

1. Record Nr.	UNINA9910968985303321
Autore	Giglio Francesco
Titolo	The Foundations of restitution for wrongs / Francesco Giglio
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2007
ISBN	9786611082697 9781472560032 1472560035 9781281082695 1281082694 9781847313539 1847313531
Edizione	[1st ed.]
Descrizione fisica	1 online resource (262 p.)
Disciplina	344.03288
Soggetti	Restitution
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index
Nota di bibliografia	Bibliography: pages [233]-241
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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
