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0521808200 - Unjustified Enrichment: Key Issues in Comparative Perspective

Edited by David Johnston and Reinhard Zimmermann

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## **Unjustified Enrichment: Key Issues in Comparative Perspective**

In recent years unjustified enrichment has been one of the most intellectually vital areas of private law. There is, however, still no unanimity among civil-law and common-law legal systems about how to structure this important branch of the law of obligations. Several key issues are considered comparatively here, 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. This approach illuminates not just similarities or differences between systems, but also what different systems can learn from one another. In an area of law whose territory is still partially uncharted and whose borders are contested, such comparative perspectives will be valuable for both academic analysis of the law and its development by the courts.

DAVID JOHNSTON is an advocate and Honorary Professor of Law, University of Edinburgh. His publications include *Roman Law in Context* (1999) and *Prescription and Limitation* (1999).

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## Preface

This collection of essays has its origin in a conference which we organised at Christ's College, Cambridge in April 1999. The aims of the conference are explained in our introductory chapter. Here it is enough to say that, while unjustified enrichment has clearly been one of the most intellectually vital areas of private law over the last decades, there seemed to us to be scope for comparative exploration of the area in a manner more comprehensive than it had until then received. With this in mind we invited a small group of speakers to Cambridge, where at the time we were both teaching. Our invitations to contributors were perhaps unusually prescriptive, and in particular allowed them no choice of topic. The main reason for this was that for each topic we wished to have two papers, each taking a different perspective. So we are extremely grateful to the contributors both for their enthusiastic participation in the conference and for preparing the papers published here. We would like also to acknowledge the helpful guidance of Peter Birks during the planning phase of the conference. In addition we warmly thank the chairmen who presided over the various sessions of the conference: Lord Goff of Chieveley, Lord Hope of Craighead, Professor Gareth Jones, Lord Rodger of Earlsferry, Professor Peter Schlechtriem and Lord Steyn.

The manuscripts for this book were submitted by the end of 1999; they therefore reflect the law at that date.

Most of the funding for the conference was provided by the Leibniz programme of the German Research Association. In addition, a number of participants were kindly supported by the European Commission through the TMR Programme 'Common Principles of European Law'. We also thank Dirk Schulz and Christian Weinelt in Regensburg for assisting with editing the papers for publication. And we thank Cambridge University Press and Finola O'Sullivan for their willing and generous support of this project, both at the conference and at the stage of publication.

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