

Bond Law Review

Volume 17, Issue 1

2005

Article 7

The Law of Obligations: Connections and
Boundaries, edited by Andrew Robertson,
Cavendish Publishing Limited, 2004, 201 pp

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Abstract

This book, a compilation of conference proceedings from the 2002 Conference of the same name held at the University of Melbourne, presents fresh insights into the continuing debate of the package of law confronting our modern times conveniently (and, as the book points out, taxonomically) described as 'The Law of Obligations'.

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This book, a compilation of conference proceedings from the 2002 Conference of the same name held at the University of Melbourne, presents fresh insights into the continuing debate of the package of law confronting our modern times conveniently (and, as the book points out, taxonomically) described as 'The Law of Obligations'. In recent decades, the trend in the law, especially private law dealing with issues of contract and tort, has shown that judicial reasoning has blurred traditional boundaries somewhat. However, one may argue that there still exist distinct categories governing the Law of Contract and the Law of Torts, albeit tempered heavily by restitutionary and equitable considerations. The chapters in this book re-visit The Law of Obligations (an attempt at the Contract-Tort amalgam) both with rigorous analysis and penetrating criticism. What comes across as most valuable is the timely presentation: we need to take stock of the past and see where and how we move forward in these core areas of the law.

I think Andrew Robertson ought to be commended for putting together this collection of significant and insightful works. The contributing authors have endeavoured to comment on the blurring distinctions (an expression an oxymoron in itself!) and have undertaken the task well. Robertson's opening remarks in Chapter 1 set out the parameters of the book and the inherent challenges. It then remains for the contributing authors who, in turn, explore the real and imagined legal boundaries and connections across the spectra of subjects like Contract, Torts, Remedies, Obligations, Restitution, Equity and Property in determining whether the whole exercise has validity, if nothing else, in legal taxonomy. As stated earlier, this is a continuing debate. Do we adhere to the traditional, classical models of the law? Or, do we pick up on some recent judicial reasoning and discern a movement away from the classical to the modern, prompting Tilbury's 'taxonomy scholarship' approach? As is usually the case, there are camps on both sides.

Nonetheless, the book, to my mind, usefully adds to the current justifiable concerns surrounding the development of the abovementioned areas of the Law. The champions of this trendy development will want to identify with the connectors this book has presented. On the other hand, the detractors will want to defy and argue against the findings that the Law of Obligations has made

significant inroads into the traditional categories of, especially, Contract and Tort. Seen in this light alone, the book surely makes for entertaining fireside reading.

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