



Understanding Private Law

Essays in Honour
of Stephen A Smith

*Edited by Evan Fox-Decent,
John C P Goldberg and Lionel Smith*

20%
discount
with this
flyer

Jan 2025 | 352pp | Hbk | 9781509971152 | RRP: £100

20% DISCOUNT PRICE: £80 (+ POSTAGE)

This book engages with some of Stephen A Smith's most significant arguments, illustrating that he was a towering figure in the field of private law, with little of the field not impacted by his scholarship.

The contributors explore Professor Smith's most controversial thinking on private law. Interrogating questions of contract law, remedies, unjust enrichment, comparative law, and the legal theory underlying these fields, this is an important publication in the field.

Evan Fox-Decent holds the Canada Research Chair in Cosmopolitan Law and Justice at the Faculty of Law, McGill University, Canada.

John C P Goldberg is Carter Professor of General Jurisprudence at Harvard Law School, USA.

Lionel Smith is Professor of Comparative Law at the University of Oxford, UK.

TO ORDER THIS TITLE GO TO WWW.BLOOMSBURY.COM

To receive your 20% discount use code **GLR BD8** at the checkout

Why not join our mailing list? Be the first to hear about new books in your areas of interest as well as offers and exclusive discounts. Visit www.bloomsbury.com/newsletters/law/ to sign up.



@hartpublishing



HartPublishing2



Hart Publishing



• H A R T •

SUMMARY OF CONTENTS

Foreword, *Shauna Van Praagh*

List of Contributors

Introduction, *Evan Fox-Decent, John CP Goldberg, Lionel Smith*

Part One: Methodology

1. Mapmaking and Law's Legitimacy, *Larissa Katz*

2. The Elegance of Private Law, *Andrew Gold*

3. Comparative Legal Scholarship: Anything but Ordinary, *Rosalie Jukier*

4. Two Genres of Interpretive Legal Theories, *Hanoch Dagan*

5. "Comparative Law" as an Academic Discipline, *Helge Dedek*

Part Two: Remedies

6. Continuity and Creativity in the Law of Remedies, *Arthur Ripstein*

7. The Moral Authority of Rulings, *Evan Fox-Decent*

8. The Continuity Thesis: The Gift that Fails to Keep on Giving, *James Penner*

9. Monstrans de droit, Petition of Right, and Liability for Crown Debt, *Joshua Getzler*

10. Trusts as Remedies, *Robert Chambers*

11. Remedial Restitutionary Rights?, *Bill Swadling*

Part Three: Contract

12. The Scope of Restraint of Trade, *Robert Stevens*

13. What Might Contract Theory Be?, *Gregory Klass*

14. Rights, Wrongs, Injustices and the Three Strata of Contract Law, *Mark Gergen*

15. Conceptualizing the Law of Contractual Modifications: A Different Framework, *Peter Benson*

16. Applying Smith to the Practice of Contract Remedies, *Adam Kramer KC*

17. In Defence of Smith's "In Defence of the Third-Party Rule", *Jason W Neyers*

Part Four: Law's Normativity

18. Trying and Succeeding, *John CP Goldberg & Benjamin C. Zipursky*

19. The Unknowability Objection, *Dennis Klimchuk*

20. Must We Know What We Owe?, *Frederick Wilmot-Smith*

21. The Cough Drops on Loyalty, *Lionel Smith*

22. Free-standing Liabilities, *Nicholas J McBride*

23. Is Private Law Normatively Distinctive?, *Paul B Miller*

List of Publications of Stephen A. Smith, 1994-2022

TO ORDER THIS TITLE GO TO WWW.BLOOMSBURY.COM

To receive your 20% discount use code **GLR BD8** at the checkout

Why not join our mailing list? Be the first to hear about new books in your areas of interest as well as offers and exclusive discounts. Visit www.bloomsbury.com/newsletters/law/ to sign up.



@hartpublishing



HartPublishing2



Hart Publishing



• H A R T •