

# LAWSG072: Comparative Contract Law: Florian Wagner-Von-Papp

View Online



1.

Course Information:

2.

A. Structure of the Seminar.

3.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

4.

Comparative Law: Study of Similarities or Differences? In: The Oxford Handbook of Comparative Law. Oxford University Press; 2006:383-419.

[https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&mp;package\\_service\\_id=14485557470004761&institutionId=4761&customerId=4760&VE=true](https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&mp;package_service_id=14485557470004761&institutionId=4761&customerId=4760&VE=true)

5.

John C. Reitz. How to Do Comparative Law. The American Journal of Comparative Law. 1998;46(4):617-636. <http://www.jstor.org/stable/840981>

6.

Rodolfo Sacco. Legal Formants: A Dynamic Approach to Comparative Law (Installment I of II). *The American Journal of Comparative Law*. 1991;39(1):1-34.  
<http://www.jstor.org/stable/840669>

7.

Zweigert, Konrad, Kötz, Hein. *Introduction to Comparative Law*. 3rd rev. ed. Clarendon Press; 1998.

8.

Chodosh, Hiram E. Comparing Comparisons: In Search of Methodology. *Iowa Law Review*. 1998;84.  
<http://www.heinonline.org/HOL/Page?page=1025&handle=hein.journals%252Fplr84&collection=journals#1039>

9.

Roscoe Pound. WHAT MAY WE EXPECT FROM COMPARATIVE LAW? *American Bar Association Journal*. 1936;22(1):56-60. <http://www.jstor.org/stable/25712017>

10.

Roscoe Pound. Comparative Law in Space and Time. *The American Journal of Comparative Law*. 1955;4(1):70-84. <http://www.jstor.org/stable/837045>

11.

Review by: Jonathan Hill. *Comparative Law, Law Reform and Legal Theory*. *Oxford Journal of Legal Studies*. 1989;9(1):101-115. <http://www.jstor.org/stable/764340>

12.

Jansen. *Comparative Law and Comparative Knowledge*. In: *The Oxford Handbook of Comparative Law*. Oxford University Press; 2006.  
[https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&amp;package\\_service\\_id=14485557470004761&amp;institutionId=4761&amp;customerId=4760&amp;VE=true](https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&amp;package_service_id=14485557470004761&amp;institutionId=4761&amp;customerId=4760&amp;VE=true)

13.

Michaels. The Functional Method of Comparative Law. In: The Oxford Handbook of Comparative Law. Oxford University Press; 2006.

[https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package\\_service\\_id=14485557470004761&institutionId=4761&customerId=4760&VE=true](https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14485557470004761&institutionId=4761&customerId=4760&VE=true)

14.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

15.

Glenn. Comparative Legal Families and Comparative Legal Traditions Law. In: The Oxford Handbook of Comparative Law. Oxford University Press; 2006:421-440.

[https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package\\_service\\_id=14485557470004761&institutionId=4761&customerId=4760&VE=true](https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14485557470004761&institutionId=4761&customerId=4760&VE=true)

16.

Frankenberg, Gunter. Critical Comparisons: Re-thinking Comparative Law. Harvard International Law Journal. 1985;26.

<http://www.heinonline.org/HOL/Page?handle=hein.journals/hilj26&id=421&collection=journals&index=journals/hilj#421>

17.

E. Questions .

18.

A. England & Wales.

19.

## B. US Contract Law.

20.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

21.

Farnsworth, E. Allan. United States Contract Law. Rev. ed. Juris Pub; 1999.

22.

Atiyah, P. S., Summers, Robert S. Form and Substance in Anglo-American Law: A Comparative Study of Legal Reasoning, Legal Theory, and Legal Institutions. Clarendon Press; 1987.

23.

Farnsworth, E. Allan, Sheppard, Steve. An Introduction to the Legal System of the United States. 4th ed. Oxford University Press; 2010.

24.

Farnsworth, E. Allan. Contracts. 4th ed. Aspen Publishers; 2004.

25.

Fletcher, George P., Sheppard, Steve. American Law in a Global Context: The Basics. Oxford University Press; 2004.

26.

Dawson, John Philip. The Oracles of the Law. Greenwood Press; 1968.

27.

German Civil Code BGB. [http://www.gesetze-im-internet.de/englisch\\_bgb/index.html](http://www.gesetze-im-internet.de/englisch_bgb/index.html)

28.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

29.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. The German Law of Contract: A Comparative Treatise. 2nd ed. Hart; 2006.

30.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

31.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. The German Law of Contract: A Comparative Treatise. 2nd ed. Hart; 2006.

32.

Robbers, Gerhard. An Introduction to German Law. Vol The legal systems of the European states. 4th ed. Nomos; 2006.

33.

Chapter 10: Law of Contracts. In: Business Transactions in Germany, Volume 1.  
[http://encore.ulrls.lon.ac.uk/iii/encore/record/C\\_\\_Rb2187595\\_\\_SBusiness%2520Transaction%2520in%2520Germany\\_\\_Orightrresult\\_\\_X5?lang=eng&suite=cobalt](http://encore.ulrls.lon.ac.uk/iii/encore/record/C__Rb2187595__SBusiness%2520Transaction%2520in%2520Germany__Orightrresult__X5?lang=eng&suite=cobalt)

34.

Foster, Nigel G., Sule, Satish. German Legal System and Laws. 4th ed. Oxford University Press; 2010.

35.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

36.

Statutes/Proposals/Restatements etc.

37.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. The German Law of Contract: A Comparative Treatise. 2nd ed. Hart; 2006.

38.

Comparative Contract Law. In: The Oxford Handbook of Comparative Law. Oxford University Press; 2006:899-935.  
[https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package\\_service\\_id=14485557470004761&institutionId=4761&customerId=4760&VE=true](https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14485557470004761&institutionId=4761&customerId=4760&VE=true)

39.

Zweigert, Konrad, Kötz, Hein. Introduction to Comparative Law. 3rd rev. ed. Clarendon Press; 1998.

40.

Volume 7, Chapter 9: The Formation of Contracts. In: International Encyclopedia of Comparative Law, Volume 7. Mohr Siebeck.

41.

Gordley, James, Von Mehren, Arthur Taylor. *An Introduction to the Comparative Study of Private Law: Readings, Cases, Materials*. Cambridge University Press; 2006.

42.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

43.

Zweigert, Konrad, Kötz, Hein. *Introduction to Comparative Law*. 3rd rev. ed. Clarendon Press; 1998.

44.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

45.

McKendrick, Ewan. *Contract Law*. Vol Palgrave Macmillan law masters. 10th ed. Palgrave Macmillan; 2013.

46.

Lon L. Fuller. *Consideration and Form*. *Columbia Law Review*. 1941;41(5):799-824. <http://www.jstor.org/stable/1117840>

47.

E. Allan Farnsworth. *Promises to Make Gifts*. *The American Journal of Comparative Law*. 1995;43(3):359-378. <http://www.jstor.org/stable/840642>

48.

Arthur T. von Mehren. *Civil-Law Analogues to Consideration: An Exercise in Comparative Analysis*. *Harvard Law Review*. 1959;72(6):1009-1078. <http://www.jstor.org/stable/1337951>

49.

B. S. Markesinis. Cause and Consideration: A Study in Parallel. *The Cambridge Law Journal*. 1978;37(1):53-75. <http://www.jstor.org/stable/4506061>

50.

Peel, Edwin, Treitel, G. H. *The Law of Contract*. 13th ed. Sweet & Maxwell; 2011.

51.

Gordley, James, Von Mehren, Arthur Taylor. *An Introduction to the Comparative Study of Private Law: Readings, Cases, Materials*. Cambridge University Press; 2006.

52.

Peel, Edwin, Treitel, G. H. *The Law of Contract*. 13th ed. Sweet & Maxwell; 2011.

53.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

54.

E. Allan Farnsworth. Precontractual Liability and Preliminary Agreements: Fair Dealing and Failed Negotiations. *Columbia Law Review*. 1987;87(2):217-294.  
<http://www.jstor.org/stable/1122561>

55.

Zimmermann, Reinhard, Whittaker, Simon. *Good Faith in European Contract Law*. Vol Cambridge studies in international and comparative law. Cambridge University Press; 2000.

56.

Gordley, James, Von Mehren, Arthur Taylor. *An Introduction to the Comparative Study of Private Law: Readings, Cases, Materials*. Cambridge University Press; 2006.

57.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

58.

Alan Schwartz and Robert E. Scott. Precontractual Liability and Preliminary Agreements. *Harvard Law Review*. 2007;120(3):661-707. <http://www.jstor.org/stable/40041983>

59.

Scott, Robert E. Hoffman v. Red Owl Stores and the Myth of Precontractual Reliance. *Ohio State Law Journal*. 2007;68.  
<http://www.heinonline.org/HOL/Page?handle=hein.journals/ohslj68&id=83&collection=journals&index=journals/ohslj#83>

60.

Friedrich Kessler and Edith Fine. *Culpa in Contrahendo, Bargaining in Good Faith, and Freedom of Contract: A Comparative Study*. *Harvard Law Review*. 1964;77(3):401-449.  
<http://www.jstor.org/stable/1339028>

61.

Brownsword, Roger. *Contract Law: Themes for the Twenty-First Century*. 2nd ed. Oxford University Press; 2006.

62.

Beatson J, Friedman D, eds. *Good Faith and Fault in Contract Law*. Oxford University Press; 1997. doi:10.1093/acprof:oso/9780198265788.001.0001

63.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

64.

McKendrick, Ewan. *Contract Law*. Vol Palgrave Macmillan law masters. 10th ed. Palgrave Macmillan; 2013.

65.

Wagner-von Papp F. *European Contract Law: Are No Oral Modification Clauses Not Worth the Paper They Are Written On?* *Current Legal Problems*. 2010;63(1):511-596.  
doi:10.1093/clp/63.1.511

66.

Peel, Edwin, Treitel, G. H. *The Law of Contract*. 13th ed. Sweet & Maxwell; 2011.

67.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

68.

McKendrick, Ewan. *Contract Law*. Vol Palgrave Macmillan law masters. 10th ed. Palgrave Macmillan; 2013.

69.

Stefan. *Interpretation of Contracts: Concluding Comparative Observations*. In: *Contract Terms*. Vol The Oxford-Norton Rose Law Colloquium. Oxford University Press; 2007:123-150.

70.

Farnsworth, E. Allan. *Contracts*. 4th ed. Aspen Publishers; 2004.

71.

Burrows A. Construction and Rectification. In: *Contract Terms*. Vol The Oxford-Norton Rose Law Colloquium. Oxford University Press; 2007:77-100.

72.

Zweigert, Konrad, Kötz, Hein. *Introduction to Comparative Law*. 3rd rev. ed. Clarendon Press; 1998.

73.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

74.

McKendrick, Ewan. *Contract Law*. Vol Palgrave Macmillan law masters. 10th ed. Palgrave Macmillan; 2013.

75.

Farnsworth, E. Allan. *Contracts*. 4th ed. Aspen Publishers; 2004.

76.

Beale, H. G. *Cases, Materials and Text on Contract Law*. Vol Ius Commune casebooks for the common law of Europe. 2nd ed. Hart; 2010.

77.

Zweigert, Konrad, Kötz, Hein. *Introduction to Comparative Law*. 3rd rev. ed. Clarendon Press; 1998.

78.

Beale, H. G. Cases, Materials and Text on Contract Law. Vol Ius Commune casebooks for the common law of Europe. 2nd ed. Hart; 2010.

79.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. The German Law of Contract: A Comparative Treatise. 2nd ed. Hart; 2006.

80.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. The German Law of Contract: A Comparative Treatise. 2nd ed. Hart; 2006.

81.

McKendrick, Ewan. Contract Law. Vol Palgrave Macmillan law masters. 10th ed. Palgrave Macmillan; 2013.

82.

Farnsworth, E. Allan. Contracts. 4th ed. Aspen Publishers; 2004.

83.

Gordley, James, Von Mehren, Arthur Taylor. An Introduction to the Comparative Study of Private Law: Readings, Cases, Materials. Cambridge University Press; 2006.

84.

Maxeiner, James R. Standard-Terms Contracting in the Global Electronic Age: European Alternatives. Yale Journal of International Law. 2003;28.  
<http://www.heinonline.org/HOL/Page?handle=hein.journals/yjil28&id=119&collection=journals&index=journals/yjil#119>

85.

Brownsword, Roger. *Contract Law: Themes for the Twenty-First Century*. 2nd ed. Oxford University Press; 2006.

86.

Peel, Edwin, Treitel, G. H. *The Law of Contract*. 13th ed. Sweet & Maxwell; 2011.

87.

Beale, H. G. *Cases, Materials and Text on Contract Law. Vol Ius Commune casebooks for the common law of Europe*. 2nd ed. Hart; 2010.

88.

Beale, H. G. *Cases, Materials and Text on Contract Law. Vol Ius Commune casebooks for the common law of Europe*. 2nd ed. Hart; 2010.

89.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

90.

McKendrick, Ewan. *Contract Law. Vol Palgrave Macmillan law masters*. 10th ed. Palgrave Macmillan; 2013.

91.

Zweigert, Konrad, Kötz, Hein. *Introduction to Comparative Law*. 3rd rev. ed. Clarendon Press; 1998.

92.

Lando H. *The Myth Of Specific Performance in Civil Law Countries*. Published online 2003.

<http://law.bepress.com/cgi/viewcontent.cgi?article=1014&context=alea>

93.

Steven Shavell. Damage Measures for Breach of Contract. *The Bell Journal of Economics*. 1980;11(2):466-490. <http://www.jstor.org/stable/3003374>

94.

Anthony T. Kronman. Specific Performance. *The University of Chicago Law Review*. 1978;45(2):351-382. <http://www.jstor.org/stable/1599168>

95.

Alan Schwartz. The Case for Specific Performance. *The Yale Law Journal*. 1979;89(2):271-306. <http://www.jstor.org/stable/795838>

96.

Beale, H. G. *Cases, Materials and Text on Contract Law*. Vol Ius Commune casebooks for the common law of Europe. 2nd ed. Hart; 2010.

97.

Contracts (Rights of Third Parties) Act 1999.  
[http://www.legislation.gov.uk/ukpga/1999/31/pdfs/ukpga\\_19990031\\_en.pdf](http://www.legislation.gov.uk/ukpga/1999/31/pdfs/ukpga_19990031_en.pdf)

98.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles. *The German Law of Contract: A Comparative Treatise*. 2nd ed. Hart; 2006.

99.

McKendrick, Ewan. *Contract Law*. Vol Palgrave Macmillan law masters. 10th ed. Palgrave Macmillan; 2013.

100.

Farnsworth, E. Allan. *Contracts*. 4th ed. Aspen Publishers; 2004.

101.

Peter. *The CISG : A New Textbook for Students and Practitioners.*; 2007.

[http://encore.ulrls.lon.ac.uk/iii/encore/record/C\\_\\_Rb3066948\\_\\_Sa%2520new%2520textbook%2520for%2520students%2520and%2520practitioners\\_\\_Orightresult\\_\\_X4?lang=eng&suite=cobalt](http://encore.ulrls.lon.ac.uk/iii/encore/record/C__Rb3066948__Sa%2520new%2520textbook%2520for%2520students%2520and%2520practitioners__Orightresult__X4?lang=eng&suite=cobalt)

102.

Ferrari, Franco. *Defining the Sphere of Application of the 1994 Unidroit Principles of International Commerical Contracts*. *Tulane Law Review*. 1994;69.

<http://www.heinonline.org/HOL/Page?handle=hein.journals/tulr69&id=1241&collection=journals&index=journals/tulr#1241>

103.

Commission Proposal for a Regulation on a Common European Sales Law COM (2011) 635 final. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0635:FIN:en:PDF>

104.

Draft Common Frame of Reference. Outline Edition.

[https://www.law.kuleuven.be/web/mstorme/2009\\_02\\_DCFR\\_OutlineEdition.pdf](https://www.law.kuleuven.be/web/mstorme/2009_02_DCFR_OutlineEdition.pdf)

105.

Beale H. *The Future of the Common Frame of Reference*. *European Review of Contract Law* . 2007;3(3):257-276.

<http://www.degruyter.com/view/jj/ercl.2007.3.issue-3/ercl.2007.019/ercl.2007.019.xml>

106.

Hans. EC Law on the Formation of Contract – from the Common Frame of Reference to the 'Blue Button'. *European Review of Contract Law*. 3(3):332-349.  
<http://www.degruyter.com/view/j/ercl.2007.3.issue-3/ercl.2007.023/ercl.2007.023.xml>

107.

House of Lords European Committee, Session 2008-09, Twelfth Report: 'European Contract Law: The Draft Common Frame of Reference'.  
<http://www.publications.parliament.uk/pa/ld200809/ldselect/ldeucom/95/9502.htm>

108.

Eidenmuller H, Faust F, Grigoleit HC, Jansen N, Wagner G, Zimmermann R. The Common Frame of Reference for European Private Law--Policy Choices and Codification Problems. *Oxford Journal of Legal Studies*. 2008;28(4):659-708. doi:10.1093/ojls/gqn031

109.

Whittaker S. Draft Common Frame of Reference: an assessment - Ministry of Justice.  
<http://webarchive.nationalarchives.gov.uk/20110201125714/http://www.justice.gov.uk/publications/eu-contract-law-common-frame-reference.htm>

110.

Green Paper on Policy Options July 2010.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0348:FIN:EN:PDF>

111.

European Parliament's Draft Report on the Green Paper.  
<http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&mode=XML&language=EN&reference=PE456.886>

112.

The Action Plan.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0068:FIN:EN:PDF>

113.

The Second Progress Report : Commission 25/7/2007, COM(2007)447 final.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0447:FIN:EN:PDF>

114.

Zimmerman R. Comparative Law and the Europeanization of Private Law. In: The Oxford Handbook of Comparative Law. Oxford University Press; 2006.  
[https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package\\_service\\_id=14485557470004761&institutionId=4761&customerId=4760&VE=true](https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14485557470004761&institutionId=4761&customerId=4760&VE=true)

115.

Harmonisation of European Contract Law: The State We Are In. In: The Harmonisation of European Contract Law: Implications for European Private Laws, Business and Legal Practice. Vol Studies of the Oxford Institute of European and Comparative Law. Hart; 2006:5-29.

116.

Weatherill, Vogenauer. The European Community's Competence to Pursue the Harmonisation of Contract Law - an Empirical Contribution to the Debate. In: The Harmonisation of European Contract Law: Implications for European Private Laws, Business and Legal Practice. Vol Studies of the Oxford Institute of European and Comparative Law. Hart; 2006:105-148.

117.

Wagner G. The economics of harmonisation: The case of contract law. ERA Forum. 2002;3(2):77-87. doi:10.1007/BF02817589

118.

Linarelli, John. Economics of Uniform Laws and Uniform Lawmaking, The. Wayne Law Review. 2002;48.  
<http://www.heinonline.org/HOL/Page?handle=hein.journals/waynlr48&id=1399&collection=journals&index=journals/waynlr#1399>