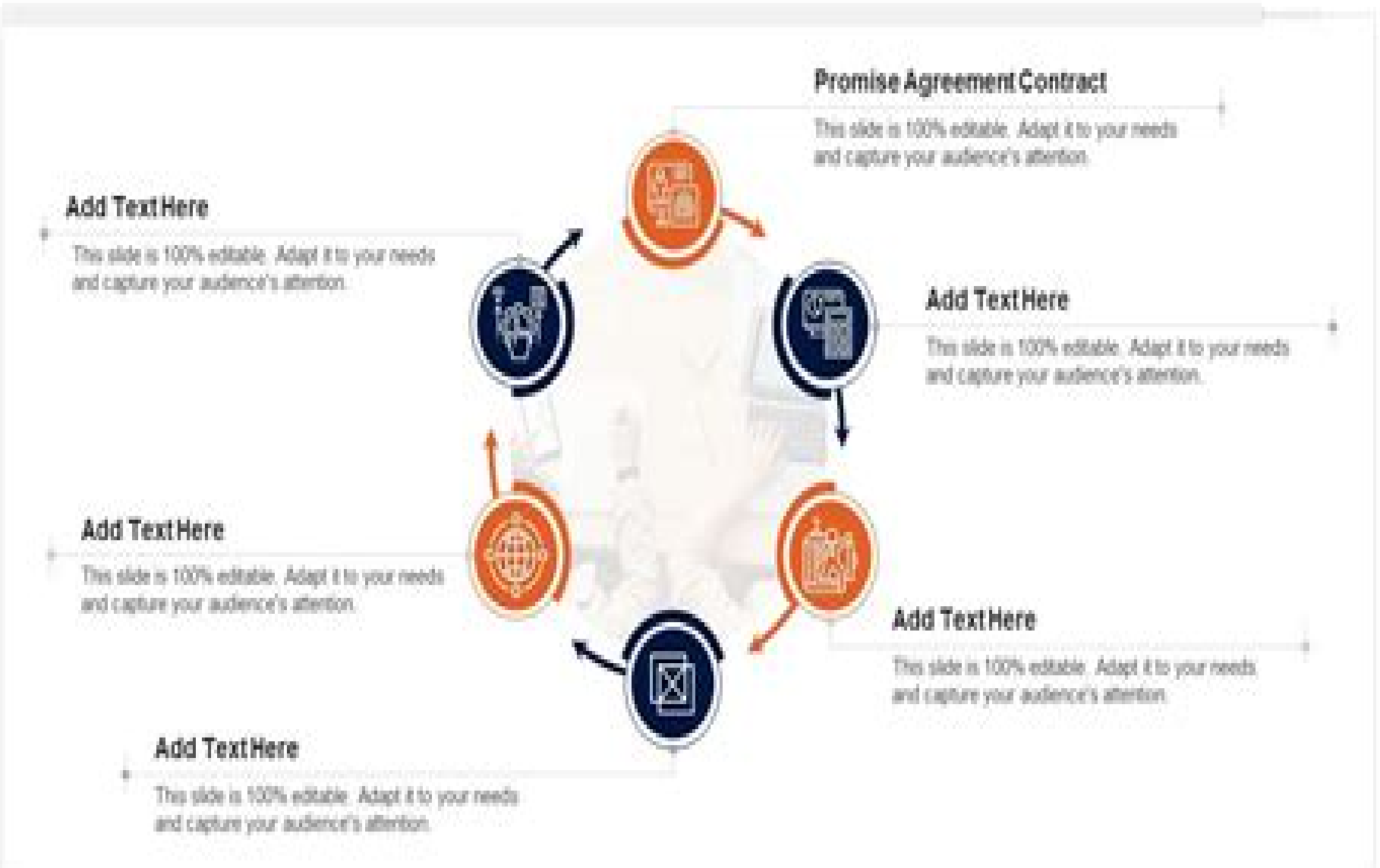


# Promise Agreement Contract



# Contract As Promise

**Dori Kimel**



## **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      *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      **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, 2019-02-21 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      **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      **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 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 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 **Contracts** [Anonymus AC03577373],1999-08-31 full size laminated contracts guide **The Compiled Laws of the State of Michigan, 1897** Michigan,Lewis Montgomery Miller,1899 **Cases Decided in the Supreme Court of Michigan ...** Michigan. Supreme Court,1921 *A Treatise on the Law of Contracts* Joseph Chitty,John Archibald Russell,1868

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