



Punitive Damages in Private International Law: Lessons for the European Union

Cedric Vanleenhove

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Although European scholars have called U.S. punitive damages an "(undesired) peculiarity of American law" and the "Trojan horse of the Americanisation of continental law," the European Union cannot close its eyes to this important feature of U.S. law. Despite being under constant scrutiny, punitive damages have a strong foothold on the other side of the ocean. Moreover, due to increased globalization, transnational litigation is arguably on the rise. In cross-border law suits, it is inevitable that a jurisdiction will encounter legal institutions that are alien to the substantive law of the forum. This book examines the private international law treatment of American punitive damages in the European Union. It poses the crucial question whether U.S. punitive damages (should) penetrate the borders of the European Union through the backdoor of private international law. More specifically, three areas of private international law are analyzed: service of process, applicable law, and enforcement of judgments. In addition to describing the current positions in case law and scholarship, the book takes a normative perspective and attempts to formulate concrete guiding principles that can be used when the European legal order faces U.S. punitive damages. It, therefore, provides an invaluable resource for practitioners, judges, and authorities confronted with this controversial remedy.
[Subject: Private International Law, Tort Law]

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