



# Money Awards in Contract Law, (Hart Studies in Private Law)

*David Winterton*

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The quantification of contractual money awards is a topic of both significant theoretical interest and immense practical importance. Recent debates have ranged from the availability of gain-based relief to the basis for principles of remoteness and mitigation. While these and other important issues, such as the recovery of damages for non-pecuniary loss, are touched upon, the book's principal objective is to challenge the conventional interpretation of the principle generally acknowledged to govern this area of the law, which Parke B famously laid down in *Robinson v Harman*. According to this conventional interpretation, the objective of all money awards given in accordance with the *Robinson v Harman* principle is simply to 'compensate' the promisee for the 'loss' that can be attributed to the promisor's failure to perform as promised. After challenging this orthodoxy, Dr Winterton proposes a new understanding of the *Robinson v Harman* principle, which draws an important distinction between money awards that substitute for the performance promised and money awards that aim to make good certain detrimental factual consequences that can be attributed to a promisor's breach. In exploring the significance of this distinction, the different principles underpinning the quantification and restriction of each kind of award are explored in addition to some important theoretical issues such as the effect that the occurrence of a breach has on the rights generated by contract formation. The book's unifying objective is to outline a coherent picture of the law of contractual money awards. It will be of interest to judges, practitioners and academics alike.

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