

SECOND EDITION

CONTRACT  
AS  
PROMISE

*A THEORY OF CONTRACTUAL OBLIGATION*

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OXFORD

# Contract As Promise A Theory Of Contractual Obligation

**Mindy Chen-Wishart, Prince Saprai**



## **Contract As Promise A Theory Of Contractual Obligation:**

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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 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

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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

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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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