

Law of Obligations (Contract)

This is the Reading List for the Contract Section of the Course.

View Online



1.

Chartrand, M., Millar, C. & Wiltshire, E. English for contract and company law. (Sweet & Maxwell, 2009).

2.

Chen-Wishart, Mindy. Contract law. (Oxford University Press, 2012).

3.

Treitel, G. H. An outline of the law of contract. (Oxford University Press, 2004).

4.

McKendrick, Ewan. Contract law. vol. Palgrave Macmillan law masters (Palgrave Macmillan, 2011).

5.

Atiyah, P. S. Atiyah's introduction to the law of contract. vol. Clarendon law series (Oxford University Press, 2005).

6.

McKendrick, Ewan. Contract law: text, cases, and materials. (Oxford University Press, 2012).

7.

Furmston, M. P. & Cheshire, G. C. Cheshire, Fifoot and Furmston's law of contract. (Oxford University Press, 2012).

8.

Poole, Jill. Textbook on contract law. (Oxford University Press, 2012).

9.

Stone, Richard.; Devenney, James. & Cunnington, Ralph. Text, cases and materials on contract law. (Routledge, 2011).

10.

Poole, Jill. Casebook on contract law. (Oxford University Press, 2010).

11.

Brownsword, Roger, Smith, J. C., & Thomas, J. A. C. Smith and Thomas: a casebook on contract. (Sweet & Maxwell, 2009).

12.

Peel, Edwin. Treitel on the law of contract. (Sweet & Maxwell, 2011).

13.

Chitty, Joseph & Westlaw UK. Chitty on contracts. (Westlaw UK, 2009).

14.

Smits, J. M. Contract Law: A Comparative Introduction. (Edward Elgar Publishing Ltd, 2014).

15.

Morgan, J. Great debates in contract law. vol. Palgrave Macmillan great debates in law (Palgrave Macmillan, 2012).

16.

Mitchell, C. Contract law and contract practice: bridging the gap between legal reasoning and commercial expectation. (Hart Publishing, 2013).

17.

Bix, Brian. Contract law: rules, theory, and context. vol. Cambridge introductions to philosophy and law (Cambridge University Press, 2012).

18.

Adams, J. N. & Brownsword, Roger. Understanding contract law. vol. Understanding law (Sweet & Maxwell, 2007).

19.

Collins, Hugh. The law of contract. vol. Law in context (LexisNexis UK, 2003).

20.

Wightman, John. Contract: a critical commentary. vol. Law and social theory (Pluto, 1996).

21.

Mulcahy, Linda & Dawsonera. Contract law in perspective. (Routledge-Cavendish, 2008).

22.

Wheeler, Sally & Shaw, Josephine. Contract law: cases, materials, and commentary. (Clarendon Press, 1994).

23.

Smith, Stephen A. Contract theory. vol. Clarendon law series (Oxford University Press, 2004).

24.

Atiyah, Patrick Selim. The rise and fall of freedom of contract. (Oxford University Press, 1979).

25.

Kimel, Dori. From promise to contract: towards a liberal theory of contract. (Hart Pub, 2003).

26.

Hogg, Martin. Promises and contract law: comparative perspectives. (Cambridge University Press, 2011).

27.

Bix, B. Contract Law Theory. SSRN Electronic Journal 4-22 (2006) doi:10.2139/ssrn.892783.

28.

Burrows, A. S. Understanding the law of obligations: essays on contract, tort and restitution . (Hart Publishing, 1998).

29.

Beever, Allan. Forgotten justice: the forms of justice in the history of legal and political theory. (Oxford University Press, 2013).

30.

Bix, Brian. Contract law: rules, theory, and context. vol. Cambridge introductions to philosophy and law (Cambridge University Press, 2012).

31.

Friedman, M. R. K. P. of L. L. M. & Macaulay, S. Contract Law in America: A Social and Economic Case Study. (Quid Pro, LLC, 2011).

32.

Brudner, A. & Nadler, J. M. The unity of the common law. (Oxford University Press, 2013).

33.

HeinOnline PrintingConstructing the Insurance Relationship: Sales Stories, Claims Stories, and Insurance Contract Damages,.
<http://heinonline.org.chain.kent.ac.uk/HOL/Print?collection=journals&handle=hein.journals/tlr72&id=1429>.

34.

Contract is Not Promise; Contract is Consent by Randy E. Barnett :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1792586.

35.

Goodrich. The posthumous life of the postal rule: requiem and revival of Adams v Lindsell. in Feminist perspectives on contract law (GlassHouse, 2005).

36.

Contract Interpretation: What is it About?

37.

Mitchell, C. & Catherine, M. Narrativising contract law. Legal Studies **29**, 19–46 (2009).

38.

Strategic Contracting: Contract Law as a Source of Competitive Advantage. *American Journal of Business Law* **47**, (2010).

39.

Contracts Small and Contract Large.

40.

The Law and Economics of Contract Interpretation.

41.

Common sense principles of contract interpretation (and how we've been using them all along). *Oxford Journal of Legal Studies* **23**, (2003).

42.

Leading a life of its own? The roles of reasonable expectation in contract law. *Oxford Journal of Legal Studies* **23**, (2003).

43.

Beyond Custom: Contract, Contexts, and the Recognition of Implicit Understandings'. in *Implicit dimensions of contract: discrete, relational, and network contracts vol. International studies in the theory of private law* (Hart Pub, 2003).

44.

Policy Concerns Behind Implication of Terms in Law. *Law quarterly review* **117**, (2001).

45.

Shiffrin, S. MUST I MEAN WHAT YOU THINK I SHOULD HAVE SAID?

46.

Ayres, I. Filling Gaps in Incomplete Contracts: An Economic Theory of Default Rules.

47.

Barnett, R. The Sound of Silence: Default Rules and Contractual Consent.

48.

Alces, P. Contract is Context.

49.

Weidemaier, M., Scott, R. & Gulati, M. Origin Myths, Contracts, and the Hunt for Pari Passu. *Law & Social Inquiry* **38**, 72–105 (2013).

50.

Reasonable Expectations in Sociocultural Context Contracts in Context: Identity, Power, and Contractual Justice.
<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/wflr45&div=25&id=&page=>.

51.

Gillian K. Hadfield. Judicial Competence and the Interpretation of Incomplete Contracts. **23**, 159–184 (1994).

52.

Construction and Implication: In Defence of Belize Telecom.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2471433.

53.

Mitchell, C. Obligations in Commercial Contracts: A Matter of Law or Interpretation? Current Legal Problems **65**, 455–488 (2012).

54.

Hooley, R. IMPLIED TERMS AFTER BELIZE TELECOM. The Cambridge Law Journal **73**, 315–349 (2014).

55.

E. Allan Farnsworth. Disputes over Omission in Contracts. **68**, 860–891 (1968).

56.

The Law and Economics of Contract Interpretation - viewcontent.cgi.
http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1539&context=law_and_economics&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.uk%2Fscholar%3Fhl%3Den%26q%3Dcontract%2Binterpretation%26btnG%3D%26as_sdt%3D1%252C5%26as_sdt%3D#search=%22contract%20interpretation%22.

57.

False Consensus Bias in Contract Interpretation.

58.

Incomplete Contracts and Strategic Ambiguity - Bernheim_Whinston_1998.pdf.

59.

Contract Interpretation Redux.
http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1296&context=fss_papers&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.uk%2Fscholar%3Fstart%3D40%26q%3Dcontract%2Bambiguity%26hl%3Den%26as_sdt%3D0%2C5%26as_ylo%3D2010#search=%22contract%20ambiguity%22.

60.

DiMatteo, L. A. Strategic Contracting: Contract Law as a Source of Competitive Advantage. *American Business Law Journal* **47**, 727–794 (2010).

61.

Strategic Vagueness in Contract Design.

62.

Interpretive Risk.

63.

Suchman, M. C. The Contract as Social Artifact. *Law & Society Review* **37**, 91–142 (2003).

64.

Kessler, F. Contracts of Adhesion - Some Thoughts About Freedom of Contract.

65.

'Power and Privilege: Objectivity, Commercial Interests and Standard Form Contracts. *Griffith Law Review* **6**, (1997).

66.

The Function of Exception Clauses'. in *Contract as assumption: essays on a theme* (Hart, 2010).

67.

Radin, Margaret Jane & MyiLibrary. *Boilerplate: the fine print, vanishing rights, and the rule of law*. (Princeton University Press, 2013).

68.

Ben-Shahar, O. The Myth of 'Opportunity to Read' in Contract Law.

69.

The No Reading Problem in Consumer Contract Law by Ian Ayres, Alan Schwartz :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2341840.

70.

Barnett, R. Consenting to Form Contracts.

71.

The Many Futures of Contract.
<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/scal47&div=23&id=&page=>.

72.

Hillman, R. Standard-Form Contracting in the Electronic Age.

73.

Gasser, U. iTunes: How Copyright, Contract, and Technology Shape the Business of Digital Media - A Case Study. SSRN Electronic Journal (2004) doi:10.2139/ssrn.556802.

74.

Private Legislation and the Duty to Read--Business Run by IBM Machine, the Law of Contracts and Credit Cards; Macaulay, Stewart.

75.

Humans, Computers, and Binding Commitment by Margaret Jane Radin :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=231948.

76.

Alces, P. Guerilla Terms.

77.

'Contract as Statute' by Mitu Gulati and Stephen J. Choi.
http://scholarship.law.duke.edu/faculty_scholarship/1896/.

78.

Regulation by Contract, Regulation by Machine by Margaret Jane Radin :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=534042.

79.

Contra Proferentum: The Allure of Ambiguous Boilerplate.

80.

Kim, N. S. Wrap contracts: foundations and ramifications. (Oxford University Press, 2013).

81.

Does Anyone Read the Fine Print? Consumer Attention to Standard Form Contracts -
viewcontent.cgi. http://lsr.nellco.org/cgi/viewcontent.cgi?article=1199&context=nyu_lewp.

82.

Microsoft Word - Ben-Shahar & White Final TYPE.doc - Ben-Shahar_White.pdf.

83.

When and why individuals obey form-adhesive contracts.

84.

Ben-Shahar, O. Fixing Unfair Contracts.

85.

'Distributive and Paternalist Motives in Contract and Tort Law, with Special Reference to Compulsory Terms and Unequal Bargaining Power.

86.

Neutrality, Autonomy and Freedom of Contract. Oxford Journal of Legal Studies **21**, (2001).

87.

The Political Stakes in "Merely Technical" Issues of Contract Law. European Review of Private Law **7**, (2001).

88.

Form and Substance in Private Law Adjudication. Harvard Law Review **89**, (1976).

89.

Post, D. 'Contract and Dispossession'.

90.

External Critiques of Laissez-Faire Values. in The fall and rise of freedom of contract (Duke University Press, 1999).

91.

Managing Moral Risk: The Case of Contract by Aditi Bagchi :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1799386.

92.

Contract Law and Distributive Justice - viewcontent.cgi.

http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2068&context=fss_papers&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.uk.chain.kent.ac.uk%2Fscholar%3Fhl%3Den%26q%3Dcontract%2Blaw%2Brisk%26btnG%3D%26as_sdt%3D1%252C5%26as_sdt%3D#search=%2522contract%2520law%2520risk%2522.

93.

Bagchi, A. Distributive Injustice and Private Law. SSRN Electronic Journal (2010)
doi:10.2139/ssrn.1012954.

94.

Distributive and Paternalist Motives in Contract and Tort Law.

95.

Distributive Justice and Contract by Aditi Bagchi :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2323767.

96.

Freedom of Contracts.

97.

Some Preliminary Remarks on a Liberal Theory of Contract - viewcontent.cgi.

http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4359&context=lcp&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.uk%2Fscholar%3Fas_ylo%3D2010%26q%3Dcontract%2B%2522economic%2Bduress%2522%26hl%3Den%26as_sdt%3D0%2C5#search=%22contract%20economic%20duress%22.

98.

Gordon, R. W. Macaulay, Macneil, and the Discovery of Solidarity and Power in Contract Law Law, Private Governance and Continuing Relationships. Wisconsin Law Review **1985**,.

99.

Macneil, I. Contracts: Adjustment of Long-Term Economic Relations under Classical, Neoclassical, and Relational Contract Law.

100.

Kimel, D. & Kimel, D. The Choice of Paradigm for Theory of Contract: Reflections on the Relational Model. *Oxford Journal of Legal Studies* **27**, 233–255 (2005).

101.

MacAulay, S. Non-Contractual Relations in Business: A Preliminary Study.

102.

Reflections on Relational Contract Theory after a Neo-classical Seminar. in *Implicit dimensions of contract: discrete, relational, and network contracts vol. International studies in the theory of private law* (Hart Pub, 2003).

103.

Contracts and Friendships. *Emory Law Journal* **59**, (2010).

104.

Wightman, J. Intimate relationships, relational contract theory and the reach of contract. *Feminist Legal Studies* **8**, 93–131 (2000).

105.

Macaulay, Macneil, and the Discovery of Solidarity and Power in Contract Law.

106.

Relational Contract Theory: Challenges and Queries. *Northwestern University Law Review*

94, (2000).

107.

Thiel, D. Contacts and contracts: Economic embeddedness and ethnic stratification in London's construction market. *Ethnography* **11**, 443–471 (2010).

108.

Dietz, T. Contract Law, Relational Contracts and Reputational Networks in International Trade: An Empirical Investigation into Cross-Border Contracts in the Software Industry. *SSRN Electronic Journal* (2011) doi:10.2139/ssrn.1747702.

109.

Macneil, Ian R. Relational Contract: What We Do and Do Not Know. **1985**, (1985).

110.

Contracting under pressure: a theory of duress. *Cambridge law journal* (1997).

111.

Contractual Duress and Relations of Power by Orit Gan :: SSRN.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2134630.

112.

The Further Travails of Duress. in *Mapping the law: essays in honour of Peter Birks* (Oxford University Press, 2006).

113.

Opportunism, economic duress and contractual modifications. *Law quarterly Review* **107**, (1991).

114.

Sailors, Sub-contractors and consideration. *Law quarterly review* **106**, (1996).

115.

Outsider Jurisprudence and the "Unthinkable" Tale: Spousal Abuse and the Doctrine of Duress.
<http://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=1262&context=scholarlyworks>.

116.

Gan.pdf.

117.

Lee, P.-W. Contract Modifications—Reflections on Two Commonwealth Cases. *Oxford University Commonwealth Law Journal* **12**, 189–205 (2012).

118.

Huntington, F. C. 'One Truth is Clear, Whatever is, is Right': The History, Indeterminacy, and Ideological Significance of the Doctrine of Economic Duress. *SSRN Electronic Journal* (2010) doi:10.2139/ssrn.1727465.

119.

Smith, S. A. Contracting under Pressure: A Theory of Duress. *The Cambridge Law Journal* **56**, (1997).

120.

Contract Law, Co-operation and Good Faith: The Move from Static to Dynamic Market Individualism. in *Contracts, co-operation, and competition: studies in economics, management and law* (Oxford University Press, 1997).

121.

Houh, E. The Doctrine of Good Faith in Contract Law: A Near Empty Vessel?

122.

Friedrich Kessler and Edith Fine & Kessler, F. Culpa in Contrahendo, Bargaining in Good Faith and Freedom of Contract. **Vol. 77**, 401–449.

123.

Houh, E. Critical Interventions: Toward an Expansive Equality Approach to the Doctrine of Good Faith in Contract Law.

124.

Meiring, J. A Revolution Deferred: The Impact of the South African Constitution on the Law of Contract by Jan Meiring :: SSRN.

125.

Feinman, J. M. Good Faith and Reasonable Expectations. SSRN Electronic Journal (2013) doi:10.2139/ssrn.2245144.

126.

Campbell, D. Good Faith and the Ubiquity of the 'Relational' Contract. The Modern Law Review **77**, 475–492 (2014).

127.

Hadfield, Gillian K. Dilemma of Choice: A Feminist Perspective on the Limits of Freedom of Contract, The. Osgoode Hall Law Journal **33**, (1995).

128.

Legal Tenderness: Feminist Perspectives on Contract Law.

129.

Threedy, D. Feminists and Contract Doctrine.

130.

Gendered Readings of Obligations: Social Lore or Strict Legal Forms?

131.

Hadfield, G. Expressive Theory of Contract: From Feminist Dilemmas to a Reconceptualization of Rational Choice in Contract Law. University of Pennsylvania Law Review.

132.

Contract Formation and the Entrenchment of Power. Loyola University of Chicago Law Journal <http://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1084&context=luclj> (2009).

133.

Contractual Freedom, Contractual Justice and Contract Law (Theory). <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4360&context=lcp>.

134.

Mulcahy, Linda, Wheeler, Sally, & Dawsonera. Feminist perspectives on contract law. (GlassHouse, 2005).

135.

Mary Joe Frug. Rescuing Impossibility Doctrine: A Postmodern Feminist Analysis of Contract Law. University of Pennsylvania Law Review **140**, 1029–1047 (1992).

136.

Tidwell, Patricia A. Flesh-Colored Band Aid--Contracts, Feminism, Dialogue, and Norms,

The. Houston Law Review **28**, (1991).

137.

Darren, Bush. Caught Between Scylla and Charybdis: Law & Economics as a Useful Tool for Feminist Legal Theorists - viewcontent.cgi.

138.

Frug, Mary Joe. Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook. THE AMERICAN UNIVERSITY LAW REVIEW **34**, (1984).

139.

Belcher, A. A Feminist Perspective on Contract Theories from Law and Economics. Feminist Legal Studies **8**, 29-46 (2000).

140.

Gan, Orit. Contractual Duress and Relations of Power. Harvard Journal of Law and Gender **36**, (2013).