



The Right to Specific Performance: The Historical Development (Ius Commune Europaeum)

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By presenting historical materials, this volume elucidates the quandary of the law of obligations when it has to answer the question of what a creditor eventually will acquire: damages or specific performance? In this respect, it appears that two principles continually compete for priority: 'all obligations should be fulfilled in specie' and 'no-one should be compelled to act.' What settles the dilemma? Is it fidelity to the given word or human freedom? Seven contributions discuss features of this problem from various periods of time and jurisdictions: Roman law, Medieval learned law, early-modern Spanish doctrine, Roman-Dutch law, 19th-century German law, developments in the Netherlands during the 19th and 20th centuries, and contemporary Dutch law. This book is a sequel to Intersentia's Specific Performance in Contract Law: National and Other Perspectives (ISBN 978 90 5095 714 4). It is a result of the co-operation between legal historians participating in the program 'Contract law and law of obligations in general' from the research school Ius Commune.

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