

SECOND EDITION

CONTRACT
AS
PROMISE

A THEORY OF CONTRACTUAL OBLIGATION

CHARLES FRIED

OXFORD

Contract As Promise A Theory Of Contractual Obligation

Jicheng Xie



Contract As Promise A Theory Of Contractual Obligation:

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 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 **Contract as Promise** Charles Fried, 1981 This book has two purposes a theoretical purpose to show how a complex legal institution contract can be traced to and is determined by a small number of basic moral principles and a pedagogic purpose to display for students the underlying structure of this basic legal institution The author argues that that the promise principle that principle by which persons can impose upon themselves obligations where none existed before is the moral basis of contract law **From Promise to Contract** Dori Kimel, 2003-03-14 The book offers a careful philosophical investigation of the similarities and the much overlooked differences between contract and promise **Contract as Promise** Donald Renshaw Harris, Charles Fried, 1983 *Poole's Textbook on Contract Law* Robert Merkin, Séverine Saintier, 2019 The fourteenth edition of this established and popular text provides a clear and commercially focused exposition of contract law Case driven content and succinct explanations are combined with summaries questions and examples to allow students to gain a sound understanding of the theory and application of contract law principles **Contract Law Without Foundations** Prince Saprai, 2019-02-28 This book advances a theoretical account of contract law grounded in value pluralism Arguing against attempts to delineate branches of legal doctrine by reference to single unifying values the book suggests that a field such as contract law can only be explained and justified by the interaction of a multiplicity of moral values In recent times the philosophy of contract law has been dominated by the promise theory according to which the morality of promise provides a blueprint for the structure shape and content that contract law rules and doctrines should take The promise theory is an example of what this book calls a foundationalist theory whereby areas of law reflect or are underlain by particular moral principles or sets of such principles By considering contract law from the point of view of its theory rules and doctrines and broader political context the book argues that the promise theory can only ever offer part of the picture The book claims that top down theories of contract law such as the promise theory and its bitter rival the economic analysis of law seriously mishandle legal doctrine by ignoring or

underplaying the irreducible plurality of values that shape contract law The book defends the role of this multiplicity of values in forging contract doctrine by developing from the ground up a radical and distinctly republican reinterpretation of the field The book encourages readers to move away from a top down theory of contract law such as the promise theory and instead embrace a distinctly republican approach to contract law that would justify the legal rules and doctrines we find in particular jurisdictions at particular times

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

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

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JC Smith's the Law of Contract Paul S. Davies, 2021 JC Smith's The Law of Contract provides a superb overview of all the key areas of contract law making this book ideal for use on all undergraduate courses A focus on key cases acts as a springboard into analysis and critical discussion enabling students to really understand the fundamentals of the subject

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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 *Contracting and Contract Law in the Age of Artificial Intelligence* Martin Ebers,Cristina Poncibò,Mimi Zou,2022-06-30 This book provides original diverse and timely insights into the nature scope and implications of Artificial Intelligence AI especially machine learning and natural language processing in relation to contracting practices and contract law The chapters feature unique critical and in depth analysis of a range of topical issues including how the use of AI in contracting affects key principles of contract law from formation to remedies the implications for autonomy consent and information asymmetries in contracting and how AI is shaping contracting practices and the laws relating to specific types of contracts and sectors The contributors represent an interdisciplinary team of lawyers computer scientists economists political scientists and linguists from academia legal practice policy and the technology sector The chapters not only engage with salient theories from different disciplines but also examine current and potential real world applications and implications of AI in contracting and explore feasible legal policy and technological responses to address the challenges presented by AI in this field The book covers major common and civil law jurisdictions including the EU Italy Germany UK US and China It should be read by anyone interested in the complex and fast evolving relationship between AI contract law and related areas of law such as business commercial consumer competition and data protection laws *Textbook on Contract Law* Jill Poole,2016 Clear authoritative and user friendly giving you a firm comprehensive and contextual understanding of the law of contract Key features Case summaries and extracts throughout keep your focus on the important cases Key points boxes allow you to check your understanding as you learn and revise Further reading guides you towards the most relevant texts and articles Examples and questions encourage you to deepen your understanding and apply what you ve learnt Book jacket *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 *Research Handbook on Private Law Theory* Hanoch Dagan,Benjamin C. Zipursky,2020-12-25 This comprehensive Research Handbook provides an unparalleled overview of contemporary private law theory Featuring original contributions by leading experts in the field its extensive examinations of

the core areas of contracts property and torts are complemented by an exploration of a breadth of topics that cross the divide between private and public law including labor law and corporate law *A Companion to Philosophy of Law and Legal Theory* Dennis Patterson, 2010-01-15 The articles in this new edition of *A Companion to Philosophy of Law and Legal Theory* have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy Represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy Now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and Kantian legal philosophy Essays are written by an international team of leading scholars *The Choice Theory of Contracts* Hanoch Dagan, Michael Heller, 2017-04-17 This concise landmark in law and jurisprudence offers the first coherent liberal account of contract law The Choice Theory of Contracts answers the field's most pressing questions what is the freedom in freedom of contract What core values animate contract law and how do those values interrelate How must the state act when it shapes contract law Hanoch Dagan and Michael Heller two of the world's leading private law theorists show exactly why and how freedom matters to contract law They start with the most appealing tenets of modern liberalism and end with their implications for contract law This readable engaging book gives contract scholars teachers and students a powerful normative vocabulary for understanding canonical cases refining key doctrines and solving long standing puzzles in the law *Principles of Contract Law and Theory* Larry D. DiMatteo, 2023-12-11 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

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