

Introduction to German Law

Private Law - Overview

22.04.2014 16–18: DM 131	Introduction. Overview of the History of German Private Law. Sources of German Private Law. Fundamental Concepts of German Private Law: Ownership (<i>Eigentum</i>), Possession (<i>Besitz</i>), Contract (<i>Vertrag</i>), Legal Transaction (<i>Rechtsgeschäft</i>), Declaration of Intent (<i>Willenserklärung</i>), Claim (<i>Anspruch</i>), Action (<i>Klage</i>).
23.04.2014 14–16: DM 54/56	Obligations (1): Delict (tort, <i>unerlaubte Handlungen</i>), esp. Aquilian liability under § 823 (1) BGB.
28.04.2014 8.30–19: C 402	Obligations (2): Unjust enrichment (<i>ungerechtfertigte Bereicherung</i>) and benevolent intervention (<i>Geschäftsführung ohne Auftrag</i>).
29.04.2014 16–18: DM 131	Conclusion of Contracts.
30.04.2014 14–16 DM 54/56	Obligations (3): Performance of contractual obligations and remedies for non-performance. Specific contracts, esp. sale of goods.
05.05.2014 8.30–10: C 402	Property law. Possession, ownership and limited real rights. Transfer of Ownership.

Codes and Statutes

German codes and statutes in English translation are available at:

http://www.gesetze-im-internet.de/Teilliste_translations.html

All students should bring a translation of the German Civil Code (*Bürgerliches Gesetzbuch* – BGB) to each private law class. It is available at:

http://www.gesetze-im-internet.de/englisch_bgb/index.html.

Import Dates in the History of German (Private) Law

1495	The Court of the Imperial Chamber (<i>Reichskammergericht</i>) is founded as the highest court of the Holy Roman Empire. Its jurisprudence favours the application of the 'learned law' (the European <i>ius commune</i> , based on Roman law and canon law) over German customary law.
1.6.1794	The General state laws for the Prussian states (<i>Allgemeines Landrecht für die preußischen Staaten</i> – ALR) come into force. The ALR is the first modern codification of law in Germany. The second German language codification is the Austrian <i>Allgemeines Bürgerliches Gesetzbuch</i> of 1811. As a consequence of the Napoleonic wars, the French Code civil of 1804 is introduced in large parts of Germany.
1.1.1900	The BGB comes into force.
1.1.2002	The provisions of the reformed law of obligations come into force.