

Insa Stephanie Jarass

Privates Einheitsrecht

[Private Uniform Law.]

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The national fragmentation of commercial law has always been perceived as a barrier to international trade. Besides attempts to create legal unity through international treaties, private actors, such as the International Chamber of Commerce in Paris, have also committed themselves to the goal of legal unification in the field of international commercial law by creating their own non-state rules and regulations. The classification of non-state rules and regulations presents challenges for our understanding of legal doctrine and legal sources. This work attempts to establish the concept of the »private uniform law«, based on the functional conditions of such law, as an independent dogmatic category that links certain facts of a case with specific legal consequences. The basis for this is an empirical analysis of English and German case law on selected non-state rules and regulations, namely the Incoterms, the Uniform Customs and Practice for Documentary Credits (both issued by the International Chamber of Commerce) and the Principles of International Commercial Contracts by UNIDROIT. The Max Planck Society awarded the thesis the Otto Hahn Medal 2017.

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