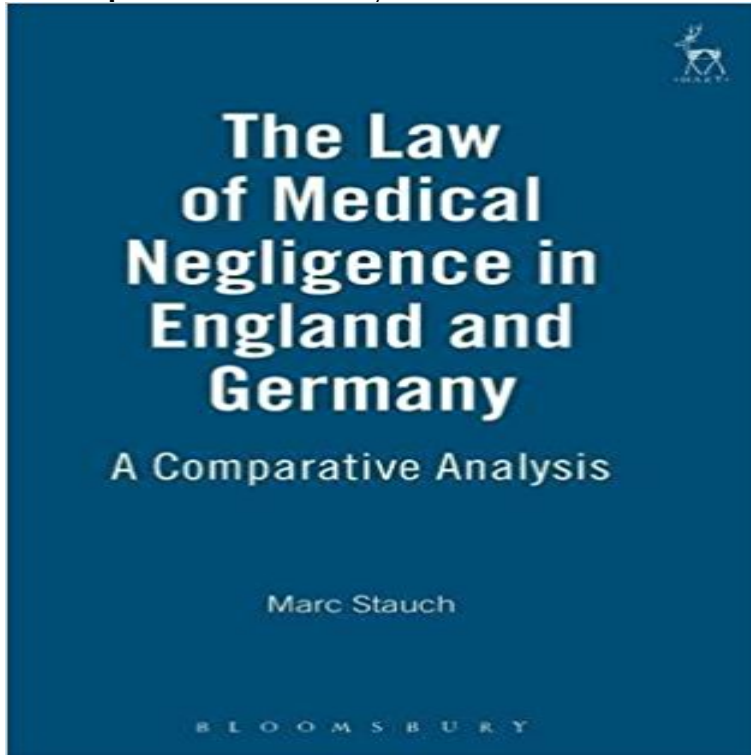


The Law of Medical Negligence in England and Germany: A Comparative Analysis



This work adds to the theoretical understanding and discussion of possible solutions to various conceptual and practical problems that arise within the field of medical negligence. It is an area whose legal treatment is perceived, both in England and Germany, as containing a number of special difficulties and shortcomings. In addition, the book makes a contribution to the developing field of comparative law, by employing a detailed and closely focused analytical approach in a tightly defined subject area. These twin aims serve to reveal the similarities and differences between two legal cultures in a particularly clear and striking way. The book offers a neutral analysis between the English and German approaches. The issues are dealt with thematically so far as possible, so that where a similar approach is taken in both countries to a given issue (e.g. the standard of care owed by medical practitioners) these will be discussed side-by-side. By contrast, where there are significant differences in the respective treatments (e.g. the standard of risk disclosure), the English approach will be discussed first, followed by the German approach. The book thus avoids the country-report style, whereby the systems are presented largely separately from each other, and instead offers a close and detailed comparison and contrast, as between the two systems, of their respective legal rules.

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