

INTRODUCTION
TO
COMPARATIVE LAW

BY

KONRAD ZWEIGERT

(1911-1996)

AND

HEIN KOTZ

*M.C.L. (Mich.), F.B.A., Professor, University of Hamburg
Director, Max Planck Institute for Foreign and International Private Law*

Third Revised Edition

translated from the German by

TONY WEIR

Fellow of Trinity College, Cambridge

CLARENDON PRESS OXFORD

Contents

PART I

<i>Abbreviations</i>					x
<i>Table</i>	<i>of</i>	<i>Cases</i>	—		xxi
A. GENERAL CONSIDERATIONS					
1.	The Concept of Comparative Law				i
2.	The Functions and Aims of Comparative Law				13
3.	The Method of Comparative Law				32
4.	The History of Comparative Law				48
B. THE LEGAL FAMILIES OF THE WORLD					
5.	The Style of Legal Families				63
I. The Romanistic Legal Family					
6.	The History of French Law				74
7.	The Spirit and Essential Features of the Code Civil				85
8.	The Reception of the Code Civil				98
9.	Courts and Lawyers in France				119
II. The Germanic Legal Family					
10.	The History of German Law				132
11.	The German Civil Code				143
12.	The General Civil Code of Austria				157
13.	The Swiss Civil Code				167
III. The Anglo-American Legal Family					
14.	The Development of the English Common Law				180
15.	Courts and Lawyers in England				205

16. The Spread of the Common Law Throughout the World	218
17. The Law of the United States of America	238
18. Law-Finding and Procedure in Common Law and Civil Law	256
IV. The Nordic Legal Family	
19. Scandinavian Law, Past and Present	276
V. Law in the Far East	
20. Chinese Law	286
21. Japanese Law	295
VI. Religious Legal Systems	
22. Islamic Law	303
23. Hindu Law	313

PART II

C. CONTRACT

VII. The Formation of Contracts

24. Freedom of Contract and its Limits	323
25. Contractual Capacity	348
26. Offer and Acceptance	356
27. Formal Requirements	365
28. Illegality and Immorality	380
29. Indicia of Seriousness	388
30. The Construction of Contracts	400
31. Mistake, Deceit, and Duress	410
32. Representation	431
33. Assignment	442
34. Contracts for the Benefit of Third Parties	456

VIII. The Performance of Contracts

35. Claims to Performance and Their Enforcement	470
36. Breach of Contract	486
37. The Effect of Supervening Events	516

D.	UNJUSTIFIED ENRICHMENT	
	38. Unjustified Enrichment in General	537
	39. Unjustified Enrichment—Specific Topics	566
E.	TORT	
	40. Tort in General	595
	41. Liability for Others	629
	42. Strict Liability	646
	43. Invasions of the Right of Personality	685
	<i>Index</i>	709