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Claiming Consumers' Rights Patterns and Limits of Adversarial Legalism in European Consumer Protection

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Litigation has turned into an instrument that of consumer protection in Europe. However, the institutional and political barriers for adversarial legalism American style are high in European countries. Contrary to the United States punitive damages are not an option and contingency fees for lawyers are strictly limited. The paper states that a distinctive way of European adversarial legalism has emerged instead. It is much more based on public interest groups than on law firms that bundle claims. This model fits in national cultures and to business groups it looks less risky. For the European Commission policy tools like collective redress are a decentralized way to bolster compliance in member states. So national legal traditions, business groups behavior and the commission' preferences have paved the way to a European way of law enforcement in consumer policy.

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