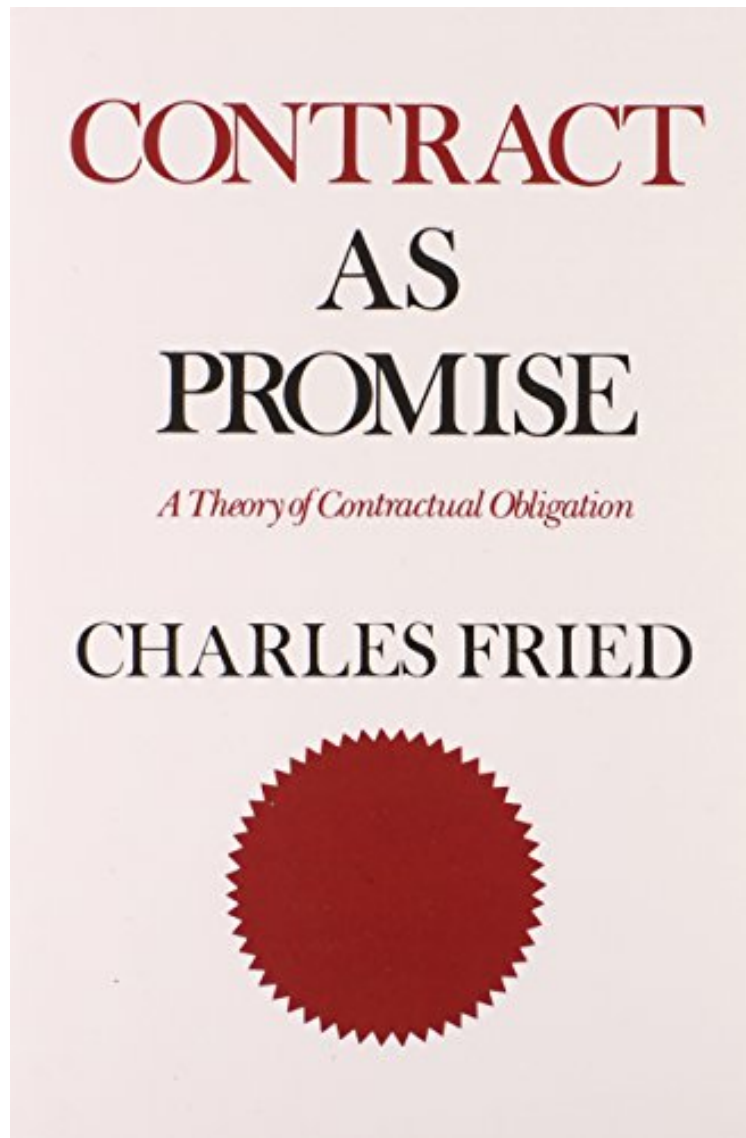


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Charles Fried : Contract as Promise before purchasing it in order to gage whether or not it would be worth my time, and all praised Contract as Promise:

2 of 2 people found the following review helpful. Four Stars By Nate Bought for EdX course. Elementary contracts information
3 of 3 people found the following review helpful. Five Stars By Ravi Rajagopalan Very nice book. Goes with the course offered by Prof. Fried on EDX.
14 of 14 people found the following review helpful. The moral foundations of contract law By John S. Ryan In this excellent treatise, Harvard Law professor Charles Fried argues that

the law of contract is founded on a few simple moral principles governing the practice of promise-making and promise-keeping. Dealing by turns with the formation of contracts, the importance of "consideration," the appropriateness of damages in case of breach, the problems of e.g. duress and unconscionability (and the special difficulties they pose for his account), and a variety of other topics that will be familiar to legal scholars and law students alike, Fried briefly, economically, and effectively rationalizes contract law on this unabashedly moral foundation. In this he is going against the tide and harking back to the "classical" understanding of contract law. But he is not uncritical of that tradition and is quite willing to lambaste it when necessary -- as with, for example, the traditional unwillingness to award damages for certain cases of fraud on the misguided argument that no contract had actually been formed in such cases. (On this point he holds -- in my view quite rightly -- that traditional thinkers were "supremely guilty" of a tremendous nonsequitur.) On the contrary, he is keenly aware both that contract law is a bulwark of liberty in allowing us to order our own affairs, _and_ that contractual obligations are not the only obligations there are -- indeed that contractual obligation itself cannot get off the ground unless we have a prior, unchosen moral obligation to abide by our promises. In this respect he is a breath of fresh air compared with certain pseudo-libertarian writers and pop-culture icons who reduce all moral obligations to those voluntarily assumed by contract (and I am thinking here specifically of Ayn Rand, among others). Fried is both a true philosopher and a genuine liberal in the classical sense of the term. I concur with the other reviewer's recommendation of this eminently readable little book to One-Ls. Fried is in general very powerful on the importance of philosophy to law, and here he is at his strongest in arguing for the importance of moral philosophy to contract law. I also recommend it to the libertarian and classical-liberal readership as a fine example of real philosophy of law.

This book displays the underlying structure of a complex body of law and integrates that structure with moral principles. Charles Fried grounds the basic legal institution of contract in the morality of promise, under which individuals incur obligations freely by invoking each other's trust. Contract law and the promise principle are contrasted to the socially imposed obligations of compensation, restitution, and sharing, which determine the other basic institutions of private law, and which come into control where the parties have not succeeded in invoking the promise principle--as in the case of mistake or impossibility. Professor Fried illustrates his argument with a wide range of concrete examples; and opposing views of contract law are discussed in detail, particularly in connection with the doctrines of good faith, duress, and unconscionability. For law students and legal scholars, *Contract as Promise* offers a coherent survey of an important legal concept. For philosophers and social scientists, the book is a unique demonstration of the practical and detailed entailments of moral theory.

[A] readable and provocative book on the philosophical foundations of contract law...Fried's argument makes a powerful case for the view that the law of contracts has a recognizable and distinctive intellectual integrity of its own...Students will find Fried's unifying hypothesis a helpful aid. (Yale Law)Fried calls into question some of the most deeply held assumptions of contract law [and] argues powerfully for a moral basis of contract...Fried's book offers a sensitive and subtle investigation, a richly suggestive vision of contract theory. The study and systematic critical discussion of such theory is of the first importance, for it is a question of nothing less than the relationship between law and morals. (New York Law Journal)Charles Fried attempts to restate and defend a liberal theory of contract...In setting out to defend what is, albeit in modified form, the classical theory of contract, Professor Fried is conscious that he is confronting a considerable weight of modern contract scholarship...This Fried confronts or finesses with elegance, grace, and skill. (Harvard Law)Charles Fried has written a very sensible, readable, and important book. To have someone argue for the importance of moral reasoning in contracts, or for that matter any common law subject, is refreshing. To have it done well is a real treat. (Richard Epstein) Charles Fried has written a very sensible, readable, and important book. To have someone argue for the importance of moral reasoning in contracts, or for that matter any common law subject, is refreshing. To have it done well is a real treat. --Richard Epstein

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