



BOOK LAUNCH

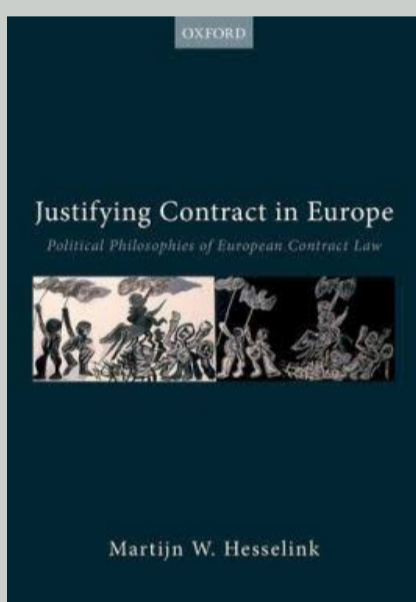
Justifying Contract in Europe: Political Philosophies of European Contract Law

Oxford University Press

Professor Martijn W. Hesselink
European University Institute

Thursday, March 10, 2022 at 16:15

Buchmann Faculty of Law, Tel Aviv University
(via Zoom)



This book explores the normative foundations of European contract law. It addresses fundamental political questions on contract law in Europe from the perspective of leading contemporary political theories. Does the law of contract need a democratic basis? To what extent should it be Europeanized? What justifies the binding force of contract and the main remedies for breach? When should weaker parties be protected? Should market transactions be considered legally void when they are immoral? Which rules of contract law should the parties be free to opt out of? Adopting a critical lens, the book interrogates utilitarian, liberal-egalitarian, libertarian, communitarian, civic republican, and discourse-theoretical political philosophies and analyses the answers they provide to these questions. It also situates these theoretical debates within the context of the political landscape of European contract law and the divergent views expressed by law makers, legal academics, and

other stakeholders. The book moves beyond the *acquis* positivism, market reductionism, and private law essentialism that tend to dominate these conversations and foregrounds normative complexity. It explores the principles and values behind various arguments used in the debates on European contract law and its future to highlight the normative stakes involved in the practical question of what we, as a society, should do about contract law in Europe. In so doing, it opens up democratic space for the consideration of alternative futures for contract law in the European Union, and for better justifications for those parts of the EU contract law *acquis* we wish to retain.

Author's Presentation:

Prof. Martijn W. Hesselink, Department of Law, European University Institute

Discussants:

Prof. Oren Bar-Gil, Harvard Law School and Buchmann Faculty of Law, TAU

Dr. Tamar Kricheli-Katz, Buchmann Faculty of Law, TAU

Prof. Avihay Dorfman, Buchmann Faculty of Law, TAU

The event will be held online, please see Zoom link here >>