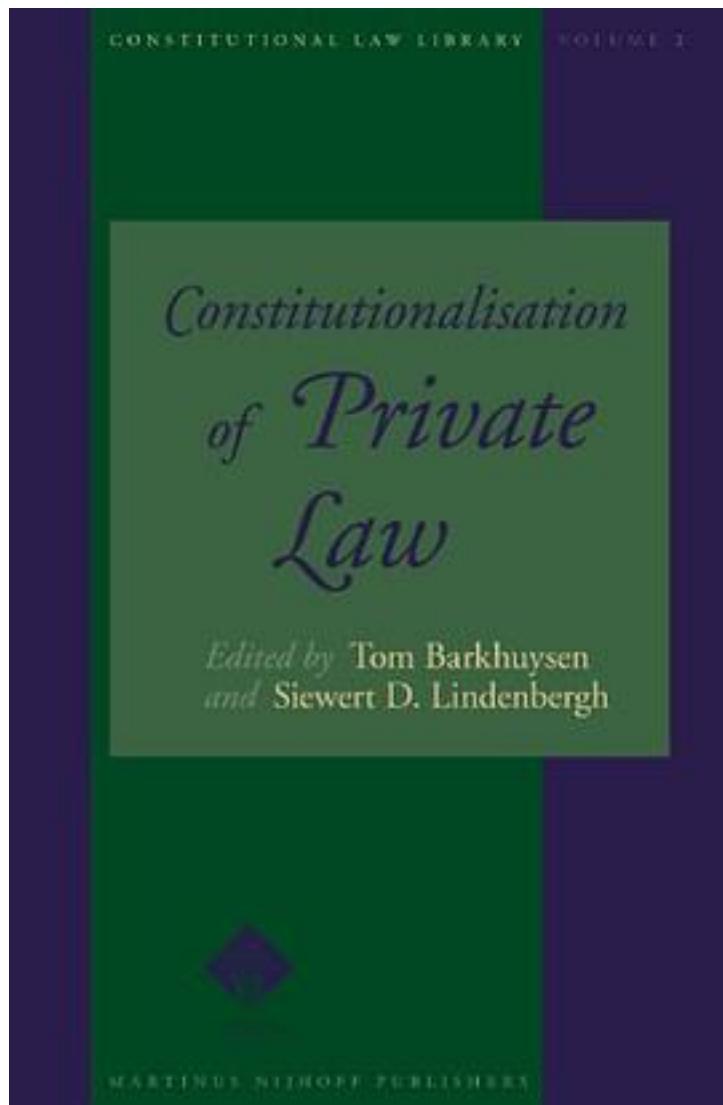


# Constitutionalisation of Private Law



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All over Europe we witness a spectacular rise of the recourse to fundamental rights in debates on civil liability. This is part of a pervasive process of constitutionalisation, of private law in general and tort law in particular. This publication aims at establishing a clear analysis of the nature and growth of the C-factor (C for constitutionalisation) in Germany, France, the UK and The Netherlands. This analysis will be followed by answering the questions: how are these developments to be judged? Does the C-factor seriously undermine the autonomy of private law ('The purpose of private law is simply to be private law Ernest J. Weinrib, *The Idea of Private Law*)? And if so, does it matter? How are we to handle the C-factor? Should we embrace it wholeheartedly, or rather adopt a policy of being neglect or even try to eradicate it altogether?

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