

Katharina de la Durantaye

Erklärung und Wille

[Expression and Intent.]

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When closely studied, the German Civil Code's rules on contract formation offer an objective standard. In doing so, they promote standardization and encourage market participants to express themselves in a way that objectively reflects what they subjectively want. The legal ideal is a meeting of inner minds. Where the subjective preferences of one party diverge from what is objectively agreed upon, the code provides for corrective measures.

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