## Table of Contents

Prefac	e	1
	er 1 Inical 'CFR' or a Political Code? – An Introduction In W. Hesselink	3
I.	A Technical 'CFR'	3
II.	Or a Political Code?	4
III.	The Political Stakes	5
IV.	The Way Forward	7
Privat	er 2 ghts on Coherence, Social Values and National Tradition in te Law on Kennedy	9
I.	Coherence	10
II.	Social Values	19
Ш	National Tradition	24

IV.	Conclusion	31
Chaptei Political Brigitta	Issues in Property Law and European Unification Projects	33
I.	<ul> <li>European Contract Law as a Starting Point</li> <li>A. Functional / Technical Approaches Versus Political Implications Critique in Contract Law</li> <li>B. Extension of the European Unification Debate to Property Law</li> </ul>	<ul><li>33</li><li>33</li><li>35</li></ul>
II.	Property Law and EC Law	36
III.	<ul> <li>The Nature and Characteristics of Property Law</li> <li>A. Constitutional Law and Property Law</li> <li>B. Basic Differences Between Contract Law and Property Law</li> <li>1. Numerus Clausus, Specificity, Transparency</li> <li>2. Public Law</li> <li>C. Different Parts of Property Law</li> <li>Examples of Alternative Rules of Property Law</li> <li>A. Transfer by Mere Agreement or by a Special Transfer Act</li> </ul>	39 39 40 40 42 42 44
	<ul><li>B. Good Faith Acquisition from the Non-Owner</li><li>C. Registration Systems</li></ul>	46 50
V.	Conclusions	52
	kers' Civil Code? Principles of European Contract Lawing in EU Social and Economic Policy	55
I.	The Idea of a Civil Code A. Irretrievably Bourgeois B. Private Law	57 57 59
II.	Social, Economic and Cultural Rights	62

Table	Table of Contents	
	<ul><li>A. Rights as the Grounding for Workers Aspirations</li><li>B. The Character of Social Rights</li></ul>	63 64
III.	Social Rights in the Construction of the Civil Code	
IV.	Conclusion	
	oter 5  ural Diversity and the Idea of a European Civil Code  Sefton-Green	71
I.	Introduction	71
II.	Is the Idea of a European Civil Code Desirable or Possible or Does the Presence of Cultural Diversity in Europe Offer Another Solution?	
III.	Exploring the Existence of Cultural Diversity: An Open and Shut Case?  A. The Case of Change of Circumstances: Negotiate!  B. Co-Operate!	79 79 84
IV.	Conclusion	87
The land	Legitimacy of the Codification of Contract Law in View of the cation of Competences between the European Union and its ober States  Lucation States  Lucation States	89
I.	Federalism and Civil Codes: The German Case	90
II.	<ul> <li>The Missing Competence of the European Union in Drafting a European Civil Code</li> <li>A. The Concept of Legal Basis in EU Law</li> <li>B. Approximation of Member States' Law as a Legal Basis for Codification</li> <li>C. Sector Based Legal Bases</li> </ul>	92 92 94 99
III.	A Basis of Democratic Legitimacy for the Codification of Contract Law?	102

	A.	The 'Hague Programme' as a Foundation for the Harmonization of Contract Law	103
	В.	The European Parliament Resolution on the Approximation of the Civil and Commercial Law of the Member States	107
	C.	Revisiting the Issue of Legal Basis after the European Convention and the Signature of the Constitutional Treaty Using Research for the Codification of Contract Law	110 112
IV.		clusion: A Task for the Council of Europe?	113
Stefano	vil Co Rodo	de within the European 'Constitutional Process'	115
	ean C	onstitutionalism and Three Models of Social Europe es Maduro	125
I.	Mod Con A.	del 1: Economic Freedom and Social Non-Discrimination: stitutionalizing Private Autonomy Negative Integration and Private Autonomy	127 127
	В.	The Legitimacy of the Constitutionalization of Negative Integration: The Role of Private Autonomy The Emergence of a European Social Status through	128
	C.	Negative Integration	129
II.		del 2: Protecting the Social Model of the Member States The Role of the Charter: Protecting the Social Model of	131
	A.	the States	133
III.	Mo A.	del 3: The Social Model of the European Union Europe's Constitutional Project and Social Europe	135 138
	Politics	s of a European Civil Code Hesselink	143
I.	Int	roduction	143

II.	The Political Stakes in the Europeanization of Private Law	144
	A. Ideology: Left Versus Right	144
	1. Introduction	144
	2. Formation	145
	3. Content and Effects	146
	4. Non-performance and Remedies	146
	B. Legal Culture: National and European	147
	1. Introduction	147
	2. Formation	148
	3. Content and Effects	149
	4. Non-performance and Remedies	149
	C. Power: Levels of Governance	150
	1. Introduction	150
	2. Vertical Levels: European, National, Regional	150
	3. Horizontal Levels: Legislator, Courts, Scholars,	
	Practitioners	152
	D. The Symbolism of Codification: Is Europe United or	
	Divided	153
III.	The Action Plan Process	154
111.	A. Towards a European Civil Code	154
	1. A Short History of the Europeanization of Private	10 1
	Law before the Action Plan	154
	2. The Communication	155
	3. The Action Plan	156
	B. The Politics of the Action Plan Process	157
	1. Ideology	157
	2. Legal Culture	158
	3. Power	159
	4. Symbolism	160
		100
IV.	An Alternative Approach	160
1 V.	A. Dutch Example: Questions to Parliament	160
	B. 50 Questions to the European Parliaments and Stakehold-	100
	ers	163
	CIS	103
V	Annov	166
V.	Annex A. First Series: General Contract Law	166
	1. General Contract Law	166
	2. Formation	167
		167
	<ul><li>3. Validity</li><li>4. Content and Effect</li></ul>	167
	5. Non-performance and Remedies	168
	5. INOH-PEHOLIHANCE AND REINCUICS	100

194

C.

IV.

Conclusion