## Contents

	xi
Table of Cases	xvi
Table of Statutes	AVI
7. 1. M. L. Con II and Evalution	1
1. Labour Markets and Legal Evolution	1
1. Introduction	4
2. The Institutional Nature of the Contract of Employment	18
3. Industrialization and Freedom of Contract	26
4. Legal Evolution	
5. The Structure and Argument of the Book	36
2. The Origins of the Contract of Employment	41
1. Introduction	41
2. Pre-capitalist Forms of the Contract of Service	44
3. The Dismantling of the Corporative System	51
4. The Master–Servant Regime and its Legacy	61
5. The Employment Relationship after the Repeal of	
the Master and Servant Acts	74
6. The Impact of the Welfare State, Collective Bargaining	
and the Vertical Integration of the Enterprise	86
7. The Significance of the Contract of Employment in	
Contemporary Labour Law	100
8. Conclusion: the Legal Genealogy of Employment	105
3. The Duty to Work	110
1. Introduction	110
2. Institutions of the Old Poor Law: Settlement and Annual Service	112
3. Poor Relief and Wages: From Speenhamland to Less Eligibility	124
4. Less Eligibility and the Legal Structure of the New Poor Law	134
<ol> <li>Wage Labour and Social Security</li> </ol>	149
6. Conclusion: the Evolution of the Duty to Work	195
4. Collective Bargaining and Social Legislation	200
1. Introduction	200
<ol> <li>The Origins of Collective Laissez-faire: Legal Change</li> </ol>	
and Union Growth in the Nineteenth Century	204

## Contents

3. The Response of the State to the Rise of Collective Bargaining	22
4. The Macroeconomic and Fiscal Context of Collective Laissez-faire	243
5. Incomes Policies: Their Forms, Economic Effects, and	210
Consequences for Collective Bargaining	256
6. Collective Laissez-faire and Labour Market 'Deregulation'	264
7. Conclusion: The Legacy of Collective Laissez-faire	272
5. Competition, Capabilities and Rights	275
1. Introduction	275
2. Competition and the Labour Market	278
3. A Capability-based Approach to Labour Market Regulation	290
4. Labour Law in Transition	303
5. Conclusion: Social Rights as the Juridical Expression of Capabilities	342
Bibliography	
	354
Index	375