



Fault Lines in Equity (Hart Studies in Private Law)

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Equity - the body of law developed in the English Court of Chancery - has a long and distinguished history. In the 21st century, it continues to be an important regulator of both commercial and personal dealings, as well as informing statutory regulation. Although much equitable doctrine is settled, there remain some intractable problems that bedevil lawyers across jurisdictions. The essays in this collection employ new historical, comparative, and theoretical perspectives to cast light on these fault lines in equitable doctrine and methodology. Leading scholars and practitioners from England, Australia, and New Zealand examine such contentious topics as: personal and proprietary liability for breaches of equitable duties (including fiduciary duties) * the creation of non-express trusts * equitable rights in insolvency * the fiduciary 'self dealing' rule * clogs on the equity of redemption * the distribution of assets on family breakdown * the suitability of unjust enrichment analysis. The book addresses specific doctrinal questions, as well as the 'meta' issues of organization and methodology, and the findings will be of value to academics and practitioners alike. (Series: Hart Studies in Private Law - Vol. 1)

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