

Sebastian A.E. Martens

Durch Dritte verursachte Willensmängel

Sebastian Martens discusses duress, misrepresentation and undue influence by a third party and its effects in contract law. He uses historical and comparative methods to enable a better understanding of the development of the present legal rules concerning vices of consent caused by a third party. In the first two chapters, he analyzes the origins in Roman law and their reception in continental law. He then shows how the corresponding rules originated in English common law, and in the final chapter he provides a critical review of German law against the backdrop of the results of his study. In particular, he focuses on the impact the special rules for the third party situations have had on the general law of lack of consent.

Sebastian A.E. Martens Geboren 1980; Studium der Rechtswissenschaften in Konstanz und Oxford; 2007 Promotion an der Universität Regensburg; 2006-08 Referendariat am OLG Hamburg; 2012 Habilitation; seit 2004 Wissenschaftlicher Mitarbeiter und Referent am Max-Planck-Institut für ausländisches und internationales Privatrecht in Hamburg; Lehrstuhlvertretungen in Passau und Osnabrück; derzeit Vertreter des Lehrstuhls für Bürgerliches Recht und Römisches Recht an der Universität Passau.



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Mohr Siebeck

Mohr Siebeck GmbH & Co. KG
Postfach 2040
D-72010 Tübingen
info@mohrsiebeck.com
www.mohrsiebeck.com