



The Goals of Private Law

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This collection contributes to a fundamental debate about the nature of private law. The essays consider whether private law should be seen as having goals and, if so, whether those goals are particular to private, as opposed to public, law. They consider the legitimacy of the pursuit of community welfare goals in private law and the place of instrumentalist thinking in private law scholarship. They explore the relationship between the pursuit of policy goals and the other influences that shape private law, such as the formal values of certainty, consistency, and coherence, as well as the need to do justice to the parties to particular disputes. They analyze the role that particular policy goals do, and should, play in particular private law doctrines. They also contribute to the debate about the relationship between community welfare goals and considerations of interpersonal morality arising from the interactions between individuals. The contributors are drawn from across the common law world and offer a diverse range of perspectives on the controversies under consideration.

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