

INTERVIEW WITH REINHARD ZIMMERMANN AND JAN PETER SCHMIDT

ENTREVISTA COM REINHARD ZIMMERMANN E JAN PETER SCHMIDT

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REVISTA DE DIREITO CIVIL CONTEMPORÂNEO – RDCC¹ – What are the similarities and the differences between the German and the Brazilian legal systems?

Jan Peter Schmidt – If we look only at the written laws, we find many similarities, especially in private law. Our legal tradition is basically the same. It is a tradition that rests on the Roman-Canon *ius commune*. This tradition was brought to Brazil, and also to the rest of Latin America, from Europe. So if a German lawyer comes here today and looks, for example, at the Brazilian Civil Code, he will find many similarities with his own Civil Code, the BGB. In the way the law is structured, in the concepts we use, in the way we think about law, there are many commonalities between Brazil and Germany. So we can say we belong to the same legal family.

Similar things could be said about Brazilian constitutional law, where we see many influences from Germany. The Brazilian Constitutional Court, the Supremo Tribunal Federal, is even citing decisions from the German Constitutional Court. Especially the work of Professor Robert Alexy from

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