

Florian Bentele

## Gesamtschuld und Erlass

Eine rechtsvergleichende Untersuchung zum deutschen und französischen Recht vor dem Hintergrund der europäischen Rechtsvereinheitlichung



A creditor to whom several persons are jointly liable can claim the entire debt or part of the debt from each of these debtors without any limitations until his claim has been met. The cross-liabilities of the joint and several debtors need not concern him. This basic principle is put to the test if the creditor releases one of the joint and several debtors completely or partially from the debt. With regard to German and French civil law, Florian Bentele examines the effects of such a release on the relationship between the creditor and the joint and several debtors and, taking the Principles of European Contract Law into consideration, he develops a modern concept of joint and several obligation and release. He concludes his study with a proposal for regulation.

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