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Contracts

in a nutshell

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The first reparative compensation is defined as a form of monetary recompense for loss or damage actually suffered The second substitutive compensation represents a monetary equivalent to a right that a person has been deprived of or denied Both rationales require the application of a broad notion of loss in order to make gain based remedies workable in both English and Polish law In contrast restitution states that a person cannot be permitted to profit from their own wrongdoing Based on this principle the book argues that gain based remedies could be applied under Polish law through the rules of unjust enrichment However in order to do so a broader understanding of the subtraction prerequisite the enrichment being at the aggrieved party s expense would have to be adopted The book concludes that unjust enrichment is a more natural way of implementing gain based remedies in civil law jurisdictions ABA Journal, 1982-05 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Contract and Related Obligation Robert S. 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