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Unjust Enrichment

Second Edition
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Foundations Of Unjust Enrichment Six Centennial Lectures

LornaMarie



Foundations Of Unjust Enrichment Six Centennial Lectures:

The Foundations of Unjust Enrichment Peter Birks, 2002 Six public lectures given by Peter Birks when he was the Centennial Visiting Fellow at the Victoria University of Wellington Law School in August and September 1999

Understanding Unjust Enrichment Jason W Neyers, Mitchell McInnes, Stephen G.A. Pitel, 2004-04-20 This book is a collection of articles based on Understanding Unjust Enrichment a symposium held at the University of Western Ontario in January 2003 The articles written from the perspective of English Australian Canadian German and Jewish law deal with numerous theoretical and practical issues that surround restitution and unjust enrichment The articles outline recent developments across the Commonwealth explain the unjust enrichment principle and its component parts and address discrete issues such as tracing choice of law disgorgement damages for breach of contract and the use of unjust enrichment in the cohabitation context The contributors are Kit Barker Peter Benson Jeffrey Berryman Michael Bryan Andrew Burrows Robert Chambers Gerald Fridman Peter Jaffey Dennis Klimchuk Thomas Krebs John McCamus Mitchell McInnes Stephen Pitel Stephen Waddams and Ernest Weinrib

The Law of Unjust Enrichment in China: Necessary or Not? Siyi Lin, 2022-08-30 This book is the first book focusing on the Chinese law of unjust enrichment in English and introducing it to Western jurisdictions Unjust enrichment is currently one of the most controversial areas of law in many jurisdictions and rife with academic debate This book analyzes the historical evolution current doctrines and relationships of unjust enrichment with other areas of private law in China It also provides insights into judicial practice In May 2020 China promulgated its first ever Civil Code since the establishment of the People's Republic of China which is a milestone in the history of Chinese law Before the Civil Code there was only one legal provision regulating unjust enrichment which requires a person obtaining benefits without a legal basis to return such benefits However the new Civil Code contains a separate chapter regulating unjust enrichment This book analyzes and evaluates those new provisions in the Civil Code to provide a most up to date analysis of the Chinese law of unjust enrichment

Structure and Justification in Private Law C.E.F. Rickett, Ross Grantham, 2008-02-27 Peter Birks's tragically early death and his immense influence around the world led immediately to the call for a volume of essays in his honour by scholars who had known him as a colleague teacher and friend One such volume published in 2006 contained essays largely from scholars working in England Mapping the Law Essays in Memory of Peter Birks edited by Andrew Burrows and Lord Rodger This volume contains the essays of those outside England who chose to honour Peter and appears later than the English volume reflecting the far flung habitations of its authors The essays contained in this volume are focussed around the law of unjust enrichment but are not narrowly preoccupied instead they move freely from unjust enrichment to some of the most profound questions in private law concerning taxonomy the relationship between contract property and unjust enrichment and the place of remedies within private law This volume featuring the work of some of the world's great private lawyers provides a fitting tribute to a great scholar and a series of

thought provoking essays inspired by his example Contributors Kit Barker Michael Bryan Peter Butler Hanoch Dagan Simone Degeling Daniel Friedmann Mark Gergen Ross Grantham Steve Hedley John McCamus Mitchell McInnes Eoin O Dell Charles Rickett Struan Scott Emily Sherwin Stephen Smith Richard Sutton Michael Tilbury Stephen Waddams Peter Watts Ernest Weinrib Eric Descheemaeker

Comparative Law and Jurisprudence in Namibia Samuel Kwesi Amoo, Tapiwa Victor Warikandwa, Kennedy Kariseb, 2025-01-31 Comparative law examines the differences and similarities between various countries laws and legal systems across the world such as common civil and socialist laws Its significance has grown dramatically in the current era of internationalism populism economic globalization and democratization Despite its relevance Namibia lacks scholarly literature in comparative law Comparative Law and Jurisprudence in Namibia provides in depth understanding of the theoretical framework of different legal systems and of comparative law and contextualizes its application for the Namibian context particularly towards a unified legal system It addresses topics such as comparative law s conceptual framework the interplay between courts and comparative law and comparative law praxis or the practical application thereof The chapters span across all levels of comparativism and promote a multidisciplinary approach to discourse including altering Namibian legal education Futhermore the collection accelerates required legislative change in Namibia to guarantee a legal structure aligned with societal and constitutional imperatives in the twenty first century

Unjust Enrichment and Contract Tariq Baloch, 2009-03-12 This book examines the role of unjust enrichment in the contractual context defined as contracts which are a terminated for breach or b subsisting or c unenforceable The book makes three claims in relation to the orthodox common law account of restitution founded on unjust enrichment in the contractual context Firstly the orthodox account correctly proceeds on the basis that the restitutionary claim in the contractual context is founded on an independent cause of action in unjust enrichment rather than some equitable notion of unconscientiousness or the law of contract Secondly the book departs from the orthodox account by rejecting the unjust factors approach and endorsing the absence of basis approach for the law of unjust enrichment Finally the book argues that the right to restitution in the contractual context should be determined by the conditionality of the transfer of the benefit rather than a requirement such as the termination of the contract as the orthodox account dictates To that end the book proposes the following model under which the right to restitution in the contractual context is determined by the resolution of the following two questions 1 Was the transfer of the benefit eg of money or services conditional 2 Was there a qualifying failure of condition A condition can be and often is the other contracting party s counter performance but it may also be an event not promised by either party What qualifies as a failure of condition depends on the type of contract in question This book identifies two types of contracts namely those which are apportioned eg instalment contracts and those which are unapportioned It is only in relation to the latter that termination is required It is a particular strength of the book that it is underpinned by detailed and original historical analysis which makes a novel and distinct contribution to the history of the

laws of unjust enrichment and contract Dr Baloch has produced the definitive study of the inter relationship between contract and unjust enrichment This has been achieved by carefully considering the historical roots of our common law and how this is to be understood in its best light in the modern era Robert H Stevens University College London Dr Baloch's exploration of the boundary between contractual and unjust enrichment liability in the 17th to 19th centuries has important things to say about the history of ideas of contract in this period Mike Macnair Oxford University This is an innovative and rigorous book which engages with one of the most difficult areas in the law of unjust enrichment namely the relationship between the law of unjust enrichment and the law of contract Baloch roots his treatment of the modern law in its history and the historical analysis throughout is very careful and well grounded in the primary sources David Ibbetson Cambridge University This is a valuable book thoughtful and well researched It is concerned to build a model that fits comfortably with the cases and its focus is on the work of modern commentators Those concerned with the relationship of contract and the law of restitution whether at a theoretical level or in practice will benefit by careful study of what Dr Baloch has to say whether or not they agree with it Jack Beatson Royal Courts of Justice 14 February 2009 From the foreword

Enrichment at the Claimant's Expense Eli Ball, 2016-12-15 This book presents an account of attribution in unjust enrichment Attribution refers to how and when two parties a claimant and a defendant are relevantly connected to each other for unjust enrichment purposes It is reflected in the familiar expression that a defendant be enriched at the claimant's expense This book presents a structured account of attribution consisting of two requirements first the identification of an enrichment to the defendant and a loss to the claimant and secondly the identification of a connection between that enrichment and that loss These two requirements must be kept separate from other considerations often subsumed within the expression enrichment at the claimant's expense which in truth have nothing to do with attribution and which instead qualify unjust enrichment liability for reasons that should be analysed in their own terms The structure of attribution so presented fits a normative account of unjust enrichment based upon each party's exchange capacities A defendant is enriched when he receives something that he has not paid for under prevailing market conditions while a claimant suffers a loss when he loses the opportunity to charge for something under the same conditions A counterfactual test asking whether enrichment and loss arise but for each other provides the best generalisation for testing whether enrichment and loss are connected thereby satisfying the requirements of attribution in unjust enrichment

Breach of Confidence Megan Richardson, Michael Bryan, Martin Vranken, Katy Barnett, 2012-01-01 The authors of this important book have done a great service to our understanding of this fascinating area of law Their shrewd and scholarly study traces the development and myriad reinventions of this protean doctrine from its eighteenth century origins through to its most recent manifestation as a private facts tort in English law enriching legal analysis with consideration of the philosophical social and economic contexts Common law privacy scholars in particular will find that this book directly illuminates contemporary debates Gavin Phillipson University of Durham UK The authors breathe

new life into this complex recondite branch of the law An illuminating and penetrating study of an ancient remedy whose importance endures and even increases Raymond Wacks University of Hong Kong This concise yet detailed book explores the historical foundations and modern developments of the ancient doctrine of breach of confidence The authors show that despite its humble beginnings stilted development and air of quaintness the doctrine has modern relevance and influence its sense of trust and confidence still resonating with the information society of today Topical chapters include Inventing an equitable doctrine Privacy and publicity in early Victorian Britain Searching for balance in the employment relationship as well as many others Breach of Confidence will make insightful reading for all those interested in issues of privacy and information and will appeal strongly to practicing lawyers and judges as well as academic researchers and postgraduate law students

Exploitative Contracts Rick Bigwood, 2003 Judges and scholars routinely use concepts such as exploitation in a justificatory way In the field of contract law a finding of exploitation may excuse a party from the normal consequences of his or her manifested contractual assent However the meaning of exploitation is usually assumed for this purpose rather than elaborated In fact exploitation is a highly contested concept Exploitative Contracts examines the essentially contestable criteria of interpersonal exploitation claims It puts forward a conception of exploitation legal contractual exploitation a form of wrongdoing that arises in connection with the formation of contracts This notion is shown to underpin traditional heads of relief in contract law including unconscionable dealing undue influence unilateral mistake in equity and lawful act duress Importantly this notion of legal contractual exploitation conforms to the intellectual and institutional forms of order presupposed by the classic liberal conception of the contract The wrongfulness of an act of exploitation must reside in some characteristic of the processes of contract formation rather than in some quality of the impugned contract itself The doctrines of unconscionable dealing duress and undue influence are examined in detail in the light of what they each reveal about the process conception of legal contractual exploitation In turn the volume explains how an understanding of these contract law doctrines can be enhanced by a proper conception of exploitation

The Defence of Passing On Michael Rush, 2006-07-11 The identity and existence of a loss based defence in the law of unjust enrichment is disputed Widely known as passing on but better identified as disimpoverishment this defence has generated confusion and disagreement across and within England Australia Canada and the United States of America This book seeks to address these problems in three ways First by providing a solution to the defence's terminological problems and presenting a coherent picture of the current state of the law Secondly by examining whether a defendant's unjust enrichment can be said to have come at the expense of a claimant when a third party has borne the cost of that enrichment Put another way whether awards of restitution are or should be restricted by the value of a claimant's loss And finally by analyzing the reasons in favour of accepting or rejecting a loss based defence in the law of unjust enrichment Numerous scholarly textbooks and law journals have devoted space to these issues This work however has tended to focus narrowly on either particular cases or sets of issues This book seeks to

address this deficiency by collating and providing total coverage of the controversies and questions pertaining to a loss based defence in the law of unjust enrichment This work will be essential reading for anyone interested in the law of restitution and in its relationship with other areas of private law The Law and Ethics of Restitution Hanokh Dagan,2004-08-12 This 2004 book provides a comprehensive account of the American law of restitution The Judges and Lawyer's Companion LornaMarie,2018 The Judges and Lawyer s Companion is a must have and useful tool in the hands of Judges and Lawyers and in deed any one delivering a decision making role formally and informally This book aims to reduce the valuable time lawyers at the bar and judicial officers on the bench spend looking for the meaning of Latin maxims Law students seeking quick interpretation and dictionary meaning of Latin maxims will also benefit immensely I have decided to compile this companion as a reference guide at a glance and I hope this piece of work will find its place on the book shelf of every Judge and Lawyer around the world The author has carefully illustrated the meaning of each maxim using case authorities wherever possible in court ruling around the world This book is a linguistic treasure a robust companion with engaging collection puts revered proverbs at reader s fingertips **Roma Tre Law Review - 01/2020** Giulio Napolitano,Giorgio Resta,2020-07-14 The Roma Tre Law Review R3LR is an open source peer reviewed e journal which aims to offer a digital forum for scholarly debate on issues of comparative law international law law and economics law and society criminal law legal history and teaching methods in law *The Law of Restitution* Andrew S. Burrows,2011 This highly praised textbook provides detailed and incisive coverage of all aspects of restitution The author s expert analysis and clarity of style will be invaluable to both students and practitioners with an interest in this area of law **Herausgabeansprüche als Teil des zivilrechtlichen Eigentumsrechts?** Christoph Karl Sliwka,2012 Die Arbeit nahert sich zentralen Fragen des Eigentumsverständnisses über den Vergleich der Besitzschutzansprüche zugunsten der Inhaber von Eigentumsrechten Zunächst werden die historischen Grundlagen im römischen germanischen und Gemeinen Recht mit der rei vindicatio und der Gewere sowie die Entwicklung im englischen Common Law nachgezeichnet Anschliessend werden in Länderberichten das französische Recht der revendication das englische Recht der conversion of goods des trespass und der action for recovery of land sowie der deutschen Vindikation analysiert Primär geht es dabei um die jeweiligen Anspruchsvoraussetzungen und die Grenzen der Ansprüche etwa in Form des gutgläubigen Erwerbs Weiter geht die Arbeit aber auch auf Fragen des Beweisrechts die Anwendungsfälle der Ansprüche und ihr Konkurrenzverhältnis zu anderen Ansprüchen sowie ihre Behandlung in der Insolvenz des Schuldners ein Auf dieser Grundlage erfolgt dann eine Querschnittsanalyse der drei Rechtsordnungen Sie geht insbesondere den Unterschieden beim Sachbegriff dem Eigentums und Besitzverständnis und dem Verhältnis von Herausgabe Schadensersatz und Bereicherungsansprüchen nach und sucht nach Gründen für diese Unterschiede Gleichzeitig werden generelle Schlussfolgerungen für das Verständnis des Eigentumsbegriffs und das Verhältnis der Konzepte Eigentum und Besitz zueinander gezogen Tratado de Direito Civil VIII - 2a Edição Revista e Atualizada António

Menezes Cordeiro, 2023-05-05 A gestão de negócios tem uma acentuada relevância prática no domínio dos tribunais e dos processos judiciais O enriquecimento sem causa acompanha as diversas deslocadas patrimoniais que não devam subsistir A responsabilidade civil um instituto transversal a todo o Direito Protege o património e a esfera moral das pessoas singulares e coletivas e previne a ocorrência de danos Tem desenvolvimentos decisivos nas áreas dos direitos de personalidade da responsabilidade do Estado dos acidentes de viação dos produtos defeituosos e dos danos ambientais Estes três institutos com natural relevo para a responsabilidade civil conhecem desenvolvimentos jurisprudenciais e doutrinais recentes luz dos Direitos nacional e europeu O presente volume do Tratado de Direito Civil agora em 2ª edição revista e atualizada disponibiliza como obra autónoma ao público universitário e aos praticos do Direito um panorama experimentado da gestão do enriquecimento e da responsabilidade Apoiado em resenhas históricas e comparatísticas e na hoje vasta produção lusófona ele dá voz a 800 decisões judiciais e aos mais recentes avanços da Ciência do Direito

Current Publications in Legal and Related Fields, 2005 *New Zealand Universities Law Review*, 2002 *Giudici e accademia nell'esperienza inglese* Alexandra Braun, 2006 *Cumulated Index to the Books*, 1949 A world list of books in the English language

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