

Abstract

The present efforts in Europe to achieve more uniformity in private law and the debates on a European civil code need to be understood in a wider context. Europe is plagued by concerns over its problem-solving potential and its acceptance amongst Citizens. The response is ambitious projects. Eastern Enlargement, a Constitution, a Code, The project of a European civil code is the least visible among the three - and yet specifically instructive. The Europeanization of private law is to a large degree about the restructuring of the linkages of private law with its more comprehensively, albeit selectively Europeanized regulatory environment and the manner in which it is embedded in welfare State institutions. Europe has to learn how the openness of national markets can co-exist with differences in legal cultures, differently shaped relations between State and "society". In its multi-level System of governance none of the established legal disciplines can provide guidance for the denationalization and Europeanization of private law. The Europeanization process needs to be understood and organized as a process of discovery and learning. Only then can Europe make productive use of its diversity.