The Modern Law Of Contract | f28ac83e08740e25cdada77024c766316b

The Philosophical Origins of Modern Contract Doctrine

This is an account of the modern law of contract by a leading authority in the field. Through this fresh approach to the subject students should obtain a firm understanding of the central doctrines and the controversies associated with them.

The Modern Law of Contracts

This volume provides an advanced analysis of the law of contract for undergraduate courses covering the law of contract and the law of obligations.

Contract Law in America

This contracts casebook includes introductions that quickly orient students within unfamiliar territories. Cases present both the doctrine applied and, in some instances, the shortcomings of that doctrine. The authors express their disagreement about basic issues, so that students can experience the range of possible in modern contract law. To save time, the authors avoid extensive citation of academic scholarship. Hence, the moral subjects students studying the doctrine of acceptance and consideration are reduced to the bare minimum, where more pivotal subjects such as form contracts, arbitration clauses, and the modern concept of unconscionability are considered at length.

Justice in Transactions

Legal thinkers typically justify contract law on the basis of economics or prissmory morality. But Peter Benson takes another approach. He argues that contract law is best explained as a transfer of rights governed by a conception of justice. The result is a comprehensive theory of contract law congruent with Rawlsian liberalism.

Contract Law

Psychology for the Classroom: E-Learning is a lively and accessible introduction to the field of technology-supported teaching and learning and the educational psychology associated with those developments. Offering a substantial and practical analysis of e-learning, this practical book includes current research, offers a grounding in both theory and pedagogical application and contains illustrative case studies designed to stimulate thinking about technology and education. The author places particular focus on the developing theory and practice of cybergogy as well as interpretations of conventional theories such as behaviourism, cognitivism and constructivism in the context of e-learning. The book also explores how these developments provide new opportunities, contexts and environments for learning including: Virtual learning environments; Social networking; Social justice; Cyber-bullying; New patterns of learning; Visualisations; Algorithmic; Programmed learning. This unique text will appeal to all practising teachers and students alike and provides a valuable and practical guide to the theory and application of e-learning.

Contract Law Directions

This best-selling, classic text provides a clear and straightforward account of the basic rules of contract law, while also introducing current questions and wider controversies surrounding the basic doctrines. Praised time and again by both lecturers and students, Contract Law is compact yet comprehensive, well-written, well-structured, stimulating and engaging. This new eleventh edition has been fully revised and updated to reflect recent changes in the law. It is essential reading for all students taking undergraduate and GDL/DPE courses in contract law.

The Law of Contract

Contract law as applied in the real world and not just in the law books: the classic study of the social and economic realities of contracts in commercial and trade cases, told through case studies and rich historical analysis. A recognized and oft-cited study in law & society, this volume previously hid out as a rare book or was completely unavailable. Now readily accessible and reasonably priced, it also features a new preface by the author and a new, analytical Foreword by Stewart Macaulay.

JC Smith's the Law of Contract

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A History of the Common Law of Contract

The Modern Law of Contract is a clear and logical introductory textbook, written by a leading author and lecturer with over thirty years teaching experience. Covering all key topics for law and OCL courses, this tenth edition has been thoroughly updated and presents learning features that will help students to: Understand and remember core topics; boxed chapter summaries offer a useful checklist for students, while illustrative diagrams help to clarify difficult concepts; Identify important cases and questions underlying a subject; setting legal developments in their philosophical and cultural context and exploring the law as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

Great Debates in Contract Law

Great Debates in Law is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the law as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

The Modern Law of Contract

An oft-repeated assertion within contract law scholarship and cases is that a good contract law (or a good commercial contract law) will meet the needs and expectations of commercial contractors. Despite the prevalence of this statement, relatively little attention has been paid to why this should be the aim of contract law, how these ‘commercial expectations’ are identified and given substance, and what precise legal techniques might be adopted by courts to support the practices and expectations of business people. This book explores these neglected issues within contract law. It examines the idea of commercial expectation, identifying what expectations commercial contractors may have about the law and their business relationships (using empirical studies of contracting behaviour), and assesses the extent to which current contract law reflects these expectations. The book considers whether supporting commercial expectations is a justifiable aim of the law according to three well-established theoretical approaches to contractual obligations: rights-based explanations, efficiency-based (or economic) explanations and the relational contract critique of the classical law. It explores the specific challenges presented to contract law by modern business relationships and the ways in which the general rules of contract law could be designed and applied in order to meet these challenges. Ultimately the book seeks to move contract law beyond a simple dichotomy between contextualist and formalist legal reasoning, to a more nuanced and responsive legal approach to the regulation of commercial agreements.

Sanctity of Contracts in a Secular Age

This book is a history of American contract law around the turn of the twentieth century. It meticulously details shifts in our conception of contract by juxtaposing scholarly accounts of contract with case law, and shows how the cases exhibit conflicts for which scholarship offers compelling possible answers. Breaking with conventional wisdom, the author argues that our current understanding of contract is not the outgrowth of gradual refinements of a centuries-old idea. Rather, contract as we now know it was shaped by a revolution in private law undertaken toward the end of the nineteenth century, when legal scholars established calculating promisors as the centerpiece of their notion of contract. The author maintains that the revolution in contract thinking is best understood in a frame of reference wider than the individual subject and the role of the individual in a society undergoing transformation. Areas of central concern include the enforceability of promises to make gifts; the relationship of contracts to speculation and gambling; and the problem of incomplete contracts.

The Modern Contract of Guarantee

This book presents a comprehensive and systematic study of the principal aspects of the modern law of international commercial transactions. Based on diverse sources, including legislative texts, case law, international conventions, and a variety of soft-law instruments, it highlights and examines experience, harmonization, international, transport, marine insurance, international finance and payments, electronic commerce, international commercial arbitration, standard trade terms, and international harmonization of trade laws. In focusing on the private law aspects of international trade, the book closely analyses the relevant statutes, case law and the European Union (EU) law. The book examines legal instruments like the Rome I Regulation, the UN Convention on the Contracts for the International Sale of Goods (CISG), UNCITRAL Model Laws; non-legislative instruments including restatements such as the UNIDROIT Principles on International Commercial Contracts, and rules of business practices codified by the ICC such as the Arbitration Rules, UCP 600 and different versions of the INCOTERMS. The book clearly explains the key concepts and nuances of the subject, offering incisive and vivid analyses of the major issues and developments. It also traces the evolution of the law of international trade and explores the connection between the lex mercatoria and the modern law. Comprehensively examining the issue of international harmonization of trade laws from a variety of perspectives, it provides a detailed account of the work of major players in the field, including UNCITRAL, UNIDROIT, ICC, and the Hague Conference on Private International Law (HCCH). Adopting the comparative law method, this book offers a critical analysis of the laws of two key jurisdictions-India and England-in the context of export trade. In order to stimulate discussion on law reform, it explains the similarities and differences not only between laws of the two countries, but also between the laws of India and England on the one hand, and the uniform law instruments on the other. Given its breadth of coverage, this book is a valuable reference resource not only for students in the fields of law, international trade, and commercial law, but also for researchers, practitioners and policymakers.

Atyiah’s Introduction to the Law of Contract

Foundational Principles of Contract Law not only sets out the principles and rules of contract law, it places more emphasis on what the principles and rules of contract law should be, based on policy, morality, and experience. A major premise of the book is that the best way to grasp contract law is to understand it from a critical perspective as an organic, dynamic subject. When contract law is approached in this way, it is much easier to grasp and learn than when it is presented simply as a static collection of principles and rules. Professor Eisenberg covers almost all areas of contract law, including the enforceability of promises, remedies for breach of contract, problems of assent, form contracts, the effect of mistake and changed circumstances, interpretation, and problems of performance. Although the emphasis of the book is on the principles and rules of contract law, such as the theory of sufficient breach, the theory of overreliance, the normative theory of contracts, formalism, and theories of contract interpretation.

The Roman Law of Obligations

This volume contains Birks’ notes on a series of lectures on the Roman law of obligations delivered in 1982. They give a comprehensive insight into his views on the topic, which are relevant in both a Roman context and also from a modern English perspective. The book examines the principles of contract law and rules to be considered in the context of obligations, including the law of delicts; and finally the miscellany of residual obligations from which the later categories of quasi-contracts and quasi-delicts, but also the modern law of unjust enrichment, emerged.

Calculating Promises
 Scholars have produced a wide variety of theoretical work on contract law. This is the first book to compile it, to present it coherently, to evaluate it, and to supply numerous references to additional sources. The author also offers his own practical perspective that emphasizes contract law’s richness and complexity and questions the utility of abstract unitary theories. The author argues that, notwithstanding contract law’s complexity, it successfully facilitates the formation and enforcement of private arrangements and ensures a degree of fairness in the process of exchange. The book views each chapter in a pair of largely contrasting theories to clarify the central issue of contract law and theory, to set forth the range of views, and to help identify a practical middle ground. Among the contract theories discussed and analyzed are promise, contextual, feminist, formal, mainstream, critical, economic, empirical, and relational. The book should interest legal theorists, practising lawyers, law students, and general readers who want to learn more about contract law and theory.

Contract Law Directions

This book considers the development of contract law doctrine in England from 1670 to 1870.

Modern Law of Contracts

Contract Law is an engaging and accessible new textbook aimed at students on core LLB and GDL courses. Combining comprehensive coverage of the curriculum with carefully developed pedagogical tools, the authors help students learn, gain an enhanced understanding of how the law works, and develop their ability to apply and understand in assessed work.

The Rise and Fall of Freedom of Contract

The Rise and Fall of Freedom of Contract

This English edition of a classic text on the subject of commercial credit and security has been re-written to emphasize English law, and focuses on the liability of a surety to pay a commercial debt if the principal borrower does not. The coverage includes: analysis of the factors affecting the validity of the guarantee such as duress and undue influence and the liability of the lender for the acts of the principal borrower; construction of guarantees and the meaning of clauses commonly inserted in guarantees; special principles applicable to guarantees being discharged, and how the lender can guard against that eventuality; difficulties in enforcing guarantees; and rights of guarantors, including rights of set off, indemnity and contribution.

The Modern Law of Estoppel

This book is a unique contribution to the academic understanding of the law of estoppel. While existing textbooks are primarily concerned with the doctrine of estoppel in English law, the author seeks to provide a comprehensive account of the general principles of estoppel in European law. The book is divided into three parts: Part I presents the general principles of estoppel in English law; Part II considers the general principles of estoppel in the civil law systems of Europe; and Part III discusses the general principles of estoppel in the common law systems of Europe.

A Casebook on the Roman Law of Contracts

The law of estoppel might be called the law of consistency which oblige people to stand by things they have said. This book examines how the law has tried to deal with this issue.

Modern Law of Contracts

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A Historical Introduction to the Law of Obligations

A Historical Introduction to the Law of Obligations

This textbook provides an accessible account of the intricacies of contract law and the problems that can arise during the life of a contract. These problems, along with their solutions, are discussed in detail using everyday language that stimulates thought and reflection.

Contract Law in Perspective

Significantly streamlined and updated, the second edition of Andrews’ Contract Law now provides a clear and succinct examination of all of the topics in the contract law curriculum. Chapters direct students to the most important decisions in case law and employ a two-level structure to integrate short judicial excerpts into detailed discussion and analysis. Exploration of the law’s ‘loose ends’ strengthens students’ ability to effectively analyze case law, and new end-of-chapter questions, which focus on both core aspects of the law and interesting legal loopholes, assist students in preparing for exams. Students are guided through chapter material by concise chapter overviews and a two-colour text design that highlights important chapter elements. Suggestions for further reading and a rich bibliography, which includes references to important pieces of contemporary literature and provide a springboard for deeper investigation of particular topics, lend further support for student learning.

The Modern Law of Contract

This accessible textbook helps students learn essential transactional skills by explaining the meaning and purpose of common contract clauses and exploring some potential pitfalls associated with their use. Nancy Kim utilizes selective case summaries and contract clause examples to illustrate doctrinal concepts and how they may affect a transaction.

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be an invaluable resource in the classroom, as it will support law students in becoming preventive lawyers by teaching them how to preempt problems, reduce risks and add value to transactions.

**Modern European and Chinese Contract Law**

Atiyah’s Introduction to the Law of Contract is a well-known text through which thousands of university students have first encountered the law of contract, and the new edition has long been eagerly awaited by university teachers and students. This sixth edition, updated by Stephen Smith, continues to provide readers with an introduction to the theories, policies, and ideas that underlie the law, placing an equal emphasis on the law and critical analysis. In particular, the discussion of recent cases and legislation is centred on why contract law is the way it is, whether it can be justified, and, if not, what should be done to improve it. The sixth edition has been revised to place the law of contract in a modern context and to account for recent developments in the law, as well as those in academic thinking and writing. Addressing European influences and including perspectives from comparative law, this remains a stimulating and authoritative exposition of the modern law of contract.

**Contract Law**

The Modern Law of Contract is a clear and logical textbook, written by an experienced author team with well over 50 years’ teaching and examining experience. Fully updated to address recent developments in Contract Law, it offers a carefully tailored overview of all key topics for LLB and GDL courses. The book also includes a number of learning features designed to enhance comprehension and aid exam preparation, allowing the reader to: ?? understand and remember core topics: boxed chapter summaries offer a useful checklist for students, while illustrative diagrams help to clarify difficult concepts; ?? identify important cases and assess their relevance: ‘Key case’ features highlight and contextualise the most significant cases; ?? reflect on how contract law operates in context: highlighted ‘For thought’ features ask students to consider ‘what if’ scenarios, while ‘In focus’ features offer critical commentary on the law; ?? consolidate learning and prepare for assessment: further reading lists and companion website directions at the end of each chapter direct you to additional interactive resources to test and reinforce your knowledge. Clearly written and easy to use, The Modern Law of Contract enables undergraduate students of contract law to fully engage with the topic and gain a profound understanding of this fundamental area.

**Modern Law of International Trade**

Contract Law in Perspective complements ‘black letter’ treatments of contract by looking at legal doctrine and statutes in their social, political and economic contexts. It increases students’ understanding of the law of contract as well as convinces them why it is so important to us all. In addition to describing the key doctrines in the field, it explains the ideology behind them and considers the extent to which they serve the needs of the business community and consumers. The book broadens understanding and appreciation of the subject by reference to the ‘big ideas’ in contract theory and how these relate to practice at a level which is suitable for students. This fifth edition has been substantially revised and now includes sections on privity and the Rights of Third Parties Act as well as a discussion of the Law Commission’s Unfair Terms in Contract draft bill includes new chapter introductions and summaries designed to help students identify the key points and reflect on what they have learnt provides advice on further reading pointing students towards sources for more detailed study now includes additional self-test questions for students at the end of each chapter to enable them to consolidate and practice at regular intervals.

**Casebook on Contract Law**

This edition provides an authoritative and detailed account of contract law. It is essential reading for any student of contract law, and a valuable source of reference for practitioners and academics.

**The Modern Law of Contracts**

David Ibbetson exposes the historical layers beneath the modern rules and principles of contract, tort, and unjust enrichment. Small-scale changes caused by lawyers exploiting procedural advantages in their clients' interest are described & analyzed.

**Foundational Principles of Contract Law**

The Common Law is one of the two major and successful systems of law developed in Western Europe, and in one form or another is now in force not only in the country of its origin but also in the United States and large parts of the British Commonwealth and former parts of the Empire. Perhaps most typical product is English Contract Law, developed continuously since the birth of the common law almost wholly by judicial decision. Although in its modern form primarily a product of the nineteenth century, the common law of contract as we know it developed around the action of assumpsit which evolved at the close of the fourteenth century, and many of its characteristic doctrines first emerged in the sixteenth and seventeenth centuries. This book, which takes the story up to 1677 (the date of Statute of Frauds) forms the first part of the history of contract law, and is written primarily from a doctrinal standpoint.

**Contract Law**

Strict enforcement of unreasonable contracts can produce outrageous consequences. Courts of justice should have the means of avoiding them.

**Anson’s Law of Contract**

It is a matter of some difficulty for the English lawyer to predict the effect of a misapprehension upon the formation of a contract. The common law doctrine of mistake is a confused one, with contradictory theoretical underpinnings and seemingly irreconcilable cases. This book explains the common law doctrine through an examination of the historical development of the doctrine in English law. Beginning with an overview of contractual mistakes in Roman law, the book examines how theories of mistake were received at various points into English contract law from Roman and civil law sources. These transplants, made for pragmatic rather than principled reasons, combined in an uneasy manner with the pre-existing English contract law. The book also examines the substantive changes brought about in contractual mistake by the Judicature Act 1873 and the fusion of law and equity. Through its historical examination of mistake in contract law, the book provides not only insights into the nature of innovation and continuity within the common law but also the fate of legal transplants.

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