# Mitbestimmung Und Demokratieprinzip Jus Privatum

*Offers more than one hundred codes and commands for Web programming projects.*

*Legal historian G. Edward White recently described it as the "most widely circulated and cited unpublished manuscript in twentieth-century American legal scholarship since Hart & Sacks' Legal Process materials." It began the re-evaluation of law in the Gilded Age, and gave it its current name of Classical Legal Thought. It was also one of the first and most influential of the works that introduced European critical theory and structuralism into the study of American law. This reprint comes with a substantial new Introduction that puts the work in context and relates it to current scholarship in the field. It should interest historians generally as well as readers curious about how our legal system got its special modern character --*

*English summary: No other concept has ever been of such a far-reaching significance for our social, economic and legal order than the concept of money. Yet no universal conclusion can be drawn from the age-old debates on the nature and function of money. The general objective of this study is therefore to provide some contextualization for the key motifs in the history of money -dematerialization, Europeanization, devaluation - within the scope of legal doctrine. German description: Fur unsere Gesellschafts-, Wirtschafts- und Rechtsordnung hat kaum ein anderer Begriff eine vergleichbar weitreichende Bedeutung erlangt wie der Begriff des Geldes. Kein Buch des Burgerlichen Gesetzbuches und kein Teil des gesamten Privatrechts kommt ohne ihn aus. Geld gelangt als paradigmatischer Schuldinhalt zum Einsatz. Dennoch lasst sich bereits hinter den jahrtausendealten Diskussionen zum Wesen wie zu den Aufgaben des Geldes kein konsentierter Schlusspunkt erkennen. Gegenstande des Geldprivatrechts sind daruber hinaus seine wahrungsrechtliche Einbettung aus dominant supranationaler Perspektive, das Recht der Geldsachen und der Geldschulden sowie das Verhaltnis von Geldwert und Geldschuld. Samtliche Teilgebiete des Geldprivatrechts sind dabei durchwoben von der generellen Zielsetzung der Arbeit, den Leitmotiven der Entwicklungsgeschichte des Geldes - Entmaterialisierung, Europaisierung, Entwertung - rechtsdogmatischen Widerhall zu verschaffen.*

*Cogen (international law, Ghent U., Belgium) presents an overview of the history and current status of international law. Chapters discuss the sources of international law, the history of international law, states and territories, the rights and responsibilities of states, the global commons, international organizations, the individual, diplomatic and consular law, the law of treaties, and the laws regarding armed activities. The focus of the work is on the straightforward presentation of the principles and rules of international law in these key areas.--*

*Vertrag und Verteilung*

*Research Handbook on the Law of Treaties*

*Evolution und Legitimation der Rechtsprechung in deregulierten Branchen*

*Wirtschaftsordnung durch Zivilgerichte*

***Regions, Institutions, and Law of the Sea***
***Ascent to Truth***

Public law has been conceived in many different ways, sometimes overlapping, often conflicting. However in recent years a common theme running through the discussions of public law is one of loss. What function and future can public law have in this rapidly transforming landscape, where globalized states and supranational institutions have ever-increasing importance? The contributions to this volume take stock of the idea, concepts, and values of public law as it has developed alongside the growth of the modern state, and assess its continued usefulness as a distinct area of legal inquiry and normativity in light of various historical trends and contemporary pressures affecting the global configuration of law in general. Divided into three parts, the first provides a conceptual, philosophical, and historical understanding of the nature of public law, the nature of private law and the relationship between the public, the private, and the concept of law. The second part focuses on the domains, values, and functions of public law in contemporary (state) legal practice, as seen, in part, through its relationship with private domains, values, and functions. The final part engages with the new legal scholarship on global transformation, analysing the changes in public law at the national level, including the new forms of interpenetration of public and private in the market state, as well as exploring the ubiquitous use of public law values and concepts beyond the state.

In this masterful work, both an illumination of Kant's thought and an important contribution to contemporary legal and political theory, Arthur Ripstein gives a comprehensive yet accessible account of Kant's political philosophy. In addition to providing a clear and coherent statement of the most misunderstood of Kant's ideas, Ripstein also shows that Kant's views remain conceptually powerful and morally appealing today.

"This book ... is a descendant of my eponymous Quain Lectures, delivered at University College London in 2014"--Preface.

English summary: Michael Nietsch examines the prerequisites and the effects of the release procedure and considers its impact on the system of the control of resolutions. German description: Die Einfuhrung der 16 III UmwG, 246a, 319 VI, 327e II AktG hat dazu gefuhrt, dass sich die Beschlusskontrolle bei den betroffenen Strukturanderungen zunehmend vom ordentlichen Verfahren in das sog. aFreigabeverfahren verlagert. Lasst sich einerseits feststellen, dass man dem Problem der arauberischen Anfechtungsklagen damit besser Herr wird, sind die sich daraus ergebenden Konsequenzen kaum mehr zu ubersehen: Die Entscheidung

findet in einem summarischen Verfahren unter weitgehender Ausserachtlassung der Prufung des Anfechtungsgrunds statt und schafft durch die ihr verliehene Bestandsschutzanordnung praktisch vollendete Tatsachen. Die vorliegende Untersuchung behandelt die Voraussetzungen und Wirkungen des Freigabeverfahrens, ordnet dieses in die Dogmatik des Beschlussmangelrechts ein und spricht sich unter Berucksichtigung verbands-, verfahrens- und verfassungsrechtlicher Grundsatze fur ein Verstandnis des Freigabeverfahrens als materiell-akzessorisches Eilverfahren aus.

Ethics and Human Rights in a Globalized World

Nießbrauch an Rechten

Political Jurisprudence

Die rechtsgeschäftliche Sukzession

Reason in Philosophy

The Origin and Future of a Political and Legal Concept

*Regions, Institutions, and Law of the Sea: Studies in Ocean Governance offers fresh perspectives both on issues specific to major ocean regions, and on the nature and functions of institutions that implement the legal order of the oceans. Of special interest is a set of chapters by distinguished scholars and jurists providing nuanced analysis of the International Tribunal for the Law of the Sea as a key actor in the institutional and regime structure. Other expert authors contribute timely analysis of specific ocean uses in the context of implementation of "soft" and "hard" law.*

*Traditionell gilt das Vertragsrecht als Reich der Freiheit, als seine Gerechtigkeitsform die iustitia commutativa (Austauschgerechtigkeit). Die iustitia distributiva (Verteilungsgerechtigkeit) wird dagegen als Gerechtigkeitsform des öffentlichen Rechts betrachtet. Daraus folgt ein vertragstheoretisches Paradigma, dem zufolge die iustitia distributiva im Vertragsrecht nahezu ohne Bedeutung ist. Stefan Arnold greift dieses Paradigma an und zeigt, dass die iustitia distributiva das Vertragsrecht ebenso durchdringt und prägt wie die iustitia commutativa . Dazu erarbeitet er eine Theorie der iustitia distributiva als Gerechtigkeitsperspektive, die über das konkrete Austauschverhältnis hinausblickt und die soziale und ökonomische Einbettung des Rechts berücksichtigt. Zugleich analysiert und bewertet er das Vertragsrecht in seiner regulativen Kapazität. Das Vertragsrecht kann demnach externe Ziele verwirklichen helfen und etwa zur Verhaltenssteuerung, zum Schwächerenschutz oder zur Verwirklichung bestimmter Allgemeinwohlbelange beitragen. Die iustitia distributiva wird vom Postulat der Vertragsfreiheit flankiert: Das Vertragsrecht*

*muss uns Autonomie und Eigenverantwortung zuschreiben, damit wir unsere individuellen Ziele in Kooperation mit anderen durch Verträge umsetzen können. Der Autor illustriert die Bedeutung der iustitia distributiva und ihr Verhältnis zur Vertragsfreiheitauch anhand des geltenden Vertragsrechts. Eingehend analysiert er unter anderem das soziale Mietrecht, das Verbrauchervertragsrecht, das Diskriminierungsrecht und Kontrahierungszwänge.--*

*Political jurisprudence is the branch of jurisprudence that treats law as an aspect of human experience called "the political". This is an approach that many contemporary jurists, those whose work presupposes the autonomy of legal order, tend to suppress. In this book, Martin Loughlin assessesthe contribution made by political jurists and explains its contemporary significance. Political jurists maintain that the essential characteristics of modern legal order can only be revealed by considering how political authority is constituted. The political is orientated to the fact that people are organized into territorially-bounded units within which authoritative governingarrangements have been established, but the authority of this way of viewing the world is strengthened only through institution-building. Law may be an aspect of the political, but to perform its authority-generating functions effectively it must operate relatively autonomously. The political andthe legal operate relationally, without one being reduced to the other. Loughlin introduces the rich literature of political jurisprudence through essays on innovative political jurists such as Hobbes, Burke, Constant, Romano, and Schmitt, and on such central themes as political right, institutionalism, constitutional legality, and reason of state. Building on hisearlier books, The Idea of Public Law (OUP 2003) and Foundations of Public Law (OUP 2010), this collection extends his account of this influential strand of European legal thought.*

*"Revised edition with new preface first published 2012"--Title page verso.*

*Grenzen der Selbstbindung im Privatrecht*

*Eine methodenpluralistische Grundlagenuntersuchung zum deutschen Zivilrecht und Zivilprozessrecht sowie zum Internationalen und Europäischen Privatrecht*

*Rechtspaternalismus und Verhaltensökonomik im Familien-, Gesellschafts- und Verbraucherrecht*

*Freigabeverfahren*

*The Public-private Law Divide*

*Potential for Transformation?*

***Python is an intergrated, object-orientated development***

*language for use in computer programming. This text is split into distinct sections, each concentrating on a core angle of the language. The book also contains sections for Web and application development, the two most popular uses for Python. It is designed to teach a programmer how to use Python by explaining the mechanics of Python. The appendixes offer a quick guide to the main features of the Python language, as well as additional guides to non-essential systems such as the IDLE development environment and general guidelines for migrating from another language.*
*As lawyers we are normally interested in various substantive areas of law; and as comparative lawyers we are interested in finding out about the differences and similarities between national legal systems. But from time to time we should also reflect on how we think and operate, and look at basic questions of legal methodology -- both for the sake of understanding better what we do as lawyers immersed in our own legal systems and as lawyers attempting to assess and comprehend how foreign legal systems work. The nine essays in this volume are devoted to the topics of law-making today (with a focus on Japan, Turkey and Russia), judicial decision-making today (with a focus on England and Wales, Switzerland and Argentina), and legal scholarship today (with a focus on the United States, France and South Africa); and they thus revolve around the three protagonists of legal development: legislators, judges and professors. With contributions by: Aditi Bagchi, Basak Baysal, Jean-Sebastien Borghetti, Thomas Coendet, Matthew Dyson, Yuko Nishitani, Agustin Parise, Helen Scott, Andrey M. Shirvindt*
*Der Gesetzgeber hat in zahlreichen Branchen eine Wende zum Privatrecht vollzogen: Materien wie die Energiepreiskontrolle sind vom offentlichen Recht in das Privatrecht gewandert. Damit kommt den Zivilgerichten in der Wirtschaft als einer der letzten hoheitlichen Instanzen eine Schlusselposition zu - Wirtschaftsordnung durch Zivilgerichte. Wie gehen sie damit um? Was kennzeichnet ihre Entscheidungsprozesse? Welche Schwierigkeiten stellen sich bei der Losung neuartiger Konflikte im materiellen Recht und im Verfahrensrecht? Was macht `gute Rechtsprechung` aus?Mit einem von der Evolutionsokonomik inspirierten Ansatz analysiert und bewertet Rupprecht Podszun die Rechtsprechung des Bundesgerichtshofs nach*

***Deregulierungsmassnahmen. Ohne Reformen wird die Starkung der privaten Rechtsdurchsetzung die hoheitliche Regulierung nicht ersetzen konnen.***

***Dieter Grimm's accessible introduction to the concept of sovereignty ties the evolution of the idea to historical events, from the religious conflicts of sixteenth-century Europe to today's trends in globalization and transnational institutions. Grimm wonders whether recent political changes have undermined notions of national sovereignty, comparing manifestations of the concept in different parts of the world. Geared for classroom use, the study maps various notions of sovereignty in relation to the people, the nation, the state, and the federation, distinguishing between internal and external types of sovereignty. Grimm's book will appeal to political theorists and cultural-studies scholars and to readers interested in the role of charisma, power, originality, and individuality in political rule.***

***Python***

***Beweiswürdigung und Beweismaß***

***Geldprivatrecht***

***The Complete Reference***

***Intestate Succession***

W. van Orman Quine is one of the leading philosophers in America today. His thinking, however, has received little attention from philosophers in continental Europe. This book is a systematic and critical account of Quine's philosophy which aims at isolating what is of lasting value in his work. Each of his major theses is submitted to a thorough examination both from within and from without his general standpoint. Quine's positions have changed a great deal over the years in response to external criticism and to internal stresses and strains. These changes are described and assessed. Quine's rejection of the analytic-synthetic dichotomy is considered in the light of non-monotonic logic. The multi-farious versions of his holism are brought together and evaluated. Dummett's objection to the effect that holism is inconsistent with empiricism is refuted. lt is argued, however, that the controversial thesis of the indeterminacy of translation becomes implausible as soon as learnability constraints are brought to bear on the matter. Quine's new definition of logical truth in terms of grammatical structure is vindicated. It is shown how the apparent conflict between his earlier and his later views on ontology can be superseded. Can Quine hold a relativist view of ontology and at the same time maintain a non-relativist theory of truth? Can he hold that truth is internal to theories and claim that scientific theories are underdetermined by observational data without lending support to

relativism? An affirmative answer to the first question is defended. It is argued, however, that Quine could not meet the second challenge. Quine's penetrating criticism of modal logic has prompted several research programs. Paul Gochet exhibits the interrelations between these programs and argues that Quine's objections against modal logic can be met without any commitment to doctrines such as essentialism. Of interest to: Philosophers, logicians, linguists

Offering a unique conceptual approach to the Law of Treaties this insightful Research Handbook not only sets out the foundational issues, but identifies tensions within the field, including formalism vs flexibility, integrity vs flexibility, and unifor

Die Versteigerung ist ein wettbewerbliches Verfahren zur Preisbildung. Zentrale Figur ist der Versteigerer, dem es im Interesse des Einlieferers obliegt, durch taktisch kluges Handeln und Schaffung einer geeigneten Atmosphare einen moglichst hohen Zuschlagspreis zu erreichen. Dabei unterliegt der Versteigerer einer Interessenkollision, weil er rechtlich zu absoluter Neutralitat zwischen Einlieferer und Bietern verpflichtet ist, das Interesse des Einlieferers an einem moglichst hohen Preis aber mit seinem eigenen wirtschaftlichen Interesse korreliert. Bernhard Kresse befasst sich mit den Rechtsbeziehungen zwischen den Beteiligten, dem Mechanismus des Vertragsschlusses bei der Auktion und mit der rechtlichen Bewertung verschiedener Verhaltensweisen des Versteigerers und der ubrigen Beteiligten. Dabei macht er Erkenntnisse aus der Auktionstheorie fruchtbar. Behandelt werden auch Aspekte der umgekehrten Versteigerung, der Ausschreibung und der Internetauktion.

Exploring the rules that apply when a person dies without leaving a valid will, 'Intestate Succession' delivers a comparative and historical review of the relevant law in Europe and beyond, including an analysis of legal development, justifications, and reform.

Animating Ideas

The European Union and International Dispute Settlement

The Idea of Private Law

A Critical Examination of Quine's Philosophy

The Oxford Handbook of the New Private Law

Mitbestimmung und Demokratieprinzip

*English summary: Jochen Mohr assesses and harmonizes the interpretation of contract law on the one hand and competition and regulatory law on the other, using the example of follow-up contracts being caught under the sanction of nullity for violations of competition or regulatory law. To this end, he also makes the current findings and theories in the fields of competition economics and regulatory theory bear fruit. German description: Bei Vertragen uber Massenguter setzt die Vertragsfreiheit als Funktionsbedingung einen wirksamen Wettbewerb auf der Marktgegenseite voraus, der durch das Wettbewerbsrecht und das Recht der Regulierung der Netzsektoren Energie, Telekommunikation und Eisenbahnen geschutzt wird. Diese Rechtsbereiche konnen das Vertragsrecht aber nur dann von den negativen Folgen privater Machtbildung entlasten, wenn sie ihrerseits der chancengleichen Selbstbestimmung der Burger verpflichtet sind. Eben dies wird derzeit unter Berufung auf wohlfahrtsokonomische und*

*gemeinwohlbezogene Gesichtspunkte in Abrede gestellt. So sieht die herrschende Ansicht Folgevertrage von Unternehmen mit der Marktgegenseite als wirksam an, obwohl sich in ihnen der Wettbewerbsverstoss gerade manifestiert. Vor diesem Hintergrund setzt sich die Untersuchung zum Ziel, die rechtlichen und okonomischen Grundlagen des wirtschaftsbezogenen Vertragsrechts, des Wettbewerbsrechts und des Regulierungsrechts aufeinander a bzustimmen, um die Marktteilnehmer effektiv vor antikompetitiven Verhaltensweisen zu schutzen.*

*On what basis does tort law hold us responsible to those who suffer as a result of our carelessness? Why, when we breach our contracts, should we make good the losses of those with whom we contracted? In what sense are our torts and our breaches of contract 'wrongs'? These two branches of private law have for centuries provided philosophers and jurists with grounds for puzzlement. This book provides an outline of, and intervention in, contemporary jurisprudential debates about the natureand foundation of liability in private law. After outlining the realm of the philosophy of private law, the book divides into two. Part I examines the various components of liability responsibility in private law, including the notions of basic responsibility, conduct, causation and wrongfulness. Part II considers arguments purporting to show that private law does and should embody a conception of either distributive or corrective justice or some combination of the two. Throughout the booka number of distinctions - between conceptual and normative argument, between jurisprudential 'theory' and private law 'practice', between legal obligation and moral obligation - are analyzed, the aim being to give students an informed grasp of both the limits and possibilities of the philosophy of private law.*

*This new edition of European Contract Law examines the contract rules of several different European jurisdictions, including the most important civilian systems and English common law, while attempting to articulate general principles which are common in all of them. While the first editionwas limited to a comparative analysis of the rules on formation and validity of contracts, agency, third party beneficiaries, and assignment, the second edition now also includes contractual remedies and various updates and revisions of the first edition, especially in the light of the recentchanges to the French Code civil. Furthermore, the book comprises a wealth of translated extracts of legislation, cases, and academic literature, comprehensively covering all aspects of contract law. The book was originally published in German to considerable acclaim. This English edition has beentranslated by Gill Mertens, building on the work done by the translator of the first edition, Tony Weir.This edition will be invaluable to scholars and practitioners in Europe and beyond.*

*Today's legal system and economy attaches considerable importance to the distribution of intangible assets, particularly when it comes to the care of relatives. An alternative to the complete transfer of rights could however be found in usufruct.*

*Volume III: Mandatory Family Protection*

*Die Auktion als Wettbewerbsverfahren*

*Studies in Ocean Governance*

*Legislators, Judges, and Professors*

*Die Bedeutung der iustitia distributiva im Vertragsrecht*
*Rationalität und Intuition*

***"This book discusses developments in scholarship dedicated to reinvigorating the study of the broad domain of private law. This field, which embraces the traditional common law subjects-property, contracts, and torts-as well as adjacent, more statutory areas, such as intellectual property and commercial law, also includes important subjects that have been neglected in the United States but are beginning to make a comeback. The book particularly focuses on the New Private Law, an approach that aims to bring a new outlook to the study of private law by moving beyond reductively instrumentalist policy evaluation and narrow, rule-by-rule, doctrine-by-doctrine analysis, so as to consider and capture how private law's various features fit and work together, as well as the normative underpinnings of these larger structures. This movement is resuscitating the notion of private law itself in United States and has brought an interdisciplinary perspective to the more traditional, doctrinal approach prevalent in Commonwealth countries. The book embraces a broad range of perspectives to private law-including philosophical, economic, historical, and psychological- yet it offers a unifying theme of seriousness about the structure and content of private law."--***

***This volume contains terms often found in international human rights instruments together with clear, authentic, objective and easily understandable definitions of them. Human rights are so fundamental and so important for everyone that all human rights documents should be understood by anyone, old or young, educated or uneducated, expert or non-expert. Yet many human rights conventions, declarations, instruments and volumes and papers are extremely hard to comprehend or are easily misunderstood because certain expressions and terms are not clearly defined, or are written in such a way that only those familiar with UN jargon can understand. This publication is a useful tool for those who face such difficulty in understanding UN human rights documents and other texts. The volume is easy to use, yet rich in detail, and will be an indispensable tool for practitioners, researchers and students of human rights law.***

***Die Frage nach einer moglichen Heilung eines fehlerhaften Rechtsgeschafts wirft sogleich die Frage nach der Endgultigkeit von deren Fehlerhaftigkeit auf. Denn obwohl die Zivilrechtsordnung bei einer Fehlerhaftigkeit eines Rechtsgeschafts jedenfalls im Grundsatz die fehlende Wirksamkeit oder die Moglichkeit einer Aufhebung des Rechtsverhaltnisses vorsieht, werden diese Rechtsfolgen durch das Rechtsinstitut der Heilung teilweise erheblich eingeschrankt. Abgesehen von wenigen einzelnen Regelungen im allgemeinen Zivilrecht ist das Rechtsinstitut der Heilung nicht generell fur die gesamte Zivilrechtsordnung kodifiziert, findet sich aber in nahezu jedem Teilgebiet***

*des Zivilrechts. Sebastian Mock untersucht das Konzept der Heilung anhand dieser einzelnen (besonderen) Regelungen und entwickelt aus diesen allgemeine Grundsatze fur die Heilung fehlerhafter Rechtsgeschafte. English summary: Against the backdrop of continuing efforts to achieve greater European harmonization, Jan Lieder identifies and critically assesses the basic structural and evaluation principles of the legal succession - as exemplified by the assignment of receivables, debt and contract acquisition and the transfer of ownership for movable and immovable property - in German civil law and civil procedural law as well as in international and European private law. German description: Vor dem Hintergrund der anhaltenden Harmonisierungsbestrebungen auf europaischer Ebene unternimmt es Jan Lieder, die grundlegenden Struktur- und Wertungsprinzipien der rechtsgeschaftlichen Sukzession - exemplifiziert anhand der Forderungszession, Schuld- und Vertragsubernahme sowie der Ubereignung von beweglichen und unbeweglichen Sachen - im deutschen Zivilrecht und Zivilprozessrecht sowie im Internationalen und Europaischen Privatrecht herauszuarbeiten und kritisch zu wurdigen. Dabei bedient er sich eines methodenpluralistischen Ansatzes. Im Vordergrund steht die rechtsdogmatische Durchdringung des Sukzessionsrechts, die auch rechtsgeschichtliche, rechtsvergleichende und rechtstatsachliche Erkenntnisse in die Betrachtung einbezieht. Auf dieser Grundlage und unter Berucksichtigung der okonomischen Theorie erarbeitet der Autor rechtspolitische Reformvorschlage.*

*European Contract Law*

*Comparative Succession Law*

*Sicherung der Vertragsfreiheit durch Wettbewerbs- und Regulierungsrecht*

*Die Heilung fehlerhafter Rechtsgeschäfte*

*The Common Frame of Reference*

*Entmaterialisierung, Europäisierung, Entwertung*

**For the time being, the political project of basing the European Union on a document entitled 'Constitution' has failed. The second, revised and enlarged edition of this volume retains its title nonetheless. Building on a scholarly rather than black-letter law account, it shows European constitutional law as it looks following the Treaty of Lisbon, with the EU's foundational treaties mandating the exercise of public authority, establishing a hierarchy of norms and legitimising legal acts, providing for citizenship, and granting fundamental rights. In this way the treaties shape the relations between legal orders, between public interest regulation and market economy, and between law and politics. The contributions demonstrate in detail how a constitutional approach furthers understanding of the core issues of EU law, how it offers theoretical and doctrinal insights, and how it adds critical perspective. From**

**Reviews of the First Edition: "...should be mandatory reading for anyone who wants to get a holistic perspective of the academic debate on Europe's constitutional foundations...It is impossible to present the richness of thought contained in the 833 pages of the book in a short review." Common Market Law Review "an enduring scholarly work, which gives an English-speaking audience important, and overdue, access to the long-standing and forever-vigorous traditions of (European) constitutional law... unhesitatingly recommend[ed]." European Law Journal "...real scholarship in the profound sense of the word..." K Lenaerts, Professor of European Law, Leuven**

**"This publication is a collection of papers of the second meeting of the Dornburg Research Group on New Administrative Law which was held in London in May 2007"--Acknowledgments.**

**The World Trade Organization (WTO) recently celebrated twenty years of existence. The general wisdom is that its dispute settlement institutions work well and its negotiation machinery goes through a phase of prolonged crises. Assessing the World Trade Organization overcomes this myopic view and takes stock of the WTO's achievements whilst going beyond existing disciplinary narratives. With chapters written by scholars who have closely observed the development of the WTO in recent years, this book presents the state of the art in thinking about WTO performance. It also considers important issues such as the origins of the multilateral system, the accession process and the WTO's interaction with other international organisations. The contributions shed new light on untold stories, critically review and present existing scholarship, and sketch new research avenues for a future generation of trade scholars. This book will appeal to a wide audience that aims to better understand the drivers and obstacles of WTO performance.**

**This monograph explores the connections between the European Union and international dispute settlement. It highlights the legal challenges faced by the principal players in the field: namely the EU as a political actor and the Court of Justice of the EU as an international and domestic judiciary. In addition, it places the subject in its broader context of international dispute settlement, and the participation of the EU and its Member States in international disputes. It focuses on horizontal and cross-cutting themes, bringing together insights from the different sectors of trade, investment and human rights, and offering a variety of perspectives from academics, policymakers and practitioners.**

**Fit for Purpose?**

**A View from Law & Economics**

**Philosophy of Private Law**

**JQuery and JavaScript Phrasebook**

**Domestizierung wirtschaftlicher Macht durch Inhaltskontrolle der Folgeverträge**

**Force and Freedom**

*This book is about the protection from disinheritance. Regardless of what a person's will might say, the closest relatives usually have a claim to some of the deceased's property. The book explores this issue in a sample of countries in Europe as well as in the USA, Canada, Latin America, China, South Africa, Australia, and New Zealand. English summary: Employee participation in the works council and the supervisory board is often understood as an element of democracy in the business world. Sebastian Kolbe questions this approach and does a normative comparison of codetermination with the constitutional principle of democracy. German description: Die historisch gewachsene Arbeitnehmer-Mitbestimmung in Betriebs- und Aufsichtsrat folgt seit jeher dem Leitbild der Demokratie in Betrieb und Unternehmen. Auch heute noch sehen sich Betriebsrate und Gewerkschaften als Element der Demokratie in der Wirtschaft und wird die Arbeitnehmerteilhabe nach dem BetrVG und den Mitbestimmungsgesetzen in der juristischen Diskussion noch aus dem Demokratieprinzip erklart. Uber die normativen Grundlagen und Folgen dieser Zuordnung wird demgegenuber kaum diskutiert, obgleich die betriebliche Demokratie und die Unternehmensdemokratie weder dem umfassenden Anspruch noch dem strikten Legitimationsgebot der staatsverfassungsrechtlichen Demokratie gerecht werden (konnen). Vor diesem Hintergrund unterzieht Sebastian Kolbe die Strukturen des Mitbestimmungsrechts auf betrieblicher wie auf Unternehmensebene einem normativen Vergleich mit dem Demokratieprinzip.*

*Die gerichtliche Tatsachenfeststellung ist in ihrer praktischen Bedeutung kaum zu uberschatzen, ihre gesetzliche Regelung jedoch ist rudimentar. In der Uberzeugung, dass traditionelle Methoden der juristischen Hermeneutik nicht geeignet sind, dem Begriff der "freien Beweiswurdigung" Kontur zu verleihen, nahert sich Mark Schweizer dem Begriff mit Methoden der Wahrscheinlichkeitstheorie. Er zeigt, wie eine vollstandig rationale Beweiswurdigungstheorie aussehen konnte und wie diese mit der tatsachlichen, intuitiven, richterlichen Uberzeugungsbildung kontrastiert. Daraus resultieren Erkenntnisse, wie der Vorgang der Beweiswurdigung verbessert werden kann. Welchen Grad die*

***richterliche Uberzeugung zur Wahrheit strittiger Tatsachenbehauptungen erreichen muss, ehe in einem Zivilverfahren fur die beweisbelastete Partei entschieden werden darf - gemeinhin als "Beweismass" bezeichnet - untersucht der Autor in einem zweiten Teil aus der Perspektive der Entscheidungstheorie und kommt zu dem Schluss, dass ein striktes Festhalten am Regelbeweismass der "personlichen Gewissheit" nicht zu rechtfertigen ist.***

***An emphasis on our capacity to reason, rather than merely to represent, has been growing in philosophy over the years. This book gives an overview of the author's understanding of the role of reason as the structure at once of our minds and our meanings - what constitutes us as free, responsible agents.***

***An Interdisciplinary and International Approach***

***From Personal Life to Private Law***

***Assessing the World Trade Organization***

***Principles of European Constitutional Law***

***The Comprehensive Guide to International Law***

***Lexicon Of Human Rights / Les Définitions des Droits de l'Homme***

In a globalized world, an interdisciplinary dialogue on ethics and human rights is possible, necessary and fruitful for jurisprudence. Human rights can be understood as formalized ethics, and ethics can thus serve as a foundation for human rights. They are the framework for a communication of rights, and this communication is the context in which wrongs can be transformed into rights. Ethics do however also shape existing (recognized) human rights. Human rights are ethics in action. The enforcement of human rights, especially in international criminal law, as well as the implementation structures bring the ideas and principles of rights to life in a globalized world. Thus it is advisable to take an interdisciplinary approach to participation rights, social rights and human rights in general, in private and in public life.This work contains articles that were presented at an international and interdisciplinary conference on Ethics and Human Rights in a Globalized World in Jerusalem in the fall of 2008. Young researchers from Israel and Germany, who work in the fields of law, philosophy, political science and theology, deal with the foundation of human rights, the conflict between varying human rights and effective implementation structures. The part played by the World Bank in implementing human rights is highlighted, as is the significance of local cultural backgrounds. Other articles deal with the correlation of international criminal law and human rights. The book also contains an article by Aharon Barak, former Chief Justice of the Israel Supreme Court.

A workshop held at the Law and Economics Faculty of the University of Bonn in November 2008 aimed at stimulating the debate on the economic implications of the principles and rules enshrined in the DCFR (Draft Common Frame of Reference of

European Private Law). An essential part of the papers presented at the Bonn workshop are now being published. The topics addressed range from general issues such as the policies of anti-discrimination and consumer protection to analyses of specific legal areas, like the law of remedies, the law of service contracts and the law of torts or delict.
English summary: In spite of its liberal stance, German private law has numerous regulations aimed at protecting the contracting party from the disadvantages of his/her own decision. Based on this fact, Klaus Ulrich Schmolke traces the requirements and limits of legal paternalistic intervention in the freedom of contract and, using the insight gained from this, he develops a concept of the conditions for the justification of legal paternalism in private contractual relationships. German description: Das aufklarerische Ideal des freien und selbstbestimmten Menschen bildet einen Eckpfeiler des deutschen Privatrechts. Es findet seinen Ausdruck im Prinzip der Privatautonomie und ihrer wichtigsten Auspragung, der Vertragsfreiheit. Aus dieser liberalen Grundhaltung speist sich eine weitgehende Ablehnung rechtspaternalistischer Freiheitsbeschrankung. Diesen antipaternalistischen Bekenntnissen zum Trotz ist das Zivilrecht von zahlreichen paternalistischen Regelungen durchsetzt. Dieses Paternalismusparadox nimmt Klaus Ulrich Schmolke zum Anlass, den Voraussetzungen und Grenzen rechtspaternalistischer Intervention in die Freiheit zur vertraglichen Selbstbindung nachzuspuren und aus den hierbei gewonnenen Erkenntnissen eine Konzeption der Zulassigkeitsbedingungen von Rechtspaternalismus im vertraglichen Privatrechtsverkehr zu entwickeln. Hierfur lotet er das Potential der verhaltensokonomischen Einsichten uber das menschliche Entscheidungsverhalten zur Begrundung rechtspaternalistischer Intervention in die Vertragsfreiheit aus. Seine Ergebnisse uberpruft er anhand der Referenzgebiete des Familien-, Gesellschafts- und Verbraucherrechts.
The book provides rule-by-rule commentaries on European contract law (general contract law, consumer contract law, the law of sale and related services), dealing with its modern manifestations as well as its historical and comparative foundations. After the collapse of the European Commission's plans to codify European contract law it is timely to reflect on what has been achieved over the past three to four decades, and for an assessment of the current situation. In particular, the production of a bewildering number of reference texts has contributed to a complex picture of European contract laws rather than a European contract law. The present book adopts a broad perspective and an integrative approach. All relevant reference texts (from the CISG to the Draft Common European Sales Law) are critically examined and compared with each other. As far as the acquis commun (ie the traditional private law as laid down in the national codifications) is concerned, the Principles of European Contract Law have been chosen as a point of departure. The rules contained in that document have, however, been complemented with some chapters, sections, and individual provisions drawn from other sources, primarily in order to account for the quickly growing acquis communautaire in the field of consumer contract law. In addition, the book ties the discussion concerning the reference texts back to the pertinent historical and comparative background; and it thus investigates whether, and to what extent, these texts can be taken to be genuinely European in nature, ie to constitute a manifestation of a common core of European contract law. Where this is not

the case, the question is asked whether, and for what reasons, they should be seen as points of departure for the further development of European contract law.

After Public Law

The Rise & Fall of Classical Legal Thought

Sovereignty

Commentaries on European Contract Laws