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The Contract in the Jordanian Civil Law Between the Internal and the External Will

*Bashar A. Malkawi**

ABSTRACT

The legal system has been influenced by internal and external will theories.

Some legal system experts adopted the first theory and others the second one. The importance of specifying which theory any country adopts lies in identifying the different legal effects, and among the most important effects is the possibility or otherwise of investigating intentions of the parties; in other words, the ability of the court to investigate the intention of the parties.

Some states might be influenced in their legal systems by more than one legal approach. Those legal approaches or legal schools have some conflict in some matters, which makes it rather difficult to specify the adopted theories by the legislator or those which the legislator intended to adopt.

It appears that it might be a matter of concern in avoiding discussing and investigating the adopted theories in a specific matter; also, by accepting with no justification any theory.

The criteria must be represented in the legal principle itself which needs to be understood and researched.

One can find legal principles in the civil law which indicate to the explicit will and other legal principles which indicate the implicit will theory. The question remains in researching and investigating which theories the Jordanian legislator has been influenced by.

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