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the text fully up to date in statutory,
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Private Law in Theory and Practice explores important theoretical issues in tort law, the law of contract and the law of unjust enrichment and relates the theory to judicial decision-making in these areas of private law. Topics covered include the politics and philosophy of tort law reform, the role of good faith in contract law, comparative perspectives on setting aside contracts for mistake and the theory and practice of proprietary remedies in the law of unjust enrichment. Contributors to the book bring a variety of theoretical approaches to bear on the analysis of private law. They include: economic analysis, corrective justice theory, comparative analysis of law, socio-legal inquiry, social history, political

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theory as well as doctrinal analysis of the law. In all cases the theoretical approaches are applied to recent case law developments in England, Australia and Canada, or, in the case of tort law, proposals in all these jurisdictions to reform the law. The book presents the theory of private law and the application of theory to practical legal problems in an accessible form to teachers and students of tort, contract and the law of unjust enrichment, legal researchers and law reformers.

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practical legal problems in an accessible form to teachers and students of tort, contract and the law of unjust enrichment, legal researchers and law reformers.

Two preeminent legal scholars explain what tort law is all about and why it matters, and describe their own view of tort's philosophical basis: civil recourse theory. Tort law is badly misunderstood. In the popular imagination, it is "Robin Hood" law. Law professors, meanwhile, mostly dismiss it as an archaic, inefficient way to compensate victims and incentivize safety precautions. In *Recognizing Wrongs*, John Goldberg and Benjamin

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Zipursky explain the distinctive and important role that tort law plays in our legal system: it defines injurious wrongs and provides victims with the power to respond to those wrongs civilly. Tort law rests on a basic and powerful ideal: a person who has been mistreated by another in a manner that the law forbids is entitled to an avenue of civil recourse against the wrongdoer. Through tort law, government fulfills its political obligation to provide this law of wrongs and redress. In *Recognizing Wrongs*, Goldberg and Zipursky systematically explain how their "civil recourse" conception makes sense of tort doctrine and captures the ways in which the law of torts contributes to the maintenance of a just polity. *Recognizing Wrongs* aims to unseat both the leading philosophical theory

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of tort law—corrective justice theory—and the approaches favored by the law-and-economics movement. It also sheds new light on central figures of American jurisprudence, including former Supreme Court Justices Oliver Wendell Holmes, Jr., and Benjamin Cardozo. In the process, it addresses hotly contested contemporary issues in the law of damages, defamation, malpractice, mass torts, and products liability.

This comprehensive Research Handbook provides an unparalleled overview of contemporary private law theory. Featuring original contributions by leading experts in the field, its extensive examinations of the core areas of contracts, property and torts are complemented by an exploration of a breadth of topics that cross the

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divide between private and public law, including labor law and corporate law.

This book provides a comprehensive theory of the rights upon which tort law is based and the liability that flows from violating those rights. Inspired by the account of private law contained in Immanuel Kant's *Metaphysics of Morals*, the book shows that Kant's theory elucidates a conception of interpersonal wrongdoing that illuminates the operation of tort law. The book then utilises this conception, applying it to the various areas of tort law, in order to develop an understanding of the particular areas in question and, just as importantly, their relationship to each other. It argues that there are three general kinds of liability found in the law of tort: liability for putting another or another's

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property to one's purposes directly, liability for doing something to a third party that puts another or another's property to one's purposes, and liability for pursuing purposes in a way that improperly interferes with the ability of another to pursue her legitimate purposes. It terms these forms liability for direct control, liability for indirect control and liability for injury respectively. The result is a coherent, philosophical understanding of the structure of tort liability as an entire system. In developing its position, the book considers the laws of Australia, Canada, England and Wales, New Zealand and the United States.

Elizabeth M. Schneider (Brooklyn Law School) and Clare Dalton (Northeastern University School of

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Law) are joined by two new authors, Judith G. Greenberg (New England School of Law) and Cheryl Hanna (Vermont Law School) in this exciting new Second Edition. The casebook maintains its rich focus on examining domestic violence through a variety of theoretical, practical, and interdisciplinary lenses and remains the most comprehensive casebook on domestic violence. This book is widely used in law school courses and clinics on domestic violence, heavily adopted in undergraduate and graduate courses, and routinely relied upon by judges, attorneys, and other professionals who work in the field. The Second Edition captures the tremendous growth in domestic violence law and includes the many recent Supreme Court cases implicating domestic violence,

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including Crawford v. Washington, Davis v. Washington, Dixon v. United States, Georgia v. Randolph, Ayotte v. Planned Parenthood of Northern New England, and Castle Rock v. Gonzales. The new edition emphasizes the current expansion of case law and contains updated notes with practical problems. It adds three new chapters: sexual autonomy, reproductive rights and domestic violence; evidence in domestic violence cases and immigration, asylum and domestic violence. It streamlines the family law materials, highlights the most pressing issues in criminal law, and broadens the already significant integration of issues of diversity throughout the book including more materials on the impact of domestic violence on Native Americans, Muslims, teens, and the

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