Rather than enjoying a good book with a cup of coffee in the afternoon, instead they cope with some infectious virus inside their desktop computer. The German Law of Unjustified Enrichment and Restitution - Gerhard Dannemann 2009 This text provides a comprehensive description in the English language of the German law of unjust enrichment, by explaining how this works in the context of German law, and by discussing the implications this would have if the German system were implemented in an English legal environment.

Unjustified Enrichment - David Johnston 2002-04-18 Unjustified enrichment has been one of the most intellectually vital areas of private law. There is, however, still no unanimity among civil-law and common-law legal systems about how to structure this important branch of the law of obligations. Several key issues are considered comparatively in this 2002 book, including grounds for recovery of enrichment, defences, third-party enrichment, as well as proprietary and taxonomic questions. Two contributors deal with each topic, one a representative of a common-law system, the other a representative of a civil-law or mixed system. This approach illuminates not just similarities or differences between systems, but also what different systems can learn from each other. In an area of law whose territory is still partially uncharted and whose borders are contested, such comparative perspectives will be valuable for both academic analysis of the law and its development by the courts.

Enrichment in the Law of Unjust Enrichment and Restitution - Andrew Loder 2012-07-06 Enrichment is key to understanding the law of unjust enrichment and restitution. This book provides a comprehensive analysis of the concept of enrichment and its implications for restitutionary awards. Dr Loder argues that enrichment may be characterised either factually or legally, and explores the consequences of that distinction. In factual enrichment cases, the measure of enrichment is the objective value received. This is the basis of many awards of money had and received, quantum meruit, quantum valebat and money paid. In legal enrichment cases, the benefit is the acquisition of a specific right or the release of a specific obligation. The remedy is restitution of that right or reinstatement of that obligation. It is demonstrated that specific restitution of the defendant’s legal enrichment is often the basis for resulting trusts, rescission, rectification and subrogation. This book has profound implications for understanding restitutionary awards and the relationship between the enrichment inquiry and other aspects of the law of unjust enrichment, including the ‘at the expense of’ inquiry and the defence of change of position.

Aspects of Multi-party Unjustified Enrichment in South African Law - Catherine Joy Maxwell 2006

Unjust Enrichment in South African Law - Helen Scott 2014-07-18 Conventional thinking teaches that the absence of liability - in particular contractual invalidity - is itself the reason for the restitution of transfers in the South African law of unjustified enrichment. However, this book argues that while the absence of a relationship of indebtedness is a necessary condition for restitution in such cases, it is not a sufficient condition. The book takes as its focus those instances in which the invalidity thesis is strongest, namely, those traditionally classified as instances of the condictio indebiti, the claim to recover undue transfers. It seeks to demonstrate that in all such instances it is necessary for the plaintiff to show not only the absence of his liability to transfer but also a specific reason for restitution, such as mistake, compulsion or incapacity. Furthermore, this book explores the reasons for the rise of unjust factors in South African law, attributing this development in part to the influence of the Roman-Dutch restitution in integrum, an extraordinary, equitable remedy that has historically operated independently of the established enrichment remedies of the civilian tradition, and which even now remains imperfectly integrated into the substantive law of enrichment. Finally, the book seeks to defend in principled terms the mixed approach to enrichment by transfer (an approach based both on unjust factors and on the absence of a legal ground) which appears to characterise modern South African law. It advocates the rationalisation of the causes of action comprised within the condictio indebiti, many of which are subject to additional historically-determined requirements, in light of this mixed analysis.

Unjustified Enrichment - Paul W. L. Russell 1996

The Principles of the Law of Restitution - Graham Virgo 2015-08-14 The third edition of The Principles of the Law of Restitution brings this widely cited and influential volume fully up to date. It has been substantially rewritten to reflect the significant changes in the law of restitution and the expansion in the theoretical and critical commentary on the subject. Following important decisions of the Supreme Court and other courts, large-scale changes have been made to the chapters on enrichment, at the expense of the claimant, mistake, claims against public authorities, and change of position. Additionally, this edition contains a new chapter on the operation of juridical bars on restitutionary claims. References to developments in other jurisdictions have been expanded for this edition, reflecting the significance of these changes and how they assist in the interpretation of English law and provide a basis for criticising that law. Further, in the light of leading cases and the contributions of restitutionary scholars around the world, the author’s views on specific controversial debates about the ambit, function, and interpretation of the subject have changed, sometimes radically. One significant aspect of the book remains unchanged: the book continues to focus on the identification and analysis of the principles which underpin the law of restitution as a whole, but with reference to its three distinct parts: unjust enrichment, restitution for wrongs, and the vindication of property rights. This approach provides the reader with a peerless guide to the law of restitution.

The German Criminal Code - 2008-07-03 German substantive criminal law has been influential in many civil law countries, most notably in the Hispanic world. In the common law countries, not surprisingly because of the systemic differences in approach, its impact has been much less, if not negligible. This may be largely explained as a result of the language barrier. An up-to-date and reliable English translation of the German Criminal Code has been conspicuously missing for some time. This book presents a new English translation of the Strafgesetzbuch, (the Criminal Code), in its most recent amended form of August 2007. The Code is the centrepiece of German substantive criminal law and informs the interpretation and application of any other criminal provisions which can be found in specific legislation. The translation thus affords an opportunity to profit from a legal tradition that has had a major influence over history and has a rich experience of doctrinal analysis. The translation adheres as closely as possible to the textual structure of the original, but has been made palatable to an English ear. It is intended as a companion to the author’s Principles of German Criminal Law which was published in December 2008. Please click on the link below for further details.

The Law of Unjust Enrichment - Robert Goff Baron Goff of Chieveley 2016 Présentation de l’éditeur : “Goff & Jones is the leading work on the law of unjust enrichment. The first edition appeared fifty years ago, in 1966, and successive editions have played a major role in establishing the central importance of the subject for private and commercial law. The text is
comprehensive in coverage and written by highly respected scholars who analyse and explain the principles governing claims in unjust enrichment, demonstrating how these principles have been applied through detailed discussion of case-law. The book is frequently cited in court and continues to set the agenda for future developments in the field. The new 9th Edition is completely up-to-date and contains detailed discussion of important decisions since the last edition. Many chapters have been rewritten to take account of significant new cases, and their impact on topics including the valuation of enrichments, the recovery of benefits from remote recipients, the recovery of benefits transferred by mistake, the recovery of money paid as tax that is not due, and the content of the tracing rules and their significance for the award of proprietary rights.

Understanding Unjust Enrichment-Jason W. Neyes 2004-04 The articles, based on a symposium held in 2003, deal with numerous theoretical and practical issues that surround restitution and unjust enrichment.

Comparative Company Law-Andreas Cahn 2018-10-04 Presents in-depth, comparative analyses of German, UK and US company laws illustrated by leading cases, with German cases in English translation.

Unjustified Enrichment-D. P. Visser 2008 Unjustified Enrichment is structured in an accessible way to make possible for anyone easily to locate the law relevant to the specific problem that is being investigated - and to allow those who are not familiar with the subject to find their way into it.

The German Law of Contract-Basil S Markeenis 2006-02-27 Recently the contract section of the German Civil Code was amended after one hundred years of un-altered existence. The German Law of Contract, radically recast, enlarged, and re-written since its first edition, now details and explains for the first time these changes for the benefit of Anglophone lawyers. One hundred and twenty translated contract decisions also make this work a unique source-book for students, academics, and practitioners. Along with its companion volume, The German Law of Torts, the two volumes provide one of the fullest accounts of the German Law of Obligations available in the English language. Through its method of presentation of German law, the book represents an original contribution to the art of comparison. An additional feature of the Contract volume is the way in which it reveals the growing impact which European Directives are having upon the traditional, liberal, contract model, thereby bringing German and English law closer to each other, especially in the area of consumer protection.


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) unforeseeable. 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 equivocal 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 world as it is and is 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 Beaton, Royal Courts of Justice, 14 February 2009 (From the foreword)

Exploring Private Law-Elise Bant 2010-09-02 Inspired by recent debate, the purpose of this collection of essays on private law doctrines, remedies and methods is to celebrate and illustrate the contribution that both ‘top-down’ and ‘bottom-up’ methods of reasoning make to the development of private law. The contributors explore a variety of topical subjects, including judicial approaches to ‘top-down’ and ‘bottom-up’ methods; teaching trusts law; the protection of privacy in private law; the development of the law of unjust enrichment; the private law consequences of theft; equity’s jurisdiction to relieve against forfeiture; the nature of fiduciary relationships and obligations; the duties of trustees; compensation and disgorgement remedies; partial rescission; the role of unconscionability in proprietary estoppel; and the nature of registered title to land.

The Impact of Equity and Restitution in Commerce-Peter Devonshire 2018-11-29 Commercial relationships give rise to diverse forms of legal obligation in private law, including contract, tort, agency, corporate law and partnership. More controversially, equity and the law of restitution have a less defined and somewhat ambulatory role in regulating the affairs of commercial parties. Nevertheless, their impact is manifest in the commercial arena through the distinct types of liability they engender and the remedies that are imposed. This collection draws together the views of leading international scholars and judges to explore the nature and extent of this impact from two perspectives. Five chapters primarily address this impact at a macro-level, focusing on the roles of equity and the law of restitution in terms of legal taxonomy, doctrine and policy. In contrast, five further chapters primarily address this impact at a micro-level, focusing on selected liabilities and remedies within equity and the law of restitution. This bifocal approach enables a holistic appreciation of some important ways in which equity and the law of restitution affect or may affect commerce, with a view to fostering further debate over the fundamental issues at stake.

Cases, Materials and Texts on Unjustified Enrichment-Jack Beaton 2003-06-30 The casebook contains excerpts from legal commentaries, leading cases and legislation from the main legal traditions in Europe and beyond.

An Introduction to the Comparative Study of Private Law-James Gordley 2020-12-31 This collection of readings places side by side the leading international scholars and judges to explore the nature and extent of this impact from two perspectives. Five chapters primarily address this impact at a macro-level, focusing on the roles of equity and the law of restitution in terms of legal taxonomy, doctrine and policy. In contrast, five further chapters primarily address this impact at a micro-level, focusing on selected liabilities and remedies within equity and the law of restitution. This bifocal approach enables a holistic appreciation of some important ways in which equity and the law of restitution affect or may affect commerce, with a view to fostering further debate over the fundamental issues at stake.
the effort to solve common problems, and by differences in culture. This new edition reflects changes in the law, and includes the addition of Chinese Law as a comparative study.

Reason and Fairness—Ulrike Müßig 2019-07-08 Reason and Fairness offers a comparative history of the functionality of ordinary judicial competences, contemporary findings of its protective needs in the court internal and external spheres and completed by means of reasoning historical arguments in modern conventional law.

Consequences of Improper Consent Transfers—Birke Häckner 2013-11-25 Legal rules and principles do not exist in isolation, but form part of a system. In this structural comparison between English and German law, Birke Häckner explores the rules and principles governing impaired consent transfers of movable property and their reversal in two- and three-party situations. This book is a re-publication of a work first published by Mohr Siebeck in Germany.

Restitution of Overpaid Tax—Steven Elliott 2013-04-09 Since the decision of the House of Lords in Woolwich Equitable Building Society v Inland Revenue Commissioners [1993] AC 70, the law governing claims for restitution of overpaid tax has experienced rapid and profound evolution. This has been so not only in England, but also elsewhere in the common law world as well as on the European plane. The essays in this collection consider the new landscape, and explore from various doctrinal and national perspectives the issues that have confronted, and continue to confront, the courts.

The Law of Restitution—Andrew 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.

The German Law of Obligations—B. S. Markesinis 1997 Described in the Cambridge Law Journal as ‘an intellectual achievement of the highest order’ and ‘a landmark in comparative legal studies’ Professor Markesinis’ book has earned a reputation among scholars and students as a truly monumental work of scholarship. This, the leading work on the subject, will be essential reading for all scholars of tort law, scholars of comparative legal studies and undergraduate students in both areas.

French Civil Liability in Comparative Perspective—Jean-Sébastien Borghetti 2013-12-26 The French law of torts or of extra-contractual liability is widely seen as exceptional. For long it was based on a mere five articles of the Civil Code of 1804, but on this foundation the courts and legal scholars have constructed liabilities for fault and strict liability of an extraordinary breadth and significance. While the rest of the general law of obligations (including contract) in the Civil Code was reformed in 2016 by executive ordinance, this area was left aside, being the subject in 2017 of a proposal by the French Government for the legislative reform of the law of civil liability, a new legislative category to include both contractual and extra-contractual liability. This work considers important aspects of this developing area of French law in a series of essays by French lawyers and comparative lawyers working in French law and other civil law systems. In doing so, it provides insight into the doctrinal thinking and judgments of French lawyers as well as the possible directions in which this area of the law may be developed in the future.

French Civil Liability in Comparative Perspective—Jean-Sébastien Borghetti 2013-12-26 The French law of torts or of extra-contractual liability is widely seen as exceptional. For long it was based on a mere five articles of the Civil Code of 1804, but on this foundation the courts and legal scholars have constructed liabilities for fault and strict liability of an extraordinary breadth and significance. While the rest of the general law of obligations (including contract) in the Civil Code was reformed in 2016 by executive ordinance, this area was left aside, being the subject in 2017 of a proposal by the French Government for the legislative reform of the law of civil liability, a new legislative category to include both contractual and extra-contractual liability. This work considers important aspects of this developing area of French law in a series of essays by French lawyers and comparative lawyers working in French law and other civil law systems. In doing so, it provides insight into the doctrinal thinking and judgments of French lawyers as well as the possible directions in which this area of the law may be developed in the future.

Principles, Definitions and Model Rules of European Private Law—Christian von Bar 2009-04-27 A year ago, the “Draft Common Frame of Reference” was published for the first time in an interim outline edition. Now we proudly present the final full edition of the DCFR. - revision of the already published text to take account of the public discussion - major new topics covered - an additional section on the principles underlying the model rules - revised and expanded list of definitions The six-volume full edition of the DCFR including all comments and notes will be published in October 2009.

The German Law of Obligations—B. S. Markesinis 1997

Unjustified Enrichment—Stephen Swann 2010-03-12 “Unjustified enrichment” is one of the three main non-contractual obligations dealt with in the DCFR. In recent years unjustified enrichment has been one of the most intellectually animated areas of private law. In an area of law whose territory is still partially uncharted and whose boundaries are contested, this volume of Principles of European Law will be invaluable for academic analysis of the law and its development by the courts. During the drafting process, comparative material from over 25 different EU jurisdictions has been taken into account. The work therefore is not only a presentation of a future model for European rules to come but provides also a fairly detailed indication of the present legal situation in the Member States.

The Restatement Third: Restitution and Unjust Enrichment—Charles Mitchell 2014-07-18 The publication of the Restatement Third: Unjust Enrichment and Restitution by the American Law Institute in July 2010 was an event of major importance, not only for the development of the law of unjust enrichment in the US, but also for global scholarship relating to this area of private law. The Restatement First appeared in 1937, and the Restatement Second was abandoned; hence the Restatement Third is the most significant survey of the American law on this topic for over 70 years. Private law has been a comparatively neglected area of study in US law schools for several decades, and this is particularly true of the law of unjust enrichment. However, the appearance of the Restatement Third has prompted a renewal of interest in the subject among US scholars, and it is hoped that the present volume of essays will contribute to this revival, while reflecting on the lessons to be learned from the Restatement by other legal systems. Featuring the work of leading scholars from the UK, Germany, South Africa, Canada, Hong Kong and Australia, the essays undertake critical and comparative analysis of the Restatement, and offer fresh insights into the rules that it articulates.

Research Handbook on Unjust Enrichment and Restitution—Elise Bant 2020-07-31 This comprehensive yet accessible Research Handbook offers an expert guide to the key concepts, principles and debates in the modern law of unjust enrichment and restitution.

Unjustified Enrichment—Daniel Visser 2008 This is the first title on the South African law of unjustified enrichment, covering the entire field of this area of the law. It aims not only at giving an accurate description of the current law, but also to investigate new solutions to old problems, making use of comparative insights. The book is structured in an accessible way to make it possible for anyone easily to locate the law relevant to the specific problem that is being investigated – and to allow those who are not familiar with the subject to find their way into it.

Disgorgement of Profits—Ewoud Hondius 2015-08-12 Disgorgement of profits is not exactly a household word in private law. Particularly in civil law jurisdictions – as opposed to those of the common law - the notion is not well known. What does it stand for? It is best illustrated by examples. One of the best known being the British case of Blake v Attorney General, [2001] 1 AC 268. In which a double spy had been imprisoned by the UK government before escaping and settling in the former Soviet Union. While there wrote a book on his experiences, upon which the UK government claimed the proceeds of the book. The House of Lords, as it then was, allowed the claim on the basis of Blake’s breach of his employment contract. Other examples are the infringement of intellectual property rights, where the damages of the owner are limited, but the profits of the wrongdoer immense. In such cases, the question arises whether the infringing party should be disgorged of his profits. This volume aims at establishing the notion of disgorgement of profits as a keyword in the discourse of private law. It does not purport to answer the question whether or not such damages should or should not be awarded. It does however aim to contribute to the discussion, the arguments in favour and against, and the organisation of the various actions.

Trademark and Unfair Competition Conflicts—Tim W. Dornis 2017-02-23 This book will be of interest for all jurists doing research and working practically in intellectual property law and international economic law. It should be an element of the base stock for every law school library and specialized law firm. This title is available as Open Access.

Unjust Enrichment—James Edelman 2016-08-25 Unjust enrichment is one of the least understood of the major branches of private law. This book builds on the 2006 work by the same authors, which examined the developing law of unjust enrichment in Australia. The refinement of the authors’ thinking, responding to novel issues and circumstances that have arisen in the maturing case law, has required many chapters of the book to be completely rewritten. The scope of the book is also much broader. It concerns the principles of the law of unjust enrichment in Australia, New Zealand and Canada.
Zealand, England and Canada. Major decisions of the highest courts of these jurisdictions in the last decade provide a fertile basis for examining the underlying principles and foundations of this subject. The book uses the leading cases, particularly in England and Australia, to distil and explain the fundamental principles of this branch of private law. The cases discussed are current as of 1 May 2016 although the most recent could only be included in footnotes.

**The Black Book of Communism** - G. Peter Albert 1999 Collects and analyzes seventy years of communist crimes that offer details on Kim Sung's Korea, Vietnam under "Uncle Ho," and Cuba under Castro.

**The Fundamental Concept of Crime in International Criminal Law** - Iryna Marchuk 2013-07-29 This book examines the rapid development of the fundamental concept of a crime in international criminal law from a comparative law perspective. In this context, particular thought has been given to the catalyzing impact of the criminal law theory that has developed in major world legal systems upon the crystallization of the substantive part of international criminal law. This study offers a critical overview of international and domestic jurisprudence with regard to the construal of the concept of a crime (actus reus, mens rea, defences, modes of liability) and exposes roots of confusion in international criminal law through a comprehensive comparative analysis of substantive criminal laws in selected legal jurisdictions.

**Defences in Unjust Enrichment** - Andrew Dyson 2016-01-14 This book is the second in a series of essay collections on defences in private law. It addresses defences to liability arising in unjust enrichment. The essays are written from a range of perspectives and methodologies. Some are doctrinal, others are theoretical, and several offer comparative insights. The most important defence in this area of the law, change of position, is addressed in detail, but many other defences are treated too, as well as the interrelations between these defences within the law of unjust enrichment. The essays offer novel claims and ways of looking at problems in this challenging area of legal study.

**German Tax and Business Law** - 2005 Providing treatment of landlord and tenant matters, this book covers both commercial and residential issues. The reader is informed with the changing complexities of legislation and case law in this area. The coverage of cases and legislation is complemented by practical advice on issues facing practitioners in their daily work.

**General Principles and the Coherence of International Law** - Mads Andenas 2019-05-20 General Principles and the Coherence of International Law offers a comprehensive analysis of general principles of law, assessing their role in guaranteeing the coherence of the international legal system.

**Illicit Enrichment** - Andrew Dornbierer 2021-05-27 Illicit Enrichment by Andrew Dornbierer provides a comprehensive guide to illicit enrichment laws and their application to target unexplained wealth and recover proceeds of corruption and other crimes. The book covers both criminal and civil-based laws from around the world. Investigators, prosecutors, legislators and academics alike will benefit from the clear descriptions and practical guidance on different approaches to targeting unexplained increases in wealth, how to establish cases in court, and common legal challenges to illicit enrichment laws. Features: Extensive analysis of jurisprudence and cases around the world Tables, flow charts and graphics explaining key concepts Discussion of common questions and challenges A collection of laws from 103 jurisdictions, also as an online database A step-by-step guide to financial investigation and source and application analysis to support illicit enrichment cases Illicit Enrichment was developed and published by the Basel Institute on Governance through its International Centre for Asset Recovery, with research support from the NYU School of Law.