

## Concepts of Private Law

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Hilary Term 2018, weeks 5-8, Wednesdays 2-4pm

All Souls College (Hovenden Room)

This seminar series may be of interest to BCL/MJur students taking Philosophical Foundations of the Common Law and/or Private Law and Fundamental Rights, and to other graduate students with interests in theoretical questions about private law. All are welcome. The meetings will be exploratory and there is no required reading for the first seminar. However, the list below gives an indication of themes that may be touched upon and approaches that may be encountered, and those attending may like to familiarize themselves with at least some of what appears on it.

Carol Harlow, [“Public” and “Private” Law: Definition without Distinction](#), *Modern Law Review* 43 (1980), 241

N.E. Simmonds, *The Decline of Juridical Reason: Doctrine and Theory in the Legal Order* (Manchester 1984), [ch 9](#)

Ernest Weinrib, *The Idea of Private Law* (1995; 2nd ed ), esp [ch 8](#)

John Gardner, [‘The Purity and Priority of Private Law’](#), *University of Toronto Law Journal* 46 (1996), 459

J.W.F. Allison, *A Continental Distinction in the Common Law: A Historical and Comparative Perspective on English Common Law* (1996), [ch 2](#)

Hugh Collins, *Regulating Contracts* (1999) [ch 3](#) and [ch 4](#), esp pp 31-41, 53-69, 93.

S. M. Waddams, *Dimensions of Private Law: Categories and Concepts in Anglo-American Legal Reasoning* (2003), [ch 1](#) [Google Books extract]

Harm Schepel, [‘The European Brotherhood of Lawyers: The Reinvention of Legal Science in the Making of European Private Law’](#), *Law & Social Inquiry* 32 (2007), 183.

John C. Goldberg, [‘Introduction: Pragmatism and Private Law’](#), *Harvard Law Review* 125 (2012) 1640

Dan Priel, [‘The Political Origins of English Private Law’](#), *Journal of Law and Society* 40 (2013), 481

Dan Priel, [‘Private Law: Commutative or Distributive?’](#), *Modern Law Review* 77 (2104), 308.

Hanoch Dagan, [‘Between Regulatory and Autonomy-Based Private Law’](#), *European Law Journal* 22 (2016), 644

John Gardner, *From Personal Life to Private Law* (forthcoming 2018), [ch 5](#) [typescript]