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 The Principles of the Law of Restitution
 An Introduction to the Law of Restitution

Restitution

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SHELDON CLARA

Post-Conflict Property Restitution Edward Elgar Publishing
 The essays in this volume are dedicated to Gareth Jones, the retiring Downing Professor of English Law at the University of Cambridge. His contribution to legal scholarship has been immense, particularly in the fields of legal history, the law of trusts, charities law and, most famously, the law of restitution. The publication of the first edition of the Law of Restitution, which he co-authored with Lord Goff, stimulated a renaissance in the study of a subject which had previously lain dormant. The effect of its publication on English legal scholarship has been profound and enduring. In these essays, written by a group of the world's leading restitution scholars, the opportunity is taken to conduct a fresh appraisal of the development of the subject - to look, in other words, at the past, present, and future of the law of restitution. Contributors: John Baker, Peter Birks, Justice Finn, Roy Goode, Ewan McKendrick, Justice McLachlin, Sir Peter Millett, Lord Nicholls of Birkenhead, Richard Nolan, Janet O'Sullivan, Graham Virgo (as well as shorter contributions from invited commentators).

Injustice and Restitution A&C Black

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.

Law of Restitution in England and Ireland SUNY Press

This title seeks to analyse the law of restitution, that body of law concerned with the award of remedies assessed by reference to a gain made by a defendant rather than a loss suffered by the claimant. It focuses on those claims founded on unjust enrichment, and the award of restitutionary remedies.

Considering the Victim Aspen Publishing

The right of refugees and internally displaced persons to return to their homes and places of residence in their country or place of origin following a refugee crisis has evolved significantly as a human rights norm over the past decade. Not only have several commentators and UN human rights bodies stressed the need for international peace-keeping operations to address effectively issues of housing and property rights, the past decade has seen international peace-keeping operations recognize these issues as a central component of peace- building efforts, and as indispensable to the promotion of peace, prosperity and development in post-conflict settings. Legal mechanisms mandated to address property issues and disputes have been established in particular national contexts to assist refugees and internally displaced persons (IDPs) to return to their homes, and there has emerged an explicit right of refugees and IDPs to restoration of their property rights, or compensation where restoration is no longer feasible. This is in stark contrast to the treatment of displaced persons over past centuries, whereby the homes and lands of those displaced, who were not on the side of the victors or those who remained in power, were lost forever. The aim of this book is to provide a comprehensive overview of property restitution in post-conflict Kosovo. It commences with a consideration of the origins and evolution of the right to property restitution for refugees and internally displaced persons. It provides the reader with an outline of the situation in Kosovo prior to the 1999 armed conflict, the developments that led to the international property related intervention, and the subsequent establishment of the HPD/HPCC (the Housing and Property Directorate and its independent quasi judicial body the Housing and Property Claims Commission). The international property-related intervention is considered from a legal, institutional, operational and administrative perspective. It also provides a comprehensive outline of the jurisprudence of the Commission and concludes with an account of the lessons learned from the process over its six years of operations. This is a two volume set. **Restitution and Memory** Harvard University Press
 Restitution takes its readers on a ride throughout the vast scenic physical splendour of America, while witnessing the destruction of the vast philosophical splendor of America. The suppressed and controversial music of Uriah Heep plays throughout this story of heart-wrenching love and dreams caught in a downward spiral to hopelessness ...but the individual's spirit will not give up against

all odds. This individual will rebuild, only to have routine government bureaucracy take the dream away again ...a rogue is created. An incredible chase, smashing escapes, the absolute power of government on a manhunt that may never end ...the monster knows the road well. Ride on this journey exploring America and that vast world of the individual heart, mind, and soul; while learning the who, what, where, why, and how a rogue can be created by governments.

Compensation and Restitution in Investor-State Arbitration Boston : Northeastern University Press

This invaluable book, for the first time, brings together the international and European Union legal framework on cultural property law and the restitution of cultural property. Drawing on the author's extensive experience of international disputes, it provides a very comprehensive and useful commentary. Theories of cultural nationalism and cultural internationalism and their founding principles are explored. Irini Stamatoudi also draws on soft law sources, ethics, morality, public feeling and the role of international organisations to create a complete picture of the principles and trends emerging today.

Restitution Routledge

Restitution is a body of law that has immense practical value and wide application to disputes of all sorts. Simply put, it is the set of rules that govern recovery of gains that a party should not keep—or “unjust enrichment,” as it is formally called; and unjust enrichment occurs every day in both private and commercial transactions. Restitution has the dual distinction of being one of the most useful but overlooked bodies of law, due to its lack of study by several generations of modern lawyers. Without a single casebook in print on the subject, it has been nearly impossible to teach restitution law in the past. Restitution and Unjust Enrichment: Cases and Notes fills that void and presents the substance, remedies and history of restitution in a practical and interesting manner. Professors and students will benefit from: The only casebook available for teaching this important and interesting subject, and the first new one in 50 years. A modern reworking of the topic that adopts the framework of Publication of Restatement Third, Restitution and Unjust Enrichment (2011) (“R3RUE”) for teaching purposes. A complete discussion of Restitution, which is part of the required curriculum for students who receive legal training in other parts of the common-law world. Authorship by leading scholars in the field. Andrew Kull was the sole Reporter for R3RUE, published in two hardcover volumes. Ward Farnsworth is the author of a convenient treatise on Restitution, published by the University of Chicago Press in 2014. He is also co-author of the Wolters Kluwer casebook Torts: Cases and Questions, currently in its second edition.

The Law of Restitution Hart Publishing

Written by leading experts who have shaped and defined the law of restitution, the book provides an authoritative and scholarly guide to the subject. The second edition of this seminal title continues the formula of the first edition by combining a comprehensive coverage of cases with extracts from leading academic authorities.

The Brutish Museums Brill Archive

This book examines the history, principles, and practice of awarding compensation and restitution in investor-State arbitration disputes, which are initiated under investment treaties. The principles discussed may be applied to all international law cases where damage to property is an issue. The book starts by tracing the roots of the applicable international legal principles to Roman law, and from there follows their evolution through the European law of extra-contractual liability and eventually through the Chorzów Factory case to principles of compensation and restitution in the modern law of international investment. The greater part of the book is then dedicated to examination of the modern application of these principles, focusing on the jurisprudence of international tribunals under various arbitral rules such as ICSID and UNCITRAL Rules. Monetary compensation as the prevalent form of remedy sought and awarded in investor-State disputes is discussed in more detail, including topics such as the amount of compensation for damage resulting from breach of investment treaties or for lawful expropriation of foreign investor's property, a brief overview of valuation methods, supplementary compensation for moral damages, interest, costs, and currency fluctuations as well as various principles that may limit the amount of recoverable compensation, such as causation. A full chapter is dedicated to the discussion of the theory and practice of awarding restitution in investor-State disputes. The book also covers the general principle of reparation in international law as applied in investor-State arbitrations. The topics discussed cover all the theoretical as well as practical issues which may be raised in awarding compensation and restitution in investment treaty disputes between States and foreign investors.

Federal Criminal Restitution Martinus Nijhoff Publishers

The robbery and restitution of Jewish property are two inextricably linked social processes. It is not possible to understand the lawsuits and international agreements on the restoration of Jewish property of the late 1990s without examining what was robbed and by whom. In this volume distinguished historians first outline the mechanisms and scope of the European-wide program of plunder and then assess the effectiveness and historical implications of post-war restitution efforts. Everywhere the solution of legal and material problems was intertwined with changing national myths about the war and conflicting interpretations of justice. Even those countries that pursued extensive restitution programs using rigorous legal means were unable to compensate or fully comprehend the scale of Jewish loss. Especially in Eastern Europe, it was not until the collapse of communism that the concept of restoring some Jewish property rights even became a viable option. Integrating the abundance of new research on the material effects of the Holocaust and its aftermath, this comparative perspective examines the developments in Germany, Poland, Italy, France,

Belgium, Hungary and the Czech Republic.

Restitution, the Land Claims of the Mashpee, Passamaquoddy, and Penobscot Indians of New England Oxford University Press, USA

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.

Restitution NYU Press

Debates about the restitution of cultural objects have been ongoing for many decades, but have acquired a new urgency recently with the intensification of scrutiny of European museum collections acquired in the colonial period. Alexander Herman's fascinating and accessible book provides a comprehensive and up-to-date overview of the restitution

The Law and Ethics of Restitution Hart Publishing

Moral theory should be simple: the moral theorist attends to ordinary human action to explain what makes some acts right and others wrong, and we need no microscope to observe a human act. Yet no moral theory that is simple captures all of the morally relevant facts. In a set of vivid examples, stories, and cases Judith Thomson shows just how wide an array of moral considerations bears on all but the simplest of problems. She is a philosophical analyst of the highest caliber who can tease a multitude of implications out of the story of a mere bit of eavesdropping. She is also a master teller of tales which have a philosophical bite. Beyond these pleasures, however, she brings new depth of understanding to some of the most pressing moral issues of the moment, notably abortion. Thomson's essays determinedly confront the most difficult questions: What is it to have a moral right to life, or any other right? What is the relation between the infringement of such rights and restitution? How is rights theory to deal with the imposition of risk?

Rights, Restitution, and Risk Berghahn Books

This book addresses the nature and injustice of authority, retracing the ideas of reason and law from ancient Greece to the present, pursuing a line of thought begun with Anaximander, who speaks of the ordinance of time as restitution for immemorial injustice, and Heraclitus, who speaks of justice as strife. Predominantly philosophical, exploring the authority of Western philosophy in twentieth-century continental and pragmatist writings, the book explores alternative voices as challenges to authority, in feminist and multicultural writings, in Greek mythology and African narratives, in Greek drama and twentieth-century literature.

Restitution in Private International Law OUP Oxford

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 hodge-podge 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 and Unjust Enrichment Oxford University Press

This 2004 book provides a comprehensive account of the American law of restitution.

Robbery and Restitution Central European University Press

This book is about whether or not great works of art should be returned.

History of Restitution in Anglo-American Law Cambridge University Press

This edited government report discusses federal offenders who were ordered to pay criminal fines and victim restitution. The objectives of this report are to: identify the percentage of offenders who were ordered to pay fines or restitution in fiscal year 1997 and those who were not, identify differences across judicial circuits and districts in the percent of offenders who were ordered to pay fines or restitution and those who were not, and provide officials' opinions about possible reasons for those differences. Also documented are changes in the rate at which offenders were ordered to pay restitution before and after the Mandatory Victims Restitution Act in 1996. In establishing the United States Sentencing Commission, Congress sought uniformity in sentencing by narrowing the wide disparity in sentences imposed for similar criminal offenses committed by similar offenders. However, this report calls into question whether that goal is actually achieved and assesses the possibilities for its attainment.

The Principles of the Law of Restitution West Group

First published in 2001. Routledge is an imprint of Taylor & Francis, an informa company.

Offender Restitution in Theory and Action Clarendon Press

The myriad debates on restitution and memory, which have been going on in Europe for decades, indicate that World War II never ended. It is still very much with us, paradoxically re-invoked by the events of 1989/90 and the expansion of Europe to the east in the aftermath of the collapse of communism and economic globalization. The growing privatization and reprivatization in Eastern Europe revive pre-war memories that lay buried under the blanket of collectivization and nationalization of property after 1945. World War II did not only result in the death and destruction on a large scale but also in a far-reaching revolution of existing property relations. This volume offers an assessment of the problematic of restitution and its close interconnection with the discourses of memory that have recently emerged.

Best Sellers - Books :

- [Things We Never Got Over \(knockemout\)](#)
- [The Summer I Turned Pretty \(summer I Turned Pretty, The\) By Jenny Han](#)
- [Never Never: A Romantic Suspense Novel Of Love And Fate](#)
- [The Complete Summer I Turned Pretty Trilogy \(boxed Set\): The Summer I Turned Pretty; It's Not Summer Without You; We'll Always](#)
- [Little Blue Truck's Springtime: An Easter And Springtime Book For Kids](#)
- [Twisted Games \(twisted, 2\)](#)
- [The Collector: A Novel By Daniel Silva](#)
- [The Woman In Me](#)
- [Adult Children Of Emotionally Immature Parents: How To Heal From Distant, Rejecting, Or Self-involved Parents By Lindsay C. Gibson Psyd](#)
- [Fast Like A Girl: A Woman's Guide To Using The Healing Power Of Fasting To Burn Fat, Boost Energy, And Balance Hormones](#)