



Putting a Price on the Pain

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In the Civil Rights Act of 1991, Congress made it possible for plaintiffs in employment discrimination and harassment cases to recover monetary damages for emotional injuries. It is the rare harassment or discrimination lawsuit today in which a plaintiff does not claim to have suffered severe (and sometimes disabling) emotional distress as a result of workplace events. The challenge now posed is how to measure such emotional distress. This article traces the development of the concept of "hedonic damages" and the application of that theory in employment cases.

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