Philipp Eichenhofer

Rechtsmissbrauch

Zu Geschichte und Theorie einer Figur des Europäischen Privatrechts

[The Abuse of Rights. The History and Theory of a Creature of European Private Law.]



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How the abuse of rights is regulated in Europe's legal systems is something of an enigma. While some observers detect that common ground is being neared, others assert that the more defined concepts only serve to highlight the fundamental disparities that remain. Philipp Eichenhofer unravels the mystery by assessing the similarities and differences found in the three clear stances taken by France, Germany and England. His study goes beyond a mere comparison of rules and cases, however, and shifts the focus onto an analysis of the doctrine and theories which were crucial in shaping each national view.

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