

LECTURER McNaughton, Anne
COURSE LAWS 4210/8140:
Commercial Law Semester 2, 2022

Textbook

Pearson et al, [Commercial Law: Commentary and Materials](#), (4th ed, Lawbook Co., Sydney, 2019)
(hereafter noted by 'TBK'.)

Week 1 Reading

- Roy Goode, "[The Codification of Commercial Law](#)" (1988) 14 *Monash University Law Review* 135.
- Baker, J. H., "[The Law Merchant and the Common Law Before 1700](#)" (1979) 38(2) *Cambridge Law Journal* 295.

Tutorial Readings

Week 2 Reading

- W S Holdsworth, '[Persons Book II: The Mediaeval Common Law: Part II: The Rules of Law](#)' in W S Holdsworth, *A History of English law* (Methuen & Co., 1909)
- R Grossi, '[The Wife as Legal Subject in Equity and Commercial Law](#)' [2002] 27(1) *Alternative Law Journal* 171

Week 3 Reading

- Cowie, Andrew James "a History of Married Women's Real Property Rights" [2009] AUJIGendLaw 6; (2009) 1 [Australian Journal of Gender and Law](#) Article 6
- Supriya Singh and Anuja Cabraal, "[Women, Money and the Bank](#)" RMIT University/ Smart Internet Technology Cooperative Research Centre; Paper presented to the Financial Literacy, Banking and Identity Conference, RMIT University, Melbourne, 25-26 October 2006

Week 4 Reading

- Marilyn French, '[Pillars of Society](#)' in Marilyn French, *Beyond Power*, (Jonathan Cape Ltd, 1985)
- Marjorie Barnard, '[The Lottery](#)' in Connie Burns and Marygai McNamara (eds), *Feeling Restless*, (Collins, 1989)

Week 5 Reading

- Carol Gilligan, '[Letters to Readers, 1993](#)' in Carol Gilligan, *A Different Voice*, (Harvard university Press, 1993)
- Anita Fehlbeg, '[Money and Marriage: sexually transmitted debt in England](#)' [1997] 11 *International Journal of Law, Policy and the Family* 320

Week 6 Reading

- *Thorne v Kennedy* [2017] HCA 49; and
- Opinions on High [case note](#) and comments by Professor Katy Barnett in her post on this decision on the [blog](#).

Week 7 Reading

- Marilyn French and Margaret Atwood, *From Eve to Dawn: A History of Women, Vol IV Revolutions and the Struggles for Justice in the 20th Century*, [Chapter 12](#) (Feminist Press at The City University of New York, 2008)
- Chapter 2, '[Property, Objectification and Commodification](#)', in Donna Dickenson and Alexander McCall Smith, *Property in the Body: Feminist Perspectives*, (Cambridge University Press, Cambridge, 2007)

Week 8 Reading

- Kylie Burns, '[Judges, 'common sense' and judicial cognition](#)' [2016] 25(3) *Griffith Law Review* 319
- Regina Graycar and Jenny Morgan, '[Methodologies and Epistemology](#)' in Regina Graycar and Jenny Morgan, *The Hidden Gender of Law* (Federation Press, 2nd ed, 2002)

Week 9 Reading

- Chapter 3, 'Women and Business Law: Sole Traders and Partnerships' in Patricia Easteal (ed), *Women and the Law in Australia* (LexiNexis Butterworths, 2010)
- [Chapter 1, especially \[1.30\] – \[1.180\]](#) in Paterson, Robertson and Duke, *Principles of Contract Law*, (5th ed, ThomsonReuters, Sydney 2015)

Week 10 Reading

- Chapter 5, '(Consumer) Contracts', in Patricia Easteal (ed), *Women and the Law in Australia* (LexiNexis Butterworths, 2010)

- [Chapter 1, especially \[1.05\] – \[1.70\]](#) in Paterson, Robertson and Duke, *Principles of Contract Law*, (5th ed, ThomsonReuters, Sydney, 2015)

Week 11 Reading

ASIC v Kobelt [2019] HCA 55; and

Comment by Professor Katy Barnett on '[Opinions on High](#)' blog.

NB: Please be sure to read the full judgment as well as Professor Barnett's post (there is a link to it at the end of the post on Opinions on High).

Week 12 Reading

- Patricia Easteal (ed), '[Setting the Stage: The 'Iceberg' Jigsaw Puzzle](#)' in Patricia Easteal (ed), *Women and the Law in Australia* (LexiNexis Butterworths, 2010)
- [Brad and Angie Hypothetical](#)