



Critical Studies in Private Law: A Treatise on Need-Rational Principles in Modern Law (Law and Philosophy Library)

Thomas Wilhelmsson

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Critical Studies in Private Law discusses the prerequisites and possibilities for an alternative or critical legal dogmatics. The starting point of the analysis is the recognition of contradictions within the legal order. In this respect the theory may use the experience of both American Critical Legal Studies and the German attempts to formulate a legal theory for the social state. The key for understanding how the contradictory concrete legal material may produce varying results on the level of legal decisions is the systematization, the general principles of the law.

The analysis does not, however, stop at this theoretical level. The methodology is tested through a discussion of some features of modern private law. Some key elements of contract law, including consumer law, of the Welfare State are singled out. The work focuses on the person-orientation of modern law as a challenge to the traditional abstract legal form. The aim is to explore the limits for a contract law radically oriented towards the personal social and economic needs of the parties. This endeavour involves the creation of new legal concepts such as *social force majeure*.

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