

Aristotle University of Thessaloniki

Faculty of Law

Bachelor of Laws (LL.B.)

Course Syllabus

1. Course Information

- **Title:** Restitution and Tort
- **Code:** LLB44
- **ECTS:** 5
- **Hours per week:** 4
- **Academic Year:** 4th
- **Teaching Period:** Winter/Spring Semester
- **Mode of Delivery:** Face-to-Face
- **Language of Instruction/Assessment:** English
- **Course Type:** Elective Course

2. Course Description

This course introduces students to the fundamental principles of tortious liability and the law of restitution within the common law tradition. The first part of the course focuses on tort law, with particular emphasis on the tort of negligence, including duty of care, breach, causation, defences, and the assessment of damages. The second part explores the distinct doctrine of unjust enrichment as a basis for recovery independent of contract and tort. Students will examine the structure of enrichment claims, available remedies, and the conceptual debates surrounding restitution for wrongs, failure of basis, and mistaken payments. The course combines case law analysis and doctrinal reasoning, enabling students to develop a critical understanding of how private law addresses harm, wrongs, and gain-based liability. Comparative references to civil law systems are included where relevant.

3. Keywords

Negligence, Unjust Enrichment, Causation, Remedies, Restitution

4. Learning Outcomes

Upon successful completion of this course, students will be able to:

1. **Describe and apply** the core elements of tortious liability and unjust enrichment, including duty of care, causation, and enrichment at the claimant's expense. (*Understanding – Applying*)
2. **Distinguish** between tort, contract, and restitution as independent sources of private law obligations. (*Analysing*)
3. **Interpret and assess** leading judicial decisions and statutory developments in tort and restitution law. (*Understanding – Evaluating*)
4. **Analyse** the normative principles underlying fault-based and gain-based liability, including corrective justice and the theory of unjust enrichment. (*Analysing*)
5. **Demonstrate** familiarity with the structure, reasoning, and values of the common law tradition in the field of civil liability. (*Understanding – Remembering*)

5. General Skills to Be Acquired

- Apply knowledge in practice
- Retrieve, analyse, and synthesise data and information
- Adapt to new situations
- Make decisions
- Work in an international context
- Work in an interdisciplinary team
- Generate new research ideas
- Appreciate diversity and multiculturalism
- Respect the natural environment

- Be critical and self-critical
- Advance free, creative, and causative thinking

6. Course Content (Topics)

1. **Introduction to Tort and Restitution in Common Law** – Outlining the structure, sources, and functions of civil liability and the historical development of restitution as a distinct branch.
2. **Negligence I: Duty of Care and Its Limits** – Examining the evolution of duty categories, proximity, foreseeability, and policy considerations.
3. **Negligence II: Breach of Duty, Causation, and Remoteness** – Analysing how courts assess standard of care, factual and legal causation, and the scope of liability.
4. **Pure Economic Loss and Psychiatric Harm: Extending Liability in Negligence** – Exploring controversial categories of recoverable damage and judicial resistance to indeterminate liability.
5. **Vicarious Liability and Occupiers' Liability** – Assessing secondary liability for the acts of others and the special duties owed by occupiers of land.
6. **Intentional Torts: Assault, Battery, False Imprisonment, and Beyond** – Investigating liability for deliberate interference with personal rights and defences thereto.
7. **Defences in Tort: Contributory Negligence, Consent, and Illegality** – Exploring partial and complete bars to recovery and their doctrinal justifications.
8. **Remedies in Tort: Compensatory and Beyond** – Understanding available remedies, including damages, injunctions, and exemplary awards.
9. **Unjust Enrichment I: Concept, Structure, and Theoretical Foundations** – Introducing the core idea of enrichment without legal justification and its analytical framework.
10. **Unjust Enrichment II: Enrichment by Mistake, Failure of Basis, and Wrongdoing** – Examining key restitution claims and their boundaries within private law.
11. **Restitution and the Law of Wrongs: Gain-Based Remedies in Tort** – Analysing the overlap between restitution and tort, including disgorgement for wrongdoing.
12. **Joint and Several Liability, Contribution, and Apportionment** – Exploring complex liability relationships, including multiple defendants and internal recovery mechanisms.

7. Teaching Methods

- Lectures.
- Case law workshops.
- Student presentations and structured debate.
- Guided reading and legal reasoning exercises.

8. Assessment Methods

Method	Weight	Description
Final Written Exam	70%	Essay-type and case-based questions
Mid-Term Assignment/Presentation	20%	Individual or group-based
Participation and Engagement	10%	Constructive attendance, preparedness, contribution

Note: A minimum final exam score of 50% is required to pass.

9. A. Ethics

Students are reminded that all submitted work must comply with the University's academic [integrity policy](#). Plagiarism or unauthorised collaboration will result in disciplinary measures.

B. Course Policies

- Attendance is strongly encouraged.
- All assignments must be submitted on time via the designated platform.
- Special accommodations will be made for students with documented learning or health needs in accordance with university policy.

10. Use of Information and Communication Technologies (ICT)

- **Use in Teaching:** (e.g. digital slides, audiovisual aids, interactive tools like Mentimeter)
- **Use in Communication:** (e.g. E-learning platform, Zoom/Google Meet for office hours)
- **Digital Resources:** (e.g. online legal databases, podcasts, video lectures)

11. Bibliography

- Books/E-books

Burrows, A., *The Law of Restitution* (Oxford University Press), 2010

Christian Witting, *Street on Torts* (16th ed. OUP 2021).

~~Giliker, P., *Tort Law* (Sweet & Maxwell)~~

Giliker, P. (2023). *Tort* (8th Edition) (e-book). Sweet & Maxwell.

<https://www.sweetandmaxwell.co.uk/en-gb/products/tort-8th-edition-sweet-maxwells-textbook-series-print-and-proview-ebook-bundle-43176452>

Harlow, C., *Principles of Tort Law* (Cambridge University Press), 2000

Hedley, S., *A Critical Introduction to Restitution* (LexisNexis), 2001

~~Horsey, K. & Rackley, E., *Tort Law* (Oxford University Press)~~

~~Kirsty Horsey and Erika Rackley, *Tort Law* (6th ed., OUP 2019).~~

Horsey, K., & Rackley, E. (2021). *Tort Law* 7th edition. In *Kidner's Casebook on Torts* (e-book). Oxford University Press.

~~Lunney, M. & Oliphant, K., *Tort Law: Text and Materials* (Oxford University Press)~~

Oliphant, K., & Nolan, D. (2023). *Lunney & Oliphant's Tort Law*. In *Lunney & Oliphant's Tort Law* (e-book). Oxford University Press.

<https://doi.org/10.1093/HE/9780198865117.001.0001>

Michael Jones, Anthony Dugdale, Mark Simpson (emp.), *Clerk & Lindsell on Torts* (23rd ed., Sweet and Maxwell 2020).

Goff of Chieveley, R. Goff., Jones, G. H. ., Mitchell, Charles., Mitchell, Paul., & Watterson, Stephen. (2022). *Goff & Jones on unjust enrichment (e-book)*. Sweet & Maxwell. <https://www.sweetandmaxwell.co.uk/en-gb/products>

~~Mitchell, C., Watterson, S., *Unjust Enrichment* (Oxford University Press)~~

~~Paula Giliker, Tort (7th ed., Sweet & Maxwell 2020), Υπάρχει πιο πάνω~~

Rachel Mulheron, *Principles of Tort Law* (2nd ed, CUP 2020)

Simon Deakin, Angus Johnston and Basil Markesinis, *Markesinis and Deakin's Tort Law* (8th ed., OUP 2019).

Steele, Jenny. (2022). *Tort law : text, cases, and materials* (5th ed.) (e-book). Oxford University Press.

~~Steele, J., *Tort Law: Text, Cases, and Materials* (Oxford University Press)~~

Virgo, G. (2024). *The Principles of the Law of Restitution* (4th ed.) (e-book). Oxford University Press. <https://global.oup.com/academic/product/the-principles-of-the-law-of-restitution-9780198885320?cc=gr&lang=en&>

~~Virgo, G., *The Principles of the Law of Restitution* (Oxford University Press)~~

W.V.H. Rogers, Winfield and Jolowicz on Tort (20th ed., Sweet and Maxwell 2020).

- Databases

Westlaw UK Academic	https://law.auth.gr/en/subscription-to-electronic-databases-2/
HeinOnline Academic Core and Kluwer Law International Journal Library	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Beck-online PREMIUM	https://law.auth.gr/en/subscription-to-electronic-databases-2/
O.U.P Oxford Public International Law	https://law.auth.gr/en/subscription-to-electronic-databases-2/
O.U.P Max Planck Encyclopedia of Comparative Constitutional Law	https://law.auth.gr/en/subscription-to-electronic-databases-2/

Dalloz.fr	https://law.auth.gr/en/subscription-to-electronic-databases-2/
JURIS Zusatzmodul Hochschulen, BGB Staudinger Online	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Kluwer Law Online (30 journals)	https://law.auth.gr/en/subscription-to-electronic-databases-2/
IAReporter. Investment Arbitration Report	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Cambridge Core (Law)	https://www.cambridge.org/core/browse-subjects/law
EBSCO	https://research.ebsco.com/c/quc7ji/search/advanced/filters?autocorrect=y&isDashboardExpanded=true
ProQuest Central	https://www.proquest.com/central/topicpaths/AbiGlobal_business/0?accountid=8359#0
Springer link	https://link.springer.com/
Taylor & Francis e-books	<a href="https://www.taylorfrancis.com/search?subject=SC
LW">https://www.taylorfrancis.com/search?subject=SC LW
Taylor & Francis e-journals	https://www.tandfonline.com/subjects/law
The Making of Modern Law: Legal Treatises 1800-1926 (Gale)	<a href="https://go.gale.com/ps/start.do?p=MOML&u=arist
&cookieConsent=true&analyticsOptout=false&at
y=ip">https://go.gale.com/ps/start.do?p=MOML&u=arist &cookieConsent=true&analyticsOptout=false&at y=ip
Wiley online Library	<a href="https://onlinelibrary.wiley.com/action/showPublic
ations?startPage=&ConceptID=85">https://onlinelibrary.wiley.com/action/showPublic ations?startPage=&ConceptID=85