

Venire Contra Factum Propium

Alfredo Mordechai Rabello

The Mitigation Doctrine Marcelo Lapolla PhD, 2024-04-01 The “duty to mitigate loss” doctrine has been the object of study in many jurisdictions, which have interpreted and applied it in a wide range of situations and in different ways. In Brazil, however, only recent discussions have brought light to this subject. Worldwide, researchers have debated its nature – whether a duty or a principle – and the most proper way to address it (e.g.: if duty to mitigate loss or damages; duty to rescue; avoidable consequences doctrine). Studies have also detailed its application in different situations, such as in contracts and torts, among suppliers, consumers and national and international commerce, for instance. Ultimately, responding to the shift for globalized relations involving parties from different jurisdictions, the development of the doctrine and its standardization by Common Law courts, Civil Law codifications and international rules have allowed emerging countries to take advantage of the lessons learnt in more experienced systems and helped them regulate their own in the most suitable form. The purpose of this book is to provide an in-depth study of the “duty to mitigate loss” – from its origin to its current application in selected jurisdictions – so as to comprehensively come up with a proposition that is sufficiently adequate to fill the Brazilian legal framework gap diagnosed with respect to its effective regulation.

The Foundations of Tort Law in the Civilian Tradition Enrique Barros, 2025-08-21 The leading Spanish language treatise on the law on torts has now been translated into English, making it accessible to jurists, scholars and practitioners throughout the world. It addresses the central analytical questions in modern tort theory by reference to first principles, explaining how doctrinal tension has resulted from the law's evolution. The book also offers a theoretical framework for understanding and analysing the doctrines behind the main tort rules found in different jurisdictions, including their interrelationship and historical development. Steeped in Chilean legal doctrine and case law on torts, it also considers authorities from Britain, Germany, the USA, France and Spain. This is a magisterial and important work.

The Law Magazine and Review, 1912

General Reports of the XVIIth Congress of the International Academy of Comparative Law Katharina Boele-Woelki, J. H. M. van Erp, 2007 This work contains the General Reports presented at the XVIIth Congress of the International Academy of Comparative Law (IACL), which was held in July 2006 in Utrecht. A wide variety of topics is covered in this collection, ranging from liability of judges to competition law. The book provides an interesting assessment of the

development of comparative law in recent decades and shows the growing importance of comparative law in various disciplines of law.

Venire contra factum proprium : [divieto di contraddizione e dovere di coerenza nei rapporti tra privati]

Francesco Astone, 2006

Roman Law in the Modern World Charles Phineas Sherman, 1917

Roman Law in the Modern World: Manual of Roman law illustrated by Anglo-American law and the modern codes Charles Phineas Sherman, 1917

The Law Quarterly Review , 1912

Swiss Case Law in International Arbitration Christoph Müller, 2010

Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC) Stefan Vogenauer, Jan Kleinheisterkamp, 2009 The UNIDROIT Principles of International Commercial Contracts are the result of the ambitious quest for codifying the *lex mercatoria*, i.e. those unwritten rules of the game by which merchants presumably have always understood to do international business. Since the publication of their first version in 1994, the UNIDROIT Principles have had an impressive success. They have become a serious alternative to national contract laws in international disputes decided by arbitral tribunals, such as those administered by the International Chamber of Commerce (ICC). At the same time, they have been accepted as a model for reforming the laws on international contract (as recently Russia, Lithuania, and China). With the publication of a new version of the Principles in 2004, this first phase of codifying international contract law is now considered to be finished. While there is much writing about the theoretic legal nature and the practical applicability of the Principles, there is hardly any research on their substance, meaning their substantive rules on contracts. This book fills this gap. A comprehensive analysis of each provision of the Principles allows a better understanding of the rules governing international contracts. In short, this book contributes to make the application of the Principles more predictable and thus more efficient.

Publications Permanent Court of International Justice, 1929

Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Savigny-Stiftung, 1912

Arizona Journal of International and Comparative Law , 2010

Zeitschrift für das privat- und öffentliche Recht der Gegenwart , 1914

Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht Levin Goldschmidt, 1915

Journal of World Trade Law , 2010-08

European Legal Traditions and Israel Alfredo Mordechai Rabello, 1994

Law in Japan , 1980

Ratio Decidendi: Case law William Hamilton Bryson, Serge Dauchy, 2006 Although the problem of ratio decidendi concerns the essence of law and justice, very little comparative work between the Continental and Anglo-American legal systems has been done on the topic. Legal literature often repeats that it is one of the sharpest points of contrast between the two legal cultures. Within the English speaking legal system, multiple opinions, both concurring and dissenting, prevail where dissent among Continental judges only occurs behind closed doors: the published decision indeed is always presented as the single and incontestable opinion of the whole court. Historical reasons are generally put forward to explain that contrast. Where in the Anglo-American Common Law system judges are asked - and always have been asked - to present the materials and reasons upon which they based their judicial opinions, in Ancien Régime continental Europe it was not considered necessary to formulate the reasons of a decision and in most courts of the European Continent it was even formally forbidden to the judges, until the end of the eighteenth century, to write down or even communicate orally the secrets of their discussions and deliberations. To comparatists, this reveals two different cultures among judges and lawyers. In Continental Europe there is much emphasis on the idea of judging as a science which can be learned and reproduced with an impersonal rigour. The Anglo-American judge is not considered to be such a trained scientist, he is merely a practised craftsman. Can the history of ratio decidendi - but also the history of law and justice from the Middle Ages to the nineteenth century - therefore be reduced to a total contradiction between two legal cultures?

Subject Index of Modern Books Acquired British Library, 1918

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