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private law / Yock Lin Tan -- Justifying fiduciary allowances / Matthew Harding -- Gain-based remedies and the place of deterrence in the law of fiduciary obligations / Anthony Duggan -- The normative foundations of restitution for wrongs : justifying gain-based relief for nuisance / Craig Rotherham -- Just and unjust enrichments / Hanoch Dagan -- The rules of obligations / Emily Sherwin -- Storytelling in the law of unjust enrichment / Tang Hang Wu -- Demolishing the pyramid : the presence of basis and risk-taking in the law of unjust enrichment / Graham Virgo

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Sommario/riassunto

This collection contributes to a fundamentally important set of debates about the nature of private law. The essays consider whether private law should be seen as having goals and, if so, whether those goals are particular to private as opposed to public law. They consider the legitimacy of the pursuit of community welfare goals in private law and the place of instrumentalist thinking in private law scholarship. They explore the relationship between the pursuit of policy goals and the other influences that shape private law, such as the formal values of certainty, consistency and coherence and the need to do justice to the parties to particular disputes. The collection analyses the role that particular policy goals do and should play in particular private law doctrines, and contributes to debate about the relationship between community welfare goals and considerations of interpersonal morality arising from the interactions between individuals. The contributors are

drawn from across the common law world and offer a diverse range of perspectives on the controversies under consideration
