

Contracts play a very important role in our daily life. From the most trivial, such as purchasing of ingredients for dinner, to the most complicated, such as contracts of employment or complicated business deals – we all make thousands of them. That simple fact is reflected in most of the existing legal systems, in which there are special regulations concerning contracts, which belong to the more general domain of private law.

For a long time philosophers have wondered what is the fundamental principle behind contract law and whether it is only one such principle at all. One can distinguish three dominant views in that matter – the reliance-based view, the autonomy-based view and the efficiency-based (economic) view. On the whole, scholars who adopt the reliance-based view seek for justification of contract law – the branch of law regulating rules of contract formation, interpretation and enforcing – in the general rule which says that it is forbidden to act as to disappoint the reliance of others when we have intentionally induced them to rely upon us; for example the reliance induced by forming a contract. Scholars who adopt the autonomy-based view, as their name suggest, seek for justification of contract law as distinct area of law in its autonomy-enhancing role which allows us – individuals having free will who are able to impose voluntary obligations on themselves – to simply live a better life. Finally, scholars who adopt efficiency-based view see contract law as, above all, very effective tool for maximizing social welfare, downplaying the other values it may additionally realize.

The project aims to, except critically analyzing above views, elaborate on the new perspective on contract law based on the concept of corrective justice, introduced for the first time by Aristotle. From the corrective justice perspective, contract law is seen as, above all, the tool for restoring justice to those who are subject to a specific kind of harm – harm of dissatisfied reliance triggered by a breach of contract. The corrective justice approach is able to provide a philosophical justification of contract law which is able reconcile the other dominant views in the field (drawing especially on reliance-based theories, as it may be seen as an 'upgraded' version of them), sharing their advantages, without multiplying their mistakes.

The project concerns also some of the more specific issues from the domain of contract law such as the most suitable, from the corrective justice perspective, damages for a breach of contract (opting for reliance damages) or the issues of contracts' validity (formation) and interpretation. Thus, except offering new philosophical theory of contract law, the project will be also potentially very important for legal practice.