

# SINGAPORE SYMPOSIUM IN LEGAL THEORY

## “Economic Liberty and the Fragmentation of Contract Law”

BY Dr Arie Rosen

*University of Auckland Faculty of Law*

28 JANUARY 2019, MONDAY

5.00PM – 7.00PM (TEA RECEPTION STARTS AT 4.45PM)

LEE SHERIDAN CONFERENCE ROOM, LEVEL 1, EU TONG SEN BUILDING

FACULTY OF LAW, NUS (BUKIT TIMAH CAMPUS)

### ABSTRACT

Alongside general contract law, whose rules accord a high level of economic liberty to the parties, there is a plurality of contractual regimes that are more prescriptive and less committed to the notion of freedom of contract. In this paper I examine the structure of this plurality and ask, first, what sort of commitment to economic liberty it embodies (if at all) and, second, what principles of political morality could justify this structure.

In the first part of the paper I argue that the structure of contract law does not protect either the scope or strength of economic liberty in contracts. However, it does employ a defeasible presumption in favour of such liberty. In the second part I consider which normative principle would best justify this presumption. I consider the adequacy of the traditional presumption in favour of liberty as a possible justification and reject it as unhelpful for this purpose. Instead, I suggest and defend an alternative presumption in favour of a particular abstraction of the person.

### ABOUT THE SPEAKER



Arie Rosen is a senior lecturer at the University of Auckland Faculty of Law and a co-director of the New Zealand Centre for Legal Theory. His interests span general jurisprudence, constitutional theory, and the philosophy of private law. His published work covers methodological questions in jurisprudence, the theory of authority, statutory interpretation, and the relations between the concept and the nature of law. His current research on democracy and contract law is funded by a Marsden Grant, awarded by the Royal Society of New Zealand.

### Participation is By Invitation Only

Registration commences at 4.45pm and light refreshments will be served. For more information, please contact Mr Chris Chan at [chrischan@nus.edu.sg](mailto:chrischan@nus.edu.sg)