

THE RISE
AND
FALL OF
FREEDOM
OF CONTRACT

P.S. ATIYAH

THE RISE AND FALL OF FREEDOM OF CONTRACT

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Linda Mulcahy, John Tillotson



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The Rise and Fall of Freedom of Contract Patrick Selim Atiyah, 1979

The State and Freedom of Contract Harry N. Scheiber, 1998-09-01 The relationship of law to economic freedom has been a vital element in the history of all modern democratic societies Freedom of contract is both a technical term in law referring to private agreements and promises and a metaphor often deployed to describe economic liberty This volume of new essays by eminent legal historians offers fresh perspectives on freedom of contract in both senses of the term and considers how economic freedom relates to such classic political freedoms as free speech and other Anglo American constitutional norms The principal focus of the essays is on broad issues of policy and law rather than on narrow considerations of legal doctrine All the contributors reject stereotypes that pervade the existing literature about the allegedly unalloyed individualism of the common law and show how active state interventions of various kinds have shaped contract law in relation to social change throughout our legal history Equally however they reject shibboleths regarding bringing the state back in and take a hard look at the claims of statist ideology regarding the norms and rules that have established the legal boundaries of liberty in the modern industrial and post industrial eras The topics covered are Blackstone's claim that property was the despotic dominion of the private owner A W B Simpson labor and contract John V Orth the influence of philosophical trends on legal innovations James Gordley contract and individualism David Lieberman the tradition of public rights Harry N Scheiber the formal concept of liberty of contract in American law Charles McCurdy the interwoven history of labor law and contract law Arthur McEvoy public policy in relation to natural resources Donald Pisani and globalization of freedom of contract Martin Shapiro

The Fall and Rise of Freedom of Contract F. H. Buckley, 1999-08-27 Original essays by prominent legal scholars on the recent intellectual revival of freedom of contract and the value of free bargaining the essays will be gleaned from a series of conferences organized around areas where bargaining rights might be expanded

Fairness in Consumer Contracts Chris Willett, 2016-12-05 This book focuses

on unfair contract terms in consumer contracts in particular the existing legislation and the proposals by the Law Commissions for a new unified regime In this context it considers in particular what we mean by fairness both procedurally and in substance the tools used the European dimension the move from general principles from the more piecemeal approach typical in UK legal tradition and the further move in this direction as a result of the Unfair Commercial Practices Directive

The Paths to Privity Vernon V. Palmer, 2006 Palmer's fascinating study analyzes the ingrained tendency to prevent third party beneficiary actions through a historical account of privity of contract Chapter I discusses the origins and historical questions surrounding the issue of privity Chapter II covers the triumph of consideration in the formative period 1500 1680 Chapter III outlines the expansion in the chancery phase 1680 1800 and Chapter IV deals with the rise of the parties only principle at law and equity during the 1800s

The Limits of Freedom of Contract Michael J. Trebilcock, 1997-03-25 Our legal system is committed to the idea that private markets and the law of contracts that supports them are the primary institutions for allocating goods and services in a modern economy Yet the market paradigm this book argues leaves substantial room for challenge For example should people be permitted to buy and sell blood bodily organs surrogate babies or sexual favors Is it fair to allow people with limited knowledge about a transaction and its consequences to enter into it without guidance from experts

Vanishing Contract Law Catherine Mitchell, 2022-09-01 English contract law provides the invisible framework that underpins and enables much contracting activity in society yet the role of the law in policing many of our contracts now approaches vanishing point The methods by which contracts come into existence and notionally create binding obligations have transformed over the past forty years Consumers now enter into contracts through remote and automated processes on standard terms over which they have little control This book explores the substantive weakening of the institution of contract law in a society heavily dependent on contracts It considers significant areas of contracting activity that affect many people but that escape serious and sustained legal scrutiny An accessibly written and succinct account of contract law's past present and future it assesses the implications of a diminished contract law and the possibilities if any for its revival

Contract Law in Perspective Linda Mulcahy, John Tillotson, 2004 This book approaches contract law from its social political and economic context and by doing so aims to broaden understanding and appreciation of the subject at a level which is suitable for students Legal and business perspectives are introduced as are some sociological and economic ideas and influences

From Promise to Contract Dori Kimel, 2003-03-14 The book offers a careful philosophical investigation of the similarities and the much overlooked differences between contract and promise

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