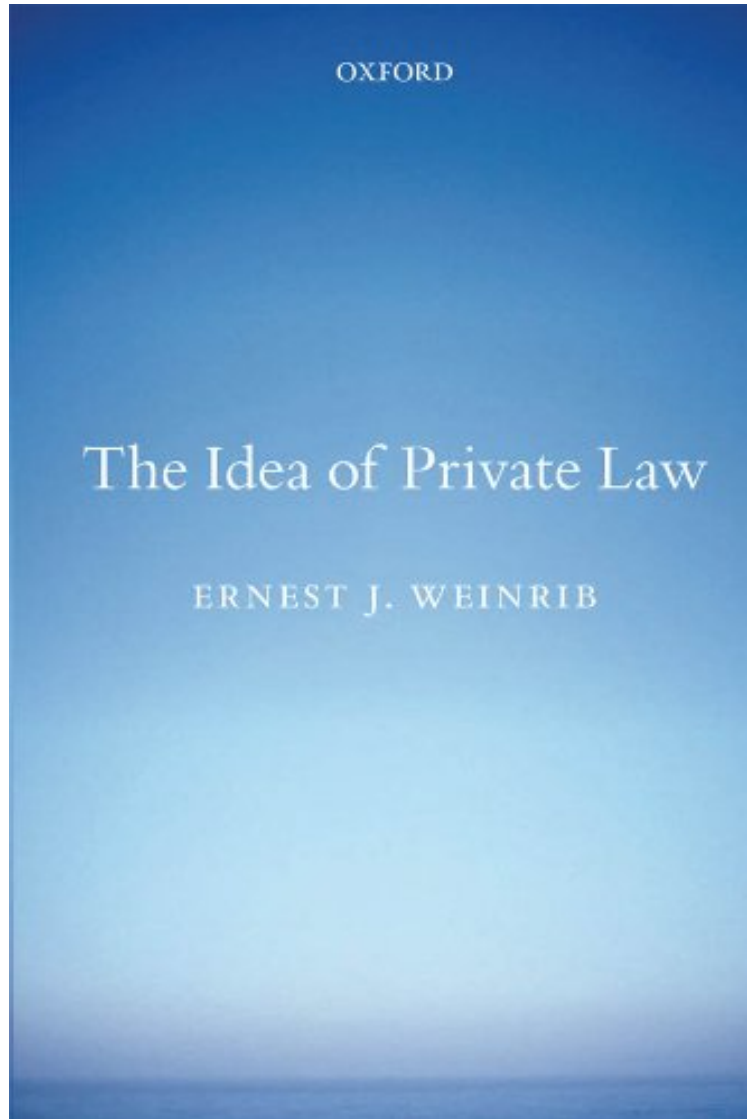


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## The Idea of Private Law

*Von Ernest J Weinrib*

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**Von Ernest J Weinrib : The Idea of Private Law** before purchasing it in order to gage whether or not it would be worth my time, and all praised The Idea of Private Law:

KundenrezensionenHilfreichste Kundenrezensionen0 von 0 Kunden fanden die folgende Rezension hilfreich. A good stuff for a poor theoryVon piggi@inrete.it P.G.Monateri, professor of LawThis book gathers a good amount of scholarship to purport the idea that the governing principles underlying private law doctrines are still the old principles of Aristotelian commutative and corrective justice. In so doing the author does not take into proper account the teachings of the last 40 years studies in Law and Economics showing how the issue of distributing a private cost

cannot be handled in terms of the old corrective justice. Thus the book provides a foundation for private law which today is peculiarly outdated. 0 von 0 Kunden fanden die folgende Rezension hilfreich. A Uniquely Important Work Von Dennis M. Patterson I am no fan of legal formalism as such. Nevertheless, I think this book is the most sophisticated account of legal formalism in the twentieth century. Weinrib's synthesis of Aristotle, Aquinas, Kant and Hegel is brilliant. A very exciting and provocative work of original scholarship.

Kurzbeschreibung Nearly twenty years after its original publication, *The Idea of Private Law* is widely recognized as a seminal contribution to legal philosophy, and one of the leading attempts to explain and justify the moral foundations of private law. Rejecting the functionalism popular among legal scholars, Ernest Weinrib advances the provocative idea that private law is an autonomous and non-instrumental moral practice, with its own structure and rationality. Weinrib draws on Kant and Aristotle to set out an approach to private law that repudiates the identification of law with politics or economics. Weinrib argues that private law is to be understood not as a mechanism for promoting efficiency but as a juridical enterprise in which coherent public reason elaborates the norms implicit in the parties' interaction. Private law, Weinrib tells us, embodies a special morality that links the doer and the sufferer of harm. Weinrib elucidates the standpoint internal to this morality, in opposition to functionalists, who view private law as an instrument in the service of external and independently justifiable goals. After establishing the inadequacy of functionalist approaches, Weinrib traces the implications of the formalism he proposes for our ideas of the structure, coherence, and normative grounding of private law. Furthermore, the author shows how this formalism manifests itself in the leading doctrines of private law liability. Finally, he describes the public but non-political role of the courts in articulating the special morality of private law. This revised edition makes accessible one of the major works of modern legal theory. It includes a new introduction by the author, looking back at the work, its origins, and its aspirations. Pressestimmen *The Idea of Private Law* is a complex and stimulating book which deserves to be read by anyone interested in private law. Weinrib shows clearly why certain theories about the functions and justifications for private law are inadequate, and he causes the reader to think in new and fruitful ways about old problems. \* Peter Cane, *Oxford Journal of Legal Studies* 1996 \* *The Idea of Private Law* presents a position about tort law which in my view is essential, and develops that position in a way that is both powerful and eloquent. Weinrib stands out among those who have analyzed tort law from a justice perspective. This is a brave and distinguished book. \* Gary T. Schwartz, University of California, Los Angeles \* Clearly and elegantly written. The debate that Weinrib engages is important and Weinrib's own position in the debate should be heard. He makes a significant contribution by arguing the importance of understanding tort law by reference to its own internal structure. \* George P. Fletcher, School of Law, Columbia University \* Ernest Weinrib's new book deserves our highest attention. No one who thinks seriously about the nature of private law can afford to ignore this work. In addition to providing a compelling account of the nature of private law, this book puts into serious question the leading contemporary accounts of the nature of law. In short, this is a book from which any student of law will learn much... No account of private law can be complete without addressing Weinrib's position. \* Dennis Patterson (*Modern Law*) \* Kurzbeschreibung Nearly twenty years after its original publication, *The Idea of Private Law* is widely recognized as a seminal contribution to legal philosophy, and one of the leading attempts to explain and justify the moral foundations of private law. Rejecting the functionalism popular among legal scholars, Ernest Weinrib advances the provocative idea that private law is an autonomous and non-instrumental moral practice, with its own structure and rationality. 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