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Nota di bibliografia	Bibliography: pages [233]-241
Nota di contenuto	Introduction -- 1 Terminology and Introduction to the Concept of Restitution for Wrongs -- I First Things First -- II Restitution -- III Wrong -- IV Setting the Terminological Premises -- 2 Restitution in the Context of the Law of Obligations -- I Legal Analysis -- II Some Remarks -- 3 Comparative Analysis: Proprietary and Intellectual Property Wrongs -- I Organisation of the Analysis -- II Proprietary Wrongs -- III Intellectual Property Wrongs -- 4 Comparative Analysis: Breach of Contract -- I English Law -- II German Law -- III Italian Law -- 5 Comparative Analysis: Other Wrongs and Concluding Observations -- I Other Wrongs -- II Concluding Observations -- 6 The Roman Law of Damages -- I The Role of Non-Compensatory Responses -- II Legal Responses to Wrongs -- III The Punitive Character of the Roman Law of Delict -- IV Penal and Compensatory Actions -- VI Evolution of the Law of Damages in the Post-Classical Period -- VII The Law of Damages in the Ius Commune -- VIII Some Reflections -- 7 The Law of Damages in the Tradition of Aristotelian Philosophy -- I Introduction -- II The Aristotelian Approach to Responses to Wrongdoing -- III Aristotelian Theory and Law of Damages -- IV The Influence of Philosophical Analysis over Legal Interpretation -- 8 Modern Aristotelian Approaches to Restitution for Wrongs -- I Introduction -- II German Legal Theory

and Aristotelian Justice -- III A Moral Instrumentalist Theory on the Law of Damages -- IV A Moral Formalist Theory on the Law of Damages -- V Corrective Justice and Restitution for Wrongs -- 9 Wrongs and Restitution -- I Introduction -- II Birks' Three Tests -- III Protection of Facilitative Institutions -- IV General Acceptance -- V Position of the Law Commission -- VI Restitution Disgorgement and Deterrence -- VII The Requirements of the Claim -- VIII The Object of the Restitutionary Claim -- IX Election between Compensation and Restitution -- X The Neutrality of Restitution for Wrongs -- XI The A Fortiori Argument -- XII Conclusions -- 10 Final Observations -- I The Outcome of the Research -- II The Chosen Avenue -- III Law of Obligations and Restitution for Wrongs -- IV The Comparative Perspective -- V The Historical Perspective -- VI The Philosophical Perspective

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#### Sommario/riassunto

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

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2. Record Nr.	UNINA9910779003103321
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Pubbl/distr/stampa	Lanham, Md., : Lexington Books, c2012
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Descrizione fisica	1 online resource (636 p.)
Disciplina	262/.1309
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Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	FAITH AND LEADERSHIP; CONTENTS; Acknowledgments; Introduction; 1 The Primitive Church; 2 From the Bishop of Rome to Pope (Peter to Leo the Great, 500 A.D.); 3 The Threats to Orthodoxy; 4 Beyond the End of the Empire, 500-800; 5 The Medieval Papacy Moves East; 6 From Abuses to Reforms, 800-1100; 7 The Papal Monarchy, 1100-1500; 8 The Worldly Popes; 9 The Protestant Reformation; 10 The Timidity of Reform; 11 The Catholic Reformation; 12 The Council as a Reform Movement; 13 Religious Wars and Religious Repression; 14 The Enlightenment; 15 The Church Confronts the Leviathan 16 The Church and the Ancien Regime 17 The Emperor's Attacks on the Papacy; 18 Pius IX: The First Modern Pope; 19 Leo XIII: The Soul of the Industrial State; 20 Pius X: Moods of Piety and Repression; 21 Benedict XV and the Mad Dogs of War; 22 Pius XI and the New Men of Violence; 23 Pius XII and the Spiritual Twilight of the West; 24 John XXIII and the Promise of Aggiornamento; 25 Paul VI: The Perils of Aggiornamento; 26 John Paul II: The Uneasy Agenda of Restoration; Postscript: Benedict XVI (2005- ); Conclusion; Selected Bibliography; Index; About the Author
Sommario/riassunto	This volume is the first major study of the papacy as a managerial structure that has evolved over two thousand years. Special emphasis is

placed on the environments in which the Church functioned and in which it had to reach uneasy compromises. The volume is both scholarly and very readable.

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