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Autore	Decock Wim <1983->
Titolo	Theologians and contract law [[electronic resource]] : the moral transformation of the <i>ius commune</i> (ca. 1500-1650) // y Wim Decock
Pubbl/distr/stampa	Leiden ; Boston, : M. Nijhoff Publishers, 2013
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Lingua di pubblicazione	Inglese
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Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Preliminary Material -- 1 Method and Direction -- 2 Theologians and Contract Law: Contextual Elements -- 3 Toward a General Law of Contract -- 4 Natural Limitations on 'Freedom of Contract' -- 5 Formal Limitations on 'Freedom of Contract' -- 6 Substantive Limitations on 'Freedom of Contract' -- 7 Fairness in Exchange -- 8 Theologians and Contract Law: Common Themes -- Bibliography -- Index of Names -- Index of Terms.
Sommario/riassunto	The Roman legal tradition is the ancestor of modern contract law but there is no agreement as to how and when a general law of contract emerged. Wim Decock's thesis is that an important step in this evolution was taken by theologians in the sixteenth and seventeenth centuries. They transformed the Roman legal tradition ( <i>ius commune</i> ) by insisting on the moral foundations of contract law. Theologians emphasized that the enforceability of contracts is based on voluntary consent and that a contract should not enrich one party at another's expense. While their main concern was the salvation of souls,

theologians played a key role in the development of a systematic contract law in which the founding principles were freedom and fairness. Theologians and Contract Law is winner of the Heinz Maier-Leibnitz-Preis 2014 (German Research Foundation) as well as the Raymond Derine Prijs 2012 (Raymond Derine PhD Prize) and the ASL-Prijs Humane Wetenschappen 2012 (ASL Award for Humanities 2012) by the Academische Stichting Leuven . Decock's book is also awarded the 'Juristisches Buch des Jahres' (Law book of the year) by Neue Juristische Wochenschrift (47/2013: 3420).

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Autore Tao Wei

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