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EDITORSHIPS, PUBLICATIONS, PRESENTATIONS

EDITORSHIPS

JOURNALS

- *American Journal of Comparative Law*
 - **Co-Editor-in-Chief**, 1/2013 - present
 - Member of the **Executive Editorial Board**, 10/2012 - 12/2013.
- *German Law Journal*
 - Member of the Advisory Board, 2013 - present
 - Co-Editor, 2007 - 2013.
- *Zeitschrift für Didaktik der Rechtswissenschaft*
Member of the Advisory Board, 2013 - present.

BOOK SERIES

- *American Society of Comparative Law Studies in Comparative Law Book Series*
(Cambridge University Press)
Member of the Editorial Board, 2015 - present (book series newly established in 2015).

PUBLICATIONS

WORKS SINCE APPOINTMENT AT MCGILL

WORK IN PROGRESS

1. **Monograph:** *Two Centuries of 'Subjective Rights': A Comparative History 1745-1945* (working title), under contract with Oxford University Press – *proposal refereed*.
2. **Chapter:** “A Crazy Story: ‘Comparative Law’ as Academic Discipline” in John Goldberg & Lionel Smith (eds.), *Understanding Private Law. Essays in Honour of Stephen A. Smith* (Hart).
3. **Book Review:** David S. Clark, *American Comparative Law. A History* (Oxford University Press, 2022) – solicited by the *Comparative Legal History*.
4. **Book Review:** Philipp Dann et al. (eds.), *(Post)Koloniale Rechtswissenschaft* (Mohr Siebeck 2022) – solicited by *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung*.

FORTHCOMING WORK

5. **Chapter:** “The Tradition of Comparative law: Comparison and its Colonial Legacy”, ca. 10,000 words in Mathias Siems & Po Jen Yap (eds.), *Cambridge Handbook of Comparative Law* (Cambridge University Press, publication scheduled for 2023).
6. **Chapter:** “Subjective Right”, ca. 5,000 words, in J. Husa, J. Smits & C. Valcke (eds.), *Elgar Encyclopedia of Comparative Law*, 3rd edition (Edward Elgar, publication scheduled for 2023).
7. **Chapter:** “Exceptionalism” (with Henry Coomes), ca. 5,000 words, in J. Husa, J. Smits & C. Valcke (eds.), *Elgar Encyclopedia of Comparative Law*, 3rd edition (Edward Elgar, publication scheduled for 2023)
8. **Chapter:** “German Law” (with M-J. Schermaier), ca. 10,000 words, in J. Husa, J. Smits & C. Valcke (eds.), *Elgar Encyclopedia of Comparative Law*, 3rd edition (Edward Elgar, publication scheduled for 2023).
9. **Article:** “Erlösung vom Wort: Heinrich Heine und der Traum vom (Menschen-)Recht”, ca. 10,100 words, accepted for publication in *Heine-Jahrbuch* (publication scheduled for 2023).
10. **Article:** “Kindred Not By Choice: ‘Legal Families’ and the Colonial History of ‘Comparative Law’”, (working title), ca. 15,000 words, presented at the Princeton-Uillinois-UPenn Comparative Law Work-in-Progress Workshop and at the McGill Faculty Workshop – accepted for publication, *American Journal of Comparative Law*.

MONOGRAPH

11. *Negative Haftung aus Vertrag* (“Reliance-based Contractual Liability”), monograph (Tübingen: Mohr Siebeck, 2007), 315 p.
 - reviewed by: Barbara Dauner-Lieb, *Archiv für die civilistische Praxis* (2008) 208 p. 552.

EDITED COLLECTIONS

12. *A Cosmopolitan Jurisprudence – Essays in Memory of H. Patrick Glenn*, edited by Helge Dedek, with a Foreword by William Twining (Cambridge: Cambridge University Press, 2022) 303 pp.
 - Reviewed by Hannah L. Buxbaum (2022) 70 *American Journal of Comparative Law* 879ff.
 - See also the ASCL blog entries by: Martin Krygier, “Thinking Too Well of Traditions”, (<https://ascl.org/thinking-too-well-of-traditions/>); Mauro Bussani, “Legal Monotheism and Its Discontents”, (<https://ascl.org/legal-monotheism-and-its-discontents/>)
13. *U.S. National Reports to the 21st General Congress of the International Academy of Comparative Law*, Franklin A. Gevurtz, Maximo Langer, Helge Dedek eds., *Supplement Issue*, 70 *American Journal of Comparative Law* (Oxford: OUP, 2022) 416pp.

14. *What we write about when we write about comparative law*, Helge Dedek & Franz Werro eds., *Special Issue, 65 American Journal of Comparative Law* (Oxford: OUP, 2017) 255 pp.: a collection of essays centred on the methodological dispute between Pierre Legrand, James Whitman, and James Gordley on the purpose and direction of comparative law, supplemented by three commentaries on the exchange written by interlocutors offering various interdisciplinary perspectives.
15. *Stateless Law: Evolving Boundaries of a Discipline*, Helge Dedek & Shauna Van Praagh eds. (Farnham: Ashgate, 2015), 258 pp.
 - reviewed by: Stephen Bogle, (2017) 21 *Edinburgh Law Review* 315ff.
16. *Vertragstypen in Europa* (“Types of Special Contracts in Europe”), collection edited with Christian Baldus, Heidelberg, and Francisco Andrés Santos, Valladolid (Munich: Sellier European Law Publishers, 2011) 353 p.
 - reviewed by (selection): Florian Bien/Artur Fabisch, (2012) *European Review of Contract Law*, 492ff.; Wojciech Daczkak, (2013) *Czasopismo Prawno-Historyczne*, 516ff.; Filippo Ranieri, (2013) 130 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Rom. Abt.*, 690f.; Jaromir Tauchen, (2013) *Journal on History of European Law*, 173f.

COMMENTARY

17. Commentary on Artt 1:105, 6:101-109 Principles of European Contract Law, in: R. Zimmermann & N. Jansen (eds.), *Commentaries on European Contract Laws* (Oxford: Oxford University Press, 2018)
 - 17a: Art 1:105 (Usages and Practices), p. 54-63;
 - 17b: Chapter 6: Content and Effects, Artt 6:101-6:109; pp. 786-865.

ARTICLES, BOOK CHAPTERS

18. “Where the ‘Real Action’ Is: From Comparative Law to Cosmopolitan Jurisprudence” in Helge Dedek (ed.) *A Cosmopolitan Jurisprudence – Essays in Memory of H. Patrick Glenn* (Cambridge: Cambridge University Press, 2022), p. 3-25.
19. “Private Law Rights as Democratic Participation – Kelsen on Private Law and (Economic) Democracy” (2021) 71 *University of Toronto Law Journal* 376-414 – *refereed*.
20. “Out of Site: Transnational Legal Culture(s)” in Peer Zumbansen (ed.), *Oxford Handbook on Transnational Law* (Oxford: Oxford University Press, 2021), 89-112.
21. “Moses Mendelssohns Vertragstheorie, doux commerce und Emanzipationsdiskurs im Kontext zeitgenössischer Diskurse” (“Moses Mendelssohn’s Theory of Contract contextualized”), in Ursula Goldenbaum / Mathias Armgardt / Stephan Meder (eds.), *Moses Mendelssohns Rechtsphilosophie im Kontext* (Hannover: Werhahn Verlag, 2021), 109-135.

22. “Zugang zu kolonialem Recht: Rechtsliteratur und Kommentare in Kanada” (“Access to Legal Texts in a Colonial Legal Order: Legal Literature and Legal Commentaries in Canada”), in David Kästle-Lamparter/Nils Jansen/Reinhard Zimmermann (eds.), *Juristische Kommentare: Literaturformen in rechtsvergleichender Perspektive* (Tübingen: Mohr Siebeck, 2020), p. 295-316.
23. “Set-off and Penalty Clauses – Report Common Law” in Martin Gebauer / Stefan Huber (eds.), *Rechtsdurchsetzung durch Vertragsstrafe und Aufrechnung* (Tübingen: Mohr Siebeck, 2019) p. 31-64.
24. “Ernstes Spiel: Theoretische und akademische Befassung mit Recht” (“Serious Play: Theoretical and Academic Approaches to Law”) in Lorenz Kähler / Graf Calliess (eds.), *Theorien im Recht und über das Recht* (Stuttgart: Steiner Verlag, 2018) p. 135-157.
25. “Subjektives Recht und Gewalt: Zur Legalisierung des Natürlichen” (“Subjective Rights and Violence/Force: Legalizing ‘the Natural’”), in Andreas Fischer-Lescano et al (eds.), *Gegenrechte – zur Kritik der Rechte bei Christoph Menke* (Tübingen: Mohr Siebeck, 2018) p. 82-103.
26. “Landholding and Conveyancing in the Canadian Province of Ontario” in Mathias Schmoeckel (ed.), *Übertragung von Immobilienrechten im internationalen Vergleich: Conference on real property law and land registers* (Baden-Baden: Nomos, 2018), with Jennifer Anderson, p. 11-48.
27. “Subjektives Recht als ‘Recht der Freiheit’” (“Subjective Right as the ‘Right of Freedom’), in Magnus Schlette (ed.), *Ist Selbstverwirklichung institutionalisierbar? Axel Honneths Freiheitstheorie in der Diskussion* (Frankfurt am Main: campus Verlag, 2018) p. 25-53.
28. “All Grown Up: Rechtshistorische Forschung in Kanada” (“All Grown Up: Legal History in Canada”) *Zeitschrift für Neuere Rechtsgeschichte* 38 (2017) p. 275-287 (refereed).
29. “‘Darwinian before Darwin’: Berufsschrift und Evolutionsgedanke im Spiegel von ‘Historical’ und ‘Sociological Jurisprudence’” (“‘Darwinian before Darwin: Savigny’s ‘Vocation’ and Evolutionary Thought as reflected in Historical and Sociological Jurisprudence’”), in Stephan Meder / Christoph-Eric Mecke (eds.), *Savigny Global (1814-2014) – Vom ‘Berufunsrer Zeit’ zum transnationalen Recht des 21. Jahrhunderts* (Göttingen: Vandenhoeck & Ruprecht, 2016) p. 75-111.
30. “Not Merely Facts: Trade Usages in German Contract Law” in Fabien Gélinas (ed.), *Trade Usages and Contracts in an Age of Arbitration* (Oxford: Oxford University Press, 2016) p. 81-102.
31. “The Global Challenge in Common and Civil Law Contexts: A Canadian Perspective” in Christophe Jamin & William van Caenegem (eds.), *Internationalization of Legal Education. Reports to the International Academy of Comparative Law* (New York: Springer, 2016) (with H. Patrick Glenn and Aline Grenon) p. 75-93.
32. “Rumblings from Olympus: Das Zeitelement in der (Fort-)Bildung des englischen common law” (“Rumblings from Olympus: The Element of Time in the Development of Judge-made Law in English Common Law”) 79 (2015) *Rabels Zeitschrift / Rabel Journal of Comparative and International Private Law* p. 272-322.
33. “De Iure Hominis et Homunculi – Rights, Tristram Shandy, and the Legal Language of Isolation”, in Werner Gephart (ed.), *Recht im Blick der Kulturwissenschaften*, (Frankfurt a.M., Klostermann, 2015) p. 59-78 (refereed).

34. “Stating Boundaries: The Law, Disciplined”, in Helge Dedek / Shauna Van Praagh (eds.), *Stateless Law: Evolving Boundaries of a Discipline* (Farnham: Ashgate, 2015) p. 9-21.
35. “When the Law Became ‘Cultivated’: European Legal Culture between *Kultur* and Civilization” in G. Helleringer & K. Purnhagen (eds.), *Towards a European Legal Culture* (Oxford: Hart, 2014) p. 351-374.
36. “Duties of Love and Self-Perfection: Moses Mendelssohn’s Theory of Contract” (2012) 32:4 *Oxford Journal of Legal Studies* p. 713-739 (*refereed*).
37. “A Particle of Freedom: The Kantian Theory of Transfer by Contract and Natural Law Thought” (2012) 25:2 *Canadian Journal of Law and Jurisprudence* p. 313-346 (*refereed*).
38. “German Law”, in J. Smits (ed.), *Elgar Encyclopedia of Comparative Law*, 2nd ed. (Cheltenham: Edward Elgar Publishers, 2012), p. 349-370 (with Martin J. Schermaier).
39. “Canadian Report: The Complexity of Transnational Sources” (2012) 20 *European Review of Private Law* (with Alexandra Carbone) p. 81-100.
40. “Of Rights Superstructural, Inchoate and Triangular: The Role of Rights in Blackstone’s Commentaries” in D. Nolan / A. Robertson (eds.), *Rights in Private Law* (Oxford: Hart Publishers, 2011) p. 183-219 (*refereed*).
41. “The Splendour of Form: Scholastic Jurisprudence and ‘Irrational Formality’” (2011) 5:2 *Law and Humanities* 349-383 (*refereed*).
42. “*Didaktische Zugänge zur Rechtslehre in Nordamerika*” (“Didactic Approaches to Law Teaching in North America”), in H. Trute, J. Brockmann et al. (eds), *Exzellente Lehre im Juristischen Studium: auf dem Weg zu einer juristischen Fachdidaktik* (Baden-Baden: Nomos Verlag, 2011), p. 41-57.
43. National Report for Canada, prepared for the XVIIIth International Congress of Comparative Law, International Academy of Comparative Law, Washington D.C, 2010, by Helge Dedek (Pan-Canadian National Reporter) with Alexandra Carbone, *ISAIDAT Law Review* (2011) 1:3 (Special Issue), p. 1-51 (a shorter version is published in the *European Review of Private Law*).
44. “School of Life: Learned Law and the Scholastic Habitus”, in Per Andersen, Mia Münster-Swendsen & Helle Vogt (eds.), *Law and Private Life in the Middle Ages*, (Copenhagen: DJØF Publishers, 2011) p. 105-122.
45. “From Norms to Facts: The Realization of Rights in Common and Civil Private Law”, (2010) 56:1 *McGill Law Journal* p. 77-114 (*refereed*).
46. “*Die Schönheit der Vernunft: (Ir-)Rationalität von Rechtswissenschaft in Mittelalter und Moderne*” (“The Beauty of Reason: The (Ir-)Rationality of ‘Legal Science’ in the Middle Ages and Modernity”) in (2010) 1 *Zeitschrift für Rechtswissenschaft*, p. 58-85 (*refereed*).
47. “The Relationship between Rights and Remedies in Private Law: A Comparison between the Common and the Civil Law Tradition” in R. Sharpe (ed.), *Taking Remedies Seriously* (Montreal: Canadian Institute for the Administration of Justice, 2010) p. 63-84.

48. “Border Control: Some Comparative Remarks on the Cartography of Obligations” in: R. Bronaugh/ J. Neyers/ S. Pitel (eds), *Exploring Contract Law* (Oxford: Hart Publishers, 2009), p. 25-49 (*refereed*).
49. “Born to be Wild: The ‘Trans-systemic’ Programme at McGill and the De-Nationalization of Legal Education”, (2009) 10 *German Law Journal* p. 889-911 (with Armand de Mestral) (*refereed*).
50. “*Recht an der Universität: ‘Wissenschaftlichkeit’ der Juristenausbildung in Nordamerika*” (“Law at the University: The Paradigm of ‘Scholarship’ in North American Legal Education”), in 64 (2009) *Juristenzeitung*, p. 540-550 (*refereed*).

ENCYCLOPAEDIA ENTRIES (PEER-REVIEWED)

Encyclopedia of Ancient History, edited by R. Bagnall, K. Brodersen, C. Champion, A. Erskine & S. Huebner (Oxford: Wiley & Blackwell, 2012) – with M-J. Schermaier:

51. “*Bona Fides*”
52. “*Bonorum possessio*”
53. “*Codicilli*”
54. “*Consensus*”
55. “*Culpa*”
56. “*In iure cessio*”
57. “*Intestatus*”
58. “*Legis actio*”
59. “*Obligatio*”
60. “*Property*”
61. “*Querela inofficiosi testamenti*”
62. “*Sui iuris*”
63. “*Sui heredes*”
64. “*Testamentum*”

SHORTER PUBLICATIONS, COMMENTS, OPINION PIECES

65. “Mindful of the World: ‘A Cosmopolitan Jurisprudence’”, blog entry, ASCL (American Society of Comparative Law) Blog, published April 12, 2023, available at: <https://ascl.org/mindful-of-the-world-a-cosmopolitan-jurisprudence/>
66. “*Mendelssohn über die Eide*” (“Mendelssohn on Oaths”), comment on the chapter by Ursula Goldenbaum (Philosophy, Emory), in Ursula Goldenbaum, Mathias Armgardt & Stephan Meder (eds.), *Moses Mendelssohns Rechtsphilosophie im Kontext* (Hannover: Werhahn Verlag, 2021), p. 97-107.
67. Round table discussion: “*Recht, Kultur und Gesellschaft im Prozeß der Globalisierung*” – transcription of a round table discussion on “Law, culture, and society in the process of globalization” with Klaus Günther, Alexandra Kemmerer, and Shalini Randeria, in Thomas Duve & Stefan Ruppert (eds.), *Rechtswissenschaft in der Berliner Republik* (Frankfurt am Main, Suhrkamp, 2018) p. 726-761.

68. “*Insel-Reich*” (“Island Empire”), opinion piece on the impact of BREXIT on (comparative) legal scholarship, solicited by *Zeitschrift für das Privatrecht der Europäischen Union / European Union Private Law Review (GPR)*, (2017) 14 GPR p. 282 f.
69. “Preface: What we write about when we write about comparative law, or: What happens when comparatists respond to a contribution by Professor Pierre Legrand”, in Franz Werro & Helge Dedek (eds.), *What we write about when we write about comparative law* (Oxford: OUP, 2017).
70. “Diskussionsbeiträge” – comments on feedback provided during the conference “Savigny Global”, in Stephan Meder, Christoph-Eric Mecke (eds.), *Savigny Global (1814-2014) – Vom “Beruf unsrer Zeit” zum transnationalen Recht des 21. Jahrhunderts* (Göttingen: Vandenhoeck & Ruprecht, 2016) p. 112-123.
71. “Preface”, in Helge Dedek & Shauna Van Praagh (eds.), *Stateless Law: Evolving Boundaries of a Discipline* (Farnham: Ashgate, 2015) p. xv-xviii (with Shauna Van Praagh).
72. “Vorwort”, “Preface”, “Prólogo”, in Javier Andrés Santos, Christian Baldus, Helge Dedek (eds.), “*Vertragstypen in Europa*” (“Types of Special Contracts in Europe”) (Munich: Sellier European Law Publishers, 2011), p. vii-xxi (with Javier Andrés Santos and Christian Baldus).

BOOK REVIEWS & BOOK NOTES

73. Book review: Jens Einfeld, *Erkenntnis, Rechtserzeugung und Staat* (Tübingen, Mohr Siebeck, 2015) in *Zeitschrift der Savigny Stiftung für Rechtsgeschichte, Germanistische Abteilung* (134) 2017, p. 383-389.
74. Book review: Seán Donlan & Dirk Heirbaut, *The Laws’ Many Bodies* (Berlin, Duncker-Humblot, 2015) in *Zeitschrift für Europäisches Privatrecht (ZEuP)*, 2017, p. 522-523
75. Book review: “*Privat-Justiz*” (“Private Justice”), review of Imre Szalai, *Outsourcing Justice. The Rise of Modern Arbitration Laws in America* (Durham, NC: Carolina Academic Press, 2013), *Rechtsgeschichte – Legal History (Rg)* 2016 (24) p. 510-513.
76. Book review: William Prest, *Blackstone and his Commentaries* (Oxford: Hart, 2014), (2016) 133 *Savigny Zeitschrift für Rechtsgeschichte, Romanistische Abteilung* p. 590-594.
77. Book review: Claes Peterson, *Rechtswissenschaft als juristische Doktrin* (Stockholm: Rönnels Antikvariat, 2011), (2013) 130 *Savigny Zeitschrift für Rechtsgeschichte, Germanistische Abteilung* p. 615-621.
78. Book review: Jürgen Basedow, Klaus J. Hopt, Reinhard Zimmermann (eds.), *Handwörterbuch des Europäischen Privatrechts* (Tübingen: Mohr Siebeck, 2009) – (2011) 175:6 *Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht (ZHR)* p. 860-868.
79. Book note: *European Contract Law [.] Materials for a Common Frame of Reference: Terminology, Guiding Principles, Model Rules*. Produced by Association Henri Capitant des Amis de la Culture Juridique Française and Société de Législation Comparée. Edited by Bénédicte Fauvarque-Cosson and Denis Mazeaud (Munich: Sellier European Law Publishers, 2009), in: *Zeitschrift für Gemeinschaftsprivatrecht (GPR)* 2011, p. 124.

80. Book note: James Gordley/Arthur Taylor von Mehren, *An Introduction to the Comparative Study of Private Law, Readings, Cases, Materials* (Cambridge: Cambridge University Press, 2006), in: *GPR* 2007, p. 174.
81. Book note: Constantin Duechs, *Die Behandlung von Leistungsstörungen im Europäischen Vertragsrecht*, (Berlin: Duncker & Humblot, 2006), in: *GPR* 2007, p. 182.
82. Book note: Michael Kuhnke: *Privatrechtsangleichung in der Europäischen Union und in Kanada*, (“Private Law Harmonization in the European Union and in Canada”), (Berlin: Peter Lang, 2006), in: *GPR* 2007, p. 174.

EDITORS’ NOTES IN THE AMERICAN JOURNAL OF COMPARATIVE LAW

83. Editors’ Note: (2021) 69:1 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
84. Editors’ Note: (2020) 68:1 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
85. Editors’ Note: (2019) 67:1 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
86. Editors’ Note: (2018) 66:1 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
87. Editors’ Note: (2017) 65:4 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
88. Editors’ Note: (2017) 65:1 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
89. Editors’ Note: (2016) 64:1 *American Journal of Comparative Law* p. vii f. (with Franz Werro).
90. Editors’ Note: “In memoriam H. Patrick Glenn”, (2015) 63 *American Journal of Comparative Law* p. 2 (with James Feinerman and Franz Werro).

SHORTER PUBLICATIONS, COMMENTS, OPINION PIECES

91. “*Mendelssohn über die Eide*” (“Mendelssohn on Oaths”), comment on the chapter by Ursula Goldenbaum (Philosophy, Emory), in Ursula Goldenbaum, Mathias Armgardt & Stephan Meder (eds.), *Moses Mendelssohns Rechtsphilosophie im Kontext* (Hannover: Werhahn Verlag, 2021), p. 97-107.
92. Round table discussion: “*Recht, Kultur und Gesellschaft im Prozeß der Globalisierung*” – transcription of a round table discussion on “Law, culture, and society in the process of globalization” with Klaus Günther, Alexandra Kemmerer, and Shalini Randeria, in Thomas Duve & Stefan Ruppert (eds.), *Rechtswissenschaft in der Berliner Republik* (Frankfurt am Main, Suhrkamp, 2018) p. 726-761.
93. “*Insel-Reich*” (“Island Empire”), opinion piece on the impact of BREXIT on (comparative) legal scholarship, solicited by *Zeitschrift für das Privatrecht der Europäischen Union / European Union Private Law Review* (GPR), (2017) 14 GPR p. 282 f.

94. “Preface: What we write about when we write about comparative law, or: What happens when comparatists respond to a contribution by Professor Pierre Legrand”, in Franz Werro & Helge Dedek (eds.), *What we write about when we write about comparative law* (Oxford: OUP, 2017).
95. “Diskussionsbeiträge” – comments on feedback provided during the conference “Savigny Global”, in Stephan Meder, Christoph-Eric Mecke (eds.), *Savigny Global (1814-2014) – Vom “Beruf unsrer Zeit” zum transnationalen Recht des 21. Jahrhunderts* (Göttingen: Vandenhoeck & Ruprecht, 2016) p. 112-123.
96. “Preface”, in Helge Dedek & Shauna Van Praagh (eds.), *Stateless Law: Evolving Boundaries of a Discipline* (Farnham: Ashgate, 2015) p. xv-xviii (with Shauna Van Praagh).
97. “Vorwort”, “Preface”, “Prólogo”, in Javier Andrés Santos, Christian Baldus, Helge Dedek (eds.), *Vertragstypen in Europa* (“Types of Special Contracts in Europe”) (Munich: Sellier European Law Publishers, 2011), p. vii-xxi (with Javier Andrés Santos and Christian Baldus).

PUBLICATIONS PRIOR TO APPOINTMENT AT MCGILL

COMMENTARIES

98. Commentary on §§ 241, 244, 247, 275, 276, 280-288, 291, 296, 311a of the German Civil Code (BGB), in: M. Henssler/Graf von Westphalen (eds.), *Praxis der Schuldrechtsreform*, (Recklinghausen: ZAP-Verlag, 2001), pp. 117-230; 243-251.
99. Commentary on §§ 241, 244, 247, 275, 276, 280-288, 291, 296, 311a, 615, 619a BGB, in: M. Henssler/Graf von Westphalen (eds.), *Praxis der Schuldrechtsreform*, 2nd ed. (Recklinghausen: ZAP-Verlag, 2002), pp. 164-185; 227-335; 426-435; 953-959.

ARTICLES, BOOK CHAPTERS

100. “Entwertung von Aufwendungen durch Schlechterfüllung im Kaufvertrag” (“Investments and Expenses Rendered Futile by Nonconforming Performance of a Contract of Sale”), in: *Zeitschrift für das gesamte Schuldrecht (ZGS)* 2005, p. 409.
101. “Die Konsumtion des § 283 a.F. BGB durch § 281 BGB” (“The Replacement of § 283 BGB in its Original Version by the New Version of § 281 BGB”), in: B. Dauner-Lieb/H. Konzen/K. Schmidt (eds.), *Das neue Schuldrecht in der Praxis* (Cologne: Heymanns Verlag, 2002), p. 183.
102. “Die Beweislastverteilung nach § 619a BGB” (“Burden of Proof according to § 619a BGB”), in: *Zeitschrift für das gesamte Schuldrecht (ZGS)* 2002, p. 320.
103. “Die Auswirkungen der Schuldrechtsreform auf die Mandatsverhältnisse der Wirtschaftsprüfer” (“The Effects of the Reform of the Law of Obligations on the Contractual Relationships of Certified Public Accountants”), in: *Mitteilungen der Wirtschaftsprüferkammer (WPK-Mitt.)* 2002, p. 278 (with Martin Henssler).

104. “Gesamtschaden wegen verspäteter Antragstellung” (“Damages Caused by a Belated Petition for Bankruptcy”), in: H. Prütting/H. Vallender (eds.), *Festschrift für Wilhelm Uhlenbruck* (Cologne: Otto Schmidt, 2000), p. 175 (with Martin Henssler).
105. “Proposals for Amending Articles 21 and 22 of the Brussels Convention”, in: *European Review of Private Law* 2000, p. 257 (with Karsten Otte and Hanns Prütting).
106. “Art. 24 EuGVÜ und provisorische Anordnungen zur Leistungserbringung” (“Art. 24 of the Brussels Convention and Provisional Decrees for Performance”), in: *Europäisches Wirtschafts- und Steuerrecht* 2000, p. 246.
107. “Zum Anwendungsbereich des § 574 BGB” (“The Scope of Application of § 574 BGB”), in: *Zeitschrift für Miet- und Raumrecht (ZMR)* 1998, p. 679.
108. “Besitzschutz im römischen, deutschen und französischen Recht” (“The Protection of Possession in Roman, German and French Law”), in: *Zeitschrift für Europäisches Privatrecht (ZEuP)* 1997, p. 343.

BOOK NOTES, CONFERENCE REPORTS

109. Book note: Ihns, Astrid, *Entwicklung und Grundlagen der europäischen Rechtsangleichung* (“Development and Foundations of European Legal Harmonization”), Frankfurt a.M., 2005, in: *GPR* 2006, p. 181.
110. Book review: Roe, Mark J., *Political Determinants of Corporate Governance* (Oxford, New York: Oxford University Press, 2006), in: *Recht der Arbeit (RdA)* 2006, p. 63.
111. Conference report: “Die Garantieproblematik des § 444 BGB” (“Problems Related to the Notion of ‘Warranty’ established in § 444 BGB”), *Diskussionsbericht*, in: Dauner-Lieb/Henssler (eds.), *Unternehmenskauf und Schuldrechtsmodernisierung – Fachtagung der Bayer-Stiftung für deutsches und internationales Wirtschaftsrecht am 6./7. Juni 2002 in Leverkusen*, (Munich: C.H. Beck, 2002), p. 81.
112. Conference report: “Unternehmenskauf und Schuldrechtsmodernisierung” (“Corporate Acquisition and the Reform of the Law of Obligations”), *Tagungsbericht*, in: *Neue Juristische Wochenschrift (NJW)* 2002, XXX, p. XVI.
113. Conference report: “Tradition und Fortschritt im Recht – Die 10. Tagung der Gesellschaft Junger Zivilrechts-wissenschaftler 1999 in Bonn” (“Tradition and Progress in the Law – The 10th Convention of the Society of Young Private Law Scholars 1999 in Bonn”), *Tagungsbericht*, in: *Juristenzeitung (JZ)* 2000, p. 940.
114. Conference report: “Europäisierung des Privatrechts: Zwischenbilanz und Perspektiven” (“The Europeanization of Private Law – Provisional Results and New Perspectives”), *Tagungsbericht*, in: *ZEuP* 1998, p. 794.

CASE COMMENTS

115. Comment on the Decisions of the German Federal Labour Court (BAG), 2 AZR 608/98, and 2 AZR 54/99, in: *Sammlung Arbeitsrechtlicher Entscheidungen* (SAE) 2001, p. 23.
116. Comment on the Decision of the German Federal Labour Court (BAG), AZR 581/92, in: SAE 1999, p. 63 (with M. Henssler).
117. Comment on the Decision of the German Federal Supreme Court (BGH), XI ZR 282/97, in: *Wirtschafts- und Bankrecht* (WuB) I G 7.- 2.99, 1999, p. 146 (with M. Henssler).
118. Comment on the Decision of the European Court of Justice, C-351/96 – “*Drouot Assurances*”, in: *Entscheidungen zum Wirtschaftsrecht* (EWiR) 1998, p. 499 (with M. Henssler).

PEDAGOGICAL PUBLICATIONS FOR STUDENTS

119. “*Der praktische Fall – Bürgerliches Recht: Probleme des reformierten Kaufrechts*” (“Problems Stemming from the Reform of the Law of Sales”) in: *Juristische Schulung* (JuS) 2004, p. 497 (with M. Henssler).
120. “*Der Multistate Performance Test der National Conference of Bar Examiners*” (“The Multistate Performance Test of the National Conference of Bar Examiners”), in: Henssler/Schlosser (eds.), *Clinical Legal Education in den USA* (Bonn: Anwaltsverlag, 1999), p. 85.
121. “*Übungsklausur Zivilrecht: Erbrecht*” (“The Law of Succession: A Model Exam”), in: *Juristische Ausbildung* (Jura) 1999, p. 194 (with R. Böhr).
122. “*Klausur im Zivilrecht: ‘Diamantenfieber’*” (“‘Diamond Fever’: A Practice Exam in Private Law”), in: *Juristische Arbeitsblätter* (JA) 1997, p. 464 (with C. Baldus).

PRESENTATIONS AND PANELS (SELECTION – SINCE 2007)
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1. “The ‘New’ Private Law”, invited speaker, closing roundtable discussion (chair: Pier G. Monateri), conference “*Publico e privato nelle società contemporanea*”, XXVII Colloquio biennale della Associazione Italiana di Diritto Comparato, May 25-26, Università degli Studi di Bari, Italy.
2. “‘Legal Families’ and the Colonial History of Comparative Law”, invited speaker, May 24, 2023, Università Roma Tre, Dipartimento Giurisprudenza, Rome, Italy.
3. “Law at the University: Cultural Paradigms of Legal Scholarship”, invited speaker, May 22, 2023, Università Roma Tre, Dipartimento Giurisprudenza, Rome, Italy.
4. “‘Legal Families’ and the Colonial History of Comparative Law”, invited speaker, conference “*Drawing Legal Pictures*”, May 11-12, 2023, Swiss Institute of Comparative Law, Lausanne, Switzerland.

5. “Einige Bemerkungen zur ‘Consideration’” (“Some Reflections on ‘Consideration’”), invited presentation, February 27, 2023, University of Cologne, Germany.
6. “‘Eine Bibel des Egoismus’ – Heine, Recht und Rechte“ (“‘A Bible of Egoism’: Heine, Human Rights, and Law”), invited speaker, conference “Heinrich Heine und die Menschenrechte – Internationale Konferenz zum 225. Geburtstag Heinrich Heines“, November 19, 2022, Heinrich-Heine-Institut, Düsseldorf, Germany.
7. “When Rights Became Subjective”, invited speaker, Canadian Law of Obligations Conference 2022, June 23-24, 2022, University of British Columbia, Vancouver, Canada.
8. “‘A Bible of Egoism’: Heine, Human Rights, and Law”, invited speaker, Modern Language Association, Annual Meeting, Session “Heinrich Heine and Human Rights”, session organized by Willi Goetschel (University of Toronto), January 7, 2022, Washington DC, USA (participated online).
9. “Historicizing Comparison”, invited speaker, 2020 Annual Meeting of the American Society of Comparative Law, General Topic: “Comparative Legal History”, opening plenary panel, “What is the relationship between comparative law and legal history?”, panellists Tamar Herzog (Harvard), James Q. Whitman (Yale), Sheraly Munshi (Georgetown), October 15-16, 2020, online conference hosted by UCLA School of Law, Los Angeles, USA.
10. “Two Centuries of ‘Subjective Rights’”, 2020 Annual Meeting of the American Society of Comparative Law, General Topic: “Comparative Legal History”, panel “Theorizing Comparative Rights Jurisprudence”, panellists Ioanna Tourkochoriti (NUI/Galway), Peter Danchin (U of Maryland), Talya Ucaryilmaz (University of Amsterdam), October 15-16, 2020, online conference hosted by UCLA School of Law, Los Angeles, USA.
11. “*Das sanfte Vergnügen der Pflichterfüllung: Moses Mendelssohns Vertragstheorie, doux commerce und Emanzipationsdiskurs*” (“The Gentle Joy of Fulfilling Duties: Moses Mendelssohn’s Theory of Contract, doux commerce and the Discourse on Emancipation”), invited speaker, Workshop on Moses Mendelssohn as a Philosopher of Law, November 8-10, 2019, University of Constance, Germany.
12. “*Mendelssohn über die Eide*” (“Mendelssohn on Oaths”), comment on the presentation by Ursula Goldenbaum (Philosophy, Emory), invited speaker, Workshop on Moses Mendelssohn as a Philosopher of Law, November 8-10, 2019, University of Constance, Germany.
13. “Kindred Not By Choice: Legal Families, Groups, and Traditions”, invited for a discussion of my paper with comments by Professors Colleen Murphy and Vivian Curran, Princeton-UIllinois-UPenn Comparative Law Work-in-Progress-Workshop, June 2, 2019, University of Illinois College of Law, Champaign, USA.
14. “‘Hamlet without the Prince – Recent Developments in the Law of Consideration’”, invited presentation, December 18, 2018, University of Bonn, Germany.
15. “Universities and Legal Education in the Middle Ages”, invited Legal History Guest Lecture, October 31, 2018, University of Zurich, Switzerland.
16. “Legal Traditions and ‘Legal Families’”, invited speaker, panel “Remembering H. Patrick Glenn” (including Bénédicte Fauvarque-Cosson, Maximo Langer, and Ralph Michaels), July 26, 2018, Congress of the International Academy of Comparative Law, Fukuoka, Japan.

17. “Kelsen on Private Law and Private Right”, speaker/participant, international workshop “Private Law Consortium”, May 12-15, 2018, Harvard Law School, Cambridge, MA.
18. “*Ernstes Spiel: Theoretische und akademische Befassung mit Recht*” (“Serious Play: Theory Production in Legal Academia), invited speaker Legal Theory Workshop, May 2, 2018, Goethe University Frankfurt a.M., Germany.
19. “Set-off & Penalty Clauses – Report Common Law”, invited speaker, “Das Recht und seine Durchsetzung” (“The Law and its Enforcement”) 36th Annual Meeting of the German Society of Comparative Law, 15.09.2017, University of Basel, Switzerland (per teleconference).
20. “*Subjektives Recht und Gewalt*” (“Subjective Rights and Force/Violence”), Workshop “Kritik der subjektiven Rechte”, invited speaker, February 10, 2017, University of Bremen, Germany.
21. “*Ernstes Spiel: Theoretische und akademische Befassung mit Recht*” (“Serious Play: Theory Production in Legal Academia), invited speaker, September 24, 2016, “Theorien im Recht – Theorien über Recht”, Annual Conference of the International Association for Philosophy of Law and Social Philosophy (IVR), German Section, University of Bremen, Germany.
22. Closing remarks – mots de synthèse, invited speaker, “European Regulatory Private Law – A European Advantage in Transnational Lawyering?”, May 27, 2016, European University Institute (EUI), Florence, Italy.
23. “*Subjektive Rechte – eine vergleichende Rechtsgeschichte*”, guest speaker, December 7, 2015, Institut für Neuere Privatrechtsgeschichte, University of Cologne, Germany.
24. “The Development of the Concept of ‘Legal Culture’”, invited guest lecture, November 17, 2015, Center for Transnational Legal Studies, London, UK.
25. “Canadian Perspectives on Transnational Law”, invited speaker (panel on “International Perspectives” with Mathias Reimann), workshop “Transnationalization of Law”, November 13-14, 2015, Forschungskolleg Humanwissenschaften, Bad Homburg, Germany.
26. “In memoriam H. Patrick Glenn – Some Thoughts on His Oeuvre”, invited talk at the memorial event held at the Swiss Institute of Comparative Law, October 22, 2015, Lausanne, Switzerland.
27. “Legal Comparison and Legal Culture”, invited speaker at the workshop “Transnational Method Lab: Transnational Legal Cultures – a Conversation” (together with David Nelken), October 19, 2015, Institute for Transnational Law, King’s College, London.
28. “Current Methodological Problems in Comparative Law”, invited talk at the Max Planck Institute for Comparative and International Private Law, October 15, 2015, Hamburg, Germany.
29. “The Perils of Teaching Comparative Law”, Roundtable in Memory of H. Patrick Glenn, invited discussant, Annual Meeting of the Canadian Association of Law Teachers, June 3, 2015, University of Ottawa, Ottawa, Canada.
30. Roundtable “Around the World in 800 Years: The Magna Carta’s Global Influence on the Rule of Law”, invited speaker/discussant – participants included Alison Renteln (USC) und Jessica Peake (UCLA), LA Law Library, April 30, 2015, Los Angeles, USA.

31. “‘Darwinian before Darwin’: *Berufsschrift und Evolutionsgedanke im Spiegel von ‘Historical’ und ‘Sociological Jurisprudence’*” (“‘Darwinian before Darwin: Savigny’s ‘Vocation’ and Evolutionary Thought as reflected in Historical and Sociological Jurisprudence”), invited talk at the conference „*Savigny Global (1814-2014 – Vom ‘Beruf unsrer Zeit’ zum transnationalen Recht des 21. Jahrhunderts*“ (“Global Savigny – from ‘Of the Vocation of our Time for Legislation’ to the Transnational Law of the 21st Century”), September 12, 2014, Leibniz University, Hannover, Germany.
32. Report for Quebec “Internationalization of Legal Education” (comment on the report of General Reporters Christophe Jamin and William van Caenegem), XVIIIth International Congress of Comparative Law, International Academy of Comparative Law, July 20-26, 2014, Vienna, Austria – with H. Patrick Glenn.
33. “*Das Zeitelement in der Fortbildung des Common Law in England und Wales*” (“The element of time in the development of judge-made law in England and Wales”), invited talk at the symposium „Time and Judge-made Law”, June 14, 2014, Max-Planck-Institute for Comparative and International Private Law, Hamburg, Germany.
34. “Subjective Rights, Subjective Law: Kelsen on Rights and Private Law as Democracy”, paper, presented at the North American Private Law Theory Workshop, McGill University, Montreal, October 4, 2013.
35. “*Rechts-Ordnung/Ordnung der Rechte: Einige Anmerkungen zum Begriff des ‘Subjektiven Rechts’ im 19. Jahrhundert*” (“Legal Order/Order of Rights: Some Thoughts on the Concept of ‘Subjective Rights’ in the Nineteenth Century”), invited talk at the conference “Idealistic Philosophy and the Jurists”, Olin Institute for Legal History, Stockholm, Sweden, May 31-June 1, 2013.
36. “Rights, Remedies, and the ‘Publicness’ of Private Law: Institutional Dimensions of the Rights-Remedies-Relationship”, invited talk at the conference “The Comparative Law Triangle: Common Law, Civil Law, Islamic Law”, University of Qatar, October 7, 2012, Doha, Qatar.
37. Co-organized the international conference “Stateless Law? – The Future of the Discipline” and chaired the concluding roundtable discussion; discussants included Annelise Riles, Cornell University, John Gardner, Oxford University, and Hila Shamir, University of Tel Aviv. McGill University, September 28-29, 2012, Montreal.
38. “*Vertrag, subjektives Recht und Intersubjektivität in der Naturrechtsliteratur der Spätaufklärung*” (“Contract, Subjective Right and Intersubjectivity in the Natural Law Literature of the Late Enlightenment”), invited talk at the Institute for the History of Private Law at the University of Cologne, July 15, 2012, Cologne, Germany.
39. “*Recht-Pflicht-Freiheit-Zwang: Subjektives Recht und Vertrag im späteren Naturrecht*” (“Right-Duty-Freedom-Coercion: Subjective Right and Contract in the Later Discourse on Natural Law”), invited talk at the International Max Planck Research School for Comparative Legal History, University of Frankfurt, July 4, 2012, Frankfurt, Germany.
40. “Every Man an Island: Rights and Intersubjectivity in Natural Law Thought”, invited talk at the Käte-Hamburger-Kolleg ‘Law as Culture’ at the University of Bonn, June 26, 2012, Bonn, Germany.

41. “Rights, Remedies, and the State: Some Comparative Thoughts on the ‘Publicness’ of Private Law”, invited talk at the European Private Law Institute of the University of Maastricht, June 13, 2012, Maastricht, Netherlands.
42. “When the Law Became ‘Cultivated’: Some Thoughts on the Development of the Concept of ‘Legal Culture’”, invited talk at the conference “Towards a European Legal Culture”, December 16, 2011, Trinity College, Oxford, UK.
43. “Duties of Love and Self-Perfection: Moses Mendelssohn’s Theory of Contract”, invited talk at the University of Toronto Legal Theory Workshop, November 18, 2011, Toronto.
44. “Duties of Love and Self-Perfection: Moses Mendelssohn’s Theory of Contract”, invited talk at the Legal Theory Workshop at Osgoode Hall Law School, York University, November 17, 2011, Toronto.
45. Chaired and co-organized the panel “*Traduction juridique dans une justice multilingue. Visions européenne et canadienne* / Legal Translation in a Context of Multilingual Justice. European and Canadian Visions” as part of the 5th Summer Institute of Jurilinguistics, August 26, 2011, McGill University, Montreal.
46. “*Vertragsbindung durch Freiheitsübertragung*” (“Contractual Obligation by ‘Transfer of Freedom’”), July 21, invited talk at the Max Planck Institute for Comparative and International Private Law, Hamburg, Germany.
47. “Private Law in Transition: Promise, Transfer and the ‘Subreptive’ Bindingness of Contracts”, presented at the “Canadian Private Law Theory Workshop”, March 25, 2011, McGill University.
48. Commentator (invited) on the presentation “*Origines*” (Roman law) by Jean-François Gerkens, Liège, on the occasion of the workshop “*L’ordre public dans tous ses états*”, March 21, 2011, McGill University.
49. Organized and chaired the workshop “*Ius Commune – A European Common Past?*” – speakers: Shannon McSheffrey and Eric H. Reiter, Concordia University; Ada-Maria Kuskowski, Cornell University; Martin J. Schermaier, University of Bonn. October 1, 2010, McGill University.
50. Canadian report “Complexity of Transnational Sources” (response to the report of General Reporter Silvia Ferreri), XVIIIth International Congress of Comparative Law, International Academy of Comparative Law, July 25-August 1, 2010, Washington D.C, USA.
51. “Of Rights ‘Subjective’ and ‘Superstructural’: Some Remarks on the Role of Rights in Blackstone’s Commentaries”, conference “Obligations V: Rights and Private Law”, July 14-16, 2010, St. Anne’s College, Oxford, UK.
52. “Legal Icons”, invited discussant – other participants: Richard Sherwin (NYU), Adam Gearey (Birkbeck University, London), Desmond Manderson (McGill University), May 26, 2010, McGill University, Montreal.
53. “*Didaktische Zugänge zur Rechtslehre in Nordamerika*” (“Didactic Approaches to Law Teaching in North America”), invited talk at the conference “*Exzellente Lehre im Juristischen Studium: auf dem Weg zu einer juristischen Fachdidaktik*” (“Excellence in Teaching Law: Towards A Legal Pedagogy”), March 24-25, 2010, University of Hamburg, Hamburg, Germany.

54. “The Significance and Function of Usages of Trade in German Civil Law”, invited talk, McGill International Arbitration Roundtable: Usages in Theory and Practice, March 5, 2010, McGill University, Montreal.
55. “The Relationship between Rights and Remedies in Private Law: A Comparison between the Common and the Civil Law Tradition”, invited talk at the Canadian Institute for the Administration of Justice, Annual Conference 2009: “Taking Remedies Seriously”, Oct. 1, 2009, Ottawa, Ontario.
56. “*Resplendentia Formae: Scholastik und mittelalterliche Jurisprudenz*” (“*Resplendentia Formae: Scholasticism and Medieval Jurisprudence*”), invited talk, *Forum Junge Jurisprudenz* (Forum Young Jurisprudence), July 22, 2009, Eberhard-Karls University Tübingen, Faculty of Law, Tübingen, Germany.
57. “School of Life: Medieval Jurisprudence and the Scholastic Mindset”, The VI. Carlsberg Academy Conference on Medieval Legal History: Law and Private Life in the Middle Ages, May 1, 2009, University of Copenhagen, Copenhagen, Denmark.
58. “The Aesthetics of Legal Rationality: Lessons from History”, 12th Annual Meeting of the Association for the Study of Law, Culture & the Humanities, April 4, 2009, Suffolk University, Boston, USA.
59. “The Aesthetics of Scholastic Jurisprudence”, Canadian Junior Legal Scholars Conference, Queen’s University, January 23, 2009, Kingston, Ontario.
60. “Suspensions of the ‘Modern Mind’ – Scholastic Jurisprudence and ‘Irrational Formality’”, Discussion Panel, McGill Arts & Law Colloquium, November 28, 2008, Montreal.
61. “Suspensions of the ‘Modern Mind’ – Scholastic Jurisprudence and ‘Irrational Formality’”, invited presentation, Harvard-Stanford International Junior Faculty Forum, Stanford Law School, October 17, 2008, Palo Alto, California, USA.
62. Organized and chaired the panel “Emerging Issues in Remedies” – speakers: Elizabeth Adjin Tetty (University of Victoria), Stephen Smith (McGill University), Tobias Tröger (University of Frankfurt); joint annual conference of the Canadian Law and Society Association and the Law and Society Association (USA), June 1, 2008, Montreal.
63. “*Wissenschaftlichkeit in der nordamerikanischen juristischen Pädagogik*” (“Legal Scholarship and Legal Pedagogy in North America”), invited talk at the conference “*Neue Wege in der Juristenausbildung*” (“New Directions in Legal Education”), February 12, 2008, Bonn, Germany.
64. Comment on the papers by Professors Stephen Waddams, Catherine Valcke, Michael Pratt (panel on “Foundational Issues”), invited interlocutor, conference “Exploring Contract Law”, January 11, 2008, University of Western Ontario, London, Ontario.
65. “*‘Rereading the Classics’: einige Bemerkungen zur Methodologie der Rechtsvergleichung*” (“Rereading the Classics: Some remarks on the Methodology of Comparative Law”), German National Academic Foundation, Social Sciences “Kolleg”, October 10, 2007, Ellwangen, Germany.
66. “A Past (Almost) Without Promise – A Comparative Perspective on the Relationship between ‘Promise’ and ‘Contract’”, XXIII World Congress of Philosophy of Law and Social Philosophy: Law and Legal Cultures in the 21st Century – Diversity and Unity, August 5, 2007, Cracow, Poland.