

Unjust Enrichment

What is the basis of unjust enrichment?

1. One party is enriched
2. At the expense of another
3. This is seen as an injustice in the eyes of the law

What does not constitute as unjust enrichment?



1. Gift principle
2. Choice principle

Unjust Enrichment

Terence P. Ross



Unjust Enrichment:

Understanding Unjust Enrichment Jason W Neyers, Mitchell McInnes, Stephen G.A. Pitel, 2004-04-20 The articles based on a symposium held in 2003 deal with numerous theoretical and practical issues that surround restitution and unjust enrichment

Unjust Enrichment John Philip Dawson, 1951

Research Handbook on Unjust Enrichment and Restitution Elise Bant, Kit Barker, Simone Degeling, 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

Unjust Enrichment Peter Birks, 2005-01-13 This new edition of *Unjust Enrichment* by the editor of the Clarendon Law Series is a fully updated clear and concise account of the law of unjust enrichment It attempts to move away from the use of obscure terminology inherited from the past This text is the first book to insist on the switch from restitution to unjust enrichment from response to event It organises modern law around five simple questions Was the defendant enriched If so was it at the claimant's expense If so was it unjust The fourth question is then what kind of right the claimant has and the fifth is whether the defendant has any defences This second edition was revised and updated by Peter Birks before his death from cancer on 6 July 2004 at the age of 62 It represents the final thinking of the world's leading authority on the subject

The Law and Ethics of Restitution Hanokh Dagan, 2004-08-12 This 2004 book provides a comprehensive account of the American law of restitution

Intellectual Property Law Terence P. Ross, 2000 This book addresses two crucial concerns of intellectual property owners how to recover monetary compensation when an infringement has occurred and how to prevent further infringement

Unjust Enrichment and Contract Tariq Baloch, 2009-03-12 This book examines unjust enrichment's role in the contractual context or contracts which are terminated for breach subsisting or unenforceable

Restitution Ward Farnsworth, 2014-10-14 Restitution is the body of law concerned with taking away gains that someone has wrongfully obtained Restitution isn't concerned with rectifying an injury it's not about losses that one person inflicts on another those are torts In some ways restitution is the symmetrical complement to tort law but despite tort's high profile its centrality to the popular understanding of what the legal system does the companion doctrine of restitution is much neglected in American scholarship Ward Farnsworth suggests that this relative neglect is due to restitution's reputation as a hodgepodge of leftover doctrines that don't add up to a clear body of knowledge He intends to provide a readable and compact book that explains the doctrine of restitution in one place and show how its components relate to one another Timing is particularly suitable in the wake of the 2011 publication of the American Law Institute's Restatement Third Restitution and Unjust Enrichment Farnsworth's book seeks in effect to restate the new Restatement in as concise and lively a fashion as the subject matter will permit thought with a somewhat different organization and a bit more attention to the theory behind the rules The book starts with a brief essay on the relationship between restitution and other bodies of law then proceeds to consider in a chapter apiece the four major families of liability in restitution mistakes conferrals takings and failed trades the two

kinds of remedies available at the end of a case money and equitable and finally defenses against claims of unjust enrichment

Restitution: Past, Present and Future William Cornish, 1998-06-19 A collection of essays on the law of restitution published in honour of Professor Gareth Jones

Class Actions Thomas A. Dickerson, Jamisen A. Etzel, Gary F. Lynch, Kelly K. Iverson, Gerald L. Maatman, Jr., 2025-01-28 Class Actions thoroughly takes you through identifying a class action determining ex parte class certification conducting pre certification discovery selecting a class representative and more

Michigan Law Review, 1918

The Principles of the Law of Restitution Graham Virgo, 1999 This new textbook outlines the general principles of the rapidly developing subject of the Law of Restitution Restitution is concerned with the reversing of unjust enrichment and was recently recognized as a discrete body of law by the House of Lords although restitutionary principles have in fact been evolving for over 200 years Rather than taking the traditional approach which assumes that restitutionary remedies will be awarded against a defendant only where it can be shown that the defendant has been unjustly enriched at the expense of the plaintiff The book asserts that the law of restitution is simply concerned with the question of when restitutionary remedies may be awarded that is remedies which are assessed by reference to a benefit obtained by the defendant But in determining whether restitutionary remedies are available it is necessary to identify the causes of the action which triggers them There are three such causes of action namely the reversal of the defendants unjust enrichment the commission of a wrong by the defendant and the vindication of the defendants property rights The state of the law is examined through analyses of the statutory provisions and key cases demonstrating the way the law is used to resolve a wide variety of legal problems The very different views of academics as to the nature and ambit of the subject are also identified This book will be invaluable to students on restitution courses at every level

The Foundations of Legal Liability: History and theory of English contract law Thomas Atkins Street, 1906

Unjust Enrichment Hanoch Dagan, 1997-09-18 This book is a sophisticated comparative analysis of the doctrine of unjust enrichment in the North American and Jewish legal systems and in international law By offering an explanatory theory which brings to light the normative underpinnings of the doctrine it facilitates the prediction of legal outcomes and supplies the necessary tools for evaluating existing legal rules Applying both theoretical analysis and comparative legal techniques the study claims that the choice of compensation arising from a claim of unjust enrichment is not a matter of legal technicality Instead it describes how the legal choice of a pecuniary remedy can be seen to embody a choice between competing values This decision writes Dagan is implicated in the prevailing background ethos of the society at issue and is deeply influenced by its own complex conceptions of self and of community

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

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

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

Legislation of Tort Liability Law in China Xinbao Zhang, 2017-11-22 This book studies the fundamental conflicts between the protections on the legal rights and interests of victims and the freedom of infringers to act first It is divided into four parts the first of which explores the relevant legal methodology in order to provide possible solutions to difficult problems in Chinese tort liability law Secondly it puts forward a range of suggestions on how to resolve key issues in China s torts liability law including the general provisions the provisions concerning the fault principle the provisions of the non fault principle the special liability relation damages and defenses and related issues Thirdly the book addresses major institutional issues including the theory of consensus force joint infringements and operators duty of care as well as several key relations between the right to claim insurance compensation and the right to claim compensation for personal injury between the right to claim tort liability and the right to exercise

property rights and between the right to claim tort liability and the right to reject unjust enrichment Further aspects in this section include compensation for death mental damages pure economic loss and compensation punitive compensation and compensation for road traffic accidents Lastly the book explores special issues in tort liability law e g the infringement of media rights and the specific tort liability in various administrative laws and regulations

Mistake and Unjust Enrichment George E. Palmer,1963

Unjustified Enrichment Stephen Swann,Christian von Bar,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

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