

1. Record Nr.	UNINA9910785734903321
Autore	Barnett Katy, Dr
Titolo	Accounting for profit for breach of contract : theory and practice / Katy Barnett
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2012
ISBN	1-84731-952-1 1-4725-6117-1 1-283-65783-X 1-84731-951-3
Edizione	[1st ed.]
Descrizione fisica	1 online resource (257 p.)
Collana	Hart Studies in Private Law ; ; v.2
Disciplina	346.022
Soggetti	Lost profits damages Damages Breach of contract Contracts
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Based on the author's thesis (Ph. D.)--University of Melbourne, 2010
Nota di bibliografia	Includes bibliographical references (pages [215]-226) and index
Nota di contenuto	Introduction -- Rationales behind disgorgement damages -- The claimant's "legitimate interest" and the role of substantiability -- 'Second sale' cases -- 'Agency problem' cases -- The role of 'restitutionary damages' -- Allowances and bars to relief -- Conclusion 1 Introduction -- 2 Rationales Behind Disgorgement Damages -- 3 The Claimant's 'Legitimate Interest' and the Role of Substitutability -- 4 'Second Sale' Cases -- 5 'Agency Problem' Cases -- 6 The Role of 'Restitutionary Damages' -- 7 Allowances and Bars to Relief -- 8 Conclusion
Sommario/riassunto	This book defends the view that an award of an account of profits (or 'disgorgement damages') for breach of contract will sometimes be justifiable, and fits within the orthodox principles and cases in contract law. However there is some confusion as to when such an award should be made. The moral bases for disgorgement damages are deterrence and punishment, which shape the remedy in important ways. Courts are also concerned with vindication of the claimant's performance interest, and it is pivotal in these cases that the claimant cannot

procure a substitute performance via an award of damages or specific relief. The book argues that disgorgement damages should be available in two categories of case: 'second sale' cases, where the defendant breaches his contract with the claimant to make a more profitable contract with a third party; and 'agency problem' cases, where the defendant promises the claimant he will not do a certain thing, and the claimant finds it difficult to supervise the performance. Moreover, disgorgement may be full or partial, and 'reasonable fee damages' for breach of contract are best understood as partial disgorgement rather than 'restitutionary damages'. Equitable bars to relief should also be adopted in relation to disgorgement damages, as should allowances for skill and effort. This book will be of interest to contract and commercial lawyers, and will be especially valuable to anyone with an interest in contract remedies and restitution. It draws on case law in a number of common law jurisdictions, primarily England and Wales, and Australia

2. Record Nr.	UNINA9910780068803321
Autore	Smith N. V (Neilson Voyne)
Titolo	Chomsky : ideas and ideals / / Neil Smith [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 1999
ISBN	0-511-05312-6 1-139-16389-2 0-511-14955-7 0-511-00976-3
Descrizione fisica	1 online resource (ix, 268 pages) : digital, PDF file(s)
Disciplina	410/.92
Soggetti	Linguistics
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 bibliografia	Includes bibliographical references (p. 215-262) and index.
Nota di contenuto	""Contents""; ""Acknowledgments""; ""Introduction""; ""1 The mirror of the mind""; ""Linguistics as a science""; ""Modularity""; ""Competence and performance""; ""Performance, parsing, and pragmatics""; ""Evolution and innateness""; ""Natural language and the language of

thought"; "2 The linguistic foundation"; "Introduction"; "Knowledge of language"; "The lexicon"; "Knowledge of language: structure"; "Knowledge of language: structural relations"; "Levels of representation"; "Constituents and rules"; "Deep structure"; "Description versus explanation"; "Government and Binding theory"; "Empty categories"; "The status of transformations"; "Principles and parameters"; "Lexical and functional categories"; "Minimalism"; "A historical progression"; "Evolution"; "3 Psychological reality"; "Causality and observability"; "Psychological reality and the nature of evidence"; "Language processing"; "Language acquisition (Plato's problem)"; "Language pathology"; "Connectionism: the behaviorists strike back"; "4 Philosophical realism: commitments and controversies"; "Commitments"; "Controversies"; "Language and the world"; "Language and the community"; "Language and the individual"; "Problems of semantics"; "Innateness"; "Unification and reduction"; "Conclusions"; "5 Language and freedom"; "Explanation and dissent: the common threads"; "Rationality, modularity, and creativity"; "The anarchist background"; "The critique of (American) foreign policy"; "The critique of domestic policy"; "The critique of media control"; "The technique of dissection"; "Moral absolutes and options for the future"; "The positive program"; "Conclusion"; "Envoi"; "Notes and references"; "Bibliography"; "Index"

Sommario/riassunto

Chomsky has had a major influence on linguistics, psychology, and philosophy. In this rigorous yet accessible account of Chomsky's work, Neil Smith analyses Chomsky's key contributions to the study of both language and the mind. He gives a detailed exposition of Chomsky's linguistic theorizing, and examines the ideas for which he is best known. Smith discusses the psychological and philosophical implications of Chomsky's work, and argues that he has fundamentally changed the way we think of ourselves. Smith examines Chomsky's political ideas and how these fit intellectually with his scholarly work. The final chapter spells out the themes - rationality, creativity and modularity - that unite the disparate strands of his vast output. Throughout, Smith explores the controversy surrounding Chomsky's work, and explains why he has been both adulated and vilified.