



Fiduciary Law: Analysis, Definitions, Relationships, Duties, Remedies Over History and Cultures

Tamar Frankel

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Fiduciaries appear in many laws, such as contract, tort, corporate law, agency, partnership, criminal law, employment law, property law. But rarely are the policies of the fiduciary law examined as such, and rarely are fiduciaries examined together in a systematic manner. This book offers a study of the fiduciary family members and the different rules that govern them.

Even though fiduciary relationships are embedded in many legal categories, somehow they do not find a comfortable home in any category. Further, as diverse as fiduciary law is in terms of the contexts in which it arises, it is quite cohesive in terms of the problems it addresses, the principles it presents, and the solutions it mandates. The seemingly disparate rules, applicable to different types of fiduciaries, are in fact consistent with one another, reflecting the costs of verifying the fiduciaries statements and monitoring the fiduciaries actions. In a changing environment, a view of the foundations of fiduciary law helps shape fiduciary rules to new situations or relieve existing situations from legal restrictions. A study of fiduciary law assists students in predicting who the new members in the fiduciary family are likely to be, and which of the existing ones will die out.

The book offers students a short survey of fiduciary law in time (from Hammurabi's Code 3,000 years ago) and in space (Europe, UK, Japan, China, Taiwan) and the concept of trust. The style of this book is a somewhat closer to books used in practice. In addition, it contains questions and problems drawn from newspapers, novels and other story sources that, when analyzed, reveal fiduciary relationships.

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