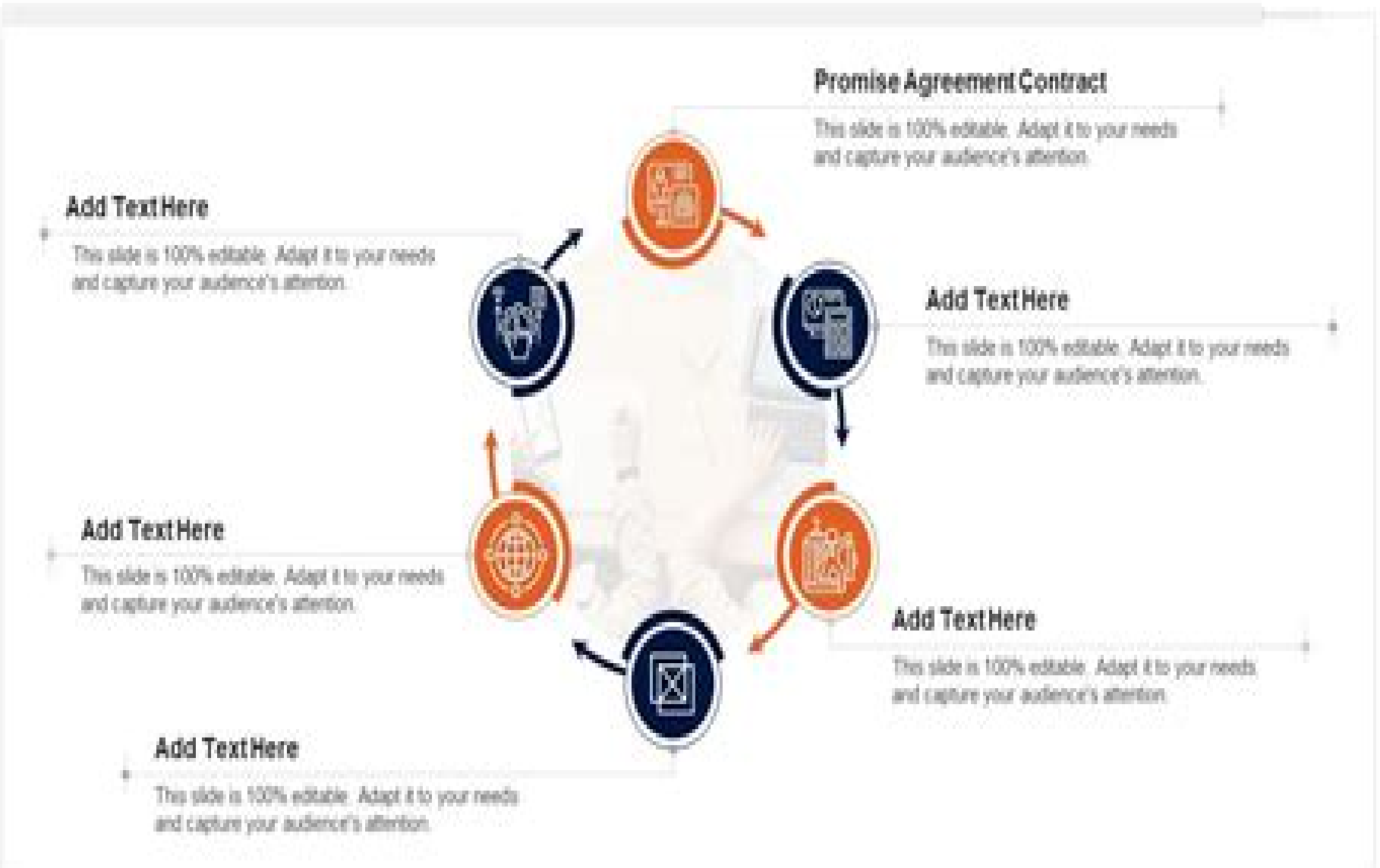


# Promise Agreement Contract



# Contract As Promise

**Charles Fried**



## **Contract As Promise:**

**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 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. 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 oversimplified 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      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

**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 The book offers a careful philosophical investigation of the similarities and the much overlooked differences between contract and promise

**Philosophical Foundations of Contract Law** George Letsas, Prince Saprai, 2014 The 17 essays of this collection explore key philosophical questions underlying the institution of contract and the philosophical issues arising in specific contract law doctrines including contract formation contract interpretation unfair terms the principle of good faith defences and remedies

**Contracts** DANIEL P. O'GORMAN, 2021-04-29      Contracts Charles Fried, 2017-12-13 Contracts are a part of our everyday life arising in collaboration trust promise and credit How are contracts formed What makes a contract enforceable What happens when one party breaks a promise

**Symposium** Suffolk University. Law School, 2012      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 Contracts [Anonymus AC03577373], 1999-08-31 full size laminated contracts guide

*The Promise of Contract Pluralism* Andrew Jordan, 2024 Many contract theorists argue that contracts are promises Such a view is appealing because it can justify the institution of contract law contract law allows parties to vindicate their promissory rights In this article I argue that the contract as promise crowd has seriously misunderstood how promises work They assume a cartoon version of promises one that is overly abstract individualistic and is singularly fixated on the obligation to do what one promised Such theorists have failed to adequately attend to other important dimensions of promises How stringent is the promise Under what conditions is a person obligated to perform How is an agent entitled to respond to a breach How should a promisee respond to a request for release When should a promisee agree to renegotiate Through a series of examples I show how these features of promissory morality vary radically across different kinds of human relationships e g marriage friendship employment parenting and commercial bargains This is an important result for contract theory Courts routinely invoke the idea of a general uniform set of contract principles applicable to all contracts But if promissory morality doesn't justify applying uniform contract principles across different contracting relationships likely nothing does We should thus liberate ourselves from the idea of general contract principles and embrace a kind of contractual pluralism **The Law of Contracts** Edward Avery Harriman, 1901 **Contract** H G Beale, W D Bishop, M P Furmston, 2008 This casebook on contract comprises a wide selection of cases and materials that illustrate the substantive law and places it in its legal and commercial context It demonstrates how the rules work both inside and outside the courtroom **A Selection of Cases Illustrative of the Law of Contract** Courtney Stanhope Kenny, 1922 Cases Decided in the Supreme Court of Appeals of Virginia Virginia. Supreme Court of Appeals, 1923 **The Enforceability of Promises in European Contract Law** James Gordley, 2009-04-09 Professor James Gordley opens this volume with a concise history of the legal status of promises In the central part of the book legal experts examine how twelve modern European legal systems deal with fifteen concrete situations in which a promise may not be enforceable situations that include gifts loans bailments houses rewards and brokerage contracts Despite differences in legal doctrine the volume reveals similarities

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