

1. Record Nr.	UNINA9910459760903321
Titolo	Fault in American contract law // edited by Omri Ben-Shahar, Ariel Porat [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2010
ISBN	0-511-85076-X 1-107-20945-5 1-282-77076-4 9786612770760 0-511-90162-3 0-511-79926-8 0-511-90241-7 0-511-79786-9 0-511-78009-5 0-511-90083-X
Descrizione fisica	1 online resource (xxi, 314 pages) : digital, PDF file(s)
Disciplina	346.7302/2
Soggetti	Breach of contract - United States Contracts - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di contenuto	Let us never blame a contract breaker / Richard A. Posner -- In (partial) defense of strict liability in contract / Robert E. Scott -- The fault principle as the chameleon of contract law : a market function approach / Stefan Grundmann -- How fault shapes contract law / George M. Cohen -- Fault in contract law / Eric A. Posner -- The role of fault in contract law : unconscionability, unexpected circumstances, interpretation, mistake, and nonperformance / Melvin Aron Eisenberg -- Fault at the contract-tort interface / Roy Kreitner -- The many faces of fault in contract law : or how to do economics right, without really trying / Richard A. Epstein -- The productive tension between official and unofficial stories of fault in contract law / Martha M. Ertman -- When is a willful breach "willful"? : the link between definitions and

damages / Richard Craswell -- Willful breach : an efficient screen for efficient breach / Steve Thel and Peter Siegelman -- An information theory of willful breach / Oren Bar-Gill and Omri Ben-Shahar -- Contract law and the willfulness diversion / Barry E. Adler -- A comparative fault defense in contract law / Ariel Porat -- Stipulated damages, superstrict liability, and mitigation in contract law / Saul Levmore -- Creditor's fault : in search of a comparative frame / Fabrizio Cafaggi -- Why breach of contract may not be immoral given the incompleteness of contracts / Steven Shavell -- Fault and harm in breach of contract / Dori Kimel -- Fault in contracts : a psychological approach / Tess Wilkinson-Ryan.

Sommario/riassunto

Representing an unprecedented joint effort from top scholars in the field, this volume collects original contributions to examine the fundamental role of 'fault' in contract law. Is it immoral to breach a contract? Should a breaching party be punished more harshly for willful breach? Does it matter if the victim of breach engaged in contributory fault? Is there room for a calculus of fault within the 'efficient breach' framework? For generations, contract liability has been viewed as a no-fault regime, in sharp contrast to tort liability. Is this dichotomy real? Is it justified? How do the American and European traditions compare? In exploring these and related issues, the essays in this volume bring together a variety of outlooks, including economic, psychological, philosophical, and comparative approaches to law.
