

Perspectives of Critical Contract Law

Thomas Wilhelmsson



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This book contains the plenary reports and a selection of working group reports from a seminar on critical contract law held near Helsinki in May 1992. The purpose of the seminar was to bring together the ongoing discourses on the welfare state and its crisis, and on new alternative paradigms of contracts law with the discourse on international harmonization of contract law, especially in Europe and within the European Communities. The theory of contract is related to other social theories such as the theory of a risk society. In the book is discussed the possibilities of socially oriented perspectives of contract law in the next millennium. It contains articles written by prominent scholars from England, Germany, Italy, The Netherlands, Denmark, Norway and Finland amongst others.

Perspectives of Critical Criminal Law provides an up-to-date account of the international debate surrounding contract theory and places special emphasis on the changes in modern contract thinking and the future perspectives of contract law. Perhaps most importantly, it provides a comparative approach which transcends national peculiarities. This book is an important resource for instructors and researchers in contract law, private law, comparative law and general legal theory.

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Perspectives Of Critical Contract Law

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Handbook of Research on International Consumer Law Geraint G. Howells, I. Ramsay, Thomas Wilhelmsson, 2010 This is a truly international effort and one with a strong commitment to human rights by the highly reputable authors coming from different jurisdictions The many facets of today's consumer law are presented to the reader including developing countries a fascinating effort in a dynamically emerging field of law We are comprehensively informed about such bread and butter areas as advertising unfair terms consumer guarantees product safety and liability consumer credit and redress But traditional consumer law concepts and remedies are facing challenges in more complex areas like services of general internet where consumers and private users should enjoy equal access to universal services with the internet where speed must not be a pretext to eliminate standards of fair dealing with risky investment services under the problematic paradigm shift from investor protection to investor confidence A book to read to think about to work with for everybody interested in the future of consumer markets and law in a time of economic crisis Norbert Reich University of Bremen Germany This is a richly interesting collection of essays written by leading names in the field It offers a thoroughly reliable survey of key tensions and challenges in modern consumer law and brilliantly combines thematic overview with detailed analysis It will stimulate comparative thinking it will provide a source of information and it will be welcomed by consumer law scholars all over the world Stephen Weatherill University of Oxford UK Consumer law and policy has emerged in the last half century as a major policy concern for all nations This Handbook of original contributions provides an international and comparative analysis of central issues in consumer law and policy in developed and developing economies The Handbook encompasses questions of both social policy and effective business regulation Many of the issues are common to all countries and are becoming increasingly globalised due to the growth in international trade and technological developments such as the Internet The authors provide a broad coverage of both substantive topics and institutional questions concerning optimal approaches to enforcement and the role of class actions in consumer policy It also includes comparative insights into the influential EU and US models of consumer law and relates consumer law to contemporary trends in human rights law Written by a carefully selected group of international experts this text represents an authoritative resource for understanding contemporary and future developments in consumer law This Handbook will provide students researchers and policymakers with an insight to the main policy debates in each context and provide models of legal regulation to assist in the evaluation of laws and the development of consumer law and policy

Feminist Perspectives on

The Foundational Subjects of Law Anne Bottomley,1996-03-13 The essays in this volume fall within a chapter on one of the foundational law subjects on the degree syllabus and aim to provide an account of feminist approaches to each of the following areas contracts torts land law equity and trusts criminal law public law and European law Critical Legal Studies

Richard W Bauman,2021-11-28 Contemporary legal thought has been powerfully influenced by Critical Legal Studies a school of legal scholars whose work has sustained a continuing radical critique of established legal doctrines In this essential reference work Richard Bauman presents the most thorough up to date guide available for this essential literature In addition to providing the basic bibliographic information Bauman offers a set of effective introductions to contextualize and explain the work being surveyed He has created a fundamental handbook not only for the law but also for politics and radical thought

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Consumer Bankruptcy in Global Perspective Johanna Niemi,Iain Ramsay,William C. Whitford,2003-11-27 Consumer Bankruptcy and over indebtedness is an emerging field throughout the world This book provides a comparative appraisal of global developments in this area It is one of the first book length publications focusing on comparative consumer bankruptcy and over indebtedness It combines theoretical and empirical studies of bankruptcy regimes and consumer credit in civilian and common law jurisdictions as well as exploring current reform trends The book will be of interest to academics policymakers and law reformers as well as to practitioners

Critical Legal Perspectives on Global Governance Gráinne de Búrca,Claire Kilpatrick,Joanne Scott,2014-07-18 This book of essays written in honour of Professor David Trubek explores many of the themes which he has himself written about most notably the emergence of a global critical discourse on law and its application to global governance As law becomes ever more implicated in global governance and as processes related to and driven by globalisation transform legal systems at all levels it is important that critical traditions in law adapt to the changing legal order and problematic The book brings together critical scholars from the EU and North and South America to explore the forms of law that are emerging in the global governance context the processes and legal roles that have developed and the critical discourses that have been formed By looking at critical appraisals of law at the global regional and national level the links among them and the normative implications of critical discourses the book aims to show the complexity of law in today's world and demonstrate the value of critical legal thought for our understanding of issues of contemporary governance and regulation Scholars from many countries contribute critical studies of global and regional institutions explore the governance of labour and development policy in depth and discuss the changing role of lawyers in global regulatory space

Contract Law Adam Kramer KC,2010-01-02 This is a new type of book It provides an index of the most useful and important academic and other writings on contract law whether published in articles or journal chapters or as books These writings with their full citation

are gathered under familiar contract law subject headings and the most significant half of them are digested in a summary of a few lines each. The book aims to cover all writings published in the English language about the Common Law of contracts and includes sections on contract theory and the history of contract law as well as sections for the more traditional substantive topics such as the interpretation of contracts, penalty clauses, remoteness of damage and anticipatory breach. This work should prove an invaluable resource for practitioners, academics and students, increasing awareness of important writings and saving readers time by familiarising them with the work that has already been done in their particular fields.

The Richness of Contract Law R.A. Hillman, 2012-12-06. Scholars have produced a wide variety of theoretical work on contract law. This is the first book to compile it to present it coherently, to evaluate it and to supply numerous references to additional sources. The author also offers his own practical perspective that emphasizes contract law's richness and complexity and questions the utility of abstract unitary theories. The author argues that notwithstanding contract law's complexity, it successfully facilitates the formation and enforcement of private arrangements and ensures a degree of fairness in the process of exchange. Each chapter presents a pair of largely contrasting theories to clarify the central issue of contract law and theory, to set forth the range of views and to help identify a practical middle ground. Among the contract theories discussed and analyzed are promise, contextual, feminist, formal, mainstream, critical, economic, empirical, and relational. The book should interest legal theorists, practising lawyers, law students, and general readers who want to learn more about contract law and theory.

The Modern Law of Contract Richard Stone, 2013. The Modern Law of Contract provides a detailed account of the subject in England and Wales. Centred around a thorough analysis of case law and statute, it also takes into account a variety of theoretical approaches.

Critical Legal Perspectives on Contemporary Slavery Adelle Blackett, Laura Dehaibi, M. Adedayo Odusanya, Edward Van Daalen, 2025-03-27. This edited volume examines contemporary forms of slavery and the law through an historical and comparative lens. The volume consists of a general report and 15 national reports from a wide cross section of jurisdictions that include Canada, Peru, the Netherlands, Barbados, and Ghana. Each chapter provides in-depth engagement with slavery as a global institution in dialogue with slavery in its contemporary forms, including their causes and consequences. The book explores slavery and the Atlantic slave trade, its historical legacies in the persistence of racial capitalism, and points of continuity and disjuncture with contemporary attempts to redress severe labour exploitation in global supply and global care chains.

Critical Legal Positivism Kaarlo Tuori, 2017-03-02. This profound and scholarly treatise develops a critical version of legal positivism as the basis for modern legal scholarship. Departing from the formalism of Hart and Kelsen and blending the European tradition of Weber, Habermas, and Foucault with the Anglo-American contributions of Dworkin and MacCormick, Tuori presents the normative and practical faces of law as a multilayered phenomenon within which there is an important role for critical legal dogmatics in furthering law's self-understanding and coherence. Its themes also resonate with importance for the development of the European legal system.

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

Stewart Macaulay: Selected Works David Campbell, 2020-10-30 This book represents a unique resource about Stewart Macaulay one of the common law world's leading scholars of the law of contract and of the law in action approach to the study of law Since 1959 he has published over 50 articles in leading journals a number of working papers with colleagues at the University of Wisconsin Law School a pathbreaking casebook for the teaching of the law of contract and with other colleagues equally pathbreaking collections of materials for the teaching of the law in action or law in context approach to the study of law In this work Macaulay has established himself as one of the postwar world's leading scholars of the law of contract and of the sociology of law His work is an absolute reference point in both disciplines and it has attracted great attention elsewhere most notably in economic sociology where his concept of non contractual economic relationships is regarded as an important theoretical innovation Macaulay's work has become an object of commentary in its own right and the proposed book is intended to assist further such commentary by making hitherto difficult to obtain works readily accessible Most of Macaulay's work is now when the leading journals are generally available in electronic form readily accessible to students and researchers in universities There are however a number of interesting and in most cases important works published in less accessible journals or works which were not published in an electronic form which are difficult to obtain This book will make them readily available and in so doing will make it possible in future for scholars to have Macaulay's complete oeuvre readily to hand Although Macaulay's work has provoked very considerable discussion there previously have been no overall accounts of that work as opposed to critical engagements with aspects of it In this book two additional essays by leading commentators give accounts of Macaulay's work and provide an introduction to exegesis of and general evaluation of Macaulay's work as a whole which is not to be found in the existing literature

Free Movement of Legal Ideas Thomas Wilhelmsson, 2024-07-11 This seminal book develops a new perspective on the debate concerning the Europeanisation of private law The theory is both realistic building on existing experience and normative as it focuses on the future It outlines good Europeanisation in which legal sources can be used across borders hence the free movement of legal ideas At its core is the analysis of the legal consequences of growing societal uncertainty and increasing use of micro politics leading to a situation where the law develops through small narratives rather than according to a coherent master plan The inevitable rule of law concerns around such a development have to be addressed by transparent legal reasoning The author masterfully illustrates how this can be achieved in decision making across Europe drawing on arguments which are both substantive and authoritative in nature He shows how all legal actors including decision makers and scholars are morally responsible for the choices made This is a fascinating intervention in the field of European private law by one of its leading

authorities

A Legal Framework from Emerging Business Models Emily M. Weitzenboeck, 2012 The last two decades have witnessed the growth of new forms of entrepreneurial cooperation such as dynamic networks like virtual enterprises and enterprise pools These business forms are often hybrid having elements of both contract based organizations and corporate forms in particular partnership This book examines the relative utility of contract and partnership law in fostering and maintaining these emerging business models focusing on dynamic networks The book analyses how dynamic networks are organized and set up through very often collaborative contracts and how the behaviour of their member firms is regulated Good faith and fair dealing as a behavioural criterion in contractual and partnership relations is an important theme of this work The background and preconditions for the emergence and growth of such business forms is also investigated The book contains case studies of such networks from different countries in particular Germany Austria Switzerland England and Norway It examines relevant legal rules in a number of jurisdictions such as England Norway Germany Italy France and the US This detailed book will appeal to postgraduate students and academics in the fields of contract law comparative law partnership law and business commercial law Academics in other disciplines such as economics sociology and business management will also find much to interest them in this study

Contract Law Andrew Stewart, Warren Swain, Karen Fairweather, 2019-06-21 Provides a fresh topical and accessible account of the Australian law of contract

Methodologies of Legal Research Mark Van Hoecke, 2011-02-28 Until quite recently questions about methodology in legal research have been largely confined to understanding the role of doctrinal research as a scholarly discipline In turn this has involved asking questions not only about coverage but fundamentally questions about the identity of the discipline Is it mainly descriptive hermeneutical or normative Should it also be explanatory Legal scholarship has been torn between on the one hand grasping the expanding reality of law and its context and on the other reducing this complex whole to manageable proportions The purely internal analysis of a legal system isolated from any societal context remains an option and is still seen in the approach of the French academy but as law aims at ordering society and influencing human behaviour this approach is felt by many scholars to be insufficient Consequently many attempts have been made to conceive legal research differently Social scientific and comparative approaches have proven fruitful However does the introduction of other approaches leave merely a residue of legal doctrine to which pockets of social sciences can be added or should legal doctrine be merged with the social sciences What would such a broad interdisciplinary field look like and what would its methods be This book is an attempt to answer some of these questions

International Perspectives on Consumers' Access to Justice Charles E. F. Rickett, Thomas G. W. Telfer, 2003-03-20 Consumer protection law in the age of globalisation poses new challenges for policy makers This book highlights the difficulties of framing regulatory responses to the problem of consumers access to justice in the new international economy The growth of international consumer transactions in the wake of technological change and the globalisation of markets suggests that governments can no longer develop consumer

protection law in isolation from the international legal arena Leading scholars consider the broader theme of access to justice from socio legal law and economics perspectives Topics include standard form contracts the legal challenges posed by mass infections such as mad cow disease and CJD ombudsman schemes class actions alternative dispute resolution consumer bankruptcy conflict of laws and cross border transactions This book demonstrates that advancing and achieving access to justice for consumers proves to be a challenging and sometimes elusive task **Genomic Negligence** Victoria

Chico,2011-04-18 Advances in human genetics are set to revolutionise the way we think about our health Within the context of such changing social circumstances this book identifies novel grievances that might be generated by modern human genetic technologies and considers how the English tort regime might respond to these grievances

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