

OXFORD

REGULATING CONTRACTS

HUGH COLLINS

Regulating Contracts

Horst Eidenmüller



Regulating Contracts:

Regulating Contracts Hugh Collins, 2002 Using an interdisciplinary approach involving economics sociology and law Regulating Contracts explores fundamental questions about the purposes and effects of legal regulation of contractual relationships What kind of social relation do contracts create or more precisely how do contracts govern social interaction How are contractual relations or more generally markets constructed Does the law play a significant role in particular practices and in particular what do lawyers courts and legal sanctions contribute to the contractual social order For what distributive purposes does the law attempt regulation The controversial conclusions of this study suggest that the law plays an insignificant role in the construction of markets and that law and lawyers could provide better assistance by using indeterminate regulation that permits the recontextualization of legal reasoning Legal regulation of contracts concerned with redistributive tasks such as redressing unfairness countering unjust power relations and improving access to justice is evaluated both with respect to the objectives of regulation and the search for the most efficient and efficacious form of regulation The argument in the book is that control of unfairness is both desirable and practicable that power relations should be modified for the sake of efficiency and that better access to justice is unhelpful to the resolution of contractual disputes

Modernising and Harmonising Consumer Contract Law Geraint G. Howells, Reiner Schulze, 2009 In October 2008 the European Commission published the Proposal for a Consumer Rights Directive a proposal that suggests far reaching changes to the core of consumer contract law Four current directives are replaced by a new overarching piece of legislation In doing so full harmonization should for the most part take the place of the minimum standard presently in force in the EU Although a welcomed initiative the extent and possible effects of the Proposal have certainly brought a number of issues to the fore In January 2009 legal experts from universities legal practices and the civil service met at Manchester University to address the issues raised by the Proposal and to address the question of the extent to which the Proposal can indeed contribute to the modernization and harmonization of European consumer contract law This book contains the proceedings of the conference and includes papers that analyze criticize and suggest improvements for the Proposal

Enabling regulatory frameworks for contract farming Food and Agriculture Organization of the United Nations, 2019-03-11 FAO's previous contribution to the development of contract farming saw the publication in 2015 of the UNIDROIT FAO IFAD Legal Guide on Contract Farming which focused on the bilateral relationship between an agricultural producer and a contractor This Legislative Study develops that research and focuses on the regulatory frameworks for contract farming aiming to highlight different possible approaches for different contexts Responsible contract farming can be a powerful tool for small scale farmers in developing countries to move towards larger scale commercial production It can create economic wealth contribute to supply chain efficiency through the production of higher quantities of better quality products and contribute to achieving domestic food security objectives Maximizing these benefits while minimizing the

inherent risks of contract farming is reliant upon the forging of an enabling environment a key part of which is the domestic regulatory framework This Legislative Study provides guidance to domestic regulators and other interested readers on how to appraise and potentially reform domestic regulatory frameworks to achieve responsible contract farming Recognising that different countries and contextual realities may benefit from different regulatory solutions this Study provides several examples supported by representative case studies on how contract farming can be regulated without promoting a single solution as the most appropriate Please visit FAO s Contract Farming Resource Centre <http://www.fao.org/inaction/contract-farming/en> which is a regularly updated website hosting a variety of material on contract farming both from FAO and from other recognized authors

Contract Law Minimalism Jonathan Edward Morgan, 2013-11-07 Critically examines moral promissory economic and socio legal perspectives on contract law arguing that it should be formal and minimalistic by design

Regulatory Competition in Contract Law and Dispute Resolution Horst Eidenmüller, 2013-08-01 In many regions of the world and across various fields law has become a product Individuals and companies seek attractive legal regulations and countries advertise their legal wares globally as they compete for customers To analyse this development and to develop policy recommendations with respect to contract law and dispute resolution a conference was held in Munich in October 2011 bringing together leading scholars in the field of contract law and dispute resolution from the US and Europe This book presents the papers and main comments produced for that conference The chapters include important papers on inter alia law and economic theory legal transplants theories of private law choice of law the characterisation of contract law and the English and American civil procedural traditions

Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe Eric W. Orts, Kurt Deketelaere, 2001-03-20 Environmental regulation has come of age in recent decades as the blunt methods of command and control have been subjected to trenchant criticism from both economists and lawyers in the United States and Europe As a result of this intellectual development as well as continuing and increasing severity of environmental problems there is a need for fresh thinking about regulatory methods that are rational from both economic and legal points of view This book focuses on the viability of one particular regulatory innovation the use of agreements or contracts for environmental regulation as it has been practised in the United States and Europe The various contributions explore the general idea that certain kinds of environmental problems may best be addressed through contracts among interested parties including representatives of various levels of government business local community and employment representatives and public interest groups The parties get together to discuss a particular problem and then agree to an agreement or contract designed to address key issues and interests At least in some situations this approach may yield greater flexibility stronger commitment and more creative outcomes than traditional command and control regulation Experiments in the use of environmental contracts have begun on both sides of the Atlantic a fact which makes the comparative study offered here especially timely and valuable

Regulating Municipal Water Supply Concessions

Yan Wei,2014-06-28 This book discusses the recently introduced concession policy which is also known as PPP worldwide on municipal utilities policy in China In this context critics have claimed that there is a gap in accountability with regard to concessions The author utilizes interdisciplinary methods and comparative studies taking into account the situation in the EU and US to analyze the accountability gap some feel will be created when the policy is implemented Taking water sector concessions as the subject of discussion the author distinguishes between three types of accountability traditional bureaucratic accountability legal accountability and public accountability By systematically analyzing the essential problems involved the book attempts to achieve a better understanding of concession and its application in the context of public utilities and finds that the alleged accountability gap is attributed to traditional bureaucratic accountability in China and the concession system per se

Contract Law and the Legislature TT Arvind,Jenny Steele,2020-08-06 This volume revisits some of the key debates about the nature and shape of contract law in light of the impact that statutes have had on its development With contributions from leading contract law scholars it fills a significant gap in existing theoretical and doctrinal analyses of contract law which rely primarily on cases to put forward accounts of the general principles and structure of contract law Statutory rules are typically seen as being specific instances of legal regulation that carve out exceptions to these general principles for specific reasons of policy This treatment of these rules has resulted in an incomplete understanding of the nature of contract law and the principles that underpin it By drawing specifically on contract statutes the volume produces a more complete picture of modern contract law A companion to the ground breaking Tort Law and the Legislature Common Law Statute and the Dynamics of Legal Change Hart Publishing 2012 this collection will have a significant impact on the study of contract law

The Law of Contract Hugh Collins,2003-07 This volume provides an advanced analysis of the law of contract for undergraduate courses covering the law of contract and the law of obligations

The Politics of Private Transnational Governance by Contract A. Claire Cutler,Thomas Dietz,2017-03-31 This edited volume provides critical reflections on the interplay between politics and law in an increasingly transnationalized global political economy It focuses specifically on the emergence and operation of new forms of governance that are developing through a variety of transnational contractual practices institutions and laws in multiple sectors and areas of economic activity Interdisciplinary in nature the volume includes contributions from law political science sociology and international politics with the focus on the political foundations of transnational contract being both original and path breaking Placing power at the center of the analysis the volume reveals the heterogeneous landscape of contemporary law making and the different kinds of politics giving rise to this form of global ordering As the contributors note this new form of governance requires a different type of political theory and legal theory with the volume advancing understanding of the analytical theoretical and normative dimensions of private transnational governance by contract making a valuable contribution to new theory in law and politics It will be of great interest to students and academics in law political science international relations international political

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