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## The Future of Civil Codes in Europe

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The late 20th and early 21st centuries are witnessing a tense debate on the suitability of a European Civil Code. The immense volume of literature that it generated inside and outside the boundaries of the European Union reveals big tensions. On the one side, there is the wish of a symbolic commitment pushing forward a Union all too perceived as being the work of politicians and bureaucrats: a European Civil Code would stimulate European identity and citizenship, and strengthen the formidable integration accomplished in the past fifty years. On the other hand, however, there is much local resistance, for many understandable reasons. In those jurisdictions where civil codes do not exist, a European Civil Code may be perceived as the imposition of a foreign model conflicting with the local tradition. In the many jurisdictions where codification already exists, comes the fundamental question: why can't we keep our local law? After all, if European integration allows us to keep and cherish our multiple languages, why not also our multiple systems and civil codes?

At the same time, several European countries commemorate the bicentennial of their civil codes (France 1804-2004, Austria 1811-2011) or sometimes the centennial, as in the case of Germany that had four years to celebrate a BGB promulgated in 1896 to come into force on January 1st, 1900. Outside Europe, Louisiana commemorated the bicentennial of its Civil Code, 200 years after the enactment of the Digest of 1808, which borrowed the form of the French Code of 1804 and, when enlarged as the Civil Code of 1825, served as a model in Spain and all over Latin America. This shows that codes can be at the same time national and seminal, and that seminal codes can have enormous influence outside a national jurisdiction: they can be national and a-national.

Meantime, all codified systems are facing phenomena known as decodification, revision, or recodification, questioning the paradigmatic value of civil codes. This is probably the first question to be addressed in a reflection on the future of civil codes in Europe: do civil codes remain a suitable form of legislation? The answer is yes, if civil codes remain citizen-centered. Should civil codes remain national or should we encourage the adoption of a European Civil Code? The point will be made that the European Union can develop with multiple civil codes, foreign experience showing that diversity can favor a stronger union. In any case, civil codes must remain close to the people they mean to serve, which calls for some rethinking of the revision and recodification processes.

This summary reflection is centered on the citizen, all too often neglected in contemporary reflections on codification. Developed in three steps like a Viennese waltz, it is meant to honor one of the great masters of the civil law in Austria, in Europe, and

also in the world, who served the advance of the civil law of his country and significantly contributes to the development of a European civil law in the field of tort obligations.