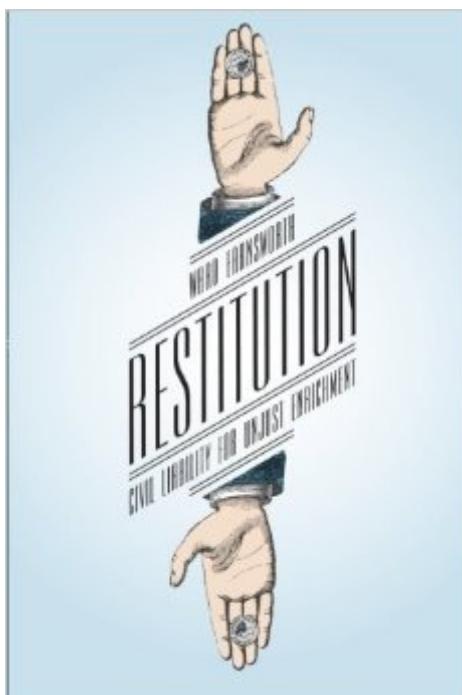


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# Restitution: Civil Liability For Unjust Enrichment



## Synopsis

Restitution is the body of law concerned with taking away gains that someone has wrongfully obtained. The operator of a Ponzi scheme takes money from his victims by fraud and then invests it in stocks that rise in value. Or a company pays a shareholder excessive dividends or pays them to the wrong person. Or a man poisons his grandfather and then collects under the grandfather's will. In each of these cases, one party is unjustly enriched at the expense of another. And in all of them the law of restitution provides a way to undo the enrichment and transfer the defendant's gains to a party with better rights to them. Tort law focuses on the harm, or costs, that one party wrongfully imposes on another. Restitution is the mirror image; it corrects gains that one party wrongfully receives at another's expense. It is an important topic for every lawyer and for anyone else interested in how the legal system responds to injustice. In *Restitution*, Ward Farnsworth presents a guide to this body of law that is compact, lively, and insightful; the first treatment of its kind that the American law of restitution has received. The book explains restitution doctrines, remedies, and defenses with unprecedented clarity and illustrates them with vivid examples. Farnsworth demonstrates that the law of restitution is guided by a manageable and coherent set of principles that have remarkable versatility and power. Restitution makes a complex and important area of law accessible, understandable, and interesting to any reader.

## Book Information

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## Customer Reviews

I just finished Farnsworth's *Classical English Rhetoric*--also a great book--and I got an email reminder from that I could write a review of this one. I bought the book on the strength of

Farnsworth's guest blogging at Volokh Conspiracy, and was glad I did. Before encountering the blog posts and the book, I would have said that restitution was merely a kind of remedy, occasionally useful in contract disputes and even more rarely in tort cases of conversion. As Farnsworth points out, that is one way that the term "restitution" is used. But that is not the point of the book. Instead, it turns out that the restitution that the book is about is a whole separate category of causes of action on a par with torts and contracts. It turns out I had encountered restitution in this sense in law school classes on torts and on contracts, where there were glances at "unjust enrichment" and "quasi-contract" and "promissory estoppel", but with no comprehensive treatment, or even any recognition that it might be possible to discuss restitution as anything other than a kind of exception to the normal proper way of doing things. As with the Rhetoric book, this one on Restitution divides the subject matter into categories based on the intended effect to be achieved; illustrated with plenty of examples.

Very comprehensive and highly readable on a complex area of the law.

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