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DEATH OF CONTRACT: SECOND EDITION



Synopsis

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Customer Reviews

Reading Death of Contract is like a fresh glass of water after a hot day at work. It refreshes the mind, and makes you think that there can be some coherence to Tennyson's 'lawless science of the laws'. The beauty of Gilmore's concise and short tome (I devoured it in three hours) is that it makes you begin to see contract law for what it really is: a construct designed by academics and over clever jurists, who have hyped up dead cases to the max in order to create their vision of 'contract law'. It would be easier at this stage to descend into legalese, naming cases, and tediously analyzing the way Gilmore crushes the sacred cows that these landmarks in contract law have become. Poor lawyers all know the precedents Gilmore takes on: *Foakes v Beer* ; *Stilk V Myrick*. What this book does is demonstrate the mangled reasoning of these cases. We learn that they achieved fame through their selection by conservative law school after conservative law school as staple fodder for years of aspirant lawyers. The cases that make up the foundations of contract law come across as aberrations, lucky strikes that have gone on too long. Gilmore shows that contract law is no holy part of our legal matrix. Instead, it is an incredibly fluid field of law, and we can legitimately, even after three hundred years of decided cases, still be allowing ourselves to ask when a contract actually is a contract. Gilmore sees contract law as analogous to your first battered up motor: a good runner, you have your fun with it, but there comes a point when its time to upgrade. I like his reasoning: there has been a death of contract.

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