

Roark The American Promise 5th Edition

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Elements of the Law of Contracts and Finch's Cases on Contracts ... Encyclopaedia of the Laws of England being a New Abridgment by the most Eminent Legal Authorities *Joseph Chitty Randrick L. Chance J. Chitty John Indermaur Roy Kreitner Stephen Waddams Ginger Suzanne Frost Giles Jacob John William Smith Victoria. Supreme Court New York (State). Court of Appeals Joshua Williams Sir William Reynell Anson Reuben Moore Benjamin William Albert Keener Alexander Wood Renton*

fourth american edition from the second london edition corrected and greatly enlarged by the author with the notes of former editions to which are now added copious notes of american decisions to the present time by j c perkins

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

although presented as being derived from the past principles in contract law have been subject to constant reformulation thereby facilitating legal change while simultaneously seeming to preclude it principle and policy have been mutually interdependent propositions not usually being called principles unless they have been perceived to lead to just results in particular cases and as likely to produce results in future cases that accord with common sense commercial convenience and sound public policy the influence of policy has been frequent in contract law but stephen waddams argues that an unmediated appeal to non legal sources of policy has been constrained by the need to formulate generalised propositions recognised as legal principles this interrelation of

principle and policy has played an important role in enabling an uncoded system to hold a middle course between a rigid formalism on the one hand and an unconstrained instrumentalism on the other

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