Record Nr. UNINA9910825079203321 Structure and justification in private law: essays for Peter Birks // **Titolo** edited by Charles Rickett and Ross Grantham Pubbl/distr/stampa Oxford; Portland, Oregon,: Hart Publishing, 2008 **ISBN** 1-84731-709-X 1-4725-6022-1 1-281-76135-4 9786611761356 1-84731-412-0 Edizione [1st ed.] Descrizione fisica 1 online resource (491 p.) Disciplina 346 Soggetti Unjust enrichment Contracts Restitution Civil law - Philosophy Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Festschrift for Peter Birks Note generali Includes bibliographical references and index Nota di bibliografia "The publications of Peter Birks, 1969-2005": pages [441]-452 Nota di contenuto 1. Ross Grantham and Charles Rickett: In Memoriam - Professor Peter Birks -- 2. Ross Grantham and Charles Rickett: Unjust Enrichment -Reason, Place and Content -- Part 1 - Why Restitution? -- 3. Ernest Weinrib: The Normative Structure of Unjust Enrichment -- 4. Kit Barker: Responsibility for Gain: Unjust Factors or Absence of Legal Ground? Starting Points in Unjust Enrichment Law -- Part 2 - The Place of Unjust Enrichment in the Private Law -- 5. Mitchell McInnes: Taxonomic Lessons for the Supreme Court of Canada -- 6. Emily Sherwin: Legal Positivism and the Taxonomy of Private Law -- 7. Richard Sutton: Restitution and the Discourse of System -- 8. Hanoch Dagan: Legal Realism and the Taxonomy of Private Law -- 9. Stephen Waddams: Contract and Unjust Enrichment: Competing Categories, or Complementary Concepts? -- 10. Daniel Friedmann: The Creation of Entitlements Through the Law of Restitution -- 11. Steve Hedley: The

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Sommario/riassunto

Peter Birks's tragically early death, and his immense influence around the world, led immediately to the call for a volume of essays in his honour by scholars who had known him as a colleague, teacher and friend. One such volume, published in 2006, contained essays largely from scholars working in England (Mapping the Law: Essays in Memory of Peter Birks, edited by Andrew Burrows and Lord Rodger). This volume contains the essays of those outside England who chose to honour Peter, and appears later than the English volume, reflecting the far flung habitations of its authors. The essays contained in this volume are focussed around the law of unjust enrichment, but are not narrowly preoccupied - instead they move freely from unjust enrichment to some of the most profound questions in private law concerning taxonomy, the relationship between contract, property and unjust enrichment, and the place of remedies within private law. This volume, featuring the work of some of the world's great private lawyers, provides a fitting tribute to a great scholar, and a series of thoughtprovoking essays inspired by his example. Contributors Kit Barker Michael Bryan Peter Butler Hanoch Dagan Simone Degeling Daniel Friedmann Mark Gergen Ross Grantham Steve Hedley John McCamus Mitchell McInnes Eoin O'Dell Charles Rickett Struan Scott Emily Sherwin Stephen Smith Richard Sutton Michael Tilbury Stephen Waddams Peter Watts Ernest Weinrib Eric Descheemaeker