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Unjustified enrichment is an intellectually vital area of private law. This 2002 book analyses a range of key issues in a comparative context, considered by a representative of a common-law and of a civil-law system, illuminating similarities or differences between systems, and what different systems can learn from each other.

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Synopsis. Unjustified enrichment is one of the most intellectually vital areas of private law. However, little unanimity exists among civil-law and common-law legal systems about structuring this important branch of the law of obligations. This book analyzes a range of key issues which are considered respectively by a representative of a common-law, as well as a civil-law system.

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Several key issues are considered comparatively in this 2002 book, including grounds for recovery of enrichment, defences, third-party enrichment, as well as proprietary and taxonomic questions. Two contributors deal with each topic, one a representative of a common-law system, the other a representative of a civil-law or mixed system.

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Unjust enrichment is usually used to describe benefits that are received either accidentally or in error, but which have not been earned, and ethically should not be kept. Unjust enrichment is typically considered to be unfair, and those who are declared unjustly enriched are required by law to pay the other party restitution.

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Accordingly, the key issue on appeal to the Supreme Court of Canada was how to quantify a monetary award for unjust enrichment. As the Court noted, an unjust enrichment analysis in domestic situations may be complicated by a mutual conferral of benefits, in the sense that each party contributes in various ways to the welfare of the other.

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unjustified enrichment in mixed legal systems is an indicator of the Civilian rather than the Common Law dimension in their development, and that the current state of enrichment law in such systems...

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The essays consider the central

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questions raised by demarcating unjust enrichment as a separate area of private law - including how its normative foundations relate to those of other areas of private law, how the concept of enrichment relates to property theory, how the remedy of restitution relates to principles of corrective justice and what role mental elements should play in shaping the law.

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