



The Foundations of Restitution for Wrongs

Francesco Giglio

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Restitution for wrongs, or restitutionary damages, is the judicial award which compels the wrongdoer to surrender 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 left compensation as the main response, but there have been difficulties encountered by modern attempts to account for restitutionary damages. Mistakes in the classification of this institution have complicated the picture. In Part One of this book, the topic is analyzed 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. This is the first book to address this subject in both comparative and historical terms.

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