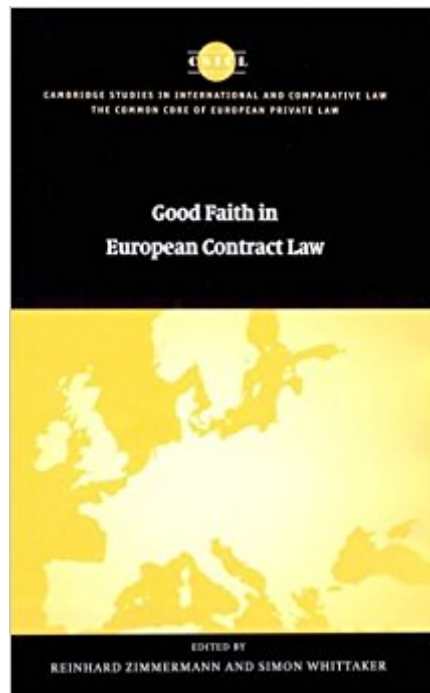




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Good Faith In European Contract Law (The Common Core Of European Private Law)



Synopsis

This book starts by surveying the use or neglect of good faith in European contract law and traces its historical origins. Its central part takes thirty hypothetical situations that have attracted the application of good faith and analyzes them according to fifteen national legal systems. It concludes by explaining how European lawyers, whether from a civil or common law background, need to come to terms with the principle of good faith.

Book Information

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Customer Reviews

Zimmermann y Whittaker ofrecen una obra estructurada en dos partes, la segunda de las cuales justifica hablar de case book. La primera parte contiene cuatro estudios en torno a la buena fe, los que acentúan la perspectiva histórica. La buena fe, principio operativo en el derecho privado tanto de los sistemas jurídicos del Common Law, como del derecho europeo-continental de tradición romanista, la mantienen como uno de los pilares fundamentales de sus respectivos ordenamientos privatistas. Pero la buena fe tiene una historia y ésta se encuentra indisolublemente ligada al derecho romano y al derecho medieval. La obra, no obstante orientarse hacia el derecho comparado (vigente, por más se las) deja asentada esta perspectiva, que ayuda al mejor conocimiento del principio del que hablamos. La segunda parte, como se adelantó, es un case book de derecho comparado. Los autores han congregado a un significativo número de autores, representativos de distintos ordenamientos jurídicos y los han puesto ante treinta casos que tienen en común el que sus soluciones pueden estructurarse en torno a la buena fe.

Con ello, los autores colocan de manifiesto la pertinencia de observar las soluciones que los ordenamientos jurídicos proveen a problemas similares. En este sentido, es significativo observar las diferencias entre las soluciones aportadas por los distintos ordenamientos. La buena fe, principio ordenador de las mismas, se manifiesta en varias posibilidades de aplicación; la elección de la más o apropiada la hace cada ordenamiento en atención a sus valoraciones. La obra es, sin duda, un aporte significativo y no decepciona en ninguna de sus partes.

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