



Justice in Private Law

Peter Jaffey

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This book discusses the dominant corrective justice and distributive justice approaches to private law and identifies their strengths and weaknesses. It goes on to propose a general approach to private law, including contract, tort and private property, and explains how it can provide solutions to some longstanding problems.

Two general ideas inform this approach: the 'standpoint limitation' and 'remedial consistency'. The standpoint limitation explains the distinctive character of private law, that is to say why it is focussed mainly, though not exclusively, on particular individual interests rather than the common welfare. Remedial consistency explains the way in which remedies depend on and give effect to primary rights.

The book also discusses the nature of common law legal reasoning and its relationship to the suggested understanding of private law.

Peter Jaffey is Professor of Law at the University of Leicester, UK.

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