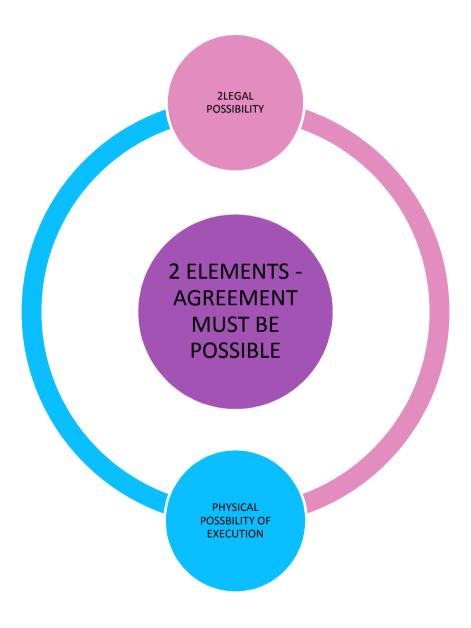
## **CHAPTER 6**







IF RIGHTS &
DUTIES ITO
CONTRACT
CANNOT BE
PERFORMED IN
ACCORDANCE
WITH GENERAL
LEGAL PRINICPLES

CONTRACT
WHICH
CANNOT BE
LEGALLY
EXECUTED

EXAMPLE:
IMPOSSIBLE TO
BUY & SELL
SOMETHING
WHICH IS NOT
CAPABLE OF BEING
PRIVATELY OWNED
(MOON)

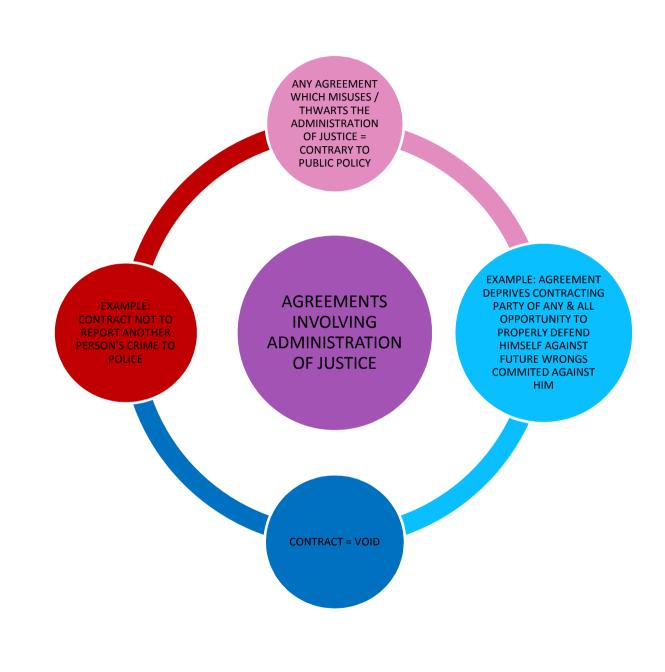
CONTRARY TO
GOOD MORALS OF
COMMUNITY IF
CONTRACT,
PURPOSE / RIGHTS
& DUTIES AGREED
UPON ARE
CONTRARY TO
WHAT = PROPER &
DECENT

AGREEMENTS
THAT ARE
CONTRARY
TO GOOD
MORALS

CONVICTIONS OF COMMUNITY WRT GOOD MORAL VALUES DIFFER FROM COMMUNITY TO ANOTHER & CHANGE OVER TIME

EXAMPLE:
PROMOTING SEXUAL
MISCONDUCT &
IMPAIR STABILITY OF
MARRIAGE





AGREEMENT TO COMMT CRIME = CONTRARY TO PUBLIC POLICY & LEGALLY UNENFORCEABLE

AGREEMENTS INVOLVING CRIMES & DELICTS

ALSO APPLICABLE
WHEN
UNDERTAKING TO
COMMIT A DELICT
(DEFRAUD
CREDITOR /
INSURANCE
COMPANY)

AGREEMENT BETWEEN
PERSON & SUBJECT OF
ENEMY STATE WHICH IS
AT WAR WITH PERSON'S
OWN COUNTRY =
CONTRARY TO PUBLIC
POLICY & NOT
PERMISSIBLE IF
AGREEMENT IS TO
ADVANTAGE OF ENEMY
STATE

AGREEEMENTS AFFECTING SAFETY OF STATE

AGREEMENT TO
PROVIDE MILITARY
SUPPLIES TO
ENEMY STATE =
UNLAWFUL &
INVALID

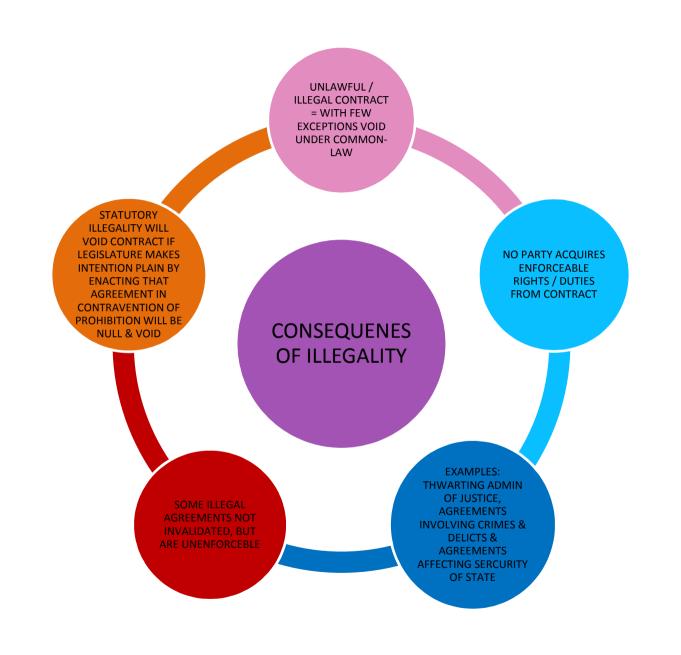


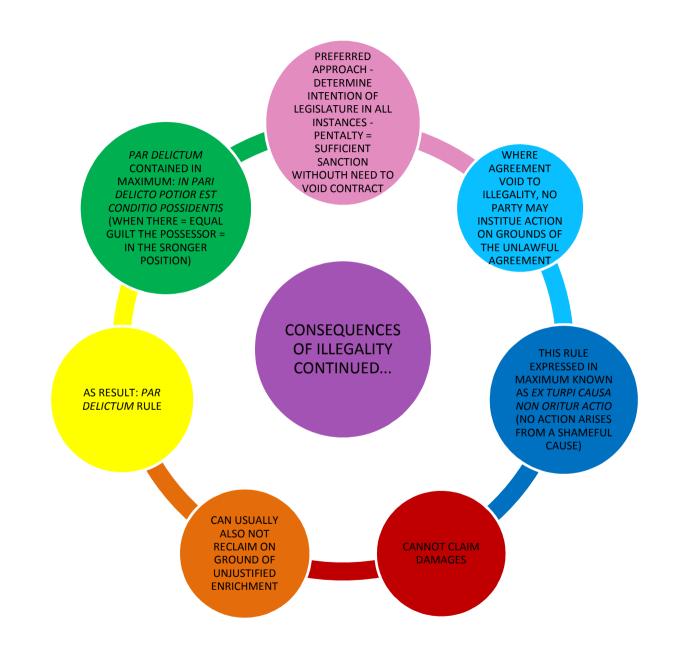








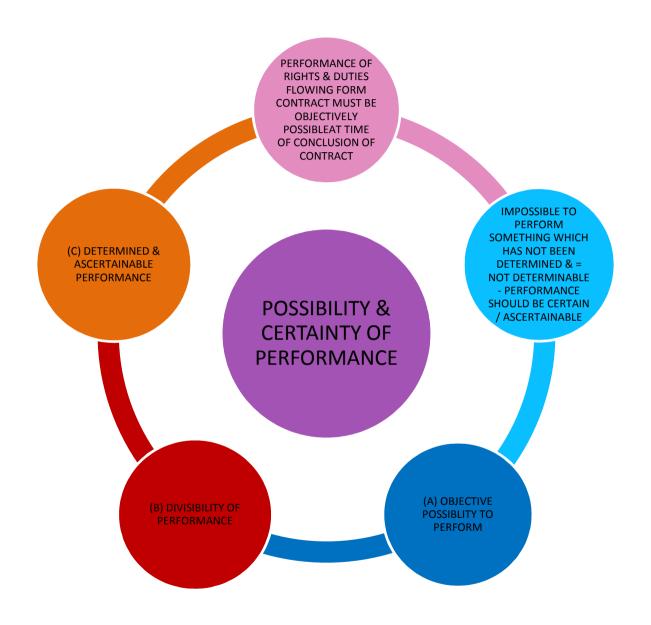




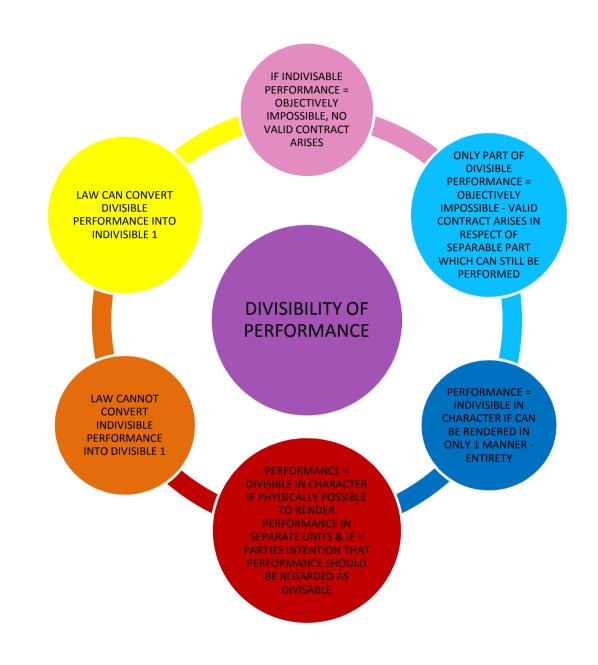
PAR DELICTUM
APPLIES TO
ACTIONS WHICH
ARE BASED ON
UNJUSTIFIED
ENRICHMENT

CONSEQUENCES OF ILLEGALITY CONTINUED...

> COURT MAY RELAX PAR DELICTUM IF PUBLIC INTEREST REQUIRES SUCH RELAXATION







IMPOSSIBLE TO
PERFORM UNDER
AGREEMENT WHERE
NATURE OF
PERFORMANCE =
UNCLEAR &
AMBIGUOUS

DETERMINED & ASCERTAINABLE PERFORMANCE

LAW DISTINGUISHES
BETWEEN FACULTATIVE
OBLIGATION (RESULTS ON
DETERMINED
PERFORMANCE) &
ALTERNATIVE & GENERIC
OBLIGATIONS, WHERE
EXERCISE OF SELECTION
RESULTS IN
ASCERTAINABLE
PERFORMANCE

PERFORMANCE =
DETERMINED,
ASCERTAINABLE /
UNCERTAIN MAY DEPEND
ON CONTRACTING
PARTY'S RIGHT UNDER
CONTRACT TO CHOOSE /
IDENTIFY SPECIFIC
PERFORMANCE



