

The Place of Restitution in the Modern Law 30 Years after “An Introduction to the Law of Restitution”

The workshop will take place on 11 June at the Law School at the University of Leeds and is intended to mark the 30th anniversary of the publication of the revised edition Peter Birks’ first seminal book on the subject – *An Introduction to the Law of Restitution* (Clarendon Press Oxford 1989). The anniversary provides an opportunity for a reassessment of the place of restitution in English law as well as a comparison with other jurisdictions. Confirmed speakers are Professor Lionel Smith from McGill Law School, Steve Hedley of University College Cork, Helen Scott from the University of Oxford, Martin Hogg of the University of Edinburgh, as well as Duncan Sheehan and Paul Wragg from the University of Leeds. There are still some slots for speakers and the organisers seek the submission of abstracts for possible papers. We particularly welcome submissions from junior colleagues and PhD students. A small budget is available to provide some support for the attendance of PhD students otherwise unable to attend.

There will be two themes explored by the conference and papers exploring the themes from any angle are welcome. The first is a comparative theme. Canadian law for example has taken a significantly different tack in its development from other common law jurisdictions in that it uses the formulation “absence of juristic reason” as the underlying rationale and trigger for restitution while other common law jurisdictions use a series of discreet and overlapping unjust factors. This is the difference between the Civil law structure – “restitution unless” a ground for justifying the retention of the enrichment – and the common law structure – “restitution if” a particular positive ground for returning it is found, such as mistake. Canadian law has taken this turn in part because of the influence of the Civilian (French law-based) system in Quebec. This allows us to examine questions such as why Canadian law took this turn; whether in truth it really has, despite the linguistic differences; whether English law should do so explicitly. The second theme of the conference will involve examination of particular aspects of the law of unjust enrichment and restitution for wrongs. This allows for papers on a wide range of subjects to be discussed – from particular unjust factors or defences, to issues of quantifying gain and the relationship to other areas of private law, eg contract or property law, or regulatory regimes, but also whether unjust enrichment can be seen as the underlying basis of the area at all.

How to Submit your Abstract

The deadline for submission of abstracts will be **Monday 1 April at 17:00** and should be submitted to **Duncan Sheehan** at d.k.sheehan@leeds.ac.uk.

Abstracts should be no more than 3-400 words. Successful applicants will be informed by the end of April, and are encouraged to provide as full a paper as possible a week in advance, although work-in-progress drafts are welcomed.