Preface

In this book, I undertook the daunting task of referring in English to terms taken from Civil Law legal systems (“legal irritants”, as some call them). 8 This is a perilous undertaking because English, “the *lingua franca* of modern times” 9 unconsciously carries with it the baggage of concepts and principles of Common Law. 10 Therefore, for the sake of clarity, I have opted to express myself in mainly descriptive legal English. 11 Most of the terms here were used in line with the terminology proposed by the Draft Common Frame of Reference. Whenever the translation of a term was disputed, I included the concept as expressed in the native language of the system in which it originated.

As regards case law, I refer to the first page of the decision, followed by each cited page in turn. Whenever a paper-format source is not named for a decision of a Portuguese court, it can be understood that the decision is only available in electronic format through the legal database of the Portuguese Ministry of Justice. 12

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8Teubner (1998), pp. 11–32.
11On the importance of a descriptive drafting style, see von Bar (2009d), p. 56.
The Draft Common Frame of Reference as a "Toolbox" for Domestic Courts
A Solution to the Pure Economic Loss Problem from a Comparative Perspective
Santos Silva, M.
2017, XXXI, 275 p., Hardcover
ISBN: 978-3-319-52922-6