divergence: The Privy Council, the Common Law of England and the Common Laws of Canada, -- Australia and New Zealand -- Paul Finn -- 4. A Conscious Effort to Develop a 'Different' Common Law of Obligations: A Possible Endeavour? -- Goh Yihan -- 5. A Common Law of Tort: Is there a European Rift in the Common Law Family? -- Paula Giliker -- 6. A Judicial Perspective on the Development of Common Law Doctrine in the Light of Statute Law -- Anthony Mason -- 7. Public Actors and Private Obligations: A Judicial Perspective -- Sian Elias -- 8. The Tort Liability of Public Authorities: A Comparative Analysis -- Peter Cane -- 9. We'll Meet Again: Convergence in the Private Law Treatment of Public Bodies -- Niamh Connolly -- 10. How to have a Common Private Law: The Presuppositions of Legal Conversation -- Allan Beever -- 11. The Philosophies of the Common Law and their Implications: Common Law

Divergences, Public Authority Liability and the Future of a Common Law World -- Dan Priel -- 12. Obligations, Governance and Society: Bringing the State Back In -- TT Arvind -- 13. Divergent Evolution in the Law of Torts: Jurisdictional Isolation, Jurisprudential Divergence and Explanatory Theories -- James Goudkamp and John Murphy -- 14. Common Law Values: The Role of Party Autonomy in Private Law -- Sarah Worthington

Sommario/riassunto

"The development of the law of obligations across the common law world has been, and continues to be, a story of unity and divergence. Its common origins continue to exert a powerful stabilising influence, carried forward by a methodology that places heavy weight on the historical foundations of legal principles. Divergence is, however, produced by numerous factors, including national and international human rights instruments, local statutory regimes, civil law influences, regional harmonisation, local circumstances and values and different political and legal cultures. The essays in this collection explore the forces that produce divergence, the countervailing forces that generate cohesion and consistency in the common law of obligations, and the influence that the major common law jurisdictions continue to exert over one another in this area of law. The chapters in this book were originally presented at the Seventh Biennial Conference on the Law of Obligations held in Hong Kong in July 2014. A second collection, entitled *Divergences in Private Law* (ISBN: 9781782256601), will focus on particular departures from the common law mainstream and the causes and effects of those deviations."--Bloomsbury Publishing.
