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EXPLOITATIVE CONTRACTS

Rick Bigwood

Exploitative Contracts

Eduardo Rivera-López, Martin Hevia



Exploitative Contracts:

Exploitative Contracts Rick Bigwood, 2003 Judges and scholars routinely use concepts such as exploitation in a justificatory way. In the field of contract law a finding of exploitation may excuse a party from the normal consequences of his or her manifested contractual assent. However the meaning of exploitation is usually assumed for this purpose rather than elaborated. In fact exploitation is a highly contested concept. *Exploitative Contracts* examines the essentially contestable criteria of interpersonal exploitation claims. It puts forward a conception of legal contractual exploitation a form of wrongdoing that arises in connection with the formation of contracts. This notion is shown to underpin traditional heads of relief in contract law including unconscionable dealing undue influence unilateral mistake in equity and lawful act duress. Importantly this notion of legal contractual exploitation conforms to the intellectual and institutional forms of order presupposed by the classic liberal conception of the contract. The wrongfulness of an act of exploitation must reside in some characteristic of the processes of contract formation rather than in some quality of the impugned contract itself. The doctrines of unconscionable dealing duress and undue influence are examined in detail in the light of what they each reveal about the process conception of legal contractual exploitation. In turn the volume explains how an understanding of these contract law doctrines can be enhanced by a proper conception of exploitation.

Exploitation Benjamin Ferguson, Matt Zwolinski, 2024 *Exploitation Perspectives from Philosophy Politics and Economics* brings together recent scholarly work on the topic of exploitation from philosophy political science and economics in one volume organised around three main questions: What is exploitation? Why is exploitation wrong? What should we do about it? The book includes contributions from both seasoned scholars and new voices covering issues as diverse as climate change paid plasma donation and international justice.

Contracting and Contract Law in the Age of Artificial Intelligence Martin Ebers, Cristina Poncibò, Mimi Zou, 2022-06-30 This book provides original diverse and timely insights into the nature scope and implications of Artificial Intelligence AI especially machine learning and natural language processing in relation to contracting practices and contract law. The chapters feature unique critical and in depth analysis of a range of topical issues including how the use of AI in contracting affects key principles of contract law from formation to remedies the implications for autonomy consent and information asymmetries in contracting and how AI is shaping contracting practices and the laws relating to specific types of contracts and sectors. The contributors represent an interdisciplinary team of lawyers computer scientists economists political scientists and linguists from academia legal practice policy and the technology sector. The chapters not only engage with salient theories from different disciplines but also examine current and potential real world applications and implications of AI in contracting and explore feasible legal policy and technological responses to address the challenges presented by AI in this field. The book covers major common and civil law jurisdictions including the EU Italy Germany UK US and China. It should be read by anyone interested in the complex and fast evolving relationship between AI contract law and

related areas of law such as business commercial consumer competition and data protection laws *Contract Law* Neil Andrews, 2011-05-26 This textbook takes a fresh approach to contract law as a first edition it reflects the subject in the 21st century more accurately than other texts Comprehensive and scholarly it maps the curriculum perfectly but detailed references and further reading sections encourage students to explore the subject further Understanding is paramount and chapter introductions clearly guide students through the material The textbook takes an innovative approach to case law breaking down and discussing individual elements of a case and selecting short key extracts it gives students the tools to read cases independently and with confidence An examination of the historical and theoretical foundations of the subject and a concluding chapter tracking emerging fields ensure the broadest possible perspective Discussion of key recent cases such as Durham Tess Valley Airport 2010 and Chartbrook 2009 make this important new text a must for contract law students

Research Handbook on the Philosophy of Contract Law Mindy Chen-Wishart, Prince Saprai, 2025-04-09 With contributions from experts in the field this comprehensive Research Handbook provides a systematic overview of debates at the cutting edge of the philosophy of contract law Chapters explore key themes such as the limits of freedom of contract debates about monistic and pluralistic theories of contract law and the philosophical challenges associated with resolving hard cases

Vitiating of Contracts Gareth Spark, 2013-01-03 Vitiating of Contracts proposes a new theory to explain the rationale of general vitiating factors in English contract law It provides a clear link to voluntariness as the foundation of contractual liability and compares the English position in light of this theory with the Principles of International Commercial Contracts PICC the Principles of European Contract Law PECL the Draft Common Frame of Reference DCFR and the US Restatement Second of Contracts **Justifying Contract in Europe** Martijn W. Hesselink, 2021-06-22 This title explores the normative foundations of European contract law It addresses fundamental political questions on contract law in Europe from the perspective of leading contemporary political theories Does the law of contract need a democratic basis To what extent should it be Europeanised What justifies the binding force of contract and the main remedies for breach When should weaker parties be protected Should market transactions be considered legally void when they are immoral Which rules of contract law should the parties be free to opt out of Adopting a critical lens this book interrogates utilitarian liberal egalitarian libertarian communitarian civic republican and discourse theoretical political philosophies and analyses the answers they provide to these questions It also situates these theoretical debates within the context of the political landscape of European contract law and the divergent views expressed by lawmakers legal academics and other stakeholders This work moves beyond the *acquis* positivism market reductionism and private law essentialism that tend to dominate these conversations and foregrounds normative complexity It explores the principles and values behind various arguments used in the debates on European contract law and its future to highlight the normative stakes involved in the practical question of what we as a society should do about contract law in Europe In so doing it opens up democratic space for the consideration of alternative

futures for contract law in the European Union and for better justifications for those parts of the EU contract law *acquis* we wish to retain

Good Faith and Relational Contracts, Volume 2 Anthony Gray, 2025-07-24 This volume explores in detail the use of the doctrine of good faith in the common law when interpreting contracts and resolving disputes Building on the findings of *Good Faith and Relational Contracts* Hart 2024 the book discusses the implications of relational contract theory and good faith for issues such as liquidated damages clauses discretion to terminate a contract contract forfeiture employment contracts and contractual remedies The author discusses the potential for good faith to unite a number of currently disparate contract law and equitable principles into a coherent framework providing an opportunity to question and jettison some archaic aspects of existing doctrine that are no longer defensible Ambitious and thoughtful this is a significant statement on the role of good faith in private law

Exploitation Alan Wertheimer, 2020-06-30 What is the basis for arguing that a volunteer army exploits citizens who lack civilian career opportunities How do we determine that a doctor who has sex with his patients is exploiting them In this book Alan Wertheimer seeks to identify when a transaction or relationship can be properly regarded as exploitative and not oppressive manipulative or morally deficient in some other way and explores the moral weight of taking unfair advantage Among the first political philosophers to examine this important topic from a non Marxist perspective Wertheimer writes about ordinary experience in an accessible yet philosophically penetrating way He considers whether it is seriously wrong for a party to exploit another if the transaction is consensual and mutually advantageous whether society can justifiably prohibit people from entering into such a transaction and whether it is wrong to allow oneself to be exploited Wertheimer first considers several contexts commonly characterized as exploitive including surrogate motherhood unconscionable contracts the exploitation of student athletes and sexual exploitation in psychotherapy In a section outlining his theory of exploitation he sets forth the criteria for a fair transaction and the point at which we can properly say that a party has consented Whereas many discussions of exploitation have dealt primarily with cases in which one party harms or coerces another Wertheimer's book focuses on what makes a mutually advantageous and consensual transaction exploitive and analyzes the moral and legal implications of such exploitation

Contract Law Adam Kramer KC, 2010-01-02 This is a new type of book It provides an index of the most useful and important academic and other writings on contract law whether published in articles or journal chapters or as books These writings with their full citation are gathered under familiar contract law subject headings and the most significant half of them are digested in a summary of a few lines each The book aims to cover all writings published in the English language about the Common Law of contracts and includes sections on contract theory and the history of contract law as well as sections for the more traditional substantive topics such as the interpretation of contracts penalty clauses remoteness of damage and anticipatory breach This work should prove an invaluable resource for practitioners academics and students increasing awareness of important writings and saving readers time by familiarising them with the work that has already been done in their particular fields

Contractual Relations David Campbell, 2022-09-15 Written by one of the leading contributors to the relational theory of contract *Contractual Relations* authoritatively explains the form of the existing law of contract by relating it to its economic legal and sociological foundations This volume demonstrates that economic exchange and legal contract rest on a moral relationship by which each party legitimately pursues its self interest through recognition of the self interest of the other This essential relationship of mutual recognition is in stark contrast to the pursuit of solipsistic self interest that is central to the classical law of contract Self interest of this sort is not morally defensible nor does it enhance economic welfare It is for these reasons that the classical law is legally incoherent The fundamental inadequacies of the classical law's treatment of agreement consideration and remedy have emerged as the doctrines of the positive law of contract have been progressively developed to give effect to the relationship of mutual recognition The welfarist criticism of the classical law has however failed to develop a workable concept of self interest and so is at odds with what must be retained from the classical law's facilitation of economic exchange and the market economy The relational law of contract restates self interest in a morally economically and legally attractive manner as the foundation of the social market economy of liberal socialism *Contractual Relations* is a fundamental critique of the classical law of contract and the welfarist response to the classical law and a major statement of the relational theory of contract This is an essential work for academics advanced students and others wishing to understand the fundamental law economics and sociology of contract and exchange

New Features in Contract Law Reiner Schulze, 2009-04-27 Economic change globalisation and harmonisation of European Law have brought new challenges to contract law The contributions in this Volume by prominent legal scholars deal with current trends and perspectives in European and International Contract Law and their impact on the various domestic legal systems The Compendium provides an analysis of new developments in formation of contract performance and remedies consumer contract law and the particularly controversial area of anti discrimination law Experts in their field examine the underlying legal principles and problems arising in legal practice in Common Law and Civil Law The essays written in English German and French are the product of a series of lectures held in 2006 at the Centre for European Private Law CEP at the University of Münster Germany The contributing authors are John Adams Hugh Beale Giuditta Cordero Moss Barbara Dauner Lieb Michele Graziadei Thomas Gutmann Geraint Howells Simon James Paul Lagarde Matthias Lehmann Peter Møgelvang Hansen Salvatore Patti Thomas Pfeiffer John C Reitz Judith Rochfeld Martin Schmidt Kessel Jürgen Schmidt Rentsch Alessandro Somma Stefano Troiano Christian Twigg Flesner Antoni Vaquer Aloy and Fryderyk Zoll

Contract Law in Singapore Andrew B.L. Phang, Goh Yihan, 2021-10-21 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in Singapore covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the

explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Singapore will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law

Exploitation and Efficiency in Agrarian Contracts Robert G. Chambers,1995 *Minimum Contract Justice* Lyn K L Tjon Soei Len,2017-05-04 The collapse of the Rana Plaza in Bangladesh 2013 is one of many cases to invoke critical scrutiny and moral outrage regarding the conditions under which consumer goods sold on our markets are produced elsewhere In spite of abiding moral concerns these goods remain popular and consumers continue to buy them Such transactions for goods made under deplorable production conditions are usually presumed to count as normal market transactions ie transactions that are recognized as valid consumer contracts under the rules of contract law Minimum Contract Justice challenges this presumption of normality It explores the question of how theories of justice bear on such consumer contracts how should a society treat a transaction for a good made under deplorable conditions elsewhere This Book defends the position that a society that strives to be minimally just should not lend its power to enforce support or encourage transactions that are incompatible with the ability of others elsewhere to live decent human lives As such the book introduces a new perspective on the legal debate concerning deplorable production conditions that has settled around ideas of corporate responsibility and the pursuit of international labour rights

Controversies in Latin American Bioethics Eduardo Rivera-López,Martin Hevia,2019-06-19 This book offers a first rate selection of academic articles on Latin American bioethics It covers different issues such as vulnerability abortion biomedical research with human subjects environment exploitation commodification reproductive medicine among others Latin American bioethics has been to an important extent parochial and unable to meet stringent international standards of rational philosophical discussion The new generations of bioethicists are changing this situation and this book demonstrates that change All articles are written from the perspective of Latin American scholars from several disciplines such as philosophy and law Working with the tools of analytical philosophy and jurisprudence this book defends views with rational argument and opening for pluralistic discussion *The*

Economic Analysis of Civil Law Schäfer, Hans-Bernd, Ott, Claus, 2022-01-25 This comprehensive textbook provides a thorough guide to the economic analysis of law with a particular focus on civil law systems It encapsulates a structured analysis and nuanced evaluation of norms and legal policies using the tools of economic theory **Contract Law** Andrew Stewart, Warren Swain, Karen Fairweather, 2019-06-21 Provides a fresh topical and accessible account of the Australian law of contract **Feminist Perspectives on Contract Law** Linda Mulcahy, Sally Wheeler, 2017-01-27 The law of contract is ripe for feminist analysis Despite increasing calls for the re conceptualisation of neo classical ways of thinking feminist perspectives on contract tend to be marginalised in mainstream textbooks This edited collection questions the assumptions made in such works and the ideologies that underpin them drawing attention to the ways in which the law of contract has facilitated the virtual exclusion of women the feminine and the private sphere from legal discourse Contributors to this volume offer a range of ways of thinking about the subject and cover topics such as the feminine offeree feminist perspectives on contracts in cyberspace the forgotten world of women and contracts restitution and feminist economic theory the gendered power dynamics of undue influence and the feminisation of dispute resolution **Great Debates in Contract Law** Jonathan Morgan, 2020-04-02 This textbook is an engaging introduction to the more advanced writings on contract law primarily designed to allow students to get under the skin of the topic and begin to build their critical thinking and analysis skills Each chapter is structured around key questions and debates that provoke deeper thought and ultimately a clearer understanding This edition has been extensively rewritten to include new cases and scholarship throughout New sections include no oral modification clauses substantive fairness regulation of standard form contracts and remoteness of damage in contract An excellent book for students of contract law who wish to know more the aim of the book is not to present a complete overview of theoretical issues in contract law but rather to illustrate the current debates which are currently going on among those working in shaping the area The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading New to this Edition Extensively rewritten to include new cases and scholarship throughout New sections and debates include no oral modification clauses substantive fairness regulation of standard form contracts and remoteness of damage in contract

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