

# Managing The Law Mcinnes

Defences in Unjust Enrichment Exploitative Contracts Negligence and Illegality The Legal News Contractualisation of Family Law - Global Perspectives Structure and Justification in Private Law The Register of the Privy Council of Scotland 1625-1627 Debates of the Senate of the Dominion of Canada The Australian Law Times Official Report of Debates, House of Commons Debates of the Senate of the Dominion of Canada of 1867/68-1949 Martindale-Hubbell International Law Digest Proceedings of the Boards of Aldermen and Assistant Aldermen House of Commons Debates, Official Report Foreign Report The Banking Law Journal The Canada Law Journal Business Review Weekly The Advocate Andrew Dyson Rick Bigwood Sharon Erbacher James Kirby Frederik Swennen C.E.F. Rickett Scotland. Privy Council Scotland. Privy Council Canada. Parliament. Senate Canada. Parliament. House of Commons Canada. Parliament. Senate New York (N.Y.). Canada. Parliament. House of Commons Edward White

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this book is the second in a series of essay collections on defences in private law it addresses defences to liability arising in unjust enrichment the essays are written from a range of perspectives and methodologies some are doctrinal others are theoretical and several offer comparative insights the most important defence in this area of the law change of position is addressed in detail but many other defences are treated too as well as the interrelations between these defences within the law of unjust enrichment the essays offer novel claims and ways of looking at problems in this challenging area of legal study

judges and scholars routinely use concepts such as exploitation in a justificatory way in the field of contract law a finding of exploitation may excuse a party from the normal consequences of his or her manifested contractual assent however the meaning of exploitation is usually assumed for this purpose rather than elaborated in fact exploitation is a highly contested concept exploitative contracts examines the essentially contestable criteria of interpersonal exploitation

claims it puts forward a conception of exploitation legal contractual exploitation a form of wrongdoing that arises in connection with the formation of contracts this notion is shown to underpin traditional heads of relief in contract law including unconscionable dealing undue influence unilateral mistake in equity and lawful act duress importantly this notion of legal contractual exploitation conforms to the intellectual and institutional forms of order presupposed by the classic liberal conception of the contract the wrongfulness of an act of exploitation must reside in some characteristic of the processes of contract formation rather than in some quality of the impugned contract itself the doctrines of unconscionable dealing duress and undue influence are examined in detail in the light of what they each reveal about the process conception of legal contractual exploitation in turn the volume explains how an understanding of these contract law doctrines can be enhanced by a proper conception of exploitation

this book examines claims in negligence arising from illegal conduct of the claimant an array of public policy and other grounds have been advanced for resolving these claims resulting in an area that is characterised by confusing and contradictory case law the book analyses the various explanations put forward as the basis for illegality doctrine within a framework of corrective justice theory illegality law poses particular challenges for the corrective justice explanation of negligence law as many illegality tests are based on public policy considerations external to the relationship of the parties the book argues that the only circumstance where illegality doctrine should be applied to deny a claim is where this is necessary to preserve the coherence of the legal system it develops the work of ernest weinribian corrective justice theorists to explain how the principle of legal coherence fits within the framework of corrective justice theory and why legal coherence is the only valid conceptual basis for a doctrine of illegality it also contains a detailed study on the scope of the coherence rationale and the principles that will determine its application

this volume presents global and comparative perspectives on the perpetual pendular movement of family law between status and contract it contributes to the topical academic debate on family law exceptionalism by exploring the blurred lines between public law private law and family law and sheds light on the many shades of grey that exist the contributions focus on both substantive and procedural family law on parents and children and on life partners with particular attention for contractual arrangements of family formations and of conflict resolution the hypothesis underlying all contributions was the trend towards contractualisation of family law a convergent research outcome resulting from the comparison of national reports was the ambivalent position of family law in legal systems worldwide that comparison shows that whereas family law is clearly moving towards contract with regard to old family formations the contrary is true for new family formations the movement towards contract is rarely considered to be contractualisation pur sang with civil effect the movement towards status finally does not necessarily witness family law exceptionalism vis à vis private law in view of the increasing state interventionism in private law relations in general in sum as the volume shows the high permeability of the demarcations between the state the family and the market impedes a categorial approach this volume is based on the general and selected national reports on the topic contractualisation of family law that were presented at the xixth international congress of comparative law in vienna in july 2014

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 thought provoking 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

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