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The Law of Unjust Enrichment in China: Necessary or Not? Exploitative Contracts The Thousandth Man The Principles of the Law of Restitution The Law Times Defences in Unjust Enrichment The Impact of Equity and Restitution in Commerce The Highland Knives Whence They Came Research Handbook on Unjust Enrichment and Restitution Property Rights and Bijuralism Restitutionary Rights to Share in Damages The Law of Restitution Law and the Media Internet Child Pornography and the Law Hong Kong Public Law Reports, Vol.3, Part 4 The Foundations of Restitution for Wrongs Enrichment in the Law of Unjust Enrichment and Restitution Negligence and Illegality Claiming a Promised Inheritance Siyi Lin Rick Bigwood Barry Cahill Graham Virgo Andrew Dyson Peter Devonshire Michelle Marcos Barbara Roberts Elise Bant Jan Jakob Bornheim Simone Degeling Andrew S. Burrows Tom Crone Yaman Akdeniz Andrew Byrnes Francesco Giglio Andrew Lodder Sharon Erbacher Alexandra Braun

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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

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

james mcgregor stewart 1889 1955 was perhaps the foremost canadian corporate lawyer of his day he was also an appellate counsel venture capitalist conservative party fundraiser bibliographer of rudyard kipling and sometime university teacher of classics a leader of the bar in the inter war period he was the first maritimer to serve as president of the canadian bar association he distinguished himself mainly in constitutional cases before the judicial committee of the privy council during his career stewart was also head of the leading law firm in eastern canada now stewart mckelvey stirring scales director and vice president of the royal bank of canada and senior counsel to the royal commission on dominion provincial relations above all stewart was committed to the idea of law as a truly learned profession and to the bar as the most important legal institution to this day no lawyer has held such prestige and power both within and outside atlantic canada in his time he was the only maritime lawyer who gained full acceptance by every branch of the canadian establishment thematic rather than chronological in approach this fascinating legal

biography provides both a history of a uniquely canadian career and an interpretation of its significance for stewart s time and ours

the fourth edition of the principles of the law of restitution brings this widely cited and influential volume fully up to date substantially rewritten to reflect significant changes in the law of restitution and the expansion in the theoretical and critical commentary on the subject this book is grounded in its clarity of exposition and analysis the new edition significantly expands existing chapters on the treatment of the history of unjust enrichment enrichment the treatment of legally effective bases for receipt and compulsion it further expands existing parts on restitution for wrongs and proprietary restitutionary claims as well as offering completely new chapters dealing with at the claimant s expense absence of intent and the defence of illegality focusing primarily on english law the volume also engages with the law in other common law jurisdictions notably australia canada new zealand and singapore it provides a clear exposition of complex areas of law as well as critical analysis of that law timely and comprehensive this book provides readers with a crucial guide to the law of restitution and will continue to be invaluable to student academics and practitioners alike

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

commercial relationships give rise to diverse forms of legal obligation in private law including contract tort agency company 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

meet the highland knaves an infamous clan of outcast scots who live for justice lust for freedom and long for lovers bold enough to tame them from beloved romance author michelle marcos secrets to seducing a scot torn from a pampered life of luxury and thrust into the midst of a scottish revolution serena marsh is shocked to meet the brutish man who has been assigned to protect her from the rebels trying to kill her malcolm slayter the most rugged most dangerous and most undeniably attractive man she s ever encountered but when serena challenges malcolm s authority and engages him in a risky flirtation all bets are off when the battle heats up it s anyone s guess as to who s seducing whom and who ll surrender first lessons in loving a laird thrust into indentured servitude as a child shona slayter is counting the days until her twenty first birthday when she gains her precious freedom unfortunately the new laird of the estate has other plans and he s determined to keep her bound to him the only way for shona to be free of her bonds is to marry the man who holds the key but seducing a handsome laird is not what she was trained for and the more she tries to win his heart the more she loses hers

until recently immigration policy was largely in the hands of a small group of bureaucrats who strove desperately to fend off offensive peoples barbara roberts explores these government officials showing how they not only kept the doors closed but also managed to find a way to get rid of some of those who managed to break through their carefully guarded barriers robert s important book explores a dark history with an honest and objective style published in english

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

using the canadian experience as a model jan jakob bornheim shows that the efficient interaction of common law and civil law can take place on both vertical and horizontal planes

rights and obligations can arise amongst other things in tort or in unjust enrichment simone degeling deals with the phenomenon whereby a stranger to litigation is entitled to participate in the fruits of that litigation two prominent examples of this phenomenon are the carer entitled to share in the fund of damages recovered by a victim of tort and the indemnity insurer entitled to participate in the fruits of the insured s claim against the wrongdoer degeling demonstrates that both are rights raised to reverse unjust enrichment careful examination of these two categories reveals the existence of a novel policy motivated unjust factor called the policy against

accumulation degeling argues that this is an unjust factor of broad application applying to configurations other than that of the carer and the indemnity insurer this will interest restitution and tort lawyers both academic and practitioner as well as academic institutions and court libraries

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

tom crone s classic text has been thoroughly revised by an impressive team of legal experts it provides an essential source of reference for the key legal issues encountered by those who work in the media such as journalists editors and producers as well as media lawyers topics covered include protection of reputation copyright and rights clearance new media breach of confidence and privacy the data protection act 1998 reporting restrictions contempt of court and protection of journalistic sources the freedom of information act 2000 and official secrets professional regulatory bodies and advertising the human rights act 1998 the law in scotland and the united states of america comprehensive supplementary reference material is also provided including a glossary of legal terms addresses telephone numbers and web sites of professional bodies and specimen agreements including interview agreements and moral rights waivers with contributions from terence bergin marietta cauchi jane colston mark cranwell charles de fleurieu simon dowson collins david green peter grundberg rebecca handler joanna ludlam rosalind mcinnes hugh tomlinson and john wadham

this book provides a critical assessment of the problem of internet child pornography and its governance through legal and non legal means including a comparative assessment of laws in england and wales the united states of america and canada in recognition that governments have a compelling interest to protect children from sexual abuse and exploitation the internet raises novel and complex challenges to existing regulatory regimes efforts towards legal harmonization at the european union council of europe and united nations level are examined in this context and the utility of additional and alternative methods of regulation explored this book argues that effective implementation enforcement and harmonization of laws could substantially help to reduce the availability and dissemination of child pornography on the internet at the same time panic led policies must be avoided if the wider problems of child sexual abuse and commercial sexual exploitation are to be meaningfully addressed

the hong kong bill of rights ordinance came into force in june 1991 ushering in an important new stage of development in the hong kong legal system this series contains all the judgements in which bill of rights issues are decided and is thus an invaluable

restitution for wrongs or restitutionary damages is the judicial award which compels the wrongdoer to give up to the victim the benefit obtained through the perpetration of the wrong independently of any loss suffered by the victim the establishment of a civil trial in roman law which left compensation as the main response and a widespread loss centred interpretation of the aristotelian theory of corrective justice explain but do not justify the difficulties encountered by modern attempts to account for restitutionary damages mistakes in the classification of this institution have complicated the picture to overcome some of these problems this study considers the basic structure of restitutionary damages from different angles in part one the topic is analysed from a comparative perspective although the focus remains on english law the german the italian and the roman jurisdictions provide research data which in part two support the development of a theory of restitution for wrongs as corrective justice

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 lodder 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

this book examines claims in negligence arising from illegal conduct of the claimant an array of public policy and other grounds have been advanced for resolving these claims resulting in an area that is characterised by confusing and contradictory case law the book analyses the various explanations put forward as the basis for illegality doctrine within a framework of corrective justice theory illegality law poses particular challenges for the corrective justice explanation of negligence law as many illegality tests are based on public policy considerations external to the relationship of the parties the book argues that the only circumstance where illegality

doctrine should be applied to deny a claim is where this is necessary to preserve the coherence of the legal system it develops the work of Ernest Weinribian corrective justice theorists to explain how the principle of legal coherence fits within the framework of corrective justice theory and why legal coherence is the only valid conceptual basis for a doctrine of illegality it also contains a detailed study on the scope of the coherence rationale and the principles that will determine its application

this book examines those cases where a person is promised a future inheritance and having acted on it later discovers that the promise is unfulfilled it structures its analysis and argument around the stories of disappointed promisees and their unfulfilled expectations of a future inheritance and how they might seek redress it maps and compares the various and often very diverse range of legal responses that a promisee can avail herself of across different legal areas of the law ranging from contract law to property law employment law unjust and unjustified enrichment law and succession law and in both common and civil law traditions it asks how these responses protect the interests of promisees and whether they are sensitive to the context in which such promises are expressed in doing so the focus rests on the level of protection the various forms of redress grant their scope and the challenges promisees face when bringing a claim but also on the values and interests that are at stake when granting relief this book argues that due to the social and legal context within which promises of a future inheritance are normally made promisees are usually in a vulnerable position that can easily be exploited it further argues that the law is usually more acutely attuned to the risks that the promisor incurs and that greater attention should be paid to the challenges promisees face this book thus complements the traditional viewpoint by bringing into focus the too often ignored perspective of promisees

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