

1. Record Nr.	UNINA9910961898103321
Titolo	Capacitas : contract law and the institutional preconditions of a market economy / edited by Simon Deakin and Alain Supiot
Pubbl/distr/stampa	Oxford, [Eng.] ; Portland, Oregon, : Hart Publishing, 2009
ISBN	9786612444456 9781472560520 1472560523 9781282444454 128244445X 9781847315212 1847315216
Edizione	[1st ed.]
Descrizione fisica	1 online resource (182 p.)
Disciplina	346.02
Soggetti	Contracts - Economic aspects Capacity and disability
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references
Nota di contenuto	Capacitas : contract law, capabilities and the legal foundations of the market / Simon Deakin -- Capacity and capability in European contract law / Martijn W. Hesselink -- Rationalisation and derationalisation of legal capacity in historical perspective : some general caveats / Alain Wijffels -- Revisiter la notion juridique de capacite? / Jean Hauser -- Le concept de capacite dans le droit des contrats francais / Sandrine Godelain -- La notion de capacite et l'evolution du droit du travail italien / Aurora Vimercati -- La recherche d'un concept de capacitas en droit du licenciemment allemand / Wiebke Brose -- 'Capacitas' and capabilities in international labour law / Renee-Claude Drouin -- En guise de conclusion : la capacite, une notion a haut potentiel / Alain Supiot 1. Capacitas: Contract Law, Capabilities and the Legal Foundations of the Market -- SIMON DEAKIN -- 2. Capacity and Capability in European Contract Law -- MARTIJN W HESSELINK -- 3. Rationalisation and Derationalisation of Legal Capacity in Historical Perspective: Some

General Caveats -- ALAIN WIJFFELS -- 4. Revisiter la notion juridique de capacite? -- JEAN HAUSER -- 5. Le concept de capacite dans le droit des contrats francais -- SANDRINE GODELAIN -- 6. La notion de capacite et l'evolution du droit du travail italien -- AURORA VIMERCATI -- 7. La recherche d'un concept de *capacitas* en droit du licenciement allemand -- WIEBKE BROSE -- 8. 'Capacitas' and Capabilities in International Labour Law -- RENEE-CLAUDE DROUIN -- 9. En guise de conclusion: la capacite, une notion a haut potentiel -- ALAIN SUPIOT

Sommario/riassunto

One of the principal tasks for legal research at the beginning of the 21st century is to reconstruct the understanding of the relationship between the legal system and the market order. After almost three decades of deregulation driven by a belief in the self-equilibrating properties of the market, the financial crisis of 2008 has reminded everyone of the fundamental truth that markets have legal and institutional foundations, without which they cannot effectively function. The chapters in the present volume are the result of work by a group of legal scholars which began in the mid-2000s, at a time when the shortcomings of deregulatory policies were becoming clear in a number of contexts. The chapters address the question of how the language of contract law describes or conceptualises the market order and the relationship of the law to it. The perspectives taken are, in turn, historical, comparative, and context-specific. The focus of the book is on a foundational idea, the concept of *capacitas*, which signifies a status conferred upon citizens for the purpose of enabling them to participate in the economic life of the polity. In modern legal systems, 'capacity' is the principal juridical mechanism by which individuals and entities are empowered to enter into legally binding agreements and, more generally, to arrange their affairs using the instruments of private law. Legal capacity is thereby the gateway to involvement in the operations of a market economy