

Lectures on Good Faith in German Law
Reading Material

This seems to be a lot of reading, so I believe a few remarks should be made:

1. In the lectures, I would like to focus on the cases. So try and read the cases and think about them. Wherever possible, I have given you the cases both in the original German language and in an English translation (this already cuts down a lot on the material you actually have to read). Unfortunately, a few wonderful cases like the “Hamburg Parkplatzfall” are not available in English. If you do not read German, don’t worry. I will present the cases in class as well.
2. The “background reading” from MUJ is just that – you do *not* have to read all of that, but you may find some of the material interesting to understand the legal background of the cases.
3. In case you want to check some citations to the German Civil Code (and you should want to do just that), you can find the Code here:

German: <http://www.gesetze-im-internet.de/bundesrecht/bgb/gesamt.pdf>

English: http://www.gesetze-im-internet.de/englisch_bgb/german_civil_code.pdf

Lecture of 28/03:

<i>Good Faith in general</i>	
Background reading: Markesinis/Unberath/Johnston: pp. 119–133	
<i>Venire contra factum proprium</i>	
“Hamburger Parkplatzfall”: BGHZ 21, 319 de	
“Edelmannswort”: RGZ 117, 121 de BGHZ 48, 396 de	RGZ 117, 121 en BGHZ 48, 396 en
<i>Verwirkung</i>	
Case 22, Good Faith in European Contract Law [only read part on Germany, pp. 515-516]	
<i>Erwirkung</i>	
“Johanniter Starkbier”: BGH NJW 1991, 934 de	

Lecture of 04/04:

Positive Forderungsverletzung	
Background reading: Markesinis/Unberath/Johnston: pp. 379–392, 437–444, 469–471	
Vertrag mit Schutzwirkung für Dritte	
Background reading: Markesinis/Unberath/Johnston: pp. 204–216	
	<i>White v. Jones</i> (House of Lords)
BGH NJW 1977, 2073 de BGHZ 66, 51 de	BGH NJW 1977, 2073 en BGHZ 66, 51 en
Störung der Geschäftsgrundlage	
Background reading: Markesinis/Unberath/Johnston: pp. 319–348	
	<i>Krell v. Henry</i> (Court of Appeal)
RGZ 107, 78 de OLG Bremen NJW 1953, 1393 de BGH NJW 1984, 1746 de	RGZ 107, 78 en OLG Bremen NJW 1953, 1393 en BGH NJW 1984, 1746 en

Sources:

- Basil S. Markesinis, Hannes Unberath & Angus Johnston: The German Law of Contract. A Comparative Treatise, 2nd ed. 2006
- Reinhard Zimmermann & Simon Whittaker (eds.): Good Faith in European Contract Law, 2000
- Hugh Beale *et al.*: Cases, Materials and Text on Contract Law, 2nd ed. 2010

I look forward to meeting you in class!

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