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Changing Insurance Contract Law: An Age-Old, Slow and Unfinished Story

| Chapter | First Online: 15 October 2017

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Abstract

Even in times of spectacular developments in the regulatory framework of the insurance business, it remains instructive and revealing to examine the slow but equally remarkable changes of insurance contract law. These changes illustrate the evolution which insurance itself, its image and its role in society have undergone. The present chapter focuses on five major developments: the emancipatory move of insurance from a marginal operation to a fully regular financial transaction and an indispensable ingredient of modern economic and social life; the changing concept of risk and the expanding notion of insurability; the evolution of insurance law from business law to consumer law; the integration

of insurance and its regulation into the financial services area; the difficult quest for harmonization of insurance contract law in the EU context.

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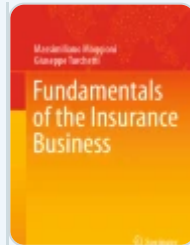
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References

Albert, M. (1991). L'avenir de l'assurance: modèle alpin ou modèle maritime? Risques. Les Cahiers de l'Assurance.

Basedow, B., Clarke, C., & Heiss, L. (Eds.). (2016). *Principles of European Insurance contract law (PEICL)* (2nd expanded ed.). Köln: Otto Schmidt Verlag.

Benton, D., Devine, P., & Jarvis, P. (1997). Credit derivatives are not insurance products. *International Financial Law Forum*, 16, 29.

Birds, J. (2011). *Insurability: Does insurance contract law need a concept of insurable interest?*, *Liber Amicorum Herman Cousy*. Antwerpen: Intersentia.

Booth, G., & Dowding, T. (2000). *Alternative risk transfer. The way ahead. The complete guide to alternative risk financing solutions for corporates and the insurance industry*. LLP Professional Publishing.

Cousy, H. (2012). Belgian National Report for the Washington 18th International Congress of the International Academy of Comparative Law, *Insurance contract law between business law and consumer protection* (H. Heiss, Ed.). Zürich: Dike.

Cousy, H. (2013). The making of the internal market of insurance. A clash of cultures. *Serbian Insurance Law in Transition to European (EU) Insurance Law*, Conference proceedings, Arandjelovac, 19-20 April 2013.

Cousy, H. (2014). The delicate relationship between law and finance: The classification of credit default swaps. *Journal of South African Law*, 2014(2), 227-242.

Cousy, H., & Claassens, H. (1997). *Assurances de la Responsabilité—Couverture dans le temps*. Antwerp: Maklu.

Dubuisson, B. (1988). *Risque et sinistre en assurance de protection juridique, in Aspects particuliers en assurance de protection juridique* (Ph. Colle & J. L. Fagnart, Ed.).

Burling, J. and Lazarus, K. (eds.). (2011). *Research handbook on international insurance law and regulation*, Edward Elgar Publishing Limited, hereafter cited as *Research Handbook*.

Fontaine, M. (2010). *Droit des assurances*, Précis de la Faculté de Droit de L'Université Catholique de Louvain, quatrième édition.

Houben, M. (2003). A propos de la prevue du sinistre volontaire. *Bulletin des Assurances*.

Kimball-Stanley, A. (2008). Insurance and credit default swaps: Should like things be treated alike? *Connecticut Insurance Law Journal*, 15, 246-247.

Loacker, L. (2015). *Informed insurance choice*. Cheltenham: Edward Elgar Publishing.

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About this chapter

Cite this chapter


Cousy, H. (2017). Changing Insurance Contract Law: An Age-Old, Slow and Unfinished Story. In: Marano, P., Siri, M. (eds) Insurance Regulation in the European Union. Palgrave Macmillan, Cham.

https://doi.org/10.1007/978-3-319-61216-4_3

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DOI	Published	Publisher Name
https://doi.org/10.1007/978-3-319-61216-4_3	15 October 2017	Palgrave Macmillan, Cham
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