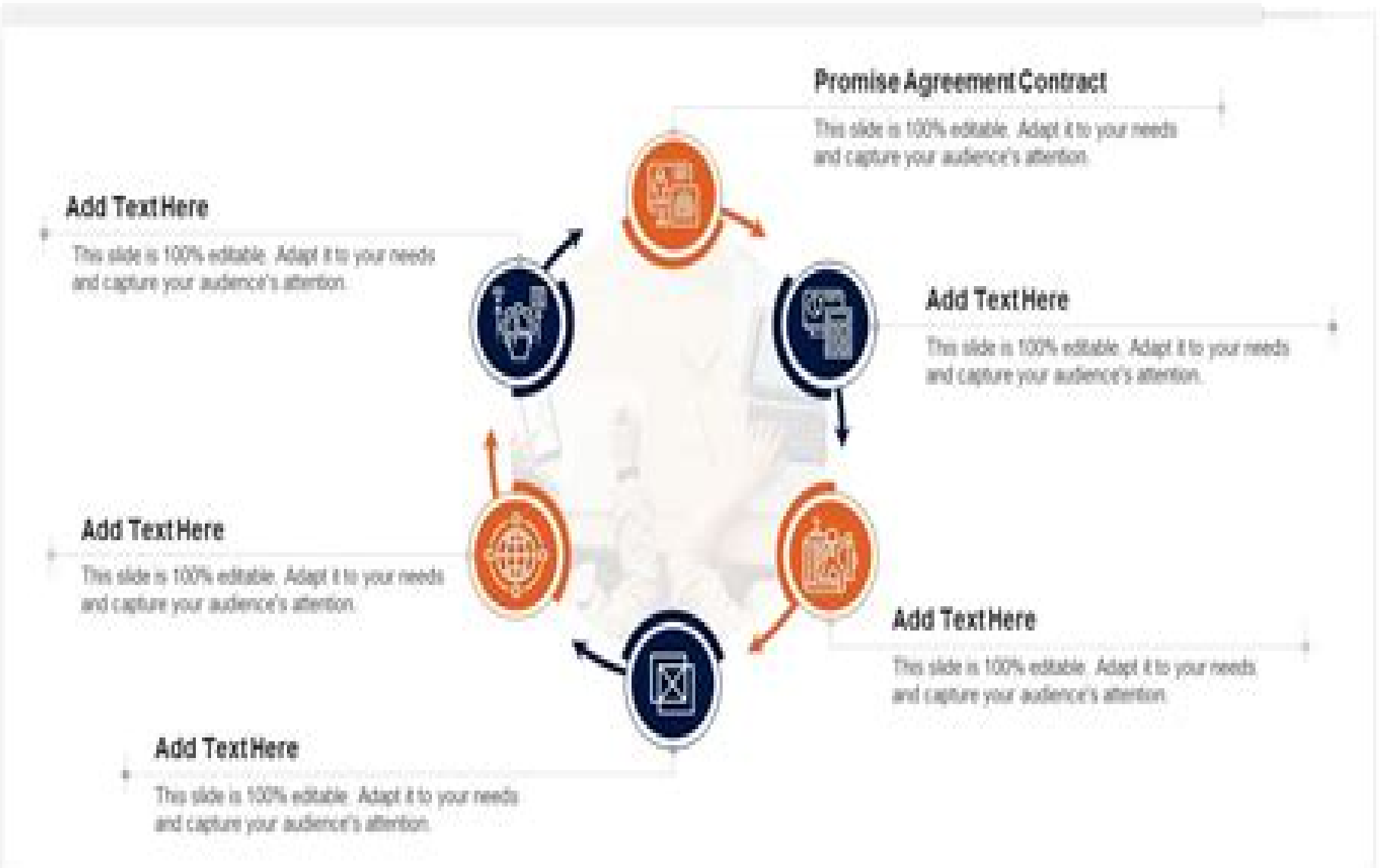


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Contract As Promise

Charles Fried



Contract As Promise:

Contract as Promise Charles Fried, 2009-06-01 This book displays the underlying structure of a complex body of law and integrates that structure with moral principles Charles Fried grounds the basic legal institution of contract in the morality of promise under which individuals incur obligations freely by invoking each other's trust Contract law and the promise principle are contrasted to the socially imposed obligations of compensation restitution and sharing which determine the other basic institutions of private law and which come into control where the parties have not succeeded in invoking the promise principle as in the case of mistake or impossibility Professor Fried illustrates his argument with a wide range of concrete examples and opposing views of contract law are discussed in detail particularly in connection with the doctrines of good faith duress and unconscionability For law students and legal scholars Contract as Promise offers a coherent survey of an important legal concept For philosophers and social scientists the book is a unique demonstration of the practical and detailed entailments of moral theory

Contract as Promise Charles Fried, 2015 Contract as Promise is a study of the foundations and structure of contract law It has both theoretical and pedagogic purposes It moves from trust to promise to the nuts and bolts of contract law The author shows that contract law has an underlying unifying moral and practical structure This second edition retains the original text and includes a new Preface It also includes a lengthy postscript that takes account of scholarly and practical developments in the field over the last thirty years especially the large and rich law and economics literature

From Promise to Contract Dori Kimel, 2003-03-14 Liberal theory of contract is traditionally associated with the view according to which contract law can be explained simply as a mechanism for the enforcement of promises The book bucks this trend by offering a theory of contract law based on a careful philosophical investigation of not only the similarities but also the much overlooked differences between contract and promise Drawing on an analysis of a range of issues pertaining to the moral underpinnings of promissory and contractual obligations the relationships in the context of which they typically feature and the nature of the legal and moral institutions that support them the book argues for the abandonment of the over simplified notion that the law can systematically replicate existing moral or social institutions or simply enforce the rights or the obligations to which they give rise without altering these institutions in the process and while leaving their intrinsic qualities intact In its place the book offers an intriguing thesis concerning not only the relationship between contract and promise but also the distinct functions and values that underlie contract law and explain contractual obligation In turn this thesis is shown to have an important bearing on theoretical and practical issues such as the choice of remedy for breach of contract and broader concerns of political morality such as the appropriate scope of the freedom of contract and the role of the state in shaping and regulating contractual activity The book's arguments on such issues while rooted in distinctly liberal principles of political morality often produce very different conclusions to those traditionally associated with liberal theory of contract thus lending it a new lease of life in the face of its traditional as well as

contemporary critiques **Contract as Promise** Donald Renshaw Harris, Charles Fried, 1983 **American Literary Realism and the Failed Promise of Contract** Brook Thomas, 2023-04-28

In *American Literary Realism and the Failed Promise of Contract* the author explores the interplay between contract law and literary realism in late nineteenth century America a time when both contract law and realism shaped cultural legal and social landscapes The text argues that while contract law in theory emphasized the freedom to negotiate obligations among individuals it fell short in practice by failing to dismantle deeply entrenched inequalities associated with race class and gender The era's literature mirrored this dynamic as authors highlighted the gap between the idealized promises of contractual freedom and the enduring constraints of status Through this lens literary realism not only reflected society's inequities but also critiqued the legal and social systems that perpetuated them Realism which sought to represent everyday life in a grounded unembellished way intersected with the contract's promise by portraying social relations as complex and negotiated yet constrained by systemic hierarchies Works like Twain's *Adventures of Huckleberry Finn* and James's *The American* evoke moments where relationships of status could theoretically transform into equitable contractual interactions However these fictional moments of promise often falter reflecting contract's inability to establish a truly egalitarian social order The rise of corporate capitalism further complicated contract's promise as corporations fostered a form of economic structure that subordinated individual agency reinforcing rather than alleviating social inequities The text also considers how these issues resonate today especially as contractual ideals influence contemporary notions of social justice While the promise of contract continues to appeal to a vision of equal opportunity the persistent influence of race class and gender hierarchies complicates its realization The author suggests that revisiting works of realism offers valuable insights into these ongoing tensions challenging readers to reimagine a society where individuals might genuinely be free and equal not just in theory but in practice In doing so this book presents realism not as an endorsement of the status quo but as a field of critical inquiry urging us to address the unresolved questions about equity that persist in American society This title is part of UC Press's *Voices Revived* program which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 *Voices Revived* makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1997

Promises and Contract Law Martin Hogg, 2011 *Promises and Contract Law* is the first modern work to explore the significance of promise to contract law from a comparative legal perspective Part I explores the component elements of promise its role in Greek thought and Roman law the importance of the moral duty to keep promises and the development of promissory ideas in medieval legal scholarship Part II considers the modern contract law of a number of legal systems from a promissory perspective The focus is on the law of England Germany and three mixed legal systems Scotland South Africa and Louisiana though other legal systems are also mentioned Major topics subjected to a promissory analysis include formation of contract third party rights contractual

remedies and the renunciation of contractual rights Part III analyses the future role which promise might play in contract law especially within a harmonised European contract law **The Enforceability of Promises in European Contract Law**

James Gordley, 2001-07-12 Civil law and common law systems are held to enforce promises differently civil law in principle will enforce any promise while common law will enforce only those with consideration In that respect modern civil law supposedly differs from the Roman law from which it descended where a promise was enforced depending on the type of contract the parties had made This 2001 volume is concerned with the extent to which these characterizations are true and how these and other differences affect the enforceability of promises Beginning with a concise history of these distinctions the volume then considers how twelve European legal systems would deal with fifteen concrete situations Finally a comparative section considers why legal systems enforce certain promises and not others and what promises should be enforced This is the second completed project of The Common Core of European Private Law launched at the University of Trento Promises and Contract Law Martin Hogg, 2011-07-14 Promises and Contract Law is the first modern work to explore the significance of promise to contract law from a comparative legal perspective Part I explores the component elements of promise its role in Greek thought and Roman law the importance of the moral duty to keep promises and the development of promissory ideas in medieval legal scholarship Part II considers the modern contract law of a number of legal systems from a promissory perspective The focus is on the law of England Germany and three mixed legal systems Scotland South Africa and Louisiana though other legal systems are also mentioned Major topics subjected to a promissory analysis include formation of contract third party rights contractual remedies and the renunciation of contractual rights Part III analyses the future role which promise might play in contract law especially within a harmonised European contract law

Research Handbook on the Philosophy of Contract Law Mindy Chen-Wishart, Prince Saprai, 2025-04-09 With contributions from experts in the field this comprehensive Research Handbook provides a systematic overview of debates at the cutting edge of the philosophy of contract law Chapters explore key themes such as the limits of freedom of contract debates about monistic and pluralistic theories of contract law and the philosophical challenges associated with resolving hard cases

Fault in American Contract Law Omri Ben-Shahar, Ariel Porat, 2010-08-16 Representing an unprecedented joint effort from top scholars in the field this volume collects original contributions to examine the fundamental role of fault in contract law Is it immoral to breach a contract Should a breaching party be punished more harshly for willful breach Does it matter if the victim of breach engaged in contributory fault Is there room for a calculus of fault within the efficient breach framework For generations contract liability has been viewed as a no fault regime in sharp contrast to tort liability Is this dichotomy real Is it justified How do the American and European traditions compare In exploring these and related issues the essays in this volume bring together a variety of outlooks including economic psychological philosophical and comparative approaches to law Liberalizing Contracts Anat Rosenberg, 2017-07-20 In Liberalizing Contracts Anat Rosenberg examines nineteenth

century liberal thought in England as developed through and as it developed the concept of contract understood as the formal legal category of binding agreement and the relations and human practices at which it gestured most basically that of promise most broadly the capitalist market order She does so by placing canonical realist novels in conversation with legal historical knowledge about Victorian contracts Rosenberg argues that current understandings of the liberal effort in contracts need reconstructing from both ends of Henry Maine s famed aphorism which described a historical progress from status to contract On the side of contract historical accounts of its liberal content have been oscillating between atomism and social collective approaches missing out on forms of relationality in Victorian liberal conceptualizations of contracts which the book establishes in their complexity richness and wavering appeal On the side of status the expectation of a move from status has led to a split along the liberal radical fault line among those assessing liberalism s historical commitment to promote mobility and equality The split misses out on the possibility that liberalism functioned as a historical reinterpretation of statuses particularly gender and class rather than either an effort of their elimination or preservation As Rosenberg shows that reinterpretation effectively secured yet also altered gender and class hierarchies There is no teleology to such an account *Symposium* Suffolk University. Law School,2012 **A Casebook on Contract** Andrew Burrows,2020-06-11

provides everything you want in a case book a stimulating thought provoking and up to date account of contract law It combines both fantastic academic commentary and superbly selected materials making it simply one of the best contract law casebooks Student Law Journal This is the seventh fully updated edition of Professor Burrows Casebook offering law students the ideal way to discover and understand contract law through reading highlights from the leading cases Designed to be used either on its own or to supplement a contract law textbook this book covers the undergraduate contract law course in a series of clearly presented and carefully structured chapters The author provides an expert introduction to each topic and his succinct notes and questions seek to guide students to a proper understanding of the cases The relevant statutes are also set out along with a principled analysis of them In addition to cross references to further discussion in the leading textbooks an innovative feature is the summary of leading academic articles in each chapter The book is designed not to overwhelm students by its length but covers all aspects of the law of contract most commonly found in the undergraduate curriculum

Sourcebook on Contract Law Oughton,2000-10-17 This book examines the role and function of the law of contract comparing it with other aspects of the law of obligations It also covers the issues of contract formation such as the enforcement of promises agreement and good faith the construction and context of contracts adjustments in long term relationships the control of contract power and remedies for breach of contract [The Law of Contracts](#) Edward Avery Harriman,1901 *Contract Law* Ewan McKendrick,2014 The sixth edition of Ewan McKendrick s Contract Law Text Cases and Materials provides a complete guide to the subject in a single volume containing everything needed for the study of contract law at undergraduate level The book comprises a unique balance of 40% text to 60% cases and materials combining

the best features of a textbook with those of a traditional casebook The author's clear explanations and analysis of the law provide invaluable support to students while the extracts from cases and materials promote the development of essential case reading skills and allow for a more detailed appreciation of the practical workings of the law Online Resource Centre The book is accompanied by an Online Resource Centre which includes Extra material with in depth coverage of topics such as illegality and incapacity Updates on recent developments in the law Annotated web links to key sources of information on contract law Lecturer access to a test bank of multiple choice questions and answers

Casebook on Contract Law Jill Poole, 2016 Casebook on Contract Law provides students with a comprehensive selection of the cases most likely to be encountered on contract law courses and is specifically designed to meet their needs *A Selection of Cases Illustrative of the Law of Contract* Courtney Stanhope Kenny, 1922

Contract Law Kenneth Yin, Simon Kozlina, Kelly Green, Luca Siliquini-Cinelli, Emmanuel Laryea, Lisa Spagnolo, 2020-10-28 Contract Law Cases and Materials presents a selection of well chosen cases and illuminating commentary ideal for introducing students to the study of contract law in Australia Developed to accompany Stewart Swain and Fairweather's Contract Law Principles and Context this casebook maintains the accessibility of the principles text while providing the depth and analysis of topics required to learn contract law Following the structure of the principles text this text explores areas not traditionally covered in other casebooks such as resolving disputes preparing to make a contract preliminary agreements and interpreting contracts Each chapter also briefly explores contracts in international contexts Containing well chosen carefully curated cases and extracts Contract Law Cases and Materials takes a practical approach to student learning and integrates rich pedagogy to build critical thinking and analysis skills making it an invaluable resource for contract law students *The Richness of Contract Law* R.A. Hillman, 2012-12-06

Scholars have produced a wide variety of theoretical work on contract law This is the first book to compile it to present it coherently to evaluate it and to supply numerous references to additional sources The author also offers his own practical perspective that emphasizes contract law's richness and complexity and questions the utility of abstract unitary theories The author argues that notwithstanding contract law's complexity it successfully facilitates the formation and enforcement of private arrangements and ensures a degree of fairness in the process of exchange Each chapter presents a pair of largely contrasting theories to clarify the central issue of contract law and theory to set forth the range of views and to help identify a practical middle ground Among the contract theories discussed and analyzed are promise contextual feminist formal mainstream critical economic empirical and relational The book should interest legal theorists practising lawyers law students and general readers who want to learn more about contract law and theory

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