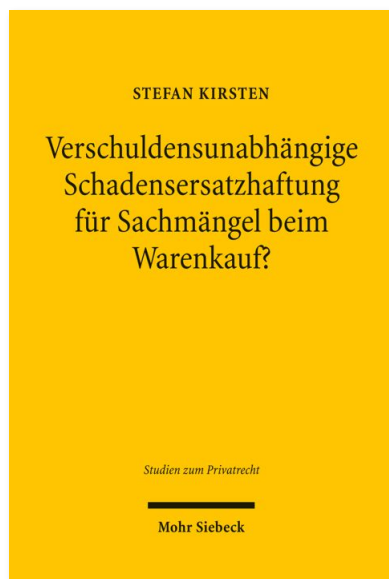


Stefan Kirsten

Verschuldensunabhängige Schadensersatzhaftung für Sachmängel beim Warenkauf?

While numerous legal systems follow the common law approach of strict liability for breach of contract, German law traditionally adheres to the principle of fault. Nevertheless, since the reform of the law of obligations in 2002, more and more scholars have postulated the renunciation of that principle - for the sake of legal certainty and consumer protection, to promote economic efficiency, or in the interest of the unification of European private law. Using the sale of defective goods as a highly relevant example, Stefan Kirsten questions the persuasive power of that postulate. Taking comparative and economic arguments into account, the author proposes a new foundation of the fault principle in contract law.

Stefan Kirsten Geboren 1976; Ausbildung zum Bankkaufmann in Düsseldorf; Studium der Rechtswissenschaft in Regensburg und Ann Arbor, Michigan (LL.M.); Rechtsanwalt in Frankfurt am Main.



2009. XXVI, 441 pages. StudPriv 2

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