

Modern developments in Roman civil law

In the latter part of the 20th century and continuing into the 21st century, civil-law systems underwent substantial modification as a result of **the changing sources of law in modern, bureaucratic, regulatory states**. Virtually all modern civil-law systems have **increasingly made use of uncodified statutory law** in order to regulate broad areas of social and economic life.

Such legislation typically falls outside the scope of the traditional civil codes, even when it touches on questions concerning contract or delict—areas of law that were traditionally governed by the codes. **Furthermore, because much of the modern statutory law is administered by regulatory agencies, it lacks the systematically integrated conceptual framework characteristic of the civil-law codes, which were shaped by legal and cultural traditions.** Contemporary statutory law tends to reflect the much-broader role of the state in modern society, even in the areas traditionally considered to be part of “private” law. In addition, both constitutional law and international law have reflected a broadened concern for fundamental rights in ways that also make civil law more public in orientation. Such developments in modern law have had important implications for the traditional content and scope of civil law. The influence and salience of classical codes have receded, as many code-based legal systems now rely on extensive areas of non-codified “special legislation” as well as the case law of national and supranational courts. The traditional divisions of areas of law within civil codes have become increasingly uncertain as the law addresses new problems, such as consumer protection and sports law, that were not contemplated by the prior legal categories. Public-law concerns have pervaded almost every area of the civil law: equal treatment principles, for example, have completely transformed the previously patriarchal family-law provisions of civil codes everywhere.

These developments have been especially pronounced in countries that are members of the European Union (EU), largely owing to supranational efforts to integrate European markets and to harmonize national laws. European law, or European Union law, often affects and even replaces the substantive rules of the civil law, although it does not necessarily use traditional civil-law juridical constructs or respect traditional dogmatic civil-law categories. It therefore contributes to the further breakdown of the civil codes.

In Europe such changes in civil law, which are likely to continue and even to increase in tandem with global economic activity and the growth of international and supranational legal institutions, cast doubt upon the utility of treating civil law as the defining characteristic of continental European legal systems. At the same time, some believe an effective balance can be reached through a Europe-wide civil code that would seek to reconcile the traditional civil-law codes with modern legal developments.

STATUTORY, a. Enacted by statute; depending on statute for its authority; as a statutory provision or remedy.