# REMEDIES: DAMAGES, EQUITY, AND RESTITUTION

TEACHER'S MANUAL

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# **Remedies Damages Equity And Restitution**

**Robert S. Thompson** 

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comprehensive account of the scope foundations and structure of remedial law in common law jurisdictions. The rules governing the kinds of complaints that common law courts will accept are generally well understood However the rules governing when and how they respond to such complaints are not This book provides that understanding It argues that remedies are judicial rulings and that remedial law is the law governing their availability and content Focusing on rulings that resolve private law disputes for example damages injunctions and restitutionary orders this book explains why remedial law is distinctive how it relates to substantive law and what its foundational principles are The book advances four main arguments First the question of what courts should do when individuals seek their assistance the focus of remedial law is different from the question of how individuals should treat one another in their day to day lives the focus of substantive law Second remedies provide distinctive reasons to perform the actions they command in particular they provide reasons different from those provided by either rules or sanctions Third remedial law has a complex relationship to substantive law Some remedies are responses to rights threats others to wrongs and yet others to injustices Further remedies respond to these events in different ways while many remedies merely replicate substantive duties others modify substantive duties and some create entirely new duties Finally remedial law is underpinned by general principles principles that cut across the traditional distinctions between so called legal and equitable remedies Together these arguments provide an understanding of remedial law that takes the concept of a remedy seriously classifies remedies according to their grounds and content illuminates the relationship between remedies and substantive law and presents remedial law as a body of principles rather than a historical category

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