

Axel Metzger

Extra legem, intra ius: Allgemeine Rechtsgrundsätze im Europäischen Privatrecht

[Extra Legem, Intra Ius: General Principles of Law in European Private Law.]



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General principles of law are of particular importance for the European legal methodology. Since the 1950s, the European Court of Justice has been invoking general principles of law to interpret community law and to fill the numerous gaps in Community law. In the 1980s, a group of scholars started to develop the »Principles of European Contract Law« on the basis of comparative law. Other projects on tort and family law, on trusts and insurance law have followed in recent years. Nevertheless, up to now most of the theoretical issues have not been analyzed in detail. Axel Metzger provides answers to the main epistemological questions and to the critical issue of validity for all types of general principles to be found in the emerging European private law. He analyzes the recognition and the functions of the general principles of law for the national private law systems of the EC Member States as well as for European community law, uniform legal instruments such as the CISG and the new *lex mercatoria*.

Axel Metzger ist Professor für Bürgerliches Recht und Immaterialgüterrecht, insbesondere Gewerblicher Rechtsschutz an der Juristischen Fakultät der Humboldt-Universität zu Berlin.

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