

Equity, Efficiency, and Ethics in Remedies for Breach of Contract

Theory and Experimental Evidence

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WEITERE INFORMATIONEN UND BESTELLUNG

<https://shop.lexisnexis.at/equity-efficiency-and-ethics-in-remedies-for-breach-of-contract-9783031108068.html>

Details

This book analyzes the conflict that emerges between parties after a breach of contract and how different legal remedies can best reduce conflict. Causes for conflict include equity, efficiency, and ethical reasons that parties might consider and use to blame the other or to justify breach. In the end, if not resolved through apologies or renegotiation, conflict leads to aggravement and behavioral reactions in form of retaliation by the victim against the promisor in breach.

The book provides empirical evidence from laboratory experiments for how individuals react to perceived wrongful acts such as breach of contract and for the function of legal remedies to reduce retaliation by disappointed promisees in providing them compensation. It reveals how the inequality in the outcome, and not the inefficiency of breach of contract, causes aggravement and retaliation by victims. The book concludes with a comparative law and economic analysis of remedies for breach of contract adopted in different leading jurisdictions, with important normative implications for the American insistence on expectation damages, the French expansion of specific performance with "astreinte", the German junction of specific performance, expectation damages, and disgorgement damages, and the British timid acceptance of partial disgorgement damages.

The book will appeal to scholars, researchers, and students of economics and law, interested in a better understanding of remedies for breach of contract.

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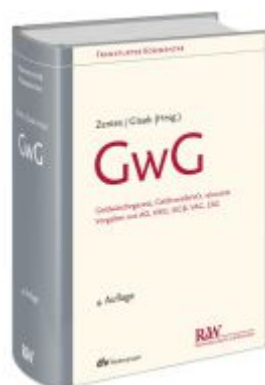
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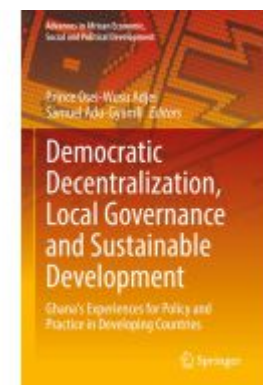
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