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Nota di contenuto	Private law as a complex system : agendas for the twenty-first century -- Kit Barker -- Challenges for private law in the twenty-first century -- Andrew Burrows -- Rationalising tort law for the twenty-first century -- Ken Oliphant -- The challenges of private law : a research agenda for an autonomy-based private law -- Hanoch Dagan -- The steaming lungs of a pigeon : predicting the direction of Australian contract law in the next 25 years -- Warren Swain -- Codification of private law : Scots law at the crossroads of common and civil law -- Martin A Hogg -- Power-failure? the distracting effect of legislation on common law torts -- Wendy Bonython -- Constructive trusteeship : the perils of statutory formulae -- Darryn Jensen -- Fusing the equitable function in private law -- Henry E Smith -- Dealing with complexity : different approaches to explaining accessory liability -- Joachim Dietrich -- The challenges presented by fundamental rights to private law -- Hugh Collins -- The limits of technocracy : private law's future in the regulatory state -- TT Arvind and Joanna Gray -- Common law and the constraint of financial markets : credit-ratings as a test case -- Joshua Getzler and Alexandra Whelan -- Apologies as canaries : tortious liability in negligence and insurance in the twenty-first century -- Prue Vines -- When lump sums

run out : disputes at the borderlines of tort law, injury compensation, and social security -- Genevieve Grant, Kylie Burns, Rosamund Harrington, Prue Vines, Elizabeth Kendall and Annick Maujean -- Perform if and when you do?: non-performance and the suspension of contractual duties -- Andrew Tettenborn -- Vindictory damages -- James Edelman -- Persuasive technologies : from loss of privacy to loss of autonomy -- Eliza Mik -- Snooping : how should damages be assessed for harmless breaches of privacy? -- Erika Chamberlain -- Compensating injury to autonomy : a conceptual and normative analysis -- Tsachi Keren-Paz -- Matter over mind : tort law's treatment of emotional injury -- Anne Schuurman and Zoe Sinel -- The interaction between defamation and privacy -- David Rolph -- Making amends by apologising for defamatory publications : developments in the twenty-first century -- Robyn Carroll and Jeffrey Berryman -- Tort and neo-liberalism -- Annette Morris -- Reforming Australian litigation lawyers : educational impacts of civil procedural laws and judicial activism -- Francesca Bartlett -- Private law in the age of the vanishing trial? -- Carlo Vittorio Giabardo.

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### Sommario/riassunto

This book brings together a wide range of contributors from across the common law world to identify and debate the principal moral and systemic challenges facing private law in the remaining part of the twenty-first century. The various contributions identify serious problems relating to complexity and overload, threats to research and education, the law's unintelligibility, the unsatisfactory nature of the law reform process and a general lack of public engagement. They consider the respective future roles of statutes, codes, and judge-made law (in the form of both common law and equitable rules). They consider how best to organise the private law system internally, and how to co-ordinate it externally with other public and economic systems (human rights, regulation, insurance markets and social security frameworks). They address the challenges for private law presented by new forms of technology, and by modern demands for the protection of new and intangible forms of moral interest, such as interests in privacy, 'vindication' and 'personal choice'. They also engage with the critical contemporary debates about access to, and the privatisation of, civil justice. The work is designed as a source of inspiration and reference for private lawyers, as well as legislators, policy-makers and students

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