The Modern Law Of Contract

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 this newfound knowledge and understanding in assessment situations. To be successful in assessments, students must be able to analyse and solve legal problems, while accurately and appropriately applying legal authority. The Spotlights series models these core skills alongside a full and thorough exposition of the substantive 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.

The Modern Law of Contractbuilds on the success of the popular Principlesof Contract Law. Taking account of a variety of theoretical approaches: economic, sociological and empirical, the book combines meticulous examination of authorities and commentary with a modern and contextual approach. The range of material covered, combined with an accessible style, means that this book meets the needs of all undergraduate contract courses, enabling students to gain a profound understanding of this pivotal field. It will also be useful for students studying contract law as part of another discipline.

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

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. It 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 commercial 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.

Jill Poole's bestselling Casebook on Contract Law provides students with a comprehensive selection of case law, addressing all aspects of the subject encountered on undergraduate courses. Extracts have been carefully chosen from a wide range of historical and contemporary cases to illustrate the reasoning processes of the courts, and to show how legal principles develop. Cases can either be analysed and discussed in isolation or, taken as a whole, the selection of cases form chapters providing a structured overview of the modern law of contract. Online Resource Centre The casebook is fully supported by an Online Resource Centre, which provides: - Self-test questions and answers - Guidance on answering questions in contract law - Exercises and guidance on reading cases - An opportunity for students to ask the author any questions

The Modern Law of ContractRoutledge

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. Perhapsits 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 assumpsitwhich 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 writtenprimarily from a doctrinal standpoint.

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. Each chapter presents 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.

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 analyse 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 point readers to important pieces of contemporary literature and provide a springboard for deeper investigation of particular topics, lend further support for student learning.

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.

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 just one of many 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 rules governing the formation and enforcement of contracts. That frame of reference is a cultural negotiation over the nature of 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.

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

Offers students with a logical introduction to contract law. Exploring various developments and case decisions in the field of contract law, this title combines an examination of authorities and commentaries with a modern contextual approach.

With a strong focus on helping students understand and apply case law, JC Smith's The Law of Contract guides the reader through the intricacies of contract law in an accessible way. A modern revision of the classic text, the author ensures students are provided with expert analysis and clarity, with key cases clearly signposted throughout. The clear structure of the text assists student preparation for assignments and exams through the problem and essay based questions and further reading suggestions at the end of each chapter. The accompanying online resources support student learning with: -Guidance on answering the questions in the text -Links to key cases -Multiple choice questions -Example essays from real students with annotations from the author All this ensures that students have the complete package they need to excel on contract law courses.

This comparative study of European and Chinese contract law opens a clear and practical way to identify and understand the differences between the two legal regimes. The author offers a detailed doctrinal comparison of the two systems of contract, focusing on the following fundamental elements: * the importance of socio-economic valuation in Chinese contract law; * the role of judicial interpretation; * pre-contractual liability - penalties for bad faith, disclosure versus concealment; * validity - mistake, fraud, threats, unfair bargaining power; * adaptation and termination - effect of registration and approval rules; * mandatory rules - good faith and fair dealing, the public interest; and * direct application of constitutional law to contracts. The book's special power lies in its extraordinarily thorough comparison of doctrines underlying specific provisions of such instruments as the Contract Law of the People's Republic of China (CLC), the General Principles of the Civil Law of the People's Republic of China (GPCL), the Principles of European Contract Law (PECL), and the Draft Common Frame of Reference (DCFR), as well as analysis of judicial cases.

Provides a fresh, topical and accessible account of the Australian law of contract.

This study traces the influence of philosophical ideas on the development of contract law from the post-Roman period to the 19th century, focusing upon the synthesis of Roman law and the moral philosophy of Aristotle and Aquinas.

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 except as it pertains to the cases being studied. Certain traditional subjects'such as offer and acceptance and consideration'are reduced to the bare minimum, where more pivotal subjects'such as form contracts and arbitration clauses'are considered at length.

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.

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

Roman contract law has profoundly influenced subsequent legal systems throughout the world, but is inarguably an important subject in its own right. This casebook introduces students to the rich body of Roman law concerning contracts between private individuals. In order to bring out the intricacy of Roman contract law, the casebook employs the case-law method--actual Roman texts, drawn from Justinian's Digest and other sources, are presented both in Latin and English, along with introductions and discussions that fill out the background of the cases and explore related legal issues. This method reflects the casuistic practices of the jurists themselves: concentrating on the fact-rich environment in which contracts are made and enforced, while never losing sight of the broader principles upon which the jurists constructed the law. The casebook concentrates especially on stipulation and sale, which are particularly well represented in surviving sources. Beyond these and other standard contracts, the book also has chapters on the capacity to contract, the creation of third-party rights and duties, and the main forms of unjustified enrichment. What students can hope to learn from this casebook is not only the general outlines and details of Roman contract law, but also how the jurists developed such law out of rudimentary civil procedures.

Psychology for the Classroom: E-Learningis 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; Algorithm; 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.

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 issues 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.

Legal thinkers typically justify contract law on the basis of economics or promissory morality. But Peter Benson takes another approach. He argues that contract 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.

This English edition of a classic text on the subject of commercial credit and security has been re-written to emphasise 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.

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.

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 select case summaries and contract clause examples to illustrate doctrinal concepts and how they may affect a transaction. The Fundamentals of Contract Law and Clauses will prove to 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.

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 the Consumer Rights Act 2015 and recent key cases 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 comparison 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.

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

This book offers a contractual framework for the regulation of party autonomy in choice of law. The party autonomy rule is the cornerstone of any modern system of choice of law; embodying as it does the freedom enjoyed by parties to a cross-border legal relationship to agree on the law applicable to it. However, as this study shows, the rule has a major shortcoming because it fails to give due regard to the contractual function of the choice of law agreement. The study examines the existing law on choice of law agreements, by reference to the law of both common and civil law jurisdictions and international instruments. Moreover, it suggests a new coherent approach to party autonomy that integrates both the law of contract and choice of law. This important new study should be read with interest by private international law scholars.

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, it also covers important theories in contract law, such as the theory of efficient breach, the theory of overreliance, the normative theory of contracts, formalism, and theories of contract interpretation.

A major new Australian adaptation of the best-selling introduction to contract law, providing an authoritative but accessible examination of the foundational principles of this complex area.

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 key topics such as the international sale of goods, 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 analyzes the relevant statutes, case law and the European Union (EU) and international uniform law 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.

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 except as it pertains to the cases being studied. Certain traditional subjects such as offer and 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.

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.

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.