Record Nr. UNINA9910806997403321 Autore Dagan Hanokh Titolo The law and ethics of restitution / / Hanoch Dagan Cambridge, UK;; New York, NY,: Cambridge University Press, 2004 Pubbl/distr/stampa **ISBN** 1-107-14769-7 1-280-54020-6 0-511-21469-3 0-511-21648-3 0-511-21111-2 0-511-31527-9 0-511-49549-8 0-511-21288-7 Edizione [1st ed.] Descrizione fisica 1 online resource (xxi, 374 pages) : digital, PDF file(s) Disciplina 347.73077 Soggetti Restitution - United States Unjust enrichment - United States Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Title from publisher's bibliographic system (viewed on 05 Oct 2015). Note generali Nota di bibliografia Includes bibliographical references (p. 332-365) and index. Nota di contenuto 1. Introduction -- 2. Preventing unjust enrichment -- 3. Mistakes -- 4. Other-regarding conferrals of benefits -- 5. Self-interested conferrals of benefits -- 6. Restitution in contexts of informal intimarcy -- 7. Wrongful enrichments -- 8. Restitution in a contractual context -- 9. Restitution in bankruptcy -- 10. Reasons for restitution. Sommario/riassunto Dagan's 2004 book provides a dynamic account of the American law of restitution. The book reviews the existing doctrine, using an ethical perspective to expose and examine critically the normative underpinnings of the core categories of restitution. Dagan also discusses some of the most controversial issues in the area, such as cohabitation, improper tax payments, and the role of constructive trusts as trumps in bankruptcy. He further tackles the recent restitution claims of slave laborers (or their descendants) against corporations that benefited from their enslavements, and of governmental bodies against

injurious industries. Dagan argues that the concept of unjust

enrichment is not an independent reason for restitution but, rather, serves as a loose framework. By integrating doctrinal and ethical analyses of restitution across the spectrum of restitution contexts, the author offers significant and provocative insights on existing law as well as possible reforms.