

Should a judge incorporate morals, or Natural Law, into sentencing decisions? Or should the judge strictly apply the law in black-letter form (Legal Positivism)?

The law usually limits what can and cannot be awarded by juries. For example, in a breach of contract case, the Plaintiff cannot recover Expectation Damages unless the Defendant had knowledge that the Plaintiff was depending on contract execution for financial compensation and those damages must be *realized*. Smith vs. Bolles, 132 U.S. 125 (1889). Expectation Damages are composed of Incidental and Consequential Damages. I am seeking to illustrate that a jury cannot simply start awarding money under a Commutative Justice concept without having a legal backing pursuant to the specific type of case at bar.

Should a Plaintiff recover damages for mental irritation or emotional suffering? Tort law allows such in certain types of actions. However, in contract law, laws seek to restore the Plaintiff to the position he or she was in (or would have been in) **had the breach not occurred**. Therefore, the aim of contract law adjudication is to seek equity, **not** punishment (punitive damages).