

Professor Stefan Vogenauer

Publications

(1) Monograph

- Die Auslegung von Gesetzen in England und auf dem Kontinent. Eine vergleichende Untersuchung der Rechtsprechung und ihrer historischen Grundlagen, 2 vols., xlix + 1481 pp., Tübingen: Mohr Siebeck, 2001 [Comparative and historical analysis of statutory interpretation in England, Germany, France and EU law]

Reviews in English: Hans W. Baade, *Rabels Zeitschrift für ausländisches und internationales Privatrecht (RabelsZ)* 69 (2005), 156-158; John Bell, (2002) 22 *Legal Studies (LS)* 473-480; R.C. van Caenegem, *Tijdschrift voor Rechtsgeschiedenis (TR)* 71 (2003), 473-475; Ole Lando, (2004) 41 *Common Market Law Review (CMLRev)* 1161-1163; Horst K. Lücke, (2005) 54 *International and Comparative Law Quarterly (ICLQ)* 1023-1032.

Reviews in other languages: Agostino Carrino, *Diritto e cultura* 11 (2001), 218-219; H. Gribnau, *Nederlands tijdschrift voor Rechtsfilosofie en Rechtstheorie (R&R)* 2003, 181-182; Ralf Hansen, www.jurawelt.com/literatur7253; Ewoud Hondius, *Nederlands tijdschrift voor burgerlijk recht (NTBR)* 2002, 249-250; Katja Langenbacher, *Juristische Blätter (JBl)* 2002, 542-544; Kent Lerch, *Rechtsgeschichte (Rg)* 3/2003, 38-45; Klaus Luig, *Zeitschrift für Europäisches Privatrecht (ZEuP)*, 2003, 468-473; Ralf Poscher, *Der Staat* 42 (2003), 637-642; Filippo Ranieri, *Revue internationale de droit comparé* 2004, 761-763; H.C.F. Schoordijk, *Tijdschrift voor Privaatrecht (TPR)* 40 (2003), 613-645; Jan Schröder, *Zeitschrift für Neuere Rechtsgeschichte (ZNR)* 2002, 373-374; Ulrike Seif, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung (ZRG GA)* 121 (2004), 568-570; Jan-R. Sieckmann, *Archiv für Rechts- und Sozialphilosophie (ARSP)* 2002, 451-452

(2) Jointly Authored Books

- Englisch als Vertragssprache – Fallstricke und Fehlerquellen, jointly authored with Volker Triebel, 185 pp., Munich: CH Beck, forthcoming in April 2018 [English as the Language of the Contract]

- *Englisches Handels- und Wirtschaftsrecht*, 3rd edition, jointly authored with Volker Triebel, Martin Illmer, Georg Ringe and Katja Ziegler, xxxiv + 580 pp., Frankfurt/Main: Verlag Recht und Wirtschaft, 2012 [English Commercial and Business Law]

Reviews: Thomas Bachner, *Wertpapier-Mitteilungen (WM)* 2012, 2348; Walter Bayer/Jessica Schmidt, *GmbH-Report* 2012, R 119; Clemens Just, *Zeitschrift für Wirtschaftsrecht (ZIP)* 2012, 1052; Georg Kodek, *Zivilrecht aktuell (zak)* 2012/163, 80; NN, *Börsen-Zeitung* 25 July 2012, 16; Rolf H. Weber, *Schweizerische Zeitschrift für Wirtschafts- und Finanzmarktrecht* 2012, 177

- *Ius Commune Casebooks on the Common Law of Europe: Cases, Materials and Text on Contract Law*, 2nd edition, jointly authored with Hugh Beale, Bénédicte Fauvarque-Cosson and Jacobien Rutgers, lxxxiv + 1357 pp., Oxford: Hart Publishing, 2010

Reviews: Rachel L. Johnstone, (2011) 6 *Nordicum-Mediterraneum* (<http://nome.unak.is/>); Larry DiMatteo, (2011) 19 *European Review of Private Law (ERPL)* 669, 679-680

(3) Edited Collections

- Studies in the Contract Laws of Asia, vol. II: Formation and Third Party Rights, jointly edited with Mindy Chen-Wishart and Alex Loke, ca. 400 pp., Oxford: Oxford University Press, xxxvii + 587 pp., forthcoming in January 2018
- The Future of Contract Law in Latin America: The Principles of Latin American Contract Law, jointly edited with Rodrigo Momberg, xxxii + 320 pp., Oxford: Hart Publishing 2017
- General Principles of Law: European and Comparative Perspectives, jointly edited with Stephen Weatherill, ix + 418 pp., Oxford: Hart Publishing 2017
- Commentary on the UNIDROIT Principles of International Commercial Contracts, 2nd edition, cclxxxii + 1528 pp., Oxford: Oxford University Press, 2015
Reviews: Johannes Landbrecht, (2015) 33 ASA Bulletin 721-722; Eric Clive, (2016) 20 Edinburgh Law Review 249-251; Eckart Brödermann, [2016] International Trade Law & Regulation 130-133
- English and European Perspectives on Contract and Commercial Law: Essays in Honour of Hugh Beale, jointly edited with Louise Gullifer, xli + 498 pp., Oxford: Hart Publishing 2014
Reviews: Jean-Silvestre Bergé, [2016] Revue trimestrielle de droit européen 3/vi; Alberto De Franceschi, [2015] Journal of European Consumer and Market Law (EuCML) 68; Ewoud Hondius, [2015] Nederlands Tijdschrift voor Burgerlijk Recht (NTBR) 94-96; Michael Stürner, [2015] Gemeinschaftsprivatrecht (GPR) 110-111; Laura Macgregor, (2015) 19 Edinburgh Law Review 440-442
- The Common European Sales Law in Context: Interactions with English and German Law, jointly edited with Gerhard Dannemann, lxxvii + 789 pp., Oxford: Oxford University Press, 2013
Reviews: 100 Libros de Derecho 2013, [2013] Cronista del Estado Social y Democrático de Derecho 64, 73-74; Eric Clive, European Private Law News 22/11/2013; Alberto De Franceschi, [2014] Journal of European Consumer and Market Law 55-56; id., [2014] Rassegna di diritto civile 1387-1389; Ferenc Szilágyi, (2014) 10 Iustum Aequum Salutare 196-206
- Prohibition of Abuse of Law: A New General Principle of EU Law?, jointly edited with Rita de la Feria, xv + 636 pp., Oxford: Hart Publishing, 2011
Reviews: Talia Einhorn, (2014) 78 Rabels Zeitschrift für ausländisches und internationales Privatrecht (RabelsZ) 443-449; Ewoud Hondius, [2011] Nederlands Tijdschrift voor Burgerlijk Recht (NTBR) 526-527; Annkatrinen Lenaerts, (2012) 49 Common Market Law Review (CMLRev) 421-424; Christiana Panayi, [2012] British Tax Review (BTR) 682-683; Constanze Semmelmann, (2012) 37 European Law Review 101-103; Christian Stempel, [2013] Zeitschrift für Europäisches Privatrecht (ZEuP) 438-440
- The Costs and Funding of Civil Litigation: A Comparative Perspective, jointly edited with Christopher Hodges and Magdalena Tulibacka, xviii + 568 pp., Oxford: Hart Publishing, 2010
Reviews: Alessandra De Luca, [2012] Annuario di diritto comparato e di studi legislative 499-506; Ewoud Hondius, Nederlands Tijdschrift voor Burgerlijk Recht (NTBR) 2011, 140-141; Lothar Jünemann, [2012] notar 307-308; Matthias Kilian, (2012) 125 Zeitschrift für Zivilprozess (ZZP) 519-523; Alessandra De Luca, [2012] Annuario di diritto comparato e di studi legislativi 499-506

- Regards comparatistes sur l'avant projet de réforme du droit des obligations et de la prescription, jointly edited with John Cartwright and Simon Whittaker, 730 pp., Paris: Société de législation comparée (Collection Droit privé comparé et européen, vol. 9), 2010
Review: Claude Witz, (2011) 138 Journal du Droit International – Clunet 1395-1397
- Content and Meaning of National Law in the Context of Transnational Law, jointly edited with Henk Snijders, xii + 222 pp., Munich: Sellier, 2009
Review: Marie Koričanská, [2013] Právník 1052-1053
- Commentary on the UNIDROIT Principles of International Commercial Contracts, jointly edited with Jan Kleinheisterkamp, ccxxx + 1319 pp., Oxford: Oxford University Press, 2009
Reviews in English: Michael J. Bonell, [2009] Uniform Law Review (ULR) 414-417; Ewoud Hondius, (2009) 17 European Review of Private Law (ERPL) 745-746; Nicole Kornet, (2012) 19 Maastricht Journal of European and Comparative Law (MJ) 93-96; David Milman, [2010] International Company and Commercial Law Review 176
Reviews in other languages: Stephen V Berti, (2012) 131 Zeitschrift für Schweizerisches Recht/Revue de droit suisse (ZSR/RDS) 117-119; Ewoud Hondius, [2009] Nederlands Tijdschrift voor Burgerlijk Recht (NTBR) 275-276; Lars Gorton, [2010] Erhvervsjuridisk Tidsskrift (ET – Journal of Business Law) 65-70; Martin Illmer, [2012] Zeitschrift für Schiedsverfahren/German Arbitration Journal (SchiedsVZ) 215-216; Nils Jansen, [2009] Juristenzeitung 1008-1009; Olaf Meyer, [2010] Zeitschrift für Europäisches Privatrecht (ZEuP) 223-224; Wilm Scharlemann, [2010] Internationales Handelsrecht (IHR) 88
- Reforming the French Law of Obligations: Comparative Observations on the Avant-projet de réforme du droit des obligations et de la prescription (the 'Avant-projet Catala'), jointly edited with John Cartwright and Simon Whittaker, xx + 930 pp., Oxford: Hart Publishing, 2009
Reviews: John Bell, (2012) 71 Cambridge Law Journal (CLJ) 226-228; Eric Descheemaeker, (2010) 73 Modern Law Review (MLR) 1086-1089; (2012) 76 Phillip Hellwege, Rabels Zeitschrift für ausländisches und internationales Privatrecht (RabelsZ) 443-449
- The Harmonisation of European Contract Law: Implications for European Private Laws, Business and Legal Practice, jointly edited with Stephen Weatherill, xxv + 259 pp., Oxford: Hart Publishing, 2006
Reviews: Lesley Jane Smith, (2007) 3 European Review of Contract Law (ERCL) 223-228; Matthias Lehmann, [2009] Zeitschrift für Europäisches Privatrecht (ZEuP) 220-223; Julius Stuyck, (2007) 44 Common Market Law Review (CMLRev) 528-531; Christina D. Tvarno, (2007) 13 European Law Journal (ELJ) 570-571

(4) Series Editorships

- Oxford Legal History, Oxford University Press, Oxford 2016- (member of editorial board)
- Modelli teorici e metodologici nella storia del diritto privato, Jovene editore, Naples, 2010- (member of the Consiglio scientifico)
- Studies of the Oxford Institute of European and Comparative Law, Hart Publishing, Oxford 2006-15 (general series editor)

- European Legal Studies / Schriften zur Europäischen Rechtswissenschaft / Etudes juridiques européennes, Sellier European Law Publishers, Munich 2005-15 (series editor, jointly with Christian von Bar, University of Osnabrück; Martijn Hesselink, University of Amsterdam; Ewoud Hondius, University of Utrecht; and Brigitta Lurger, University of Graz)

(5) Journal Editorships

- Chinese Journal of Comparative Law, Cambridge University Press, Cambridge 2017- (member of editorial board)
- National Law School Business Law Review (NLSBLR), Eastern Book Company, Bangalore, 2016- (member of advisory board)
- American Journal of Legal History (AJLH), Oxford University Press, Oxford 2016- (editor)
- Rechtsgeschichte/Legal History (Rg), Vittorio Klostermann, Frankfurt/Main 2015- (editor)
- Uniform Law Review/Revue de droit uniforme (ULR), Oxford University Press, Oxford 2013- (editor)
- Giustizia Civile, Giuffrè Editore, Milan 2013- (member of scientific committee)
- Contratto e impresa/Europa, CEDAM, Milano 2013- (corresponding editor)
- Rassegna di diritto civile, Edizioni Scientifiche Italiane, Napoli 2013- (member of advisory board)
- Journal of Civil Law Studies (JCLS), Center of Civil Law Studies of the Louisiana State University 2011- (member of advisory board)
- Maastricht Journal of European and Comparative Law (MJ), Intersentia Publishers, Cambridge et al 2007- (member of advisory board)
- Zeitschrift für Europäisches Privatrecht (ZEuP), Verlag C.H. Beck, Munich 2006- (corresponding editor)
- German Law Publishers, 2006- (member of academic board)

(6) Journal Articles and Contributions to Collections

- Sources of Law and Legal Method in Comparative Law, in: Reimann/Zimmermann (eds), The Oxford Handbook of Comparative Law, 2nd edn, Oxford: Oxford University Press, forthcoming in 2018, ca. 30 pp.
- Introduction (jointly with Mindy Chen-Wishart and Alexander Loke), in: Chen-Wishart/Loke/Vogenauer (eds), Studies in the Contract Laws of Asia, vol. II: Formation and Third Party Rights, Oxford: Oxford University Press, forthcoming in January 2018, 1-23
- *Vorsprung durch Technik*: Private Law Scholarship in 20th Century Germany From a Comparative Perspective, in: Grundmann/Riesenhuber (eds), Private Law Development in Context: German Law and Scholarship in the 20th Century, Cambridge et al: Intersentia, forthcoming in January 2018, 41 pp.

- Private Autonomy and Protection of the Weaker Party (jointly with Stephen Weatherill and Petra Weingerl), in: Vogenauer/Weatherill (eds), *General Principles of Law: European and Comparative Perspectives*, Oxford: Hart Publishing 2017, 255-268
- Introduction (jointly with Stephen Weatherill), in: Vogenauer/Weatherill (eds), *General Principles of Law: European and Comparative Perspectives*, Oxford: Hart Publishing 2017, 1-3
- Termination of Long-term Contracts for ‘Compelling Reasons’ Under the UNIDROIT Principles: the German Origins, in: UNIDROIT (ed), *Eppur si muove: The Age of Uniform Law – Essays in Honour of Michael Joachim Bonell*, Rome: UNIDROIT 2016, 1698-1713
- Schlüsselworte in englischen Savigny-Übersetzungen, in: Duve/Rückert (eds), *Savigny international?*, Frankfurt/Main: Vittorio Klostermann 2015, 251-344 [Key concepts in English translations of Savigny’s writings]
- The UNIDROIT Principles of International Commercial Contracts at Twenty: Experiences to Date, the 2010 Edition, and Future Prospects, [2014] *Uniform Law Review* 481-518
- ‘General Principles’ of Contract Law in Transnational Instruments, in: Gullifer/Vogenauer (eds), *English and European Perspectives on Contract and Commercial Law: Essays in Honour of Hugh Beale*, Oxford: Hart Publishing 2014, 291-318
- Introduction: the European Contract Law Initiative and the ‘CFR in Context’ Project (jointly with Gerhard Dannemann), in: Dannemann/Vogenauer (eds), *The Common European Sales Law in Context: Interactions with English and German Law*, Oxford: Oxford University Press, 2013, 1-20
- Drafting and Interpretation of a European Contract Law Instrument, in: *ibid.*, 82-119
- The DCFR and the CESL as Models for Law Reform, in: *ibid.*, 732-752
- Lenel and Daube: a Cross-channel Friendship, in: Burrows/Ibbetson/Zimmermann (eds), *Essays in Memory of Lord Rodger of Earlsferry*, Oxford: Oxford University Press, 2013, 277-296
- Die Unidroit-Grundregeln der internationalen Handelsverträge 2010, [2013] *Zeitschrift für Europäisches Privatrecht (ZEuP)* 7-42 [The UNIDROIT Principles of International Commercial Contracts 2010]
Translation: I principi Unidroit dei contratti commerciali internazionali 2010 [2014] *Rassegna di diritto civile* 246-294
- Regulatory Competition Through Choice of Contract Law and Choice of Forum in Europe: Theory and Evidence, (2013) 21 *European Review of Private Law (ERPL)* 13-78 and in Eidenmüller (ed), *Regulatory Competition in Contract Law and Dispute Resolution*, Oxford: Hart Publishing, 2013, 227-284
- Zivilprozessuale Folgen subjektiver und objektiver Interpretationslehren: Das Reichsgericht und die Revisibilität der Auslegung von Willenserklärungen, in: Kiehne/Mertens/Schiemann (eds), *Festschrift für Jan Schröder*, Tübingen: Mohr Siebeck, 2013, 221-245 [Interpretation of contracts as a question of law or fact: the case law of the German Imperial Court between objective and subjective approaches to interpretation]

- Rechtsgeschichte und Rechtsvergleichung um 1900: Die Geschichte einer anderen „Emanzipation durch Auseinanderdenken“, (2012) 76 *Rabels Zeitschrift für ausländisches und internationales Privatrecht (RabelsZ)* 1122-1154 [The emancipation of comparative law from legal history around 1900]
- Elaborare il diritto europeo dei contratti, [2012] *Contratto e impresa/Europa* 125-156 [Drafting European contract law]
- Alan Rodger: Gelehrter auf dem Richterstuhl (2012) 20 *Zeitschrift für Europäisches Privatrecht (ZEuP)* 305-14, jointly with Reinhard Zimmermann [Obituary of Lord Rodger of Earlsferry, with a particular focus on his scholarly achievements]
- Statutory Interpretation, in Smits (ed), *Encyclopedia of Comparative Law*, 2nd edition, Cheltenham: Edward Elgar Publishing, 2012, 826-838
- Der Begriff des Handels- und Wirtschaftsrechts, in: Triebel, Vogenauer et al., *Englisches Handels- und Wirtschaftsrecht*, 3rd edition, Frankfurt/Main: Verlag Recht und Wirtschaft, 2012, 1-7 [The concept of commercial law and business law]
- Quellen des Handels- und Wirtschaftsrechts, in: *ibid.*, 9-31 [Sources of commercial law and business law]
- Besonderheiten des englischen Vertragsrechts, in: *ibid.*, 33-89 [Peculiarities of English contract law]
- Unification of General Contract Law in Africa: The Case of the UNIDROIT Principles of International Commercial Contracts, (2011) 13 *European Journal of Law Reform (EJLR)* 434-439
- The Prohibition of Abuse of Law: an Emerging Principle of EU Law, in: de la Feria/Vogenauer (eds), *Prohibition of Abuse of Law: A New General Principle of EU Law?*, Oxford: Hart Publishing, 2011, 521-571
- What are the UNIDROIT Principles of International Commercial Contracts?, (2010) 3 *Revista jurídica In-Pactum* no. 6, 222-223
- Vorsprung durch Technik: Die „deutschsprachigen Zivilrechtslehrer des 20. Jahrhunderts“ in rechtsvergleichender Perspektive, in: Grundmann/Riesenhuber (eds), *Deutschsprachige Zivilrechtslehrer des 20. Jahrhunderts in Berichten ihrer Schüler*, vol. II, Berlin: de Gruyter, 2010, 473-507 [Twentieth century German legal scholarship in a comparative perspective]
- Verzicht auf eine vertragliche Forderung im Europäischen Vertragsrecht und im Recht der internationalen Handelsverträge, in: Grundmann et al (eds), *Festschrift für Klaus J. Hopt zum 70. Geburtstag*, Berlin: de Gruyter, 2010, 247-267 [Release of a contractual right in European contract law and international commercial law]
- The Oxford Study on Costs and Funding of Civil Litigation, in: Hodges/Vogenauer/Tulibacka (eds), *The Costs and Funding of Civil Litigation: A Comparative Perspective*, Oxford: Hart Publishing, 2010, 1-184
- Common Frame of Reference and UNIDROIT Principles of International Commercial Contracts: Coexistence, Competition, or Overkill of Softlaw?, (2010) 6 *European Review of Contract Law (ERCL)* 143-183
Reprint in: Kleineman (ed), *A Common Frame of Reference for European Contract Law*, Stockholm: Jure Förlag, 2011, 155-199

- Interpretation of the UNIDROIT Principles of International Commercial Contracts by National Courts, in: Snijders/Vogenauer (eds), Content and Meaning of National Law in the Context of Transnational Law, Munich: Sellier, 2009, 157-196
- The *Avant-projet de réforme*: an Overview, in: Cartwright/Vogenauer/Whittaker (eds), Reforming the French Law of Obligations: Comparative Observations on the Avant-projet de réforme du droit des obligations et de la prescription (the 'Avant-projet Catala'), Oxford: Hart Publishing, 2009, 3-28
Translation: Présentation de l'avant projet, in: Cartwright/Vogenauer/Whittaker (eds), Regards comparatistes sur l'avant projet de réforme du droit des obligations et de la prescription, Paris: Société de législation comparée, 2010, 17-46
- The Effects of Contracts on Third Parties: the *Avant-projet de réforme* in a Comparative Perspective, in: *ibid.*, 235-268
Translation: Gli effetti di contratti verso i terzi: L'*Avant-projet de réforme* in una prospettiva comparatistica, in: Andenas et al (eds), Essays in Honour of Guido Alpa, London: BIICL, 2007, 1000-1036; Les effets du contrat à l'égard des tiers: regards comparatistes sur l'avant-projet, in: Cartwright/Vogenauer/Whittaker (eds), Regards comparatistes sur l'avant projet de réforme du droit des obligations et de la prescription, Paris: Société de législation comparée, 2010, 257-294
- 'Im Zweifel gegen den Fiskus'. Aufstieg und Niedergang einer Interpretationsmaxime, in: Lück (ed), Akten des 36. Deutschen Rechtshistorikertages zu Halle, Baden-Baden: Nomos, 2008, 464-476 [History of the doctrine of strict interpretation of tax law]
- Law Journals in Nineteenth-Century England, (2008) 12 *Edinburgh Law Review* 26-50
- Enacting a British Constitution: some Problems (jointly with Vernon Bogdanor), [2008] *Public Law* 38-57
Translation: Problemas de la promulgación de una constitución británica, (2010) 25 *Teoría y Realidad Constitucional* 211-235
- Should Britain have a Written Constitution? (jointly with Vernon Bogdanor and Tarunabh Khaitan), (2007) 78 *Political Quarterly* 499-517
- Interpretation of Contracts: Concluding Comparative Observations, in: Burrows/Peel (eds), *Contract Terms*, Oxford: Oxford University Press, 2007, 123-150
- The Constitution of the UK as of 1 January 2007 (jointly with Vernon Bogdanor), in: Bryant (ed), *Towards a New Constitutional Settlement*, London: Smith Institute Monographs, 2007, 151-176
- An Empire of Light? II: Learning and Lawmaking in Germany Today, (2006) 26 *Oxford Journal of Legal Studies (OJLS)* 627-663
Reprint in: Bohlander/Birkett (eds), *The Codification of Criminal Law*, Farnham: Ashgate, 2014
- The European Community's Competence to Pursue the Harmonisation of Contract Law – an Empirical Contribution to the Debate (jointly with Stephen Weatherill), in: Vogenauer/Weatherill (eds), *Harmonisation of European Contract Law: Implications for European Private Laws, Business and Legal Practice*, Oxford: Hart Publishing, 2006, 105-148
- The Spectre of a European Contract Law, in: *ibid.*, 1-4

- Sources of Law and Legal Method in Comparative Law, in: Reimann/Zimmermann (eds), *The Oxford Handbook of Comparative Law*, Oxford: Oxford University Press, 2006, 869-898
Translation: masādir al-qānūn wa-l-manhaj al-qānūnī fi-l-qānūn al-muqāran, in: Māthiyās Raimān und Rainhārd Zimarmān (eds), *kitāb uksfurd li l-qānūn al-muqāran*, vol. II, Beirut: al-shabaka al-carabiyya li l-abhāth wa-l-nashr [Arab Network for Research and Publishing], 2010, 1297-1338.
Reprint in: Maurice Adams, Jaakko Husa and Marieke Oderkerk (eds), *Comparative Law Methodology*, vol I, Cheltenham: Edward Elgar, 2017, 320-349
- Zur Geschichte des Präjudizienrechts in England, *Zeitschrift für Neuere Rechtsgeschichte (ZNR)* 2006, 48-78 [History of the doctrine of precedent in English law]
- ‘... to take up the ground hitherto unoccupied in the periodical literature’ – Die ersten juristischen Fachzeitschriften Englands im 19. Jahrhundert, in: Stolleis/Simon (eds.), *Juristische Fachzeitschriften in Europa*, Frankfurt/Main: Klostermann, 2006, 533-564 [English law journals in the 19th century]
- Statutory Interpretation, in Smits (ed), *Encyclopedia of Comparative Law*, Cheltenham: Edward Elgar Publishing, 2006, 677-688
- A Retreat from *Pepper v Hart*? A Reply to Lord Steyn, (2005) 25 *Oxford Journal of Legal Studies (OJLS)* 629-674
- The European Community’s Competence for a Comprehensive Harmonisation of Contract Law – An Empirical Analysis, (2005) 30 *European Law Review (ELRev)* 821-837, jointly with Stephen Weatherill
Translations: Die Kompetenz der Europäischen Gemeinschaft zu einer umfassenden Angleichung des Vertragsrechts – eine empirische Untersuchung, *Juristenzeitung* 2005, 870-878; La compétence de la Communauté européenne pour harmoniser le droit des contrats – une analyse empirique, *Revue des contrats* 2005, 1215-1237
- An Empire of Light? Learning and Lawmaking in the History of German Law, (2005) 64 *Cambridge Law Journal* 481-500
Reprint in: Bohlander/Birkett (eds), *The Codification of Criminal Law*, Farnham: Ashgate, 2014
- Eine gemeineuropäische Methodenlehre des Rechts – Plädoyer und Programm, *Zeitschrift für Europäisches Privatrecht (ZEuP)* 2005, 234-263 [Towards a European Legal Method]
- Paths to the Chair – The French Experience: The *concours* and the *leçon de vingt-quatre heures*, *Zeitschrift für Europäisches Privatrecht (ZEuP)* 2004, 218-223
- The Role of Academics in the Legal System : Civil Law Systems, part of a chapter written by William Twining, Fernando Teson, Ward Farnsworth, Stefan Vogenauer, in: Cane/Tushnet (eds), *The Oxford Handbook of Legal Studies*, Oxford: OUP, 2003, 920, 935-941
- Die zivilrechtliche Haftung von Inlineskatern im Straßenverkehr, *Versicherungsrecht* 2002, 1345-1352 and 1478-1489 [Civil liability of roller-bladers]
- Die rechtliche Einordnung von Inline-Skates im Straßenverkehr – ein Rechtsvergleich, *Neue Zeitschrift für Verkehrsrecht* 2002, 537-545 [Comparative analysis of the legal status of roller-bladers in road traffic law]

- Schutz der Privatheit vor Presseveröffentlichungen, Zeitschrift für Europäisches Privatrecht (ZEuP) 2002, 341-364, jointly with Ulrich Amelung [Privacy in English law before and after *Douglas v Hello! Ltd* [2001] 2 All E.R. 289]
- Zur Begründung des Mehrparteiengerichtsstands aus Art. 6 Nr. 1 LuGÜ in England und Schottland, Praxis des Internationalen Privat- und Verfahrensrechts (IPrax) 2001, 253-257 [Casenote on *Canada Trust v Stolzenberg* [2000] 4 All E.R. 481]
- Le ‚pluralisme pragmatique‘ du Tribunal fédéral: une méthode sans méthode?, *Pratique Juridique Actuelle* 1999, 417-426, jointly with Pascal Pichonnaz [Critique of the the Swiss Federal Court’s methodological approach]
- Richtlinienkonforme Auslegung nationalen Rechts in England, Zeitschrift für Europäisches Privatrecht (ZEuP) 1997, 158-171 [Analysis of English case law of the doctrine of indirect effect]
- What is the Proper Role of Legislative Intention in Judicial Interpretation?, (1997) 18 *Statute Law Review* 235-243

(7) Contributions to Commentaries

- Chapter 5: Interpretation, in: Jansen/Zimmermann (eds), *Commentaries on European Contract Laws*, Oxford: Oxford University Press, forthcoming 2018, ca. 40 pp.
- Article 6:110: Stipulation in Favour of a Third Party, in: Jansen/Zimmermann (eds), *Commentaries on European Contract Laws*, Oxford: Oxford University Press, forthcoming 2018, ca. 30 pp.
- Introduction, in Vogenauer (ed), *Commentary on the UNIDROIT Principles of International Commercial Contracts*, 2nd edition Oxford: Oxford University Press, 2015, 1-30
First edition (2009), 1-20
- Introduction to Chapter I of the PICC, *ibid.*, 150-153
- General Provisions I: Arts 1.1-1.3 – Fundamental principles, *ibid.*, 154-165
- General Provisions III: Arts 1.6-1.12 – Application of the PICC, *ibid.*, 180-251
First edition (2009), 140-201 (only on Arts 1.6-1.9 PICC)
- Formation IV: Arts 2.1.17-2.1.18 – Integrity of Writing, *ibid.*, 371-379
- Arts 4.1-4.8 PICC: Interpretation, *ibid.*, 568-616
First edition (2009), 491-539
- Arts 5.1.1-5.1.9 PICC: Content, *ibid.*, 617-653
First edition (2009), 540-576
- Arts 5.2.1-5.2.6 PICC: Third Party Rights, *ibid.*, 654-687
First edition (2009), 577-610
- Appendix I – Synopsis of Instruments: UNIDROIT Principles of International Commercial Contracts 2004, *International Uniform Law Conventions, and Principles of European Contract Law*, *ibid.*, 1267-1388
First edition (2009), 1091-1200

- Appendix II – Bibliography, *ibid.*, 1389-1444
First edition (2009), 1201-1250
- §§ 328-333 BGB: Vertrag zugunsten Dritter, in: Schmoeckel/Rückert/Zimmermann (eds), *Historisch-kritischer Kommentar zum BGB*, vol. II, Tübingen: Mohr Siebeck, 2007, 1936-2036 [History of contracts for the benefit of third parties]
- §§ 305-310 BGB: Gestaltung rechtsgeschäftlicher Schuldverhältnisse durch Allgemeine Geschäftsbedingungen (Teil III): Auslegung und Umgehungsverbot, in: *ibid.*, 1476-1508 [History of the interpretation of standard terms and anti-avoidance provisions]
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(8) Entries to Encyclopaediae

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