

THE STATE
AND
FREEDOM
OF CONTRACT

EDITED BY HARRY N. SCHEIBER



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The State And Freedom Of Contract

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The State And Freedom Of Contract:

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 Law of Contracts* William Herbert Page, 1921 *Constitutional Protection of Private Property and Freedom of Contract* Richard A. Epstein, 2013-10-15 First Published in 2000 This is a collection of essays that look at the Constitutional protection of private property and freedom of contract and forms part of the Liberty Property and Law series where the materials in this collection are drawn from many disciplines including economics law philosophy and political science *Due Process of Law and the Equal Protection of the Laws* Hannis Taylor, 1917 *Machinists' Monthly Journal* , 1917 *Digest of Decisions of the Supreme Court of the United States Reported in Vols. 1-36 Supreme Court Reporter, Vols. 106-241 United States Reports, Vols. 27-60 Lawyers' Edition, United States Reports, 1882-1916, with a Table of Cases Digested* , 1917 **Annual Report of the Factory Inspectors of the State of New York** New York (State). Office of Factory Inspectors, 1902 **Annual Meeting of the Bar Association of the State of Kansas** Bar Association of the State of Kansas, 1886 List of members in each volume except 1887 and 1889 **Railroad Trainmen's Journal** Daniel L. Cease, 1899 [American State Government](#) John Mabry Mathews, 1924 **The Labor Contract from Individual to Collective Bargaining ...** Margaret A. Schaffner, 1907 **The American Federationist** , 1915 Includes separately paged Junior union section *The New American Government and Its Work* James Thomas Young, 1915 **Bulletin of the American Institute of Bank Clerks** American Institute of Banking, 1902 *Digest of the United*

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