Abstract

This Article is an intellectual history of classical contracts scholar Samuel Williston. Professor Movsesian argues that the conventional account of Williston’s jurisprudence presents an incomplete and distorted picture. While much of Williston’s work can strike a contemporary reader as arid and conceptual, there are strong elements of pragmatism as well. Williston insists that doctrine be justified in terms of real-world consequences, maintains that rules can have only presumptive force, and offers institutional explanations for judicial restraint. As a result, his scholarship shares more in common with today’s new formalism than commonly supposed. Even the undertheorized quality of Williston’s scholarship—to contemporary readers, the least appealing aspect of his work—makes a certain amount of sense, given his goals and intended audience.