

Theories of contract law

The reading discusses the following theories of contract:

- classical contract theory at [\[1.10\]-\[1.15\]](#).
- promise theory at [\[1.20\]-\[1.22\]](#).
- consent theory at [\[1.25\]](#).

The concept of contract is not particular to Australia. It has been around since ancient times and exists in all countries around the world.

Like most if not all areas of law, the origin of contract law principles is sourced from the English legal system. However, as time went on the English precedent was considered, applied and distinguished in Australian contract law which created Australia's precedents on contract law.

Precedent is the body of authorities for courts to follow in cases with similar facts. The way a court applies the precedent is also how law students apply those cases to problem-based questions.

Historically in Australia, the most common contracts were conveyancing contracts for the sale of land.

Contract Law And Theory

R.A. Hillman



Contract Law And Theory:

Contract Law and Theory Robert E. Scott, Jody P. Kraus, 2023 **Aspen Treatise for Contract Law and Theory** Eric A. Posner, 2016 Contract Law and Theory Second Edition conveys a grasp of theory and policy that makes all of the contract rules easier to understand By explaining and applying contract theory to a wide range of contracts cases Eric Posner reveals not only the what of doctrine but also the why why one rule rather than another makes sense from a policy perspective An understanding of what contract theory is and how it is applied will help you to understand not only Contracts as taught in law school but also the many areas of law in which contractual ideas operate such as bankruptcy law secured transactions and corporate law An exciting new Student Treatise from an eminent authority Contract Law and Theory Second Edition features Complete coverage of contracts that includes the principal cases covered in most first year contracts courses A general explication of the rules of contract that begins with the simplest ideas and gradually builds in complexity A consistent emphasis on the application of theory to doctrine through analysis of a rich selection of cases A readable and expert treatment of the role of economics in contract law Illustrative examples that point to noteworthy cases Suitability for use alongside any casebook **Contract Law and Theory** Robert E. Scott, 1988 **Contract Law and Theory** Robert E. Scott, 2004-08-30 Advanced Introduction to Contract Law and Theory Brian H. Bix, 2023-07-01 This comprehensive Advanced Introduction provides an overview of contract law and contemporary contract theory Demonstrating that an understanding of theory and policy is a vital aspect of being an effective practicing lawyer Brian H Bix explores which theoretical approaches can best explain and justify contract law arguing for greater critical attention to the connections between contract law theory practice and teaching *Contract Law* Brian H. Bix, 2012-10-15 To gain a deep understanding of contract law one needs to master not only the rules and principles of the field but also its underlying theory and justification and its long and intricate history This book offers an accessible introduction to all aspects of American contract law useful to both first year law students and advanced contract scholars The book is grounded on up to date scholarship and contains detailed references to cases statutes Restatements and international legal principles The book takes the reader from contract formation through interpretation and remedies considering both the practical and theoretical aspects throughout Each chapter also includes helpful lists of suggested further reading **The Theory of Contract Law** Peter Benson, 2001-02-05 Although the law of contract is largely settled there appears to be no widely accepted comprehensive theory of its main principles and doctrines or of its normative basis Contract law theory raises issues concerning the relation between law and morality the role and the importance of rights the connection between justice and economics and the distinction between private and public law This collection of six full length essays written by some of the most eminent scholars in the field explores the general theory of contract law from a variety of theoretical perspectives The volume addresses a wide range of issues both methodological and substantive in the theory and practice of contract law While the

essays build upon past theoretical contributions they also attempt to take contract theory further and suggest promising ways to develop theory of contract law Contract Law and Theory ,1990 *Contract Law and Theory* Robert E. Scott,Jody S. Kraus,2002 **Contracts** Daniel Markovits,Gabriel Rauterberg,2018-06-16 Contracts Cases and Theory has two principal ambitions first to present the basic doctrine of contracts in a comprehensive and coherent fashion and second to encourage a rigorous and interdisciplinary approach to thinking about the values and principles that inspire the law The book provides a systematic survey of contract law while weaving in perspectives from economics philosophy sociology and legal theory to show how these disciplines can be used to both illuminate and criticize the law as it stands The book s treatments of law and ideas are designed to be free standing making the book an excellent introduction to interdisciplinary legal thought for students without prior training in other fields *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 Contract Law and Theory Robert E. Scott,1988 This companion to does not yet require updating **Principles of Contract Law and Theory** Larry A Dimatteo,2024-11-28 This informative and accessible book reviews the core concepts of contract law and theory from an Anglo American perspective Larry A DiMatteo deftly analyses the key principles rules and frameworks which have shaped Anglo American contract law as well as highlighting important legislative acts that have changed and modernised its development There is a strong commonality across Anglo American common law systems however there have been several critical fissures that have developed between American and English common law over the past fifty years DiMatteo adopts a multidisciplinary approach lucidly explaining these differences from both a theoretical and a practical perspective using empirical evidence from case studies to support this research The areas of divergence discussed include the duty of good faith principle of unconscionability promissory estoppel contextual interpretation and hardship Introducing key contract law cases this book will be an essential read for law students and scholars working in the field of commercial law particularly those with an interest in the theoretical framework and historical context of modern contract law *Contract Law* Brian Bix,2012 This book offers an accessible introduction to all aspects of American contract law useful to both first year law

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History and theory of English contract law Thomas Atkins Street, 1980

Justice in Transactions Peter Benson, 2019-12-17 One of the most important contributions to the field of contract theory if not the most important in the past 25 years Stephen A Smith McGill University Can we account for contract law on a moral basis that is acceptable from the standpoint of liberal justice To answer this question Peter Benson develops a theory of contract that is completely independent of and arguably superior to long dominant views which take contract law to be justified on the basis of economics or promissory morality Through a detailed analysis of contract principles and doctrines Benson brings out the specific normative conception underpinning the whole of contract law Contract he argues is best explained as a transfer of rights which is complete at the moment of agreement and is governed by a definite conception of justice justice in transactions Benson s analysis provides what John Rawls called a public basis of justification which is as essential to the liberal legitimacy of contract as to any other form of coercive law The argument of *Justice in Transactions* is expressly complementary to Rawls s presenting an original justification designed specifically for transactions as distinguished from the background institutions to which Rawls s own theory applies The result is a field defining work offering a comprehensive theory of contract law Benson shows that contract law is both justified in its own right and fully congruent with other domains moral economic and political of liberal society

A Theory of Contract Law Peter A. Alces, 2011 In the past few decades scholars have offered positive normative and most recently interpretive theories of contract law This title confronts the leading interpretive theories of contract and demonstrates their interpretive doctrinal failures

Contract Law Larry Alexander, 1990

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