

**Krzysztof Bokwa**

**Non-material damage in Austrian law until 1918. Doctrine and jurisprudence**

*Summary*

The aim of the dissertation is to present the possibility of compensation for non-material damage in Austrian law until 1918, primarily in the civil code of 1811 (ABGB). This issue has been (and remains) highly controversial due to the ambiguous wording of the ABGB text. The author analyses the origins of the institution of compensation for non-material damage and its roots in the European legal tradition. Then, he describes the genesis of the regulation of this issue in the ABGB, also in the context of earlier Austrian codification works. This makes it possible to show, in the following part of the work, the controversy that non-material damage aroused in Austrian doctrine before 1918 - and, in particular, the scope of its remuneration and the possible legal bases. At the same time, the author outlines a broad background for his considerations by describing the regulation of this issue in other legal orders of 19th century Europe. A further element of the research work is an analysis of selected judgments of the Austrian Supreme Court (OGH) concerning the compensation of non-material damage. The dissertation concludes with a description of the direction of subsequent changes in Austrian law, starting from the ABGB amendment of 1916, and a brief presentation of the Polish regulation of non-material damage in the interwar period.

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