

## TABLE OF CONTENTS

<b>Preface</b> .....	v
<b>J.M. Milo, J.H.A. Lokin and J.M.Smits</b> Tradition, Codification and Unification – an Introduction.....	1
<b>J.H.A. Lokin</b> Two Paradoxes on Codification .....	13
<b>C.J.H. Jansen</b> The Study of Roman Law in the Netherlands in the Early 19 <sup>th</sup> Century .....	17
<b>A.J. van der Walt</b> The Civil–Law Tradition in Constitutional Perspective .....	29
<b>P. van den Berg</b> Constitutive Rhetoric: the Case of the “European Civil Code” .....	45
<b>Dirk Heirbaut</b> Is Germany’s Past Europe’s future? Unification and Codification of Private Law in 19 <sup>th</sup> Century Germany and Today’s Europe.....	71
<b>Elsbeth Reid</b> An Older Convergence: the Scots Law of Delict.....	101
<b>Ross Gilbert Anderson</b> Scots Law and the UK Codification of Bills of Exchange.....	121
<b>J.M. Milo</b> The First Codification in the Netherlands: Legal Development Through Channels of Tradition and Change.....	145

**Janwillem Oosterhuis**

Convergence and Unification of 19<sup>th</sup> Century European Commercial Sales Law  
– why the CESL might just be an Intermezzo in the Game of Unifying European  
Commercial Sales Law ..... 159

**Bernhard Kresse**

Contractual Equivalence and Compensation in Case of the Delivery of non-  
Conforming goods in Harmonised German Sales and European Consumer Law .... 175

**Agustin Parise**

Civil Law Codification in Latin America: Understanding First and Second  
Generation Codes..... 183

**Rodrigo Momberg**

Harmonisation of Contract Law in Latin America: Efforts and failures ..... 195

**C.B.P. Mahé**

Re-Codification Attempts of French Tort Law: Traditional and Comparative  
Arguments in the Terré Tort Draft..... 209

**F. Willem Grosheide**

Tradition, Codification and Unification of Intellectual Property Law ..... 233

**Jan Smits**

Of the Vocation of our Age Against Codification: on Civil Codes in the  
Information Society ..... 245