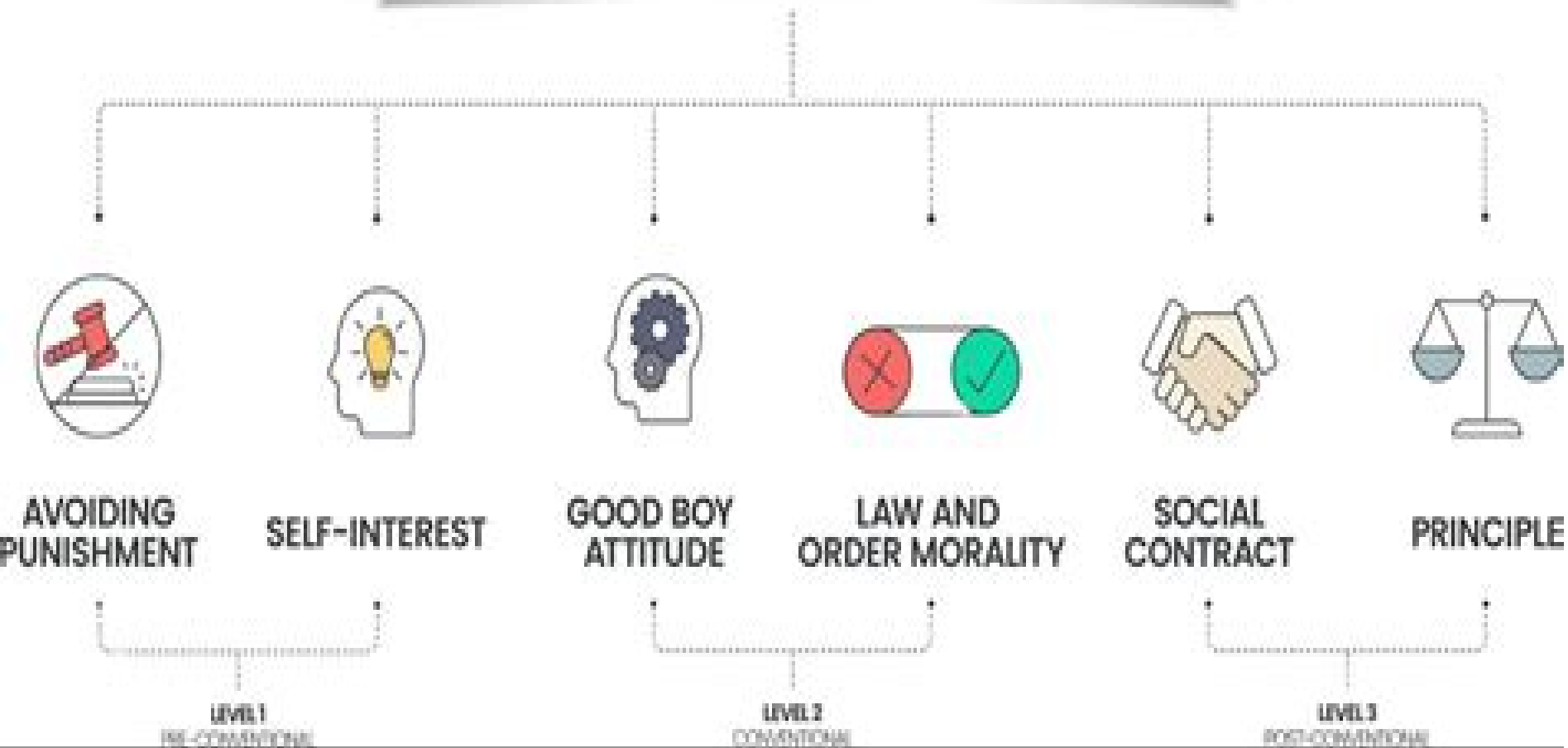


SIX STAGES OF MORAL DEVELOPMENT



Contract Law And Morality

Larry D. DiMatteo



Contract Law And Morality:

Contract Law and Morality Henry Mather, 1999-02-28 Combining natural law theory reliance theory and economic analysis to develop a jurisprudential approach this is a prescriptive work presenting a vision of what contract law would be like if it were devoted to teaching moral virtue The jurisprudential approach draws upon insights of Aristotle Saint Thomas Aquinas and other thinkers in the natural law tradition The author applies this approach to selected legal issues to produce the only contemporary book that uses a natural law approach in prescribing specific reforms in American contract law Although this study is theoretical the author who practiced law for more than eight years explains technical terms for non specialist readers The book employs a pluralistic moral theory and presents a serious challenge to contemporary jurisprudential theories that focus on some single dominant value A key idea is that contract law should teach and employ certain moral principles when applied to legal issues related to enforceability remedies offer and acceptance and nondisclosure With respect to each issue the author compares his proposed resolution with the prevailing current law

Contract Law and Morality Nathan B. Oman, 2008 This brief piece introduces the contract law section of a symposium on law and morality I argue that notwithstanding the empirical turn in recent scholarship moral reflection remains important for the study of contract law for two reasons First because without normative theories we cannot construct what Hart called internal interpretations of the law In the absence of such interpretations we are left with a basic puzzle about the purposes and coherence of the law that we already have Second contrary to the claims made by some empiricists there are genuine conflicts about the merits and implications of our normative commitments Indeed when moral claims are stated at a level that commands universal assent they tend to become banal

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 Law and Social Morality Peter M. Gerhart, 2021-02-18 When people in a relationship disagree about their obligations to each other they need to rely on a method of reasoning that allows the relationship to flourish while advancing each person's private projects This book presents a method of reasoning that reflects how people reason through disagreements and how courts create doctrine by reasoning about the obligations arising from the relationship Built on the ideal of the other regarding person Contract Law and Social Morality displays a method of reasoning that allows one person to integrate their personal interests with the interests of another determining how divergent interests can be balanced against each other Called values balancing reasoning this methodology makes transparent the values at stake in a disagreement and provides a neutral and objective way to identify and evaluate the trade

offs that are required if the relationship is to be sustained or terminated justly *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 **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 **A Theory of Contract Law** Peter A. Alces, 2011-04-07 In the past few decades scholars have offered positive normative and most recently interpretive theories of contract law These theories have proceeded primarily indeed necessarily from deontological and consequentialist premises In *A Theory of Contract Law Empirical Insights and Moral Psychology* Professor Peter A Alces confronts the leading interpretive theories of contract and demonstrates their doctrinal failures Professor Alces presents the leading canonical cases that inform the extant theories of Contract law in both their historical and transactional contexts and argues that moral psychology provides a better explanation for the contract doctrine than do alternative comprehensive interpretive approaches *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 **Exploring Contract Law** Jason W Neyers, Richard Brunaugh, Stephen G.A. Pitel, 2009-05-14 In this book leading scholars from Australia Canada Hong Kong New Zealand Singapore the United Kingdom and the United States deal with important theoretical and practical issues in the law of contract and closely related areas of private law The articles analyse developments in the law of estoppel mistake undue influence the interpretation of contracts assignment exclusion clauses and damages The articles also address more theoretical issues such as discerning the limits of contract law the role of principle in the development of contract doctrine and the morality of promising With its rich scope of contributors and topics *Exploring Contract Law* will be highly useful to lawyers judges and academics across the common law world Contributors Rick Bigwood Richard Brunaugh Mindy Chen Wishart Helge Dedek Gerald H L Fridman Mark P Gergen Andrew S Gold Kelvin F K Low Jason W Neyers Stephen G A Pitel Andrew Roberston Stephen A Smith Robert Stevens Andrew Tettenborn Chee Ho Tham Catherine Valcke Stephen Waddams Charlie Webb Foreword by Justice Ian Binnie of the Supreme Court of Canada **Contract Law Minimalism** Jonathan

Morgan,2013-11-07 Commercial contract law is in every sense optional given the choice between legal systems and law and arbitration Its doctrines are in fact virtually all default rules Contract Law Minimalism advances the thesis that commercial parties prefer a minimalist law that sets out to enforce what they have decided but does nothing else The limited capacity of the legal process is the key to this minimalist stance This book considers evidence that such minimalism is indeed what commercial parties choose to govern their transactions It critically engages with alternative schools of thought that call for active regulation of contracts to promote either economic efficiency or the trust and co operation necessary for relational contracting The book also necessarily argues against the view that private law should be understood non instrumentally whether through promissory morality corrective justice taxonomic rationality or otherwise It sketches a restatement of English contract law in line with the thesis *The Law as a Moral Agent* Charles Foster,Jonathan Herring,2021-03-30 This book examines the controversial and repercussive contention that an objective of the law should be to promote personal morality to make people ethically better It surveys a number of domains including criminal law tort law contract law family law and medical law particularly the realm of moral enhancement technologies asking for each a Does the existing law seek to promote personal morality b If so what is the account of morality promoted and what is the substantive content c Does it work and d Is this a legitimate objective 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 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

Adverse Selection and Moral Hazard in Contract Law Nicole

Petrack,2007-05-10 Essay aus dem Jahr 2005 im Fachbereich BWL Recht Note 1 7 Higher School of Economics Moscow

Russia Sprache Deutsch Abstract Legal and economical interpretations of contract contract law and contract theory asymmetric information adverse selection and moral hazard Paper explains negative effects of adverse selection and moral hazard for the case of transaction costs and incomplete contracts and describes incentives to avoid adverse selection and moral hazard such as signaling and deductibles as well as indemnity contracts and valued contracts Law and Morality

,2007 Does Contract Law Need Morality? Kimberly D. Krawiec,2018 In The Dignity of Commerce Nathan Oman sets out an ambitious market theory of contract which he argues is a superior normative foundation for contract law than either the moralist or economic justifications that currently dominate contract theory In doing so he sets out a robust defense of commerce and the marketplace as contributing to human flourishing that is a refreshing and welcome contribution in an era of market alarmism But the market theory ultimately falls short as either a normative or prescriptive theory of contract The extent to which law public policy and theory should account for values other than economic efficiency is a longstanding debate Whatever the merits of that debate we conclude that contract law does not need morality as envisioned by Oman a fluid subjective and seemingly instinctual approach to the morality of markets *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

Contract Law Brian Bix,2012-10-15 This book offers an accessible introduction to American contract law useful to both first year law students and advanced contract scholars

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

Contract Law in Modern Society John Howard Jackson, Lee C. Bollinger,1980

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