

LORD BURROWS - LIST OF PUBLICATIONS

BOOKS

Remedies for Torts, Breach of Contract and Equitable Wrongs (1st edn, 1986; 2nd edn, 1994; 3rd edn, 2004, 4th edn, 2019, OUP)

The Law of Restitution (1st edn, 1993; 2nd edn, 2002; 3rd edn, 2011, OUP)
(Joint winner of the 1993 Society of Public Teachers of Law, now Society of Legal Scholars, Prize for Outstanding Legal Scholarship)

Cases and Materials on the Law of Restitution (with McKendrick and Edelman) (1st edn, 1997; 2nd edn, 2007, OUP)

Understanding the Law of Obligations: Essays on Contract, Tort and Restitution (1998, Hart)

Fusing Common Law and Equity: Remedies, Restitution and Reform (2002 Hochalaga Lecture, Sweet & Maxwell, Asia)

A Casebook on Contract (1st edn, 2007; 2nd edn, 2009; 3rd edn, 2011; 4th edn, 2013; 5th edn, 2016; 6th edn, 2018; 7th edn, 2020, Hart)

Clerk & Lindsell on Torts chapters 28-32 and annual supplements (16th edn, 1989; 17th edn, 1995; 18th edn, 2000; 19th edn, 2006; 20th edn, 2010; 21st edn, 2014, 22nd edn, 2018, Sweet & Maxwell)

Chitty on Contracts Vol 1 chapters 17, 19 & 28 and annual supplements (27th edn, 1994; 28th edn, 1999; 29th edn, 2004; 30th edn, 2008; 31st edn, 2012; 32nd edn, 2015; 33rd edn, 2018, Sweet & Maxwell)

Scrutton on Charterparties (with Boyd, Foxton et al) (20th edn, 1996; 21st edn, 2008, Sweet & Maxwell)

English Private Law chapter 22 (Judicial Remedies) (1st edn, ed Birks, 1998; 2nd edn, ed Burrows, 2007; 3rd edn, ed Burrows, 2013, OUP)

Anson's Law of Contract (with Beatson and Cartwright) (29th edn, 2010; 30th edn, 2016; 31st edn, 2020, OUP)

A Restatement of the English Law of Unjust Enrichment (assisted by an Advisory Group) (2012, OUP)

A Restatement of the English Law of Contract (assisted by an Advisory Group) (1st edn, 2016; 2nd edn, forthcoming, OUP)

The Myanmar Law of Contract (with Briggs, 2017, Oxford University Law Faculty)

Thinking about Statutes: Interpretation, Interaction, Improvement (2017 Hamlyn Lectures, 2018, CUP)

EDITED BOOKS

Essays on the Law of Restitution (1991, OUP)

Commercial Remedies (with Peel) (2003, OUP)

Mapping the Law: Essays in Memory of Peter Birks (with Lord Rodger of Earlsferry) (2006, OUP)

Contract Terms (with Peel) (2007, OUP)

English Private Law (2nd edn, 2007, 3rd edn, 2013, OUP) and general editor of the series *Oxford Principles of English Law* (which includes *English Public Law* (2nd edn, 2009, OUP))

Contract Formation and Parties (with Peel) (2010, OUP)

Judge and Jurist: Essays in Memory of Lord Rodger of Earlsferry (with Johnston and Zimmermann) (2013, OUP)

Principles of the English Law of Obligations (2015, OUP)

Principles of English Commercial Law (2015, OUP)

ARTICLES

Contract, Tort and Restitution: A Satisfactory Division or Not? (1983) 99 LQR 217

Specific Performance at the Crossroads (1984) 4 Legal Studies 102

Pecuniary Restitution on Breach of Contract (1984) 4 Legal Studies 102

Mental Distress Damages in Contract – a Decade of Change [1984] LMCLQ 119

The Will Theory of Contract Revived (1985) 38 CLP 141

Free Acceptance and the Law of Restitution (1988) 104 LQR 576

Misdirected Funds – A Reply (1990) 106 LQR 20

Mental Distress Damages for Breach of Contract (1990) 140 NLJ 596

Specific Performance against an Employer (1990) 140 NLJ 1007

Understanding the Law of Restitution: A Map Through the Thicket (1995) 18 UQLJ 149

Solving the Problem of Concurrent Liability (1995) 48 CLP 103

Swaps and the Friction between Common Law and Equity [1995] RLR 15

Liability for Psychiatric Illness: Where Should the Line Be Drawn? (1995) 3 Tort L Rev 220

Reforming Privity of Contract [1996] LMCLQ 467

Legislative Reform of Remedies for Breach of Contract: The English Perspective (1997) 1 ELR 155

Restitution: Where Do We Go From Here? (1997) 50 CLP 95

Obligations, A Pioneering Approach (Tribute to Lord Denning) (2000) 9 JSB Journal 9-11

The Contracts (Rights of Third Parties) Act 1999 and its Implications for Commercial Contract [2000] LMCLQ 540

Proprietary Restitution: Unmasking Unjust Enrichment (2001) 117 LQR 412

No Damages for a Third Party's Loss (2001) 1 OUCLJ 107

We do This at Common Law but That in Equity (2002) 22 OJLS 1

Change of Position: the View from England (2003) 36 Loyola of Los Angeles Law Review 803

Some Reflections on Law Reform in England and Canada (2004) 39 Canadian Business Law Journal 320

Unravelling Proprietary Restitution: a Response to Professor Lionel Smith (2005) 40 Canadian Business Law Journal 424

Uncertainty about Uncertainty: Damages for Loss of a Chance (2007 PIBA Lecture) [2008] Journal of Personal Injury Law 31

Restitution of Mistaken Enrichments (2012) 92 Boston University Law Review 767

The Relationship between Common Law and Statute in the Law of Obligations (2012) 128 LQR 232

Numbers Sitting in the Supreme Court (2013) 129 LQR 305

Illegality after Patel v Mirza [2017] 70 CLP 55

'At the Expense of the Claimant': a Fresh Look [2017] RLR 167

In Defence of Unjust Enrichment [2019] CLJ 521

ESSAYS IN BOOKS

Public Authorities, Ultra Vires and Restitution in Essays on the Law of Restitution (ed Burrows, 1991) 39-69

Reforming Exemplary Damages: Expansion or Abolition? in *Wrongs and Remedies in the Twenty-First Century* (ed Birks, 1996) pp 153-173

Should One Reform Joint and Several Liability? in *Torts Tomorrow: A Tribute to John Fleming* (eds Mullany and Linden, 1998) 102-118

Principles of Tort Recovery in Common Law, Common Values, Common Rights (Essays by Distinguished British and American Authors) (2000) 149-156

Limitations on Compensation in Commercial Remedies (eds Burrows and Peel, 2003) 27-48

The English Law of Restitution: A Ten-Year Review in Understanding Unjust Enrichment (eds Neyers, McInnes, Pitel, 2004) 11-33

Remedial Coherence and Punitive Damages in Equity in Equity in Commercial Law (eds Degeling and Edelman, 2006) 381-402

Introduction (with Lord Rodger) in *Mapping the Law* (eds Burrows and Lord Rodger, 2006) 1-9

Absence of Basis: The New Birksian Scheme in Mapping the Law (eds Burrows and Lord Rodger, 2006) 33-48

Overview (with Peel) in *Contract Terms* (eds Burrows and Peel, 2007) 3-16

Construction and Rectification in Contract Terms (eds Burrows and Peel, 2007) 77-99

Are 'Damages on the Wrotham Park Basis' Compensatory, Restitutionary, or Neither? in *Current Themes in the Law of Contract Damages* (eds Saidov and Cunningham, 2008) 165-185

The Relationship between Unjust Enrichment and Property: Some Unresolved Issues in Unjust Enrichment in Commercial Law (eds Degeling and Edelman, 2008) 333-357

Peter Birks 1941-2004 (with Lord Rodger of Earlsferry) in *Proceedings of the British Academy 150, Biographical Memoirs of Fellows VI* (2008) 3-34

Lord Bingham and Three Continuing Remedial Controversies in *Tom Bingham and the Transformation of the Law* (eds Adenas and Fairgrieve, 2009) 589-602

The Australian Law of Restitution: Has the High Court Lost its Way? in *Exploring Private Law* (2009 Hearn Lecture, Melbourne) (eds Bant and Harding, 2010) 67-85

Comparing Compensatory Damages in Contract and Tort: Some Problematic Issues in *Torts in Commercial Law* (eds Degeling, Edelman and Goudkamp, 2011) 367-390

Damages and Rights in *Rights and Private Law* (eds Nolan and Robertson, 2012) 275-307

Common Law Retrospectivity in *Judge and Jurist: Essays in Memory of Lord Rodger of Earlsferry* (eds Burrows, Johnston and Zimmermann, 2013) 543-557

Contract Terms in Favour of Third Parties (co-authored with Christophe Busch) in *The Common European Sales Law in Context* (eds Dannemann and Voganauer, 2013) 502-520

Is there a Defence of Good Consideration? in *The Restatement Third: Restitution and Unjust Enrichment* (eds Mitchell and Swadling, 2013) 165-184

Alternatives to Legislation: Restatements and Judicial Law Reform in *English and European Perspectives on Contract and Commercial Law: Essays in Honour of Hugh Beale* (eds Gullifer and Voganauer, 2014) 37-50

Some Recurring Issues in relation to Limitation of Actions in *Defences in Tort* (eds Dyson, Goudkamp and Wilmot-Smith, 2015) 311-330

Lord Hoffmann and Remoteness in Contract in *The Jurisprudence of Lord Hoffmann* (eds Davies and Pila, 2015) 251-267

The Influence of Comparative Law on the English Law of Obligations in *The Common Law of Obligations: Divergence and Unity* (eds Robertson and Tilbury, 2016) 15-35

Post-legislative Scrutiny, Legislative Drafting and the 'Elusive Boundary' in *Fifty Years of the Law Commissions: The Dynamics of Law Reform* (eds Dyson, Lee and Stark, 2016) 189-197

Illegality as a Defence in Contract in *Contract in Commercial Law* (eds Degeling, Edelman and Goudkamp, 2016) 435-456

Challenges for Private Law in the Twenty-First Century in *Private Law in the 21st Century* (eds Barker, Fairweather, Grantham, 2017) 29-45

Interest in Commercial Remedies: Resolving Controversies (eds Virgo and Worthington, 2017) 247-271

A New Dawn for the Law of Illegality in *Illegality after Patel v Mirza* (eds Bogg and Green, 2018) 23-38

Form and Substance: Fictions and Judicial Power in *Form and Substance in the Law of Obligations* (eds Robertson and Goudkamp, 2019) 17-33

Negotiating Damages in *The World of Maritime and Commercial Law* (eds Mitchell and Watterson, 2020) 297-307

Preservation, Removal and Freezing of the Common Law by Statute in *Contract Law and the Legislature* (eds Arvind and Steele, forthcoming 2020)

Unjust Enrichment and Restitution in *The Oxford Handbook on New Private Law* (eds Smith et al, forthcoming 2020)

Conditional Intention as an Unjust Factor in *Unjust Enrichment and Restitution Handbook* (eds Bant, Barker and Degeling, forthcoming 2020)

Anti-Oral Variation Clauses: Rock-Solid or Rocky? in *The Contents of Commercial Contracts* (eds Davies and Raczynska, forthcoming 2020)
Negotiating Damages in the UK Supreme Court in Australian Contract Law in the 21st Century (eds Eldridge and Pilkington, forthcoming 2021, Federation Press)

CASE-NOTES

Damages in Contract & Tort: Measure, Mental Distress and Impecuniosity (1983) 46 MLR 357
Defective Buildings – A Limited Solution to the Limitation Problem (1983) 46 MLR 509
Damages for Breach of Contract – Expectation Limiting Status Quo (1984) 100 LQR 27
Mistaken payments and Estoppel (1984) 100 LQR 31
Contributory Negligence – a Defence to Breach of Contract? (1985) 101 LQR 161
Contract and Reliance in Hiring for Employment (1986) 15 ILJ 133
Injuries at Work and the Occupiers’ Liability Act 1957 (1988) 17 ILJ 200
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Restitution of Money Paid under Swap Transactions (1993) 143 NLJ 481
Restitution of Money Demanded Ultra Vires by Public Authorities (1993) 4 Kings College LJ 97
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Restitution for Mistake In Australia (1993) 13 OJLS 654
Restitution from Assignees [1994] RLR 52
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What is the Effect of a Repudiatory Breach of a Contract of Employment? (2013) ILJ 1
A Shocking Requirement in the Law on Negligence Liability for Psychiatric Illness (2016) 2 Medical Law Review 278-285
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