PROMISES, MORALS, AND

P. S. ATTYAH

CLARENDON



PAPERBACKS

Promises Morals And Law

Sabine Zange

Promises Morals And Law:

Promises, Morals, and Law P. S. Atiyah, 1981 This is an analysis of the nature of promissory obligations The subject is one which has attracted a great deal of attention among both moral and linguistic philosophers but the book contends that much of the philosophical literature is flawed by its unreality and unfamiliarity with the serious problems that arise from the practice of promising 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 **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 **Restitution** Lionel Smith, 2020-11-26 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 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 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 <u>Iust Exchange</u> Francis H. Buckley, 2004-11-30 interested in a better understanding of remedies for breach of contract Now for the first time there is a comprehensive eminently readable book designed to focus thinking in the area of contract law This book bridges the gap between law and economics by confronting normative values that economists too often deem the preserve of moral philosophers Contract theorists on the other hand are seldom in sympathy with economic efficiency norms While free bargaining continues to be regarded with suspicion by legal scholars who are hostile to private ordering the proper scope of free bargaining remains in dispute Combined with a recent renewed interest in this field these academic

tensions mean that the time is right for a reconsideration of contract law Drawing on scholarship from diverse fields and using illuminating and erudite examples Just Exchange is entertaining as well as informative Of interest to economists lawyers public policy makers and those intersted in contract theory this volume is a valuable overview of a vital intersection between legal studies and economics 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 The Ethics of Deference Philip Soper, 2002-10-24 Differs from standard approaches by focusing on the language of deference instead of obedience From Promise to Contract Dori Kimel, 2003-03-14 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 The Cambridge Companion to the Philosophy of Law John Tasioulas, 2020-07-02 An accessible comprehensive and high quality companion to legal philosophy written by a stellar cast of international contributors The Oxford Companion to American Law ,2002

Restitution Lionel D. Smith,2018-01-18 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 This volume collects the most important elements of that literature organized thematically to show how the subject is developing and where it is likely to go in the future Chitty on Contracts, 31st edition volumes 1 & 2 , 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 expande

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 Language and State Xing Yu, 2015-10-11 Is the state formed because of a natural course or the making of a social voice 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 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 vitiation 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

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