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## Preface

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## PREFACE

*“You’re right . . . We’re Mediterranean. I’ve never been to Greece or Italy, but I’m sure I’d be at home there as soon as I landed.” He would, too, I thought. New Orleans resembles Genoa or Marseilles, or Beirut or the Egyptian Alexandria more than it does New York, although all seaports resemble one another more than they can resemble any place in the interior. Like Havana and Port-au-Prince, New Orleans is within the orbit of a Hellenistic world that never touched the North Atlantic. The Mediterranean, Caribbean, and Gulf of Mexico form a homogeneous, though interrupted, sea.<sup>1</sup>*

*Juris Diversitas* was founded informally at the periphery of the *Second International Congress of the World Society of Mixed Jurisdiction Jurists* (Edinburgh, 2007). We had two related aims. The first was to expand comparative scholarship to cover not only the explicit Western legal hybrids referred to as the ‘classical mixed jurisdictions’, but both more exotic legal hybrids and legal/normative hybrids more generally. The second, related aim is the encouragement of interdisciplinary dialogue between comparatists and others. For a few years, our ‘members’—from Cyprus, France, Italy, Louisiana, Quebec, etc—formed little more than an online discussion group. We expanded very slowly, by invitation. In 2009, following a chance remark at a conference dinner in Ireland about the need to find funding to pursue our themes, we were given the opportunity to co-organise, with the *Swiss Institute of Comparative Law*, a symposium on comparative law and hybrid traditions. That symposium was held in September 2009. A formal Executive Committee was established at the same time.<sup>2</sup> In early 2010, we created a blog to alert both members and

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1. A.J. LIEBLING, *THE EARL OF LOUISIANA* 87 (1961).

2. The Executive Committee includes President Seán Patrick Donlan (Limerick) and Vice-Presidents Ignazio Castellucci (Trento and Macau) and Olivier Moréteau (Louisiana State). More recently, Lukas Heckerdorn-Urschler

others about related events, materials, and associations.<sup>3</sup> Our logo is, appropriately, a bowl of gumbo. At the same time, we established a distinguished Advisory Board.<sup>4</sup> Subsequently, a collection of articles inspired by our Swiss symposium was published in 2010.<sup>5</sup>

A few years earlier, I had the good fortune to visit the University of Malta in 2008. I was eager to learn more about Malta's mixity, a combination of Anglo-British and Italo-continental laws (as well as other modern European laws) that was little-known beyond its shores. In my lectures and research there, I paid special attention to whether the jurisdiction fit the 'third legal family' model that Vernon Palmer—founder and President of the *World Society of Mixed Jurisdiction Jurists*—proposed in his *Mixed Jurisdictions Worldwide: the Third Legal Family* (2001).<sup>6</sup> In this research, Dr. David Zammit, Head of the University of Malta's Department of Civil law, was my ally.<sup>7</sup> A lawyer and legal anthropologist, he became a member of *Juris Diversitas*. He also saw the possibility of combining the study of 'legal hybridity' and 'normative hybridity.' Legal hybridity includes explicit mixed systems. Recognizing, however, that all traditions are mixes, it extends to both covert hybrids and more complex, diffuse influences on the law. Normative hybridity combines the mix of these diverse state laws and other, inform 'unofficial' norms. Dr. Zammit and I subsequently co-taught a class on *Comparative Law*

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(Swiss Institute of Comparative Law) has become our Treasurer and Salvatore Mancuso (Macau), our Secretary.

3. <http://jurisdiversitas.blogspot.com> (Last visited December 9, 2011).

4. Including Patrick Glenn (McGill), Marco Guadagni (Trieste), Roderick Macdonald (McGill), Werner Menski (SOAS, London), Esin Örücü (Emeritus, Glasgow), Vernon Palmer (Tulane), Rodolfo Sacco (Emeritus, Turin), Boaventura de Sousa Santos (Coimbra, Wisconsin, and Warwick), William Twining (Emeritus, University College London and Miami), and Jacques Vanderlinden (Emeritus, Free University of Brussels and Moncton).

5. *COMPARATIVE LAW AND HYBRID LEGAL TRADITIONS* (Eleanor Cashain-Ritaine, Seán Patrick Donlan, and Martin Sychold eds., Shulthess for the Institute Suisse de droit compare, 2010).

6. Professor Palmer has, however, since begun a second edition. Malta will be included.

7. With the addition of Biagio Andò (Catania), we eventually completed *A Happy Union: Malta's Legal Hybridity* 27 *TUL. EUR. & CIV. L.F.* (forthcoming 2012).

*and Legal Pluralism*. We also began to discuss the possibility of hosting a *Juris Diversitas* event on these themes.

With the help of Dr. Zammit and Dr. Simon Merceica, Head of the *Mediterranean Institute* at the University of Malta, a second symposium was organized to take place in Malta in June 2010. That event focused on the legal and normative traditions of the Mediterranean. It was hosted by the Department of Civil Law of the Faculty of Law of the University of Malta and the *Mediterranean Institute*. Professor Olivier Moréteau (Louisiana State University) delivered our plenary presentation. We also launched, thanks to Professor Palmer, the '*Mediterranean Hybridity Project*' of *Juris Diversitas*. That Project also owes much to conversations with Dr. Zammit. It is the subject of my paper included in this issue. As a native Louisianan and a graduate of the Paul M. Hebert Law Center, I am pleased, too, to be publishing the articles inspired by the Maltese symposium in the *Journal of Civil Law Studies*. Contributors include jurists from Malta and beyond, including the current Dean of the Faculty of Laws of the University of Malta. The Executive of *Juris Diversitas* is grateful for the efforts of Dr. Merceica and all those who helped to organize and administer the symposium. We are grateful, too, to Professors Moréteau and Palmer. Finally, a special and personal thanks is due from me to Dr. Zammit for his organizational efforts and, still more, for his vision.<sup>8</sup>

*Juris Diversitas* has not rested, of course. After meeting in Malta, we organized a follow-up workshop on our Mediterranean Project. That meeting was held, appropriately, at the University of Catania in October 2010. We held our 2011 Annual General Meeting at the *Third International Congress of the World Society of Mixed Jurisdiction Jurists* in Jerusalem (Israel), continuing our close association with that organization. More recently, we co-organized, again with the *Swiss Institute of Comparative Law*, a conference on *The Concept of Law in Comparative Context*:

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8. Note that the *Protection Project* at The Johns Hopkins University *School of Advanced International Studies* has organized, in cooperation with the *World Society of Mixed Jurisdiction Jurists* and the Tulane University Law School *Eason Weinmann Center for Comparative Law*, an international conference on *Mixed Legal Systems, East and West: Newest Trends and Developments*. The conference will be held in Malta on 14-15 May 2012.

*Comparative Law, Legal Philosophy and the Social Sciences*. In addition to a plenary address by Werner Menski (SOAS), contributors included, among others, Mauro Bussani (Trieste), Baudouin Dupret (CNRS), Andrew Halpin (Singapore), Emmanuel Melissaris (LSE), David Nelken (Cardiff and Macerata), and Mark van Hoecke (Ghent). That conference was held in October 2011 and will result in another collection in 2012. A future conference is also being organized with Professor Dupret and the *Centre Jacques-Berque* (Rabat, Morocco). Scheduled for June 2012, it will focus on ‘*Doing Justice: Official and Unofficial “Legalities” in Practice*’. I also look forward, one day, to bringing our members to Louisiana. They’ve heard a lot about the gumbo.

Dr. Seán Patrick Donlan\*

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