

The Law Of Contract Core Texts Series

The emergence of EU Private Law as an independent legal discipline is one of the most significant developments in European legal scholarship in recent times. In this 2010 Companion, leading scholars provide a critical introduction to the subject's key areas, while offering original and thought-provoking comment on the field. In addition to several chapters on consumer law topics, the collection has individual chapters on commercial contracts, competition law, non-discrimination law, financial services and travel law. It also discusses the wider issues concerning EU Private Law, such as its historical evolution, the role of comparative law, language and terminology, as well as the implications of the Common Frame of Reference project. A useful 'scene-setting' introduction and further reading arranged thematically make this important publication the student's and scholar's first port of call when exploring the field.

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.

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.

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. 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.

Contract law is an essential element of all law degrees. Unlocking Contract Law will ensure that you grasp the main concepts with ease, providing you with an indispensable foundation in contract law. This third edition is fully up-to-date with the latest changes in the law and includes discussion of the Consumer Protection from Unfair Trading Regulations, as well as all the major new cases. The Unlocking the Law series is designed specifically to make the law accessible. Each chapter opens with aims and objectives and contains activities such as quick quizzes and self-test questions, key facts charts, diagrams to aid learning and numerous headings and sub-headings to make the subject manageable. New features include summaries to check your understanding of each chapter, a glossary of legal terminology, essay questions with answer plans and exam questions with guidance on answering. All titles in the series follow the same formula and include the same features so students can move easily from one subject to another. The series covers all the core subjects required by

the Bar Council and the Law Society for entry onto professional qualifications as well as popular option units. Resources supporting this book are available online at www.unlockingthelaw.co.uk. These include: multiple choice questions key questions and answers revision mp3s available for free download interactive glossary and flashcards

*RECOMMENDED LAW SCHOOL BOOK UCC Excerpt: Between merchants, if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within 10 days after it is received.

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.

This 2005 examination of twelve case studies about mistake, fraud and duties to inform reveals significant differences about how contract law works in thirteen European legal systems and, despite the fact that the solutions proposed are often similar, what divergent values underlie the legal rules. Whereas some jurisdictions recognise increasing duties to inform in numerous contracts so that the destiny of mistake and fraud (classical defects of consent) may appear to be uncertain, other jurisdictions continue to refuse such duties as a general rule or fail to recognise the need to protect one of the parties where there is an imbalance in bargaining power or information. Avoiding preconceptions as to where and why these differences exist, this book first examines the historical

origins and development of defects of consent, then considers the issues from a comparative and critical standpoint.

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.

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.

The Law of Contract is a new, innovative textbook, presenting the 'core' of the

traditional contract syllabus in a way that readers will find useful and stimulating on many different levels. For students who need an accessible, modern introduction to the subject, it presents the law in a direct, engaging style, with helpful tips for understanding its complexities and structuring answers to legal problems. But for those who wish to probe more deeply, it also analyses in detail the relevant legal principles, addressing current controversies and placing the law in its commercial context. In particular, the book explores academic commentary on the law of contract, summarizing and explaining the arguments and their implications.

The book provides a broad and topical perspective of the sources of modern contract law. It examines the creation of contract law as a multi-pronged occurrence that involves diverse types of normative content and various actors. The book encompasses both a classical perspective on contract law as a state-created edifice and also delves into the setting of contractual rules by non-state actors. In so doing, the volume thoroughly analyses present-day developments to make sense of shifting attitudes towards the overall regulatory paradigm of contract law and those that reshape the classic view of the sources of contract law. The latter concerns, in particular, the digitalisation of markets and growing trends towards granularisation and personalisation of rules.

the EU private law perspective as its primary point of reference. At the same time, its reach goes far beyond this domain to include in-depth analysis from the vantage points of general contract theory and comparative analysis. In so doing, it pays particular attention to theoretical foundations of sources of contract law and values that underpin them. By adopting such diversified perspectives, the book attempts to provide for a better understanding of the nature and functions of present-day contract law by capturing the multitude of social and economic dynamics that shape its normative landscape.00The volume gathers a unique and distinguished group of contributors from the EU, USA and Israel. They bring research experience from various areas of private law and contribute with diverse conceptual perspectives.

The Core Text Series takes the reader straight to the heart of the subject, providing an invaluable and reliable guide for students of law at all levels. Written by leading academics and renowned for their clarity, these concise texts explain the intellectual challenges of each area of the law. O'Sullivan and Hilliard's *The Law of Contract* provides students with a clear, straightforward, and comprehensive account of the core principles of contract law to enable a sound understanding of the subject. The new edition has been rigorously updated by Cambridge academic and teacher, Janet O'Sullivan. All the key topics on the LLB

and GDL courses are covered, and the author introduces students to current debates in the field. Complex problems are broken down into manageable steps and self-test questions are provided at the end of each chapter to help reinforce learning and aid revision. Online resources On the accompanying online resources students can find guides to answering these questions as well as additional support for their studies, including additional chapters, and web links. There are also twice-annual updates keep students up to speed on key developments in contract law. Self-test questions on the key topics of contract law give students the opportunity to test their learning. These questions test both factual knowledge to help consolidate understanding of key topics, and also offer a range of questions testing practical understanding, by putting students in the shoes of a legal practitioner facing a particular scenario.

For some Western European legal systems the principle of good faith has proved central to the development of their law of contracts, while in others it has been marginalised or even rejected. This book surveys the use or neglect of good faith. Written from the paralegal's perspective, this book examines the ethical, practical and professional topics relating to Contract Law and combines both substantive material and contemporary cases. Offering exceptional coverage of e-contracts and technology, it emphasizes contract law as an important core competency for all paralegals. Each

chapter is infused with application-oriented features that range from scenarios to feature articles to portfolio-building exercises. End-of-chapter material focuses on reinforcing skills through internet exercises, case questions and case-briefing assignments. Throughout the book, each chapter shows how paralegals work with contracts and why it is important for all paralegals to understand contract law.

Paralegals

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the law of contracts in Japan covers every aspect of the subject – definition and classification of contracts, contractual liability, relation to the law of property, good faith, burden of proof, defects, penalty clauses, arbitration clauses, remedies in case of non-performance, damages, power of attorney, and much more. Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology, application, and procedure from one legal system to another, as well as the international aspects of contract law. Throughout the book, the treatment emphasizes drafting considerations. An introduction in which contracts are defined and contrasted to torts, quasi-contracts, and property is followed by a discussion of the concepts of 'consideration' or 'cause' and other underlying principles of the formation of contract. Subsequent chapters cover the doctrines of 'relative effect', termination of contract, and remedies for non-performance. The second part of the book, recognizing the need to categorize an agreement as a specific

contract in order to determine the rules which apply to it, describes the nature of agency, sale, lease, building contracts, and other types of contract. Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in Japan will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative contract law.

A considered balance of depth, detail, context, and critique, *Contract Law Directions* offers the most student-friendly guide to the subject; empowering students to evaluate the law, understand its practical application, and approach assessments with confidence.

This exciting new textbook on Contract Law provides a clear and detailed account of this core area of law. It sets out a clear framework and seeks to explain the intricacies of the law as clearly as possible without sacrificing the detail that is required for a proper understanding of the subject. Charts and grids are widely used to enable students to grasp this complex subject with ease. The book includes full coverage of all topics likely to be studied on Contract Law courses.

Representing an unprecedented joint effort from top scholars in the field, this volume

collects original contributions to examine the fundamental role of 'fault' in contract law. Is it immoral to breach a contract? Should a breaching party be punished more harshly for willful breach? Does it matter if the victim of breach engaged in contributory fault? Is there room for a calculus of fault within the 'efficient breach' framework? For generations, contract liability has been viewed as a no-fault regime, in sharp contrast to tort liability. Is this dichotomy real? Is it justified? How do the American and European traditions compare? In exploring these and related issues, the essays in this volume bring together a variety of outlooks, including economic, psychological, philosophical, and comparative approaches to law.

The recent financial crisis has questioned whether existing contracts may be adapted, terminated or renegotiated as a result of unexpected circumstances. The question is not a new one. In medieval times the notion of *clausula rebus sic stantibus* was developed to cope with such situations, and Germany introduced the theory of *Wegfall der Geschäftsgrundlage*. In England, the Coronation cases provided one possible answer. This comparative study explores the possibility of classifying jurisdictions as 'open' or 'closed' in this regard.

The nineteen outstanding contributors to this deeply insightful book concur in envisioning a fundamentally new systematic concept of contract law that, while preserving the essential and 'architecture' of the existing European codes, would nonetheless find cogent ways to integrate such modern developments as mass

transactions, chains and networks of contracts, regulation of markets and contracts to protect consumers, and service and long-term contracts into an optional European code. The book is organised along three major avenues: and• the systematic arrangement of a contract law code - how it deals with core questions of formation and performance or breach of contract, such as mistake and misrepresentation, standard contract terms, and remedies in the case of breach of contract; and• the apparent necessity to merge consumer contract law (i.e. such issues as product safety and liability, warranties, and consumer debt and insolvency) with traditional core contract law concepts; and and• the importance to substantive contract law of the pre-contractual phase, in which information duties are becoming steadily more paramount. The authors perspectives cover a wide range of jurisdictions, including new EU Member States. The bookand's commitment to an integration of comparative law, EC law, and the debate on European codification offers practitioners and academics fertile ground for the development of a new model of contract law that is more than a common denominator of what has been in force so far. This model may serve as a basis for Europe-wide and perhaps even worldwide discussion.

Well-selected and authoritative, Macmillan Core Statutes provide the key materials needed by students in a format that is clear, compact and very easy to use. They are ideal for use in exams.

The Core Text Series takes the reader straight to the heart of the subject, providing an

invaluable and reliable guide for students of law at all levels. Written by leading academics and renowned for their clarity, these concise texts explain the intellectual challenges of each area of the law. The Law of Contract provides you with a clear, straightforward, and comprehensive account of the core principles of contract law to give you a sound understanding of the subject. Written by Janet O'Sullivan, Director of Studies at Selwyn College, Cambridge, and Jonathan Hilliard, barrister at Wilberforce Chambers, this text covers all the key topics on LLB and GDL courses and introduces you to current debates in the field. The authors break down complex problems into manageable steps and self-test questions are provided at the end of each chapter to help you reinforce your learning and aid revision. You can find answer guidance to these questions as well as additional support for your studies, including author podcasts discussing key cases, additional chapters, and web links on the accompanying Online Resource Centre.

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. This book chronicles how contract cases from the construction industry have influenced, solidified, refined and particularized U.S. contract law. The book's central claim is that the construction industry experience has helped to contextualize U.S. contract law and, therefore, has encouraged the common law to be more receptive to

flexible legal standards and practices and less constrained by the relatively rigid rules that often characterize contract law. Other scholarly books analyze the themes, values, standards, and principles of contemporary contract law, but none captures how construction industry relationships and practices have influenced the common law of contracts. After providing an overview of construction law as a specialty of the practicing bar and as a field for scholarly inquiry, this book examines the construction industry cases that have most directly influenced contract law. It reviews how industry dispute patterns have caused courts to refine contract law principles or to adapt and modify other principles. Separate chapters explain the special roles that cases in the U.S. Supreme Court and in the lower federal courts have played in defining and distinguishing contract law in the construction industry. The final chapters assess implications the construction industry cases hold for contract theory writ large, and for the future of contract law. This book is essential reading for legal scholars, construction law and contract law specialists, and those interested in how the construction industry has helped shape the U.S. legal system.

The Core Text Series takes the reader straight to the heart of the subject, providing an invaluable and reliable guide for students of law at all levels. Authored by leading academics and renowned for their clarity, these concise texts explain the intellectual challenges of each area of the law. Written by two principal authorities in the field, *The Law of Contract* provides a concise overview of the fundamentals of contract law and its

underlying rationales. It also introduces and explores the main academic debates within the subject, encouraging students to reflect on the law and, where it is controversial, to form their own views on whether the rules that contract law adopts are justifiable. To help students to develop the skills necessary to apply the principles of contract law to new situations, The Law of Contract breaks down legal problems into manageable steps. This book covers all of the core areas studied on undergraduate courses and incorporates chapter overviews, self-test and problem-based questions to reinforce students' learning and aid revision, as well as annotated further reading sections to provide a platform for further study. Accessible and engaging, this highly-praised text is the ideal guide to the core of this key subject. An Online Resource Centre accompanies the book, providing guidance on the questions in the book, updates, and weblinks. Two additional chapters are also located on the accompanying website, on incapacity and illegality & public policy.

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.

This book is the product of a unique collaboration between Mainland Chinese scholars and scholars from the civil, common, and mixed jurisdiction legal traditions. It begins by placing the current Chinese contract law (CCL) in the context of an evolutionary process accelerated during China's transition to a market economy. It is structured around the core areas of contract law, anticipatory repudiation (common law) and defense of security (German law); and remedies and damages, with a focus on the availability of specific performance in Chinese law. The book also offers a useful comparison between the CCL and the UNIDROIT Principles of International Commercial Contracts, as well as the Convention on Contracts for the International Sale of Goods. The analysis in the book is undertaken at two levels - practical application of the CCL and scholarly commentary.

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. This new book revises, and adds new foci, to the authors' predecessor casebook *Government Contract Law: Cases and Materials* (2d ed. 2004). It retains the core chapters for a syllabus on the basics of government contracting law. The authors update the core chapters with short, student-friendly, tightly-edited cases. Many cases date from the 2000s, with most of the rest from the 1990s. These present current understandings of issues and doctrines in this rapidly evolving field. As new foci, the authors have greatly expanded the number of specialized chapters treating increasingly important topics. New chapters cover such fast-changing specialties as commercial and IDIQ contracting, intellectual property, health care, construction, government and contractor workforce, false claims and defective pricing, and government takings. Also, the book treats new procedures including protests of task order awards and claims for government breaches of contract. Dozens of fresh notes by the authors cover recent developments such as government acquisition of property rights in software, and contracting in the Afghan and Iraq wars. Tiefer and Shook bring academic and practitioner experience and expertise to their treatment of government contract law. The Core Text Series takes the reader straight to the heart of the subject, providing an

invaluable and reliable guide for students of law at all levels. Written by leading academics and renowned for their clarity, these concise texts explain the intellectual challenges of each area of the law. O'Sullivan & Hilliard's *The Law of Contract* provides students with a clear, straightforward, and comprehensive account of the core principles of contract law to enable a sound understanding of the subject. The new edition has been rigorously updated by Cambridge academic and teacher, Janet O'Sullivan. All the key topics on the LLB and GDL courses are covered, and the author introduces students to current debates in the field. Complex problems are broken down into manageable steps and self-test questions are provided at the end of each chapter to help reinforce learning and aid revision. Online resources Students can find answer guidance to these questions as well as additional support for their studies, including author videos discussing key cases, additional chapters, updates and web links on the accompanying online resources.

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

The product of a unique collaboration between academic scholars, legal practitioners, and technology experts, this Handbook is the first of its kind to analyze the ongoing evolution of smart contracts, based upon blockchain technology, from the perspective of existing legal frameworks - namely, contract law. The book's coverage ranges across many areas of smart contracts and electronic or digital platforms to illuminate the

impact of new, and often disruptive, technologies on the law. With a mix of scholarly commentary and practical application, chapter authors provide expert insights on the core issues involving the use of smart contracts, concluding that smart contracts cannot supplant contract law and the courts, but leaving open the question of whether there is a need for specialized regulations to prevent abuse. This book should be read by anyone interested in the disruptive effect of new technologies on the law generally, and contract law in particular.

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