

Contract as Promise: A Theory of Contractual Obligation

By Charles Fried

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Contract as Promise is a study of the philosophical foundations of contract law in which Professor Fried effectively answers some of the most common assumptions about contract law and strongly proposes a moral basis for it while defending the classical theory of contract. This book provides two purposes regarding the complex legal institution of the contract. The first is the *theoretical purpose* to demonstrate how contract law can be traced to and is determined by a small number of basic moral principles. At the theory level the author shows that contract law does have an underlying, and unifying structure. The second is a *pedagogic purpose* to provide for students the underlying structure of contract law. At this level of doctrinal exposition the author shows that structure can be referred to moral principles. Together the two purposes support each other in an effective and comprehensive study of contract law.

This second edition retains the original text, and includes a new Preface. It also includes a substantial new essay entitled *Contract as Promise in the Light of Subsequent Scholarship--Especially Law and Economics* which serves as a retrospective of the work accomplished in the last thirty years, while responding to present and future work in the field.

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Editorial Review

Review

"*Contract as Promise* is a landmark in legal thought. Now in its Second Edition, this classic text remains as engaging today as when first published; and a new postscript deftly connects the book's enduring themes to subsequent developments in law and legal theory."
Daniel Markovits, Guido Calabresi Professor of Law, Yale Law School

"*Contract as Promise* is a classic in contracts and legal philosophy. In his unburdened, elegant style, Fried works through the implications of thinking of contract law as the legal expression of the moral principles of promissory obligation. Both introductory students and seasoned scholars will be very well-served by its reissue and Fried's thoughtful and stimulating re-situating of the work thirty years on."
Seana Valentine Shiffrin, Professor of Philosophy, and Pete Kameron Professor of Law and Social Justice, UCLA

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 Review

"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 Review

"*Contract as Promise* has had nothing short of a transformative effect on the theory of contract. Fried's inimitably eloquent prose made tremendous philosophical depth as well as doctrinal insight uniquely accessible to a new generation of contract scholars, provided a canonical restatement of the liberal tradition in contract theory, and shaped the contours of the academic debate in its field for ideological friends and foes

alike. The book's enduring legacy can hardly be exaggerated, and the timely publication of this Second Edition cements that legacy for many more years to come."
Dori Kimel, Reader in Legal Philosophy, University of Oxford

About the Author

Charles Fried is the Beneficial Professor of Law at Harvard University Law School. He is a former Solicitor General of the United States and a former Justice of the Supreme Judicial Court of Massachusetts. He has published widely across private law and the intersections of law, morality and politics.

Users Review

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Patrick Vanmeter:

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Katrina Varga:

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Donovan Houseman:

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