

Application of the “Contract Freedom” Concept in Da-li-yuan’s Judgments

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The present paper tries to analyze Da li Yuan’s judgement by modern legal doctrine in order to inspect the fact , whether or not the concept “Contract Freedom” appears in the early Republican China society ? Through the preliminary discussion, the present paper is under the impression that , the concept “Contract Freedom” is really applied by Da li Yuan. In other words, the concept “Contract Freedom” has been put into effect gradually within the legal system in early Republican China .Even though there wasn’t one statue civil code at that time, in which the concept “Contract Freedom” can emerge itself concretely, the concept “Contract Freedom” still shows its vitality through Da li Yuan’s judgement. Though, the fact, that the concept “Contract Freedom” is really applied by Da li Yuan, is confirmed by the present paper, but it actually implies the historical meaning that needs thinking deeply. By the present paper, the meaning is, Da li Yuan construct a set of new trade orders and life form through the application of the concept “Contract Freedom” , and this is different from the conventional praxis in traditional society.

Keywords: Da Li Yuan, Contract Freedom, legal reception,
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