

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. Clarendon Press, Oxford (1998).

4.

Comparative Law: Study of Similarities or Differences? In: The Oxford handbook of comparative law. pp. 383–419. Oxford University Press, Oxford (2006).

5.

John C. Reitz: How to Do Comparative Law. The American Journal of Comparative Law. 46, 617–636 (1998).

6.

Rodolfo Sacco: Legal Formants: A Dynamic Approach to Comparative Law (Installment I of II). The American Journal of Comparative Law. 39, 1–34 (1991).

7.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

8.

Chodosh, Hiram E.: Comparing Comparisons: In Search of Methodology. Iowa Law Review. 84, (1998).

9.

Roscoe Pound: WHAT MAY WE EXPECT FROM COMPARATIVE LAW? American Bar Association Journal. 22, 56–60 (1936).

10.

Roscoe Pound: Comparative Law in Space and Time. The American Journal of Comparative Law. 4, 70–84 (1955).

11.

Review by: Jonathan Hill: Comparative Law, Law Reform and Legal Theory. Oxford Journal of Legal Studies. 9, 101–115 (1989).

12.

Jansen: Comparative Law and Comparative Knowledge. In: The Oxford handbook of comparative law. Oxford University Press, Oxford (2006).

13.

Michaels: The Functional Method of Comparative Law. In: The Oxford handbook of comparative law. Oxford University Press, Oxford (2006).

14.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

15.

Glenn: Comparative Legal Families and Comparative Legal Traditions Law. In: The Oxford handbook of comparative law. pp. 421–440. Oxford University Press, Oxford (2006).

16.

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

17.

E. Questions .

18.

A. England & Wales.

19.

B. US Contract Law.

20.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

21.

Farnsworth, E. Allan: United States contract law. Juris Pub, [Ardsley-on-Hudson, N.Y.] (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, Oxford (1987).

23.

Farnsworth, E. Allan, Sheppard, Steve: An introduction to the legal system of the United States. Oxford University Press, New York (2010).

24.

Farnsworth, E. Allan: Contracts. Aspen Publishers, New York (2004).

25.

Fletcher, George P., Sheppard, Steve: American law in a global context: the basics. Oxford University Press, New York (2004).

26.

Dawson, John Philip: The oracles of the law. Greenwood Press, Westport, Conn (1968).

27.

German Civil Code BGB, http://www.gesetze-im-internet.de/englisch_bgb/index.html.

28.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

29.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

30.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

31.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

32.

Robbers, Gerhard: An introduction to German law. Nomos, Baden-Baden (2006).

33.

Chapter 10: Law of Contracts. In: Business transactions in Germany, Volume 1.

34.

Foster, Nigel G., Sule, Satish: German legal system and laws. Oxford University Press, Oxford (2010).

35.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

36.

Statutes/Proposals/Restatements etc.

37.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: *The German law of contract: a comparative treatise*. Hart, Oxford (2006).

38.

Comparative Contract Law. In: *The Oxford handbook of comparative law*. pp. 899–935. Oxford University Press, Oxford (2006).

39.

Zweigert, Konrad, Kötz, Hein: *Introduction to comparative law*. Clarendon Press, Oxford (1998).

40.

Volume 7, Chapter 9: *The Formation of Contracts*. In: *International encyclopedia of comparative law*, Volume 7. Mohr Siebeck, Tübingen.

41.

Gordley, James, Von Mehren, Arthur Taylor: *An introduction to the comparative study of private law: readings, cases, materials*. Cambridge University Press, Cambridge (2006).

42.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: *The German law of contract: a comparative treatise*. Hart, Oxford (2006).

43.

Zweigert, Konrad, Kötz, Hein: *Introduction to comparative law*. Clarendon Press, Oxford (1998).

44.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: *The German law of contract*:

a comparative treatise. Hart, Oxford (2006).

45.

McKendrick, Ewan: Contract law. Palgrave Macmillan, Basingstoke (2013).

46.

Lon L. Fuller: Consideration and Form. Columbia Law Review. 41, 799-824 (1941).

47.

E. Allan Farnsworth: Promises to Make Gifts. The American Journal of Comparative Law. 43, 359-378 (1995).

48.

Arthur T. von Mehren: Civil-Law Analogues to Consideration: An Exercise in Comparative Analysis. Harvard Law Review. 72, 1009-1078 (1959).

49.

B. S. Markesinis: Cause and Consideration: A Study in Parallel. The Cambridge Law Journal. 37, 53-75 (1978).

50.

Peel, Edwin, Treitel, G. H.: The law of contract. Sweet & Maxwell, London (2011).

51.

Gordley, James, Von Mehren, Arthur Taylor: An introduction to the comparative study of private law: readings, cases, materials. Cambridge University Press, Cambridge (2006).

52.

Peel, Edwin, Treitel, G. H.: The law of contract. Sweet & Maxwell, London (2011).

53.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

54.

E. Allan Farnsworth: Precontractual Liability and Preliminary Agreements: Fair Dealing and Failed Negotiations. Columbia Law Review. 87, 217-294 (1987).

55.

Zimmermann, Reinhard, Whittaker, Simon: Good faith in European contract law. Cambridge University Press, Cambridge (2000).

56.

Gordley, James, Von Mehren, Arthur Taylor: An introduction to the comparative study of private law: readings, cases, materials. Cambridge University Press, Cambridge (2006).

57.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

58.

Alan Schwartz and Robert E. Scott: Precontractual Liability and Preliminary Agreements. Harvard Law Review. 120, 661-707 (2007).

59.

Scott, Robert E.: Hoffman v. Red Owl Stores and the Myth of Precontractual Reliance. Ohio State Law Journal. 68, (2007).

60.

Friedrich Kessler and Edith Fine: *Culpa in Contrahendo, Bargaining in Good Faith, and Freedom of Contract: A Comparative Study*. *Harvard Law Review*. 77, 401–449 (1964).

61.

Brownsword, Roger: *Contract law: themes for the twenty-first century*. Oxford University Press, Oxford (2006).

62.

Beatson, J., Friedman, D. eds: *Good Faith and Fault in Contract Law*. Oxford University Press (1997). <https://doi.org/10.1093/acprof:oso/9780198265788.001.0001>.

63.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: *The German law of contract: a comparative treatise*. Hart, Oxford (2006).

64.

McKendrick, Ewan: *Contract law*. Palgrave Macmillan, Basingstoke (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*. 63, 511–596 (2010). <https://doi.org/10.1093/clp/63.1.511>.

66.

Peel, Edwin, Treitel, G. H.: *The law of contract*. Sweet & Maxwell, London (2011).

67.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: *The German law of contract:*

a comparative treatise. Hart, Oxford (2006).

68.

McKendrick, Ewan: Contract law. Palgrave Macmillan, Basingstoke (2013).

69.

Stefan: Interpretation of Contracts: Concluding Comparative Observations. In: Contract terms. pp. 123–150. Oxford University Press, Oxford (2007).

70.

Farnsworth, E. Allan: Contracts. Aspen Publishers, New York (2004).

71.

Burrows, A.: Construction and Rectification. In: Contract terms. pp. 77–100. Oxford University Press, Oxford (2007).

72.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

73.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

74.

McKendrick, Ewan: Contract law. Palgrave Macmillan, Basingstoke (2013).

75.

Farnsworth, E. Allan: Contracts. Aspen Publishers, New York (2004).

76.

Beale, H. G.: Cases, materials and text on contract law. Hart, Oxford (2010).

77.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

78.

Beale, H. G.: Cases, materials and text on contract law. Hart, Oxford (2010).

79.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

80.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

81.

McKendrick, Ewan: Contract law. Palgrave Macmillan, Basingstoke (2013).

82.

Farnsworth, E. Allan: Contracts. Aspen Publishers, New York (2004).

83.

Gordley, James, Von Mehren, Arthur Taylor: An introduction to the comparative study of private law: readings, cases, materials. Cambridge University Press, Cambridge (2006).

84.

Maxeiner, James R.: Standard-Terms Contracting in the Global Electronic Age: European Alternatives. Yale Journal of International Law. 28, (2003).

85.

Brownsword, Roger: Contract law: themes for the twenty-first century. Oxford University Press, Oxford (2006).

86.

Peel, Edwin, Treitel, G. H.: The law of contract. Sweet & Maxwell, London (2011).

87.

Beale, H. G.: Cases, materials and text on contract law. Hart, Oxford (2010).

88.

Beale, H. G.: Cases, materials and text on contract law. Hart, Oxford (2010).

89.

Markesinis, B. S., Unberath, Hannes, Johnston, Angus Charles: The German law of contract: a comparative treatise. Hart, Oxford (2006).

90.

McKendrick, Ewan: Contract law. Palgrave Macmillan, Basingstoke (2013).

91.

Zweigert, Konrad, Kötz, Hein: Introduction to comparative law. Clarendon Press, Oxford (1998).

92.

Lando, H.: The Myth Of Specific Performance in Civil Law Countries,
<http://law.bepress.com/cgi/viewcontent.cgi?article=1014&context=alea>, (2003).

93.

Steven Shavell: Damage Measures for Breach of Contract. The Bell Journal of Economics. 11, 466–490 (1980).

94.

Anthony T. Kronman: Specific Performance. The University of Chicago Law Review. 45, 351–382 (1978).

95.

Alan Schwartz: The Case for Specific Performance. The Yale Law Journal. 89, 271–306 (1979).

96.

Beale, H. G.: Cases, materials and text on contract law. Hart, Oxford (2010).

97.

Contracts (Rights of Third Parties) Act 1999,
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. Hart, Oxford (2006).

99.

McKendrick, Ewan: Contract law. Palgrave Macmillan, Basingstoke (2013).

100.

Farnsworth, E. Allan: Contracts. Aspen Publishers, New York (2004).

101.

Peter: The CISG : a new textbook for students and practitioners. (2007).

102.

Ferrari, Franco: Defining the Sphere of Application of the 1994 Unidroit Principles of International Commerical Contracts. Tulane Law Review. 69, (1994).

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.

105.

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

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, 332–349.

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/lddeucom/95/9502.htm>.

108.

Eidenmuller, H., Faust, F., Grigoleit, H.C., 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*. 28, 659–708 (2008).
<https://doi.org/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, Oxford (2006).

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*. pp. 5–29. Hart, Oxford (2006).

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*. pp. 105–148. Hart, Oxford (2006).

117.

Wagner, G.: *The economics of harmonisation: The case of contract law*. *ERA Forum*. 3, 77–87 (2002). <https://doi.org/10.1007/BF02817589>.

118.

Linarelli, John: *Economics of Uniform Laws and Uniform Lawmaking*, *The Wayne Law Review*. 48, (2002).