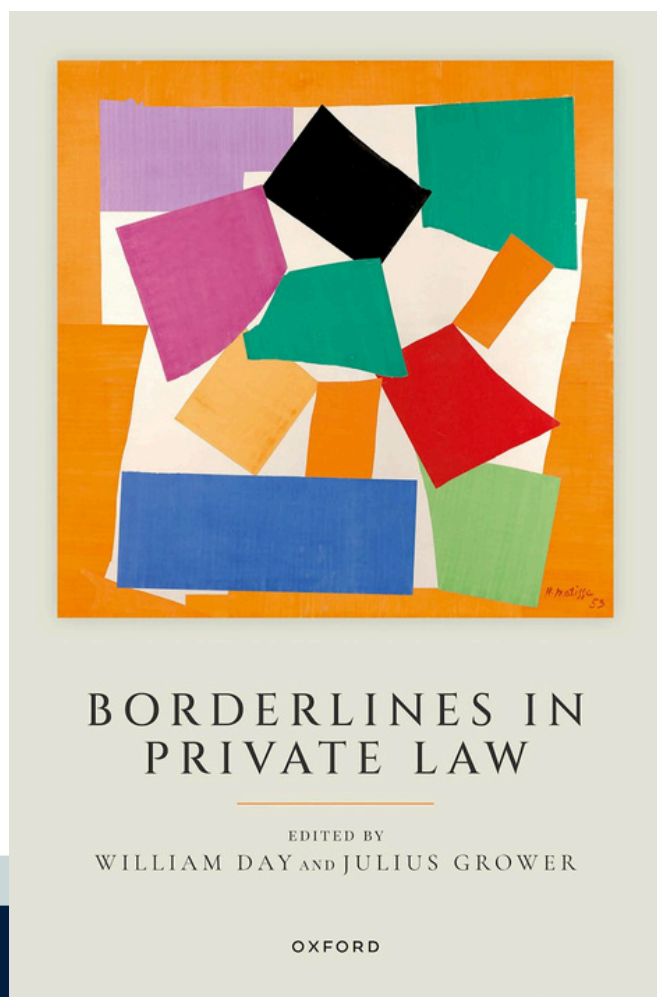


Borderlines in Private Law



Mapmaking analogies are a longstanding hallmark of private law scholarship, but the boundaries between subject areas are not always neat and tidy. Can lines be drawn between property and obligations, or common law and equity? Should tort and unjust enrichment be subordinate to the law of contract? Should equity enforce agreements that contract does not? Are equitable wrongs meaningfully different from torts? Where do these borders sit, and what does one do with areas that intersect?

In this collection of essays, several of the UK's leading academic lawyers discuss these borderlines and intersections. Covering five broad topics—contract, tort, unjust enrichment, property, and equity—the contributors take varied approaches. Some argue for distinct categories and the careful maintenance of borders, while others celebrate cross-border exchanges, or say that any attempt to draw and maintain borders is a futile endeavour. In addition to the contributions from academic lawyers, the book contains responses from senior members of the UK judiciary, including Lord Sales and Lady Carr, offering their perspectives on these debates, and how to structure, order, and understand private law in the context of real-world disputes.

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