



FOUNDATIONS OF
Contract Law

Richard Craswell and Alan Schwartz

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Foundations Of Contract Law

Victor M. Corman



Foundations Of Contract Law:

Foundations of Contract Law Richard Craswell, Alan Schwartz, 2006 This text brings together important legal studies and a wealth of materials by economists historians political scientists and sociologists to illuminate the intellectual currents and social and political forces behind contemporary practices and procedures Designed to complement any standard casebook it will be an invaluable resource both for the required contracts course and for any upper level contract theory course The Foundations of Law Series offers a collection of comprehensive readings that provide an interdisciplinary perspective on a substantive legal field Edited by scholars who have made important contributions the readings are designed to provide an accessible introduction to the leading scholarship in a field Accompanying notes and questions permit students to engage fully in the literature on their own as well as to aid their understanding of material covered in classes

Foundations of Contract Law Richard Craswell, Alan Schwartz, 1994 **Foundations of Contract Law** CRASWELL, 1994-01-01 **Philosophical Foundations of Contract Law** Gregory Klass, George Letsas, Prince Saprai, 2014-12-19 In recent years there has been a revival of interest in the philosophical study of contract law In 1981 Charles Fried claimed that contract law is based on the philosophy of promise and this has generated what is today known as the contract and promise debate Cutting to the heart of contemporary discussions this volume brings together leading philosophers legal theorists and contract lawyers to debate the philosophical foundations of this area of law Divided into two parts the first explores general themes in the contract theory literature including the philosophy of promising the nature of contractual obligation economic accounts of contract law and the relationship between contract law and moral values such as personal autonomy and distributive justice The second part uses these philosophical ideas to make progress in doctrinal debates relating for example to contract interpretation unfair terms good faith vitiating factors and remedies Together the essays provide a picture of the current state of research in this revitalized area of law and pave the way for future study and debate Cause and Consideration Bruno Rodríguez-Rosado, Rocío Caro Gándara, Antonio Legerén Molina, 2025-06-12 This book provides a comprehensive study of two parallel notions of civil and common law cause and consideration It does this in three ways with historical comparative and functional perspectives Aspects of cause and consideration are hotly contested by contract lawyers and this book will bring clarity by looking at the English and Continental positions Key areas of focus include enforceability questions of legality and morality contractual justice and the correction of unjustified property displacements Bringing together a team of experts the book discusses in some cases for the first time in English complex questions of both academic and practical importance **Foundations of American Contract Law** James Gordley, 2023 This book reconsiders the foundations of contract law by clarifying the meaning of fairness and choice It shows how these ideas were muddled with rise of voluntarism and conceptualism in the nineteenth century Contract was defined in term of the will of the parties even though often the parties are bound by terms to which they did not consciously assent and sometimes

they are not bound by harsh terms to which they assented Rules were formulated without regard to the purposes that contract law serves Current theory and practice recognize these problems but cannot resolve them because they lack a clear idea of fairness in exchange They approach them by manipulating the idea of choice or by creating exceptions to previously accepted rules or by introducing vaguely conceived policy considerations Economic approaches disregard fairness entirely This book revives a pre nineteenth century idea of fairness in exchange This idea is consistent with modern economic thought and can reconcile concerns about fairness party autonomy and the purposes that a contract serves for society and the parties themselves This book presents an account of contract law that is principled comprehensive systematic and operational in the sense that it explains or criticizes what courts actually do It seeks to explain the enforceability of contracts unconscionability the effect of mistake and changed circumstances and problems of assent interpretation good faith and remedies Law of Contract - Cases and Materials Lawrence J McKee,2024-08-13 Unravel the Foundations of Contract Law Master the Foundations with Engaging Case Studies and Expert Analysis Have you ever wondered what makes a simple handshake transform into a legally binding agreement Or how a casual promise can become a powerful tool for justice Law of Contract Cases and Materials Foundations of Contract Law Offer Acceptance Consideration is your key to unlocking the mysteries of contract law This isn't your typical dry jargon filled legal textbook Professor Lawrence J McKee a seasoned expert in contract law brings the subject to life with clear explanations real world examples and thought provoking case studies Inside you'll discover The building blocks of contracts Master the essential elements of offer acceptance and consideration and understand how they interact to create legally enforceable agreements The power of the written word Explore how courts interpret contractual terms ensuring clarity and fairness in every agreement The consequences of broken promises Learn about the various remedies available for breach of contract from monetary damages to equitable relief The ethical dimensions of contract law Engage in critical analysis and policy debates reflecting on the role of contract law in promoting social justice and fairness This book is perfect for Law students seeking a comprehensive and engaging introduction to contract law Legal professionals looking to refresh their knowledge and stay abreast of current developments Business owners and entrepreneurs wanting to understand the legal framework that governs their agreements Anyone interested in the fascinating world of contract law and its impact on our daily lives Don't miss out on this invaluable resource Law of Contract Cases and Materials Foundations of Contract Law Offer Acceptance Consideration is the definitive guide to mastering the fundamentals of contract law and navigating the complexities of contractual relationships with confidence and clarity Order your copy today and embark on a journey of legal discovery *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 **Symposium** ,2006

Foundations of Contract Law in Hong Kong Stephen Hall,2021 The Foundations of European Private Law Roger Brownsword,Hans-W Micklitz,Leone Niglia,Stephen Weatherill,2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance *The Dignity of Commerce* Nathan B. Oman,2017-01-19 Why should the law care about enforcing contracts We tend to think of a contract as the legal embodiment of a moral obligation to keep a promise When two parties enter into a transaction they are obligated as moral beings to play out the transaction in the way that both parties expect But this overlooks a broader understanding of the moral possibilities of the market Just as Shakespeare s Shylock can stand on his contract with Antonio not because Antonio is bound by honor but because the enforcement of contracts is seen as important to maintaining a kind of social arrangement today s contracts serve a fundamental role in the functioning of society With *The Dignity of Commerce* Nathan B Oman argues persuasively that well functioning markets are morally desirable in and of themselves and thus a fit object of protection through contract law Markets Oman shows are about more than simple economic efficiency To do business with others we must demonstrate understanding of and satisfy their needs This ability to see the world from another s point of view inculcates key virtues that

support a liberal society Markets also provide a context in which people can peacefully cooperate in the absence of political religious or ideological agreement Finally the material prosperity generated by commerce has an ameliorative effect on a host of social ills from racial discrimination to environmental destruction The first book to place the moral status of the market at the center of the justification for contract law The Dignity of Commerce is sure to elicit serious discussion about this central area of legal studies

Foundations of Indian Contract Law, 2024-11-25 This new volume analyses the central doctrines and concepts of Indian contract law and provides guidance on the interpretation of the Indian Contract Act 1872 by examining its historical philosophical and comparative foundations Featuring contributions from practitioners and academics from around the world the book follows a methodology carefully calibrated to address the shortcomings in traditional Indian contract law scholarship The primary presuppositions of this methodology are that a the answers to many difficult questions of Indian contract law can be found in the history of the Contract Act and b while it is difficult to understand the Contract Act other than against the backdrop of the common law one should not assume that Indian contract law mirrors the common law on all difficult points Each chapter therefore pays close attention to the legislative history of the relevant provisions of the Contract Act Based on a holistic analysis of the Contract Act's drafting history and its current interpretation Foundations of Indian Contract Law is a carefully crafted volume providing the input needed to influence the Indian courts approach to contract law inform meaningful legislative reform and more broadly catalyse a culture of critical scholarship on Indian private law Formed of 24 chapters and a conclusion by Professor Hugh Beale former Commercial Law and Common Law Commissioner at the Law Commission of England and Wales the volume presents an authoritative exposition of a branch of the law that is of considerable interest and great practical importance for practitioners scholars and students interested in Indian contract law

Foundations of Public Contracts Giacomuzzi, José G., 2022-05-06 This Research Agenda documents and establishes the thinking of leading scholars in the field of political marketing and related sub fields also encompassing additional social science disciplines that intersect at the crossroads of political marketing

The foundations of legal liability Thomas A. Street, 1906

The Foundations of Legal Liability: Theory and principles of tort

Thomas Atkins Street, 1906

The Foundations of Legal Liability: History and theory of English contract law

Thomas Atkins Street, 1906

Foundations of International Commercial Law Christian Twigg-Flesner, 2021-08-04

Foundations of International Commercial Law provides a fresh analysis of both the contextual features of International Commercial Law and a range of different International Commercial Law instruments This text covers the various elements which comprise International Commercial Law the academic debates about the *lex mercatoria* and harmonisation as well as a discussion of selected conventions and other instruments International Commercial Law is concerned with commercial transactions which have an international dimension for example contracts between parties from multiple jurisdictions As an area of study it is characterised by the interaction of a wide range of national and international legal sources which all shape

the overall context within which international commercial contracts are made and performed This book focuses on the international legal sources in particular It first explores all the different elements which together comprise the context of international commercial transactions before examining the process of making International Commercial Law Specific instruments of International Commercial Law discussed in the book include the conventions on the international sale of goods agency financial leasing factoring receivables financing and secured interests in mobile equipment together with the UNIDROIT Principles of International Commercial Contracts and documentary credits There are separate chapters on private international law and international commercial arbitration and a final chapter exploring the existing and potential impact of the digital economy on International Commercial Law Offering a detailed overview of the main themes and key aspects of International Commercial Law this book is for readers who are new to the subject whether undergraduate or postgraduate students legal scholars practitioners or policymakers

Equity Irit Samet, 2018-12-06 This book sets out to defend the claim that Equity ought to remain a separate body of law the temptation to iron out the differences between neighbouring doctrines on the two sides of the Equity Common Law divide should in most cases be resisted The theoretical part of the book is argues that the characteristics of Equity namely appeal to conscience flexibility retroactivity and the use of morally freighted jargon are essential for the implementation of a legal ideal that has been neglected by the Common Law

Accountability Correspondence According to this fundamental legal ideal liability imposed by legal rules should correspond to the pattern of moral duty in the circumstances to which the rules apply Equity promotes this ideal in the fields of property and obligations by disallowing parties to exploit the rule like nature of Common Law norms in a way that breaches their moral duty to the other party By reference to various equitable doctrines it is argued that the faults identified by critics of Equity especially from the perspective of the Rule of Law are highly exaggerated and that the criticism often reflects a political belief in the supremacy of individualism and free market over empathy and social justice The theoretical part is followed by three chapters each dedicated to an in depth analysis of the equitable doctrines of fiduciary duties proprietary estoppel and clean hands For each doctrine it is shown how their equitable characteristics are indispensable for achieving their social ethical and economic purpose

Reviewing **Foundations Of Contract Law**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Foundations Of Contract Law**," an enthralling opus penned by a highly acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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Foundations Of Contract Law Introduction

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