

## PRIVATE LAW DEVELOPMENT IN CONTEXT

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PRIVATE LAW DEVELOPMENT  
IN CONTEXT

German Private Law and Scholarship  
in the 20th Century

*Edited by*  
Stefan GRUNDMANN  
Karl RIESENHUBER



intersentia

Cambridge – Antwerp – Portland

Intersentia Ltd  
Sheraton House | Castle Park  
Cambridge | CB3 0AX | United Kingdom  
Tel.: +44 1223 370 170 | Fax: +44 1223 370 169  
Email: mail@intersentia.co.uk  
www.intersentia.com | www.intersentia.co.uk

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NBN International  
Airport Business Centre, 10 Thornbury Road  
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Intersentia Publishing nv  
Groenstraat 31  
2640 Mortsel  
Belgium  
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21  
Email: mail@intersentia.be

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International Specialized Book Services  
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Portland, OR 97213  
USA  
Tel.: +1 800 944 6190 (toll free) | Fax: +1 503 280 8832  
Email: info@isbs.com

Private Law Development in Context. German Private Law and Scholarship in  
the 20th Century

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## PREFACE

*Private Law Development in Context* discusses private law scholars in Germany and German-speaking countries, namely their role in the development of private law and its relationship to the international sphere, to society and to other disciplines. German law is often perceived as being focused on system building and doctrinal thinking. While this is certainly true, it is only half the truth. Comparative law – also as a source for international legislation – was equally important, as well as the idea of a robust economic ('ordo-liberal') order. Theoretical perspectives and the struggle about how to deal with other disciplines were prominent – and certainly German law was highly influential in large parts of the world, private law scholars being aware of their role in this. Perhaps most importantly in the context of this book, it seems to be rather unique to Germany that academia is (probably) the most prominent driving force for the development of private law. Therefore, this book tries to shed light on the development of private law in Germany, to a large extent also beyond Germany, and in all the dimensions named by explaining the work of those scholars with German as their mother tongue whom we judge to be the most prominent in this. We think that their writings and theories constitute a highly relevant – indeed arguably the most relevant – framework for understanding private law thinking and development emanating from German-speaking countries.

This book is based on a series of lectures held over the course of many years. Explanations have been added to render the collection more readable and rich for an international audience. The editors are highly grateful to the members of their *Lehrstühlen* (chairs) who have been so responsive to the needs of the lecture series and the production process, namely Ms Emilie Mathieu for taking on the majority of the translation and Ms Angela Huhn for organising the English edition. We would also like to thank all those who took on the main burden of responsibility during the course of the lecture series and during the initial collection and review of the manuscripts, perhaps above all Dr Florian Möslein, Alexander Jüchser and Frank Rosenkranz (now Prof. Dr Florian Möslein, Rechtsanwalt Dr Alexander Jüchser and Assistant Prof. Dr Frank Rosenkranz). Finally, we are very grateful to the Thyssen Foundation for sponsoring this book by covering some of the costs of production and the translation.

Berlin/Bochum/Florence, Summer 2017

Stefan Grundmann  
Karl Riesenhuber



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## LIST OF AUTHORS

*Klaus Adomeit*

Prof. Dr. iur., Professor (em.) at Freie Universität, Berlin

*Kurt H. Biedenkopf*

Prof. Dr. iur., Dr. iur. h.c. mult., former Professor of Law and Dean of the Law Faculty at Ruhr-Universität Bochum; former Minister-President of Saxony

*Georg Bitter*

Prof. Dr. iur., Chair of Private Law, Banking and Capital Markets Law, Insolvency Law at the University of Mannheim

*Claus-Wilhelm Canaris*

Prof. Dr. iur., Dr. iur. h.c. mult., Professor (em.) at Ludwig-Maximilians-Universität, Munich

*Ulrich Drobnig*

Prof. Dr. iur., Dr. iur. h.c. mult., Director (em.) at the Max Planck Institute for Comparative and International Private Law, Hamburg

*Christoph Engel*

Prof. Dr. iur., Director at the Max Planck Institute for Research on Collective Goods, Bonn

*Bernhard Großfeld*

Prof. Dr. iur., Professor (em.) at Westfälische Wilhelms-Universität, Münster

*Stefan Grundmann*

Prof. Dr. iur., Dr. phil., Professor of German and European Private and Business Law at Humboldt-Universität zu Berlin; Professor of Transnational Law and Legal Theory at the European University Institute, Florence

*Mathias Habersack*

Prof. Dr. iur., Chair of Private and Business Law at Ludwig-Maximilians-Universität, Munich

*Günter Hager*

Prof. Dr. iur., Professor (em.) of Private, Business and Comparative Law at Albert-Ludwigs-Universität, Freiburg

*Martin Hensler*

Prof. Dr. iur., Managing Director of the Institute for Labour and Business Law at the University of Cologne

*Peter Hommelhoff*

Prof. Dr. iur., Dr. h.c. mult., Professor (em.) of Civil, Commercial, Company, Comparative and Economic Law at Heidelberg University and former rector of this University

*Clemens Höpfner*

Prof. Dr. iur., Director of the Institute for Labour, Social and Business Law at the University of Münster

*Susanne Kalss*

Prof. Dr. iur., Professor in the Department of Business Law, Vienna University of Economics and Business

*Gerhard Kegel*

Prof. Dr. iur., Dr. iur. h.c., Professor (em.) of Civil Law, Private International Law and Comparative Law at the University of Cologne; founder of the Cologne Institute of International and Foreign Law

*Johannes Köndgen*

Prof. Dr. iur., Professor (em.) at Rheinische Friedrich-Wilhelms-Universität Bonn

*Rüdiger Krause*

Prof. Dr. iur., Chair of Private and Labour Law and Director of the Institute for Labour Law at Georg-August-University Göttingen

*Friedrich Kübler*

Prof. Dr. iur., Professor (em.) of Business and Civil Law at Johann Wolfgang Goethe University, Frankfurt am Main; Professor of Law at the University of Pennsylvania

*Thomas Lobinger*

Prof. Dr. iur., Chair of Civil Law, Labour Law and Commercial Law at Ruprecht-Karls-Universität Heidelberg

*Klaus Luig*

Prof. Dr. iur., Professor (em.) of Law at the University of Cologne

*Ernst-Joachim Mestmäcker*

Prof. Dr. iur., Dr. iur. h.c., Dr. rer. pol. h.c., Director (em.) at the Max Planck Institute for Comparative and International Private Law, Hamburg

*Ulrich Noack*

Prof. Dr. iur., Chair of Civil Law, Commercial and Business Law, Faculty of Law, Heinrich Heine University Düsseldorf

*Walter G. Paefgen*

Prof. Dr. iur., Professor of Private and Business Law at Eberhard-Karls-Universität, Tübingen

*Thomas Pfeiffer*

Prof. Dr. iur., Dr. iur. h.c., Chair of Civil Law, Private International and Comparative Law at Ruprecht-Karls-Universität Heidelberg

*Moritz Renner*

Prof. Dr. iur., Chair of Private Law, International and European Commercial Law at the University of Mannheim

*Karl Riesenhuber*

Prof. Dr. iur., Professor at Ruhr-Universität Bochum; Judge at the Higher Regional Court Hamm

*Fritz Rittner*

Prof. Dr. iur., Professor (em.) of Private and Business Law at Albert-Ludwigs-Universität, Freiburg

*Herbert Roth*

Prof. Dr. iur., Professor (em.) at Universität Regensburg

*Peter Rummel*

Prof. Dr. iur., Professor (em.) of Civil Law at the Institute for Civil Law, Johannes Kepler University Linz

*Wilfried Schlüter*

Prof. Dr. iur., Dr. h.c., Professor (em.) of Private, Business and Labor Law at Westfälische Wilhelms-Universität Münster

*Martin Schmidt-Kessel*

Prof. Dr. iur., Professor of German and European Consumer Law and Private Law and Comparative Law at the University of Bayreuth; Director of the Bayreuth Centre for Consumer Law

*Hans Schulte*

Prof. Dr. iur., Professor (em.) at the University of Karlsruhe

*Klaus Schurig*

Prof. Dr. iur., Professor (em.) of Civil Law, Private International Law and Comparative Law at the University of Passau

*Karl Heinz Schwab*

Prof. Dr. iur., Professor (em.) of Private Law and Civil Procedure at Friedrich-Alexander-Universität, Erlangen-Nürnberg

*Reinhard Singer*

Prof. Dr. iur., Professor of Law at Humboldt-Universität zu Berlin; former Judge of the Court of Appeal Rostock

*Rolf Stürner*

Prof. Dr. iur., Dres. iur. h.c., Professor (em.) of Private and Comparative Law and Civil Procedure at the University of Freiburg, Breisgau; former Judge of the Court of Appeal Karlsruhe

*Jan Thiessen*

Prof. Dr. iur., Professor of Civil Law, Contemporary and Economic Legal History at Humboldt-Universität zu Berlin

*Peter Ulmer*

Prof. Dr. iur., Dr. iur. h.c. mult., Professor (em.) of Private and Business Law at Ruprecht-Karls-Universität, Heidelberg

*Stefan Vogenauer*

Prof. M. Jur., Professor and Director at the Max Planck Institute for European Legal History, Frankfurt

*Johannes Wertenbruch*

Prof. Dr. iur., Chair of Private and Business Law at Philipps-Universität, Marburg

*Harm Peter Westermann*

Prof. Dr. iur., Dr. iur. h.c. mult., Professor (em.) of Private and Business Law at Eberhard-Karls-Universität, Tübingen; Member of the Academy of Athens

*Christine Windbichler*

Prof. Dr. iur., Professor (em.) and Chair of Commercial, Business, Labour and Comparative Law in the Faculty of Law, Humboldt-Universität zu Berlin

*Joseph Georg Wolf*

Prof. Dr. iur., Professor (em.) of Private Law and Legal History at Albert-Ludwigs-Universität, Freiburg

*Wolfgang Zöllner*

Prof. Dr. iur., Professor (em.) of Private and Business Law at Eberhard-Karls-Universität, Tübingen

## LIST OF ABBREVIATIONS

AcP	<i>Archiv für die civilistische Praxis</i>
AGB	Allgemeine Geschäftsbedingungen [General Contract Terms Act]
AGG	Allgemeines Gleichbehandlungsgesetz [General Equal Treatment Act]
AktG	Aktiengesetz [German Stock Corporation Act]
ArbGG	Arbeitsgerichtsgesetz [Law on Labour Courts]
BAG	Bundesarbeitsgericht [Federal Labour Court]
BauGB	Baugesetzbuch [Construction Act]
BBergG	Bundesberggesetz [German Mining Act]
BGB	Bürgerliches Gesetzbuch [Civil Code]
BGH	Bundesgerichtshof [Federal Supreme Court]
BImSchG	Bundesimmissionsschutzgesetz [Federal Emissions Control Act]
BörsG	Börsengesetz [Stock Exchange Act]
BVerfG	Bundesverfassungsgericht [Federal Constitutional Court]
CDU	Christian Democratic Union
CEE	Central and Eastern European
CEO	Chief Executive Officer
CISG	United Nations Convention on Contracts for the International Sale of Goods
CMLR	Common Market Law Review
DCFR	Draft Common Frame of Reference
DFB	Deutscher Fußball-Bund [German Football Federation]
DFG	Deutsche Forschungsgemeinschaft [German Research Society]
DG	Directorate General
DJT	Deutscher Juristentag
DM	<i>Deutschmark</i>
EAG	Einheitliches Gesetz über den Abschluß von internationalen Kaufverträgen über bewegliche Sachen
EC	European Community
ECJ	European Court of Justice
EKG	Einheitliches Kaufgesetz

FamRZ	<i>Zeitschrift für das gesamte Familienrecht</i>
GBO	Grundbuchordnung [German Land Register Code]
GewO	Gewerbeordnung [German Industrial Code]
GmbHG	Gesetz betreffend die Gesellschaften mit beschränkter Haftung [Limited Liability Companies Act]
GG	Grundgesetz [Basic Law]
GWB	Gesetz gegen Wettbewerbsbeschränkungen [Act against Restraints of Competition]
HGB	Handelsgesetzbuch [Commercial Code]
InsO	Insolvenzordnung [German Insolvency Statute]
JuS	<i>Juristische Schulung</i>
JZ	<i>JuristenZeitung</i>
KAGG	Kapitalanlagegesellschaftsgesetz [German Investment Companies Act]
KG	Kommanditgesellschaft [Limited partnership]
KonTraG	Gesetz zur Kontrolle und Transparenz im Unternehmensbereich [Control and Transparency in Business Act]
KritV	Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft
LLP	Limited Liability Partnership
LOT	Legal Origins Theory
MitbestG	Mitbestimmungsgesetz [Co-determination Act]
NJW	<i>Neue Juristische Wochenschrift</i>
NS	National Socialist
OHG	Offene Handelsgesellschaft [general partnership]
ÖJT	Österreichischer Juristentag [Austrian Lawyers' Conference]
OLG	Oberlandesgericht [Higher Regional Court]
PLC	Public Limited Company
SE	Societas Europaea
SEE	Southeast European
SPD	Sozialdemokratische Partei Deutschlands [Social Democratic Party]
TVG	Tarifvertragsgesetz [Law on Collective Bargaining]
UGB	Unternehmensgesetzbuch [Austrian Commercial Code]
UMAG	Gesetz zur Unternehmensintegrität und Modernisierung des Anfechtungsrechts [Act on Corporate Integrity and Modernisation of the Right of Rescission]
UNCTAD	United Nations Conference on Trade and Development
UWG	Gesetz gegen den unlauteren Wettbewerb [Unfair Competition Act]
WM	<i>Zeitschrift für Wirtschafts- und Bankrecht</i>



WpHG	Wertpapierhandelsgesetz [German Securities Trading Act]
ZfA	<i>Zeitschrift für Arbeitsrecht</i>
ZGR	<i>Zeitschrift für Unternehmens- und Gesellschaftsrecht</i>
ZHR	<i>Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht</i>
ZIP	<i>Zeitschrift für Wirtschaftsrecht</i>
ZVS	Zentralstelle für die Vergabe von Studienplätzen [Central office for the allocation of courses of study]
ZZP	<i>Zeitschrift für Zivilprozess</i>

