

# PROMISES, MORALS, AND LAW

P. S. ATIYAH

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PAPERBACKS

# Promises Morals And Law

**Peter MacDonald Eggers**



## **Promises Morals And Law:**

**Promises, Morals and Law** P. S. Atiyah, 1979      Promises, Morals and Law Patrick Selim Atiyah, 1991      *Promises and Agreements* Hanoch Sheinman, 2011-01-24 Promises and agreements are everywhere we make receive keep and break them on a daily basis The quest to understand these social practices is integral to understanding ourselves as social creatures The study of promises and agreements is enjoying a renaissance in many areas of social philosophy including philosophy of language action theory normative ethics value theory and legal philosophy This volume is the first collection of philosophical papers on promises and agreements bringing together sixteen original self standing contributions to the philosophical literature The contributors highlight some of the more interesting aspects of the ubiquitous social phenomena of promises and agreements from different philosophical perspectives      **Promises and Contract Law** Martin Hogg, 2011-07-14 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      *Equity, Efficiency, and Ethics in Remedies for Breach of Contract* Sergio Mittlaender, 2022-12-02 This book analyzes the conflict that emerges between parties after a breach of contract and how different legal remedies can best reduce conflict Causes for conflict include equity efficiency and ethical reasons that parties might consider and use to blame the other or to justify breach In the end if not resolved through apologies or renegotiation conflict leads to aggrievement and behavioral reactions in form of retaliation by the victim against the promisor in breach The book provides empirical evidence from laboratory experiments for how individuals react to perceived wrongful acts such as breach of contract and for the function of legal remedies to reduce retaliation by disappointed promisees in providing them compensation It reveals how the inequality in the outcome and not the inefficiency of breach of contract causes aggrievement and retaliation by victims The book concludes with a comparative law and economic analysis of remedies for breach of contract adopted in different leading jurisdictions with important normative implications for the American insistence on expectation damages the French expansion of specific performance with *astreinte* the German junction of specific performance expectation damages and disgorgement damages and the British timid acceptance of partial disgorgement damages The book will appeal to scholars researchers and students of economics and law interested in a better understanding of remedies for breach of contract      *The Ethics of Deference* Philip Soper, 2002-10-24

Differs from standard approaches by focusing on the language of deference instead of obedience Practices and Principles Mark Tunick, 2021-03-09 A Japanese woman living in California attempts parent child suicide an ancient Japanese custom called oyako shinju in order to rid herself of shame upon learning that her husband has a mistress She survives but her two children are drowned in the attempt Since her attempt was made in accordance with the standards of Japanese culture should she be tried by the standards and laws of the United States Are there universally valid moral principles that dictate what is right Or are moral judgments culturally relative ultimately dictated by conventions and practices that vary among societies In Practices and Principles Mark Tunick takes up the debate between universalists and relativists and in political philosophy between communitarians and liberals each of which has roots in an earlier debate between Kant and Hegel Tunick focuses on three case studies promises contract law and the Fourth Amendment issue of privacy In his analysis he rejects both uncritical deference to social practice and draconian adherence to principles when making legal and ethical judgments He argues that we do not always need to choose between abstract principles and social practices Sometimes we appeal to both sometimes we need to appeal to shared social norms and sometimes where there is no ethical community we can appeal only to principles Ultimately Tunick rejects simplified arguments that force us to choose between either practices or principles universalism or relativism and liberalism or communitarianism **The Cambridge Companion to the**

**Philosophy of Law** John Tasioulas, 2020-07-02 What is the nature of law as a form of social order What bearing do values like justice human rights and the rule of law have on law Which values should law serve and what limits must it respect in serving them Are we always morally bound to obey the law What are the philosophical problems that arise in specific areas of law from criminal and tort law to contract law and public international law The book provides an accessible comprehensive and high quality introduction to the major themes of legal philosophy written by a stellar international cast of contributors including John Finnis Martha Nussbaum Fred Schauer Onora O'Neill and Antony Duff The volume is an exceptional teaching tool that provides a critical introduction to cutting edge work in the philosophy of law *Evolution and Revolution in*

*Theories of Legal Reasoning* Scott Brewer, 1998 Available individually by volume 1 Logic Probability and Presumption in Legal Reasoning 0 8153 2655 6 416 pages 2 Precedents Statutes and Analysis of Legal Concepts 0 8153 2656 4 400 pages 3 Moral Theory and Legal Reasoning 0 8153 2657 2 408 pages 4 Evolution and Revolution in Theories of Legal Reasoning 0 8153 2658 0 400 pages 5 Scientific Models of Legal Reasoning 0 8153 2757 9 424 pages **Protection of Legitimate**

**Expectations in Investment Treaty Arbitration** Teerawat Wongkaew, 2019-02-14 Examines the philosophical foundation of legitimate expectations to create a normative framework for use in investment treaty arbitration **Restitution** Lionel Smith, 2020-11-25 This title was first published in 2001 In the Western legal tradition the history of restitution for unjust enrichment reaches back to pre classical Roman law In common law the roots of unjust enrichment may be said to lie in the fourteenth century but its history as a subject of academic study is much shorter The law of restitution has become

increasingly important in the courts of the common law world during the last decade This has generated a great deal of scholarly attention and there has been an explosion of literature as legal academics have addressed the theoretical foundations of the subject its structure and its underlying principles      *The Fall and Rise of Freedom of Contract* F. H. Buckley, 1999-08-27 Original essays by prominent legal scholars on the recent intellectual revival of freedom of contract and the value of free bargaining the essays will be gleaned from a series of conferences organized around areas where bargaining rights might be expanded

**Exercises in Analysis** Ian Hacking, 1985-01-31 This is a volume of specially commissioned essays of analytical philosophy on topics of current interest in ethics and the philosophy of logic and language Among the topics discussed are the making of wicked promises G E Moore's early ethical views as well as indexicals tense indeterminism conventionalism in mathematics and identity and necessity The essays are all by former students of Casimir Lewy until recently Reader in Philosophy at the University of Cambridge and an exponent of a particularly thoroughgoing form of philosophical analysis Together they represent some of the best work in these areas at present and express what may be described as a characteristic Cambridge voice      *Moral Combat* Heidi Margaret Hurd, 1999-03-28 This book explores the thesis that legal roles force people to engage in moral combat an idea which is implicit in the assumption that citizens may be morally required to disobey unjust laws while judges may be morally required to punish citizens for civil disobedience Heidi Hurd advances the surprising argument that the law cannot require us to do what morality forbids The role relative understanding of morality is shown to be incompatible with both consequentialist and deontological moral philosophies In the end Hurd shows that our best moral theory is one which never makes one actor's moral success turn on another's moral failure *Moral Combat* is a sophisticated well conceived and carefully argued book on a very important and controversial topic at the junction between legal and political philosophy It will be of interest to moral legal and political philosophers as well as teachers and students of professional ethics in law      *Language and State* Xing Yu, 2015-10-11 Is the state formed because of a natural course or the making of a social contract or initial conquest or the self defense of the community or the formation of a class society This book eloquently argues that the state is not simply formed that way It contends that the state is formed because of language

**Vitiating of Contractual Consent** Peter MacDonald Eggers, 2016-09-13 The validity of a contract can be undermined by factors affecting contractual consent Issues of contractual validity frequently arise for consideration in all types of litigation not least commercial disputes This book provides practitioners and academics with an invaluable reference tool which will enable them to navigate the complex issues of vitiating of contract When contractual disputes arise there are a variety of vitiating factors which may be relied on to undermine a contract's validity This book provides a comprehensive examination of all the factors vitiating contractual consent from fraud misrepresentation non disclosure and mistake to duress undue influence unconscionable bargains and includes chapters on incapacity and unfairness Each chapter gives a thorough account of the law on each of these vitiating factors together with an overview of the remedies available The

book's introduction considers the theoretical foundations of the law in this area. The book will be an invaluable reference tool for lawyers involved in all types of contractual disputes. It will also be a useful reference for academics and postgraduate students of commercial law.

*Encyclopedia of Business Ethics and Society* Robert W. Kolb, 2008. This encyclopedia spans the relationships among business ethics and society with an emphasis on business ethics and the role of business in society.

**Encyclopedia of Ethics: P-W** Lawrence C. Becker, Charlotte B. Becker, 2001. A revised, expanded and updated edition with contributions by 325 renowned authorities in the field of ethics. All of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features.

**Rules, Norms, and Decisions** Friedrich V. Kratochwil, 1991-04-26. This book assesses the impact of norms on decision making. It argues that norms influence choices not by being causes for actions but by providing reasons. Consequently, it approaches the problem via an investigation of the reasoning process in which norms play a decisive role. Kratochwil argues that depending upon the strictness the guidance norms provide in arriving at a decision, different styles of reasoning with norms can be distinguished. While the focus in this book is largely analytical, the argument is developed through the interpretation of the classic thinkers in international law: Grotius, Vattel, Pufendorf, Rousseau, Hume, Habermas.

*Limits of Legality* Jeffrey Brand-Ballard, 2010. Judges sometimes hear cases in which the law as they honestly understand it requires results that they consider morally objectionable. Most people assume that nevertheless judges have an ethical obligation to apply the law correctly at least in reasonably just legal systems. This is the view of most lawyers, legal scholars and private citizens but the arguments for it have received surprisingly little attention from philosophers. Combining ethical theory with discussions of caselaw, Jeffrey Brand-Ballard challenges arguments for the traditional view including arguments from the fact that judges swear oaths to uphold the law and arguments from our duty to obey the law among others. He then develops an alternative argument based on ways in which the rule of law promotes the good. Patterns of excessive judicial lawlessness even when morally motivated can damage the rule of law. Brand-Ballard explores the conditions under which individual judges are morally responsible for participating in destructive patterns of lawless judging. These arguments build upon recent theories of collective intentionality and presuppose an agent-neutral framework rather than the agent-relative framework favored by many moral philosophers. Defying the conventional wisdom, Brand-Ballard argues that judges are not always morally obligated to apply the law correctly. Although they have an obligation not to participate in patterns of excessive judicial lawlessness, an individual departure from the law so as to avoid an unjust result is rarely a moral mistake if the rule of law is otherwise healthy. *Limits of Legality* will interest philosophers, legal scholars, lawyers and anyone concerned with the ethics of judging.

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**Table of Contents Promises Morals And Law**

1. Understanding the eBook Promises Morals And Law
  - The Rise of Digital Reading Promises Morals And Law
  - Advantages of eBooks Over Traditional Books
2. Identifying Promises Morals And Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Promises Morals And Law
  - User-Friendly Interface
4. Exploring eBook Recommendations from Promises Morals And Law
  - Personalized Recommendations
  - Promises Morals And Law User Reviews and Ratings
  - Promises Morals And Law and Bestseller Lists
5. Accessing Promises Morals And Law Free and Paid eBooks
  - Promises Morals And Law Public Domain eBooks
  - Promises Morals And Law eBook Subscription Services
  - Promises Morals And Law Budget-Friendly Options
6. Navigating Promises Morals And Law eBook Formats
  - ePub, PDF, MOBI, and More
  - Promises Morals And Law Compatibility with Devices
  - Promises Morals And Law Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Promises Morals And Law
  - Highlighting and Note-Taking Promises Morals And Law
  - Interactive Elements Promises Morals And Law
8. Staying Engaged with Promises Morals And Law



- Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Promises Morals And Law
9. Balancing eBooks and Physical Books Promises Morals And Law
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Promises Morals And Law
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Promises Morals And Law
    - Setting Reading Goals Promises Morals And Law
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Promises Morals And Law
    - Fact-Checking eBook Content of Promises Morals And Law
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development
    - Exploring Educational eBooks
  14. Embracing eBook Trends
    - Integration of Multimedia Elements
    - Interactive and Gamified eBooks

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