



Contract Context Text

Cultures of
Contract
Interpretation

02-05 October 2014

Venice International University
San Servolo, Venice



Contracts frame and constitute our daily routines as much as complex economic transactions. Two or more parties create a piece of text called contract which they intend to guide their transaction or relation. But the text of the contract speaks only through interpretation. Even if the parties clearly intended some specific meaning, the changing reality may alter the context and the contract has to be read anew. The structural gap between the parties to the contract and its economic, political and social contexts has always to be bridged by interpretation.

All legal systems offer normative support for contract interpretation. From subjective "true intent", via "implied terms" and multiple other indirect re-constructions to "objective theory" arches the bundle of opposing interpretation doctrines in different legal cultures. Contract interpretation also links the text of the parties to the legislative and social political context. From the divergent national, over the European to the global level, contracts are embedded in plural legal systems and political backgrounds. But is there still something like a normative core criteria for contract interpretation? Is there an inner link between contract, context and text? Or does contract interpretation always oscillate between plural political, economic, constitutional, historical, ethical, social or even psychological dimensions?

The aim of the conference is to outline the landscape of contract interpretation and to bring the respective private law theories into dialogue. Scholars with different cultural and theoretical backgrounds are invited to present their picture of contract interpretation.

Organizers:

Bernhard Jakl | Goethe University Frankfurt/Main

Bertram Lomfeld | Free University Berlin

- Thursday, October 02 -

Arrival at San Servolo

19.00 *Welcome Drinks*

- Friday, October 03 -

10.00 Roy Kreitner (Tel Aviv)
On Markets, Morals, and Contracts
| Comment by Bertram Lomfeld (Berlin)

11.00 Roger Brownsword (London)
The Purpose of Contract Law, the Ideal of Coherence and the Choice between 'Literalism' and 'Contextualism'
| Comment by Ruth Sefton-Green (Paris)

Lunch Break

14.00 Dori Kimel (Oxford)
Personal Autonomy and Change of Mind in Promise and in Contract
| Comment by Thomas Gutmann (Münster)

15.00 Aditi Bagchi (Fordham)
Authority, Intention and Contract Interpretation
| Comment by Ruth Sefton-Green (Paris)

Coffee Break

17.00 Bernhard Jakl (Frankfurt)
A Liberal View of Contract Interpretation
| Comment by Antonio Punzi (Rome)

Joint Dinner in Venice

- Saturday, October 04 -

10.00 Alan Schwartz (Yale)
A Law and Economics View of Contract Interpretation
| Comment by Thomas Gutmann (Münster)

11.00 Dan Wielsch (Cologne)
Interpretation Regimes
| Comment by Pasquale Femia (Naples)

Lunch Break

14.00 Bertram Lomfeld (Berlin)
The Politics of Contract Interpretation
| Comment by Antonio Punzi (Rome)

15.00 *Open Discussion*

Tintoretto e² Drinks

- Sunday, October 05 -

Departure from San Servolo

Workshop room and accomodation are located on the island San Servolo (at Venice International University).

