

Contract Theory

Eric Brousseau, Jean-Michel Glachant



Contract Theory:

Contract Theory Patrick Bolton, Mathias Dewatripont, 2004-12-10 A comprehensive introduction to contract theory emphasizing common themes and methodologies as well as applications in key areas Despite the vast research literature on topics relating to contract theory only a few of the field's core ideas are covered in microeconomics textbooks This long awaited book fills the need for a comprehensive textbook on contract theory suitable for use at the graduate and advanced undergraduate levels It covers the areas of agency theory information economics and organization theory highlighting common themes and methodologies and presenting the main ideas in an accessible way It also presents many applications in all areas of economics especially labor economics industrial organization and corporate finance The book emphasizes applications rather than general theorems while providing self contained intuitive treatment of the simple models analyzed In this way it can also serve as a reference for researchers interested in building contract theoretic models in applied contexts The book covers all the major topics in contract theory taught in most graduate courses It begins by discussing such basic ideas in incentive and information theory as screening signaling and moral hazard Subsequent sections treat multilateral contracting with private information or hidden actions covering auction theory bilateral trade under private information and the theory of the internal organization of firms long term contracts with private information or hidden actions and incomplete contracts the theory of ownership and control and contracting with externalities Each chapter ends with a guide to the relevant literature Exercises appear in a separate chapter at the end of the book

The Economics of Contracts Eric Brousseau, Jean-Michel Glachant, 2002-10-17 A contract is an agreement under which two parties make reciprocal commitments in terms of their behavior to coordinate As this concept has become essential to economics in the last 30 years three main theoretical frameworks have emerged incentive theory incomplete contract theory and transaction costs theory These frameworks have enabled scholars to renew both the microeconomics of coordination with implications for industrial organization labor economics law and economics organization design and the macroeconomics of market decentralized economies and of the institutional framework These developments have resulted in new analyses of a firm's strategy and State intervention regulation of public utilities anti trust public procurement institutional design liberalization policies etc Based on contributions by the leading scholars in the field this 2002 book provides an overview of developments in these analytical currents presents their various aspects and proposes expanding horizons for theoreticians and practitioners

Contract Theory Stephen A. Smith, 2004-03-25 This book is both an examination of and a contribution to our understanding of the theoretical foundations of the common law of contract Focusing on contemporary debates in contract theory Contract Theory aims to help readers better understand the nature and justification of the general idea of contractual obligation as well as the nature and justification of the particular rules that make up the law of contract The book is in three parts Part I introduces the idea of contract theory and presents a framework for identifying classifying and evaluating

contract theories Part II describes and evaluates the most important general theories of contract examples include promissory theories reliance based theories and economic theories In Part III the theoretical issues raised by the various specific doctrines that make up the law of contract e g offer and acceptance consideration mistake remedies etc are examined in separate chapters The legal focus of the book is the common law of the United Kingdom but the theoretical literature discussed is international in origin the arguments discussed are thus relevant to understanding the law of other common law jurisdictions and in many instances to understanding the law of civil law jurisdictions as well

Just Exchange Francis H. Buckley, 2004-11-30 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 interested in contract theory this volume is a valuable overview of a vital intersection between legal studies and economics

Contract Law and Theory Eric A. Posner, 2011 *Contract Law and Theory* conveys a grasp of theory and policy that makes all of the contract rules easier to understand By explaining and applying contract theory to a wide range of contracts cases Eric Posner reveals not only the what of doctrine but also the why why one rule rather than another makes sense from a policy perspective An understanding of what contract theory is and how it is applied will help you to understand not only Contracts as taught in law school but also the many areas of law in which contractual ideas operate such as bankruptcy law secured transactions and corporate law An exciting new Student Treatise from an eminent authority *Contract Law and Theory* features Complete coverage of contracts that includes the principal cases covered in most first year contracts courses A general explication of the rules of contract that begins with the simplest ideas and gradually builds in complexity A consistent emphasis on the application of theory to doctrine through analysis of a rich selection of cases A readable and expert treatment of the role of economics in contract law Illustrative examples that point to noteworthy cases Suitable for use alongside any casebook

The Theory of Contract Law Peter Benson, 2001-02-05 Although the law of contract is largely settled there appears to be no widely accepted comprehensive theory of its main principles and doctrines or of its normative basis Contract law theory raises issues concerning the relation between law and morality the role and the importance of rights the connection between justice and economics and the distinction between private and public law This collection of six full length essays written by some of the most eminent scholars in the field explores the general theory of contract law from a variety of theoretical perspectives

The volume addresses a wide range of issues both methodological and substantive in the theory and practice of contract law. While the essays build upon past theoretical contributions they also attempt to take contract theory further and suggest promising ways to develop theory of contract law.

Modern Social Contract Theory Albert Weale, 2020-06-10. Modern Social Contract Theory provides an exposition and evaluation of major work in social contract theory from 1950 to the present. It locates the central themes of that theory in the intellectual legacy of utilitarianism, particularly the problems of defining principles of justice and of showing the grounds of moral obligation. It demonstrates how theorists responded in a novel way to the dilemmas articulated in utilitarianism, developing in their different approaches a constructivist method in ethics, a method that aimed to vindicate a liberal democratic and just political order. A distinctive feature of the book is its comparative approach. By placing the works of Barry Buchanan and Tullock, Harsanyi, Gauthier, Grice, Rawls, and Scanlon alongside one another, similarities and differences are brought out, most notably in the way in which principles are derived by each author from the contractual construction, as well as the extent to which the obligation to adopt those principles can be rationally grounded. Each theory is placed in its particular intellectual context. Special attention is paid to the contrasting theories of rationality adopted by the different authors, whether that be utility theory or a deliberative conception of rationality, with the intention of assessing how far the principles advanced can be justified by reference to the hypothetical choices of rational contracting agents. The book concludes with a discussion of some principal objections to the enterprise of contract theory and offers its own programme for the future of that theory, taking the form of the empirical method.

The Richness of Contract Law R.A. Hillman, 2012-12-06. Scholars have produced a wide variety of theoretical work on contract law. This is the first book to compile it, to present it coherently, to evaluate it, and to supply numerous references to additional sources. The author also offers his own practical perspective that emphasizes contract law's richness and complexity and questions the utility of abstract unitary theories. The author argues that notwithstanding contract law's complexity, it successfully facilitates the formation and enforcement of private arrangements and ensures a degree of fairness in the process of exchange. Each chapter presents a pair of largely contrasting theories to clarify the central issue of contract law and theory, to set forth the range of views, and to help identify a practical middle ground. Among the contract theories discussed and analyzed are promise, contextual, feminist, formal, mainstream, critical, economic, empirical, and relational. The book should interest legal theorists, practising lawyers, law students, and general readers who want to learn more about contract law and theory.

Contract Theory Larry A. DiMatteo, 1998. Contract Theory examines the logical and conceptual structures that arise in the process of making, honoring, and enforcing contracts. The touchstone of Anglo-American contract law is the determination of contractual intent. Larry DiMatteo focuses on the development, construction, and application of the reasonable person standard.

The Relational Theory of Contract Ian R. Macneil, 2001. This is an abridged collection of writings by Ian Macneil, one of the foremost academics in the field of contract law, on the relational theory of contract. It

brings together a number of important works that can be difficult to obtain **A Theory of Contract Law** Peter A. Alces, 2011-04-07 In the past few decades scholars have offered positive normative and most recently interpretive theories of contract law These theories have proceeded primarily indeed necessarily from deontological and consequentialist premises In *A Theory of Contract Law Empirical Insights and Moral Psychology* Professor Peter A Alces confronts the leading interpretive theories of contract and demonstrates their doctrinal failures Professor Alces presents the leading canonical cases that inform the extant theories of Contract law in both their historical and transactional contexts and argues that moral psychology provides a better explanation for the contract doctrine than do alternative comprehensive interpretive approaches *Implicit Dimensions of Contract* David Campbell, Hugh Collins, John Wightman, 2003-07-30 This book explores the significance of implicit understandings and tacit expectations of the parties to different kinds of contractual agreements *Contract Theory in Continuous-Time Models* Jakša Cvitanic, Jianfeng Zhang, 2012-09-24 In recent years there has been a significant increase of interest in continuous time Principal Agent models or contract theory and their applications Continuous time models provide a powerful and elegant framework for solving stochastic optimization problems of finding the optimal contracts between two parties under various assumptions on the information they have access to and the effect they have on the underlying profit loss values This monograph surveys recent results of the theory in a systematic way using the approach of the so called Stochastic Maximum Principle in models driven by Brownian Motion Optimal contracts are characterized via a system of Forward Backward Stochastic Differential Equations In a number of interesting special cases these can be solved explicitly enabling derivation of many qualitative economic conclusions *Contract Law Without Foundations* Prince Saprai, 2019-02-28 This book advances a theoretical account of contract law grounded in value pluralism Arguing against attempts to delineate branches of legal doctrine by reference to single unifying values the book suggests that a field such as contract law can only be explained and justified by the interaction of a multiplicity of moral values In recent times the philosophy of contract law has been dominated by the promise theory according to which the morality of promise provides a blueprint for the structure shape and content that contract law rules and doctrines should take The promise theory is an example of what this book calls a foundationalist theory whereby areas of law reflect or are underlain by particular moral principles or sets of such principles By considering contract law from the point of view of its theory rules and doctrines and broader political context the book argues that the promise theory can only ever offer part of the picture The book claims that top down theories of contract law such as the promise theory and its bitter rival the economic analysis of law seriously mishandle legal doctrine by ignoring or underplaying the irreducible plurality of values that shape contract law The book defends the role of this multiplicity of values in forging contract doctrine by developing from the ground up a radical and distinctly republican reinterpretation of the field The book encourages readers to move away from a top down theory of contract law such as the promise theory and instead embrace a distinctly republican approach to contract law that

would justify the legal rules and doctrines we find in particular jurisdictions at particular times

Contract Theory and the Limits of Reason Efi Zemach, 2017 It is widely agreed that no theory of contract is fully adequate all theories face formidable descriptive normative and conceptual difficulties Why has contract scholarship failed to produce an acceptable theory of contract law even after several decades of nuanced and sophisticated theoretical efforts This Article answers this puzzle by offering a novel meta theory of contract scholarship that focuses on the aesthetics of various contract theories An aesthetic commitment under this understanding is a pre theoretical presupposition regarding the form as opposed to the substance of legal discourse The Article argues that jurists harbor several different aesthetics and often employ them interchangeably and without noticing The continuing struggle between different contract theories is isomorphous to the battle of aesthetics that rages in the legal community as a whole Since there is no meta aesthetic way to determine which aesthetic construction is correct contract theories which are based on different aesthetics are destined to continue struggling indefinitely The Article explores four leading contract theories promissory reliance economic and pluralistic conceptions of contract and illustrates the manner each theory's substantive insights are interwoven with aesthetics commitments animating and giving the theories their unique character In so doing the Article shows how the aesthetic point of view can better explain these theories specific strengths weaknesses and disagreements and grounds its prediction that contract scholarship is not likely to produce a widely accepted theory any time soon

Harmony and Strife Shuxian Liu, Robert Elliott Allinson, 1988 This volume is intended for professional philosophers and laymen with an interest in East West studies and comparative philosophy and religion The central focus is the concept of comparing perspectives from both the Eastern and the Western philosophical traditions on harmony and strife The unique and happy result is an East West anthology which is directed at analyzing a single philosophical problem which is of importance to both traditions Unlike many anthologies which tend to be collections of isolated and unrelated essays the Editors focus on a single theme has resulted in a unified volume which maintains a high continuity of interest throughout The Editors have carefully culled and organized essays from a select group of philosophers from the United States West Germany Japan Australia Beijing Taipei and Hong Kong Harmony and strife are analyzed as systematic concepts in Western philosophy as parts of classical Chinese thought as central concepts in Buddhism as metaphysical concepts as dialectical concepts and even as null concepts The Editors have taken great care so that a continuity and a coherence of presentation is achieved despite the striking variety of perspectives from which harmony and strife are analyzed It is both unusual and important to have such a systematic and thorough investigation of a topic of paramount social and philosophical significance by some of the leading minds of the day Besides the essays included are eminently readable The volume is likely to become a standard work in this area for some years to come

Contract Theory and the Limits of Contract Law Alan Schwartz, Robert E. Scott, University of Toronto. Faculty of Law. Law and Economics Programme, 2002

The Choice Theory of Contracts Hanoeh Dagan, Michael Heller, 2017-04-17 This concise landmark in law

and jurisprudence offers the first coherent liberal account of contract law The Choice Theory of Contracts answers the field's most pressing questions what is the freedom in freedom of contract What core values animate contract law and how do those values interrelate How must the state act when it shapes contract law Hanoch Dagan and Michael Heller two of the world's leading private law theorists show exactly why and how freedom matters to contract law They start with the most appealing tenets of modern liberalism and end with their implications for contract law This readable engaging book gives contract scholars teachers and students a powerful normative vocabulary for understanding canonical cases refining key doctrines and solving long standing puzzles in the law

Understanding Criminal Justice Philip Smith, Kristin Natalier, 2005 Providing an overview of the sociological approaches to law and criminal justice this book focuses on how law and the criminal justice system inevitably affect one another and the ways in which both are intimately connected with wider social forces

Minimal Morality Michael Moehler, 2018-03-16 Michael Moehler develops a novel multilevel social contract theory In contrast to existing theories in the liberal tradition it does not merely assume a restricted form of reasonable moral pluralism but is tailored to the conditions of deeply morally pluralistic societies which may be populated by liberal moral agents nonliberal moral agents and according to the traditional understanding of morality nonmoral agents alike Moehler draws on the history of the social contract tradition especially the work of Hobbes Hume Kant Rawls and Gauthier as well as on the work of some of the critics of this tradition such as Sen and Gaus Moehler's two level contractarian theory holds that morality in its best contractarian version for the conditions of deeply morally pluralistic societies entails Humean Hobbesian and Kantian moral features The theory defines the minimal behavioral restrictions that are necessary to ensure compared to violent conflict resolution mutually beneficial peaceful long term cooperation in deeply morally pluralistic societies The theory minimizes the problem of compliance in morally diverse societies by maximally respecting the interests of all members of society Despite its ideal nature the theory is in principle applicable to the real world and for the conditions described most promising for securing mutually beneficial peaceful long term cooperation in a world in which a fully just society due to moral diversity is unattainable If Rawls' intention was to carry the traditional social contract argument to a higher level of abstraction then the two level contractarian theory brings it back down to earth

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