The German scholar Ihering, in a famous article published in 1861, introduced the doctrine of culpa in contrahendo, anchored in the notion of good faith. The doctrine of liability for "fault in negotiating" has been received in various guises from Paris to Buenos Aires.

Rabel's summary is useful advice in guiding international negotiating:

"The doctrine [of culpa in contrahendo] is above all a liability for negligently incorrect communications, or negligent failure to communicate during contractual negotiations."\(^{21}\)

Referring Principles:

IV.8.1 - Principle of pre-contractual liability