

THE NEW GERMAN LAW OF OBLIGATIONS

*Historical and Comparative
Perspectives*

REINHARD ZIMMERMANN

OXFORD

New German Law Of Obligations Historical And Comparative Perspectives

Rodrigo Momberg, Stefan Vogenauer



New German Law Of Obligations Historical And Comparative Perspectives:

Comparative Law of Obligations Vicente, Dário M.,2021-12-09 This comprehensive book provides a comparative overview of legal institutions that intersect with everyday life contracts unilateral legal transactions torts negotiorum gestio and unjust enrichment These institutions form the core of the Law of Obligations which is examined in this book from the perspective of all major legal traditions including Civil Common Islamic and Chinese law The New German Law of Obligations Reinhard Zimmermann,2005 An authoritative account of the German law of obligations after the reform legislation of 2002 and a critical assessment of the new law in historical and comparative perspective The analysis covers the new regime concerning liability for general non performance non conformity in sales law the incorporation of a number of special statutes aimed at the protection of consumers and examines how the reform has moved German contract law considerably closer to European thinking patterns **Introduction to German Law** Joachim Zekoll, Gerhard Wagner,2018-11-28 It is thirteen years since the appearance of the successful second edition of this convenient English language introduction to the law of Germany This new edition covers all the significant changes and innovations that have occurred during that period encompassing the pervasive impacts of European Union law and of globalization as well as the greatly increased activity of the German legislature in every area addressed in this volume With fifteen lucid chapters written by academic experts in their respective fields of law as well as detailed bibliographies this is the ideal starting point for research whenever a question of German law must be answered The authors clearly explain the legal concepts customs and rules arising from such basic elements as the following characteristic problems of German legal unity principles and practices of constitutional law administrative law and procedure the German Commercial Code formation and conduct of corporations and partnerships contracts tort liability property rights family law succession and inheritance labor and employment issues of private international law courts and civil procedure the penal code and criminal procedure Introduction to German Law Third Edition provides an authoritative description of all issues likely to emerge in the course of normal application of German law in any context *Mediation* Klaus J. Hopt, Felix Steffek,2018-12-13 Mediation provides an attractive alternative to resolving disputes through court proceedings Mediation promises just results in the interest of all parties concerned a reduction of the court caseload and cost savings for the parties involved as well as for the treasury The European Directive on Mediation has given mediation in Europe new momentum by establishing a common framework for cross border mediation Beyond Europe many states have tried in recent years to answer the question whether and if so how mediation should be regulated at a national and international level The aim of this book is to promote the understanding and discussion of regulatory issues by presenting comparative research on mediation It describes and analyses the law and practice of mediation in twenty two countries Europe is represented by chapters on mediation in Austria Bulgaria England France Germany Greece Hungary Ireland Italy the Netherlands Norway Poland Portugal and Spain The world beyond Europe

is analysed in chapters on mediation in Australia Canada China Japan New Zealand Russia Switzerland and the USA Against this background further chapters on fundamental issues identify possible regulatory models and discuss central principles of mediation law and practice In particular the work considers harmonisation and diversity in the law of mediation as well as the economic and constitutional problems associated with privatising civil justice To the extent available empirical research is used as a point of reference in the critical analysis

Studies in the Contract Laws of Asia Mindy Chen-Wishart, Alexander Loke, Burton Ong, 2016 *Studies in the Contract Laws of Asia* provides an authoritative account of the contract law regimes of selected Asian jurisdictions including the major centres of commerce where until now limited critical commentaries have been available in the English language In this new six part series of scholarly essays from leading scholars and commentators each volume will offer an insider's perspective into specific areas of contract law including remedies formation parties contents vitiating factors change of circumstances illegality and public policy and will explore how these diverse jurisdictions address common problems encountered in contractual disputes Concluding each volume will be a closing discussion of the convergences and divergences throughout each across the jurisdictions and comparisons with European jurisdictions from which Asians well as an overview of the common themes found throughout each jurisdiction contract law derive Volume I of this series examines the remedies for breach of contract in the laws of China India Japan Korea Taiwan Singapore Malaysia Hong Kong Korea and Thailand Specifically it addresses the readiness of each legal system in their action to insist that parties perform their obligations the methods of enforcing the parties agreed remedies for breach and the ways in which monetary compensation are awarded Each jurisdiction is discussed over two chapters the first chapter will examine the performance remedies and agreed remedies while the second explores the monetary remedies A concluding chapter offers a comparative overview

Handbook on European Competition Law Ioannis Lianos, Damien Geradin, 2013-10-31 This Handbook will be an indispensable reference work for practitioners and scholars as well as for those in an enforcement environment

The Cambridge Companion to Roman Law David Johnston, 2015-02-23 This book reflects the wide range of current scholarship on Roman law covering private criminal and public law

Revolutionary Constitutionalism Richard Albert, 2020-04-02 This book the result of a major international conference held at Yale Law School contains contributions from leading scholars in public law who engage critically with Bruce Ackerman's path breaking book *Revolutionary Constitutions* Charismatic Leadership and the Rule of Law The book also features a rebuttal chapter by Ackerman in which he responds directly to the contributors essays Some advance Ackerman's theory others attack it and still others refine it but all agree that the ideas in his book reset the terms of debate on the most important subjects in constitutionalism today from the promise and perils of populism to the causes and consequences of democratic backsliding from the optimal models of constitutional design to the forms and limits of constitutional amendment and from the role of courts in politics to how we identify when the mythical people have spoken A must read for all interested in the current state of constitutionalism

Remedies for Breach of Contract Mindy Chen-Wishart, Alexander Loke, Burton Ong, 2016-02-12 *Studies in the Contract Laws of Asia* provides an authoritative account of the contract law regimes of selected Asian jurisdictions including the major centres of commerce where until now limited critical commentaries have been available in the English language In this new six part series of scholarly essays from leading scholars and commentators each volume will offer an insider's perspective into specific areas of contract law including remedies formation parties contents vitiating factors change of circumstances illegality and public policy and will explore how these diverse jurisdictions address common problems encountered in contractual disputes Concluding each volume will be a closing discussion of the convergences and divergences across the jurisdictions Volume I of this series examines the remedies for breach of contract in the laws of China India Japan Korea Taiwan Singapore Malaysia Hong Kong Korea and Thailand Specifically it addresses the readiness of each legal system in their action to insist that parties perform their obligations the methods of enforcing the parties agreed remedies for breach and the ways in which monetary compensation are awarded Each jurisdiction is discussed over two chapters the first chapter will examine the performance remedies and agreed remedies while the second explores the monetary remedies A concluding chapter offers a comparative overview

Contents of Contracts and Unfair Terms Mindy Chen-Wishart, Stefan Vogenauer, 2020-11-30 *Studies in the Contract Laws of Asia* provides an authoritative account of the contract law regimes of selected Asian jurisdictions including the major centres of commerce where limited critical commentaries have been published in the English language Each volume in the series aims to offer an insider's perspective into specific areas of contract law remedies formation parties contents vitiating factors change of circumstances illegality and public policy and explores how these diverse jurisdictions address common problems encountered in contractual disputes A concluding chapter draws out the convergences and divergences and other themes All the Asian jurisdictions examined have inherited or adopted the common law or civil law models of European legal systems Scholars of legal transplant will find a mine of information on how received law has developed after the initial adaptation and transplant process including the mechanisms of and influences affecting these developments At the same time many points of convergence emerge These provide good starting points for regional harmonization projects Volume III of this series deals with the contents of contracts and unfair terms in the laws of China Hong Kong India Indonesia Japan Korea Malaysia Myanmar the Philippines Singapore Taiwan Thailand and Vietnam Typically each jurisdiction is covered in two chapters the first deals with the contents of contracts and how contractual terms are identified and interpreted the second deals with unfair terms the situations where the law will interfere in matters of unfairness relating to contract terms and legal responses to unfair terms

The Oxford Handbook of German Politics Klaus Larres, Holger Moroff, Ruth Wittlinger, 2022-07-18 Few countries have caused or experienced more calamities in the 20th century than Germany The country emerged from the Cold War as a newly united and sovereign state eventually becoming Europe's indispensable partner for all major domestic and foreign policy initiatives This handbook

provides a comprehensive overview of some of the major issues of German domestic politics economics foreign policy and culture by leading experts in their respective fields This book serves primarily as a reference work on Germany for scholars and an interested public but through this broader lens it also provides a magnifying glass of global developments which are challenging and transforming the modern state The growing importance of Germany as a political actor and economic partner makes this endeavor all the more timely and pertinent from a German European and global perspective **The Oxford Handbook of Comparative Law** Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field The Future of Contract Law in Latin America Rodrigo Momberg, Stefan Vogenauer, 2017-09-21 This book presents analyses and evaluates the Principles of Latin American Contract Law PLACL a recent set of provisions aiming at the harmonisation of contract law at a regional level As such the PLACL are the most recent exponent of the many proposals for transnational sets of principles of contract law that were drafted or published over the past 20 years either at the global or the regional level These include the UNIDROIT Principles of International Commercial Contracts the Principles of European Contract Law the European Draft Common Frame of Reference and the Principles of Asian Contract Law The PLACL are the product of a working group comprising legal academics from Argentina Brazil Colombia Chile Paraguay Uruguay and Venezuela The 111 articles of the instrument deal with problems of general contract law such as formation interpretation and performance of contracts as well as remedies for breach The book aims to introduce the PLACL to an international audience by putting them in their historical and comparative context including other transnational harmonisation measures and initiatives The contributions are authored by drafters of the PLACL and contract law experts from Europe and Latin America

Comparative Contract Law, Fourth Edition Thomas Kadner Graziano, 2025-05-14 Comparative Contract Law is the

fourth edition of a widely acclaimed and well established textbook which uses extensive case studies and integrates extracts from legislation and court practice enabling students to experience comparative law in action It continues to promote a learning by doing approach offering a unique and seminal guide to European and international contract law Abuse of Fundamental Rights Fabio Carvalho de Alvarenga Peixoto, 2023-11-20 The book is an adaptation of part of the author's PhD thesis which won the international prize Prêmio FIBRE and was voted one of the three best in Brazil in the field of Law in 2023 It addresses the appropriation of the private law notion of abuse of rights by the theory of fundamental rights It also presents guidelines for an appropriate use of the discourse of abuse of fundamental rights highly dependent on a Dogmatics of scope approached according to a model of groups of cases Fabio Carvalho de Alvarenga Peixoto PhD in Constitutional Law Universidade de Fortaleza Brazil State Attorney Private lawyer Winner of the international prize Prêmio FIBRE and of an honorable mention in the Capes Brazilian Ministry of Education PhD Thesis Award 2023

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Nicolai I. Lagoni, 2007-06-29 Because the liability of ship owners is limited classification societies have been considered as exempt from liability This book analyses which actions of classification societies may give rise to claims and whether or not the societies can be held liable under English German or American maritime law In addition it develops the fundamental aspects of an international convention on the limitation of the liability of classification societies **Compliance with European Consumer Law** Felix Pflücke, 2024-09-09 European Consumer Law has adapted and evolved in response to the rapid growth of e commerce in the last two decades Compliance with European Consumer Law The Case of E Commerce examines the evolving legal framework at the EU and national levels from mandatory disclosures to unfair contract terms and analyses the extent to which scientifically grounded evidence or theories underpin these legislative choices At the heart of the book lies an original data driven inquiry assessing compliance among e commerce traders with consumer protection rules The empirical analysis investigates whether 300 traders from four jurisdictions France Germany the Netherlands and the United Kingdom comply with their legal duties and identifies reasons for non compliance It translates the evidence of previously undiscovered non compliance patterns into targeted and actionable policy recommendations presenting a significant new interpretation of the regulatory landscape Compliance with European Consumer Law offers a unique analytical perspective and contributes to a deeper understanding of e commerce regulation Innovative and engaging this book advocates for a more evidence driven approach within European Consumer Law aimed at strengthening the effectiveness of the rules and fostering trader compliance *The Harmonisation of European Contract Law* Stefan Vogenauer, Stephen Weatherill, 2006-03-16 After an extended period in which the European Community has merely nibbled at the edges of national contract law the bite of a European contract law has lately become more pronounced Many areas of law from competition and consumer law to gender equality law are now the subject of determined efforts at harmonisation though they are perhaps often seen as peripheral to mainstream commercial contract law Despite continuing doubts about the constitutional competence of the Commission to embark on further harmonisation in this area European contract law is now taking shape with the Commission prompting a debate about what it might attempt A central aspect of this book is the report of a remarkable survey carried out by the Oxford Institute of European and Comparative Law in collaboration with

Clifford Chance which sought the views of European businesses about the advantages and disadvantages of further harmonisation The final report of this survey brings much needed empirical data to a debate that has thus far lacked clear evidence of this sort The survey is embedded in a range of original and up to date essays by leading European contract scholars reviewing recent developments questioning progress so far and suggesting areas where further analysis and research will be required

Fifty Years of the Law Commissions Matthew Dyson,James Lee,Shona Wilson Stark,2016-11-03 This book brings together past and present law commissioners judges practitioners academics and law reformers to analyse the past present and future of the Law Commissions in the United Kingdom and beyond Its internationally recognised authors bring a wealth of experience and insight into how and why law reform does and should take place covering statutory and non statutory reform from national and international perspectives The chapters of the book developed from papers given at a conference to mark the fiftieth anniversary of the Law Commissions Act 1965

Shaping the Law of Obligations Edwin Peel,Rebecca Probert,2024-02-22 Shaping the Law of Obligations presents a collection of essays in honour of Ewan McKendrick KC discussing compelling questions and ideas in the areas of contract tort unjust enrichment and commercial law

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