1. Record Nr. UNINA9910825518203321 Autore Oosterhuis Janwillem Titolo Specific performance in German, French and Dutch law in the nineteenth century: remedies in an age of fundamental rights and industrialisation / / by Janwillem Oosterhuis Leiden; ; Boston, : Martins Nijhoff Publishers, 2011 Pubbl/distr/stampa **ISBN** 90-04-20228-5 Edizione [1st ed.] Descrizione fisica 1 online resource (652 p.) Collana Legal history library;; v. 4 Studies in the history of private law;; v. 2 Disciplina 346.02/2 Soggetti Specific performance - Germany - History - 19th century Specific performance - France - History - 19th century Specific performance - Netherlands - History - 19th century Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Nota di bibliografia Includes bibliographical references (p. [591]-610) and index. Nota di contenuto Preliminary Material -- Introduction -- Specific Performance before the Nineteenth Century -- Specific Performance as Primary Remedy --Damages as Rule -- Specific Performance as an Exceptional Remedy --Summary and Conclusions -- Bibliography -- Index of Names -- Index of Sources -- Index of Cases. The current French, German and Dutch Law of Contract each offer a Sommario/riassunto remedy of specific performance to creditors suffering from breach of contract. This book analyses the alterations to this remedy during the nineteenth century on the substantive, procedural and enforcement levels. Fascinatingly, there is a link between changes to the remedy and the development of early human rights and the mass industrialisation of society. The latter had the effect of actually converging the national remedies of specific performance in the examined systems: damages and rescission became more accessible as remedies at the cost of specific performance. The book demonstrates the interdependency between law and society and provides vital background information to the harmonisation of a controversial concept in the European Law of

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