

Louisiana Law Review

Volume 10 | Number 1
November 1949

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Repository Citation

Clarence J. Morrow, *An Approach to the Revision of the Louisiana Civil Code*, 10 La. L. Rev. (1949)
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An Approach to the Revision of the Louisiana Civil Code*

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The prospective revision of the Louisiana Civil Code potentially will produce the most important document in the history of American private law—I repeat, the most important document in the history of American private law. This is not said lightly, or hastily, or merely for the sake of having something to say on this occasion. Rather, it is based upon a careful consideration which has convinced me thoroughly that the Louisiana State Law Institute has a heavy and serious responsibility, of which it may have to be convinced in turn, not only to this state, but to the nation and the world, in undertaking this revision. My purpose will be to try, insofar as it may be possible in a single brief paper, to impart that conviction to you.¹

*An address which was delivered on May 5, 1949 at the annual meeting of the Louisiana State Law Institute, Baton Rouge, Louisiana. At the request of the Louisiana State Law Institute, this address is being published by both the Tulane Law Review and the Louisiana Law Review.

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¹ This paper is published as it was delivered, and no documentation has been attempted. However, a partial bibliography of material concerning some of the problems discussed herein, of particular interest to Louisiana readers, would include: Franklin, *The Historic Function of the American Law Institute; Restatement as Transitional to Codification*, 47 *Harv. L. Rev.* 1367 (1934); Morrow, *Louisiana Blueprint: Civilian Codification and Legal Method for State and Nation*, 17 *Tulane L. Rev.* 351, 537 (1943); Franklin, *Concerning the Historic Importance of Edward Livingston*, 11 *Tulane L. Rev.* 163 (1937); Morrison, *The Need For a Revision of the Louisiana Civil Code*, 11 *Tulane L. Rev.* 213 (1937); Ireland, *Louisiana's Legal System Reappraised*, 11 *Tulane L. Rev.* 585 (1937); Comment, *Stare Decisis in Louisiana*, 7 *Tulane L. Rev.* 100 (1932); Symposium (Daggett, Dainow, Hebert, McMahon): *A Reappraisal Appraised: A Brief for the Civil Law of Louisiana*, 12 *Tulane L. Rev.* 12 (1937); Franklin, *Equity in Louisiana: The Role of Article 21*, 9 *Tulane L. Rev.* 485 (1935); Franklin, *Review of Dart's Civil Code of Louisiana*, 7 *Tulane L. Rev.* 632 (1933); Franklin, *Review of Restatement of Law of Contracts*, 8 *Tulane L. Rev.* 149 (1933); Morrow, *The Proposed Louisiana Criminal Code—An Opportunity and a Challenge*, 15 *Tulane L. Rev.* 415 (1941); Morrow, *Louisiana Annotations to the Restatement of the Law of Torts*, 16 *Tulane L. Rev.* 644 (1942); Stone, *Tort Doctrine in Louisiana: From What Sources Does It Derive*, 16 *Tulane L. Rev.* 489 (1942); Stone, *Tort Doctrine in Louisiana: The Materials for the Decision of a Case*, 17 *Tulane L. Rev.* 159 (1942); Stone, *Teaching Law Comparatively*, 22 *Tulane L. Rev.* 153 (1947); Beutel, *The Necessity of a New Technique of Interpreting the N. I. L.—The Civil Law Analogy*, 6 *Tulane L. Rev.* 1 (1931); Morrow, *The Louisiana Criminal Code of 1942—Opportunities Lost and Challenges Yet Unanswered*, 17 *Tulane L. Rev.* 1 (1942); Morrow, *The 1942 Louisiana Criminal Code in 1945: A Small Voice From the Past*, 19 *Tulane L. Rev.* 483

The basic, historical pattern is familiar to all. Partly through happy accident and partly through the wise design of our predecessors, Louisiana inherited the French Civil Code of 1804, which has been celebrated universally as the greatest and most influential legal document the world has ever known. That code brought to us, as it has to all who have received it, the culmination of the world's most mature legal system: representing, in substance, the Roman law with its centuries of experience and development, and, in form, a legal text consciously and deliberately formulated on the basis of all the known techniques of its day. This state was one of the first heirs of that Code, and it placed us, in our infancy as a jurisdiction, literally hundreds of years in advance of our neighbors. At first we were worthy heirs. In the first quarter of the 19th century we acted as though we had some appreciation of the value of our legacy. During the career of Edward Livingston the Code was fortunately in the hands of one of the great legal scholars of history, who preserved it at a crucial time in its life and attempted to accommodate it to the somewhat strange new situation in which it was placed. Whether the Louisiana Code, as thus accommodated, represented in every sense an advance over the French Code is debatable, but there was certainly no retrogression, and whatever was done was the result of careful planning, utilizing all the resources afforded by the time and place. In fact, bold new action was taken: other, companion Codes were drafted, attention was given to the problem of legal method, and plans for constant recodification were put forward. In short, law men in Louisiana in 1825 approached the problems we are now considering on a level which has never been approximated since that time.

But these are familiar matters, learned early in our legal education, and recalled quite vividly on those occasions when we wax emotional and nostalgic about the Code. Most of the time we incline to forget the rest of the story. While wisdom may have combined with accident to introduce and preserve the Code in Louisiana in the early years, we must admit, if we are to be completely honest with ourselves, that accident rather than wisdom has predominated in the last century. We know that the Code all but disintegrated during the 19th and early 20th cen-

(1945); Morrow, *Civilian Codification Under Judicial Review: The Generality of "Immorality" in Louisiana*, 21 *Tulane L. Rev.* 545 (1947); Stone, *The Loesch Case and Article 667*, 17 *Tulane L. Rev.* 596 (1943); Stone, *Tort Doctrine in Louisiana: The Aggressor Doctrine*, 21 *Tulane L. Rev.* 362 (1947); Hubert, *A Louisiana Anomaly—The "Writ" System in Real Actions*, 22 *Tulane L. Rev.* 459 (1948).

turies, and this was only partly because of traditional legal inertia in the face of changing social and economic conditions. The major factors in the decline of the civil law system of which the Code was the most important part were not merely isolation from other civil law jurisdiction, lack of civil law libraries, lack of civil law scholarship, but, most serious, lack of concerted effort to overcome these disadvantages and lack of understanding of the necessity for resisting common law infiltration. By the twentieth century, the result was that the Code was venerated more because it was ours and because it made us somewhat "different," than because of any appreciation of its true value. Legal chauvinism and local pride, rather than sympathetic understanding, dominated our early twentieth century thinking about the Code and its future. We feared that we did not really know enough about its mysteries to discard it, so we tended to ignore it, or bypass it by means of other legislation, or hide it beneath a gloss of jurisprudential concepts which too often derived from common law sources. Our so-called "precious heritage" had become a "precarious heritage," indeed, by the end of the first quarter of this century.

However, it cannot be denied that a renaissance of the civil law has taken place in the last twenty years. While it could not be expected that a miracle could be wrought in that interval, the accomplishments have not been inconsiderable. Modern law schools have been trying to teach not only a practical knowledge of the substance of the Code, but an appreciation and understanding of it upon a theoretical level. Attention is now given to the form and construction of the Code, and to the civil law method of interpretation so necessary to its survival. The Code is revealed not as a dying curiosity but as a dynamic instrument of tremendous potentialities, despite its obsolescence. Modern law reviews have striven admirably to overcome the deficiencies of a century and to supply the doctrinal writing so essential to a civil law system, as well as to reconstruct the historical, cultural and intellectual base upon which the system must rest. This Institute has been a tremendous factor in this renaissance. Not only has it made contributions like those of the law schools and law reviews, such as research and translation projects, but it has been the medium for translating all these efforts into practical action in the field of legislation. It is now engaged in the preparation of revisions of the statutes and of the Constitution, and it has already produced an entirely original Criminal Code

which can compare without discredit with similar codes. There are signs that the Institute is becoming increasingly aware of its role as the missing feature of Livingston's plan for creating in this state the completely mature legal system, and signs that it is prepared to assume that role. The next step is clear. It is the destiny of this Institute to revise the Louisiana Civil Code, and no matter how we view the task it is plain that we are at the cross-roads. This body shall either go forward on the basis of the auspicious prelude of the last twenty years which have been devoted to recapturing our earlier position of advantage, or it shall discard these initial successes, reverse the recent trend, and allow our legal fortunes to relapse into the low estate in which the early twentieth century found them.

This paper is a plea that the trend be not reversed—that we go forward and not backward. What is involved in “going forward”? As yet no way exists of proving scientifically that “progress” in law lies in one direction rather than in another, or that one form of positive law is superior to another. Any decision to be made will be made on the basis of a combination of limited human experience, faulty human reason, and obscure human intuition. Yet, objectives desirable to the great majority of us can be quickly stated in general terms. Certainly in Louisiana there can be no doubt that we all, though we may have different reasons, are united in our determination to preserve a codified source of law; there is no thought of abandoning the Code. But this alone does not make us unique any longer. Everywhere, through the force of necessity if not through conscious design, law men are turning to legislation as the accepted form of the positive law of the future. The battle is likely to center now around the precise form the legislation shall assume, rather than around the question of legislation or no legislation. Here as well, however, our general objectives are not subject to debate in this state. We are happily committed to comprehensive Codes rather than to piece-meal, miscellaneous statutes. We probably would agree generally that we should seek to obtain the most useful and efficient legal mechanism human ingenuity can devise: a Code at once as comprehensive and yet as brief as possible; a Code which will be professional and technical to a necessary degree, and yet possess such clarity and simplicity that it will be comprehensible to laymen and rest upon popular will; a Code which will combine a maximum of consistency, predictability and certainty with a maximum of flexi-

bility and susceptibility to growth and necessary change. That is the ideal—that way legal “progress” lies.

It is in the search for the easiest path to the realization of this ideal that opinions will differ and the controversies will arise. But it is obvious to me that the path we are seeking lies in the direction of the fulfillment of our destiny as a civil law jurisdiction. In other words my suggestion for attaining our common goal is to give new impetus to the civil law renaissance in Louisiana, for thereby we eventually shall reap the fruit of that renaissance in the form of the greatest Civil Code which has ever been formulated. I do not believe it is naivete, or provincialism, or legal chauvinism which causes me to take this position. It is rather a realization, on the basis of years of study of comparative law, that civil law substantive concepts, civil law formulation of legislation, and civil law method are vastly more effective than their common law counterparts in achieving the ideal I suggested above as the common goal of most law men. This is a realization shared by substantially all comparative law scholars. Time and space do not permit detailed development of this point, but suffice it to say that the civil law concepts of substantive law—the “rules” and “principles” of law, if you like—products of centuries of development in ancient and modern Roman law—are more rational, more keen and incisive in their analyses, and more efficient tools for the solution of conflicts of interests, than common law substantive concepts. The latter, even when they lead to the same conclusions (which they do not always do by any means), are more likely to involve technical distinctions which have merely historical bases, useless fictions and formalisms, survivals of feudalism, endless difficulties caused by the irrational division into law on the one hand and equity on the other, and other products of immaturity in legal systems. No less important is the *form* of civilian Codes as compared with the legislation of common law jurisdictions. Civilian codification alone, through the use of conscious legislative techniques, produces the requisite comprehensiveness coupled with brevity, simplicity and clarity of expression. Contrast, if you will, the form of a series of articles in the French or Louisiana Code with a series of sections from typical Anglo-American statutes or with sections of some Restatement of the American Law Institute. Or, for a modern Louisiana experiment, compare the form of the Louisiana Criminal Code of 1942 with that of any so-called Criminal Code in the United States today. With reference to legal method, compare the results under the civil law method

which unfortunately we have so largely abandoned in Louisiana, with that of Anglo-American law. While the civilian does not dignify the judge as a creator of law, he assigns him the equally important task of decision of each individual case, not by reference to other decisions, but by reference to legislative texts and within the limits of such judicial discretion as the legislative texts grant. One result, for example, is the brief French judicial report. Since the Anglo-American theory of *stare decisis* applies under statutory law as well as under common law, the judge in this country labors in all cases under the double burden of looking backward and forward at the same time, and the ever increasing results of his labor pour forth in an unending stream, overtaxing our library shelves and our pocketbooks, to the delight of law book publishing companies, which capitalize upon the sad delusions of those who search for the case "exactly in point."

I am suggesting, then, that we continue to turn to civil law experience as a basis for going forward. This will mean that our models in the revision of the Civil Code will be not only the Code Napoleon and our own present Code, but also the great modern Codes of Europe: the German Civil Code, the Swiss Code of Obligations, the new Italian and Greek Codes, and, of course, the revised French Civil Code which is now in preparation. If we take this course, we shall make the following approaches to six important specific problems about which I have chosen to make suggestions. These six are: (1) the period of time to be devoted to the project; (2) the preliminary work to be done by this Institute; (3) the substance of the Revised Code; (4) the form of the Revised Code; (5) the theoretical base for the Revised Code; (6) an informational campaign to be conducted collaterally by this Institute.

(1) In the first place we must regard the Revision of the Civil Code as a long term project. By this time the Institute should be a "going concern" in the eyes of the public and of the legislature and there should not be any necessity whatever for the frantic haste which has characterized the work on some of the projects. The process of drafting the German Civil Code consumed twenty years. While it has never been thought necessary to devote such a lengthy period to the formulation of any of the well known Civil Codes since that time—largely because the subsequent codes had the benefit of the German experience—nevertheless the drafting has always involved a very substantial period. I would say that we should not even consider devoting less than

five years to the project, computed from the time that drafting actually begins until the submission to the legislature, and, in my opinion, it would be preferable to think in terms of a period closer to ten years.

(2) Next, for a considerable period before actual drafting begins, this Institute must continue to promote in every way it can all of the various preparatory activities which have been going on for the past twenty years. By this I mean the Institute must continue to cooperate with law schools in their efforts to produce a civil law renaissance in the state. This could be done in many ways. For example, the stimulation of civil law and comparative law research in the law schools, both by graduate students and by undergraduate members of law review editorial boards, would be a great step forward. Perhaps this could be accomplished by establishing scholarships, fellowships or even cash prizes to be awarded to meritorious recipients. Not only original preliminary research and doctrinal writing are important, however. One of the greatest preparatory tasks of this Institute will be to supply adequate translations, not only of some basic civilian treatise, such as the *Planiol* project, but also translations of many of the modern Civil Codes of Europe and Latin America which have not yet been translated into English, to say nothing of translations of any preliminary drafts of the Revised French Code. Such activities of the Institute will take time, but they are essential to any intelligent revision of the Louisiana Code, and there seems to be no reason why, once capable personnel can be obtained, such projects could not start very soon.

(3) When at length we come to the actual formulation of a revised Civil Code for Louisiana, certain broad issues will inevitably arise, many of which can be anticipated even now. Since they are so sure to arise, I do not feel that it is presumptuous on my part to mention some of them and indicate how I believe they must be disposed of under my conception of the task which I have been asked to outline at this time.

First, as to the substance of the Revised Code, I assume that it must be basically that of the present Code of 1870, but I assume also that there should be sweeping changes throughout. To put it another way, I assume we are interested in a modern civil code and not in a Restatement. Certainly many of the present texts of the Code could be omitted altogether without loss, sometimes because they are obsolete, but more often because they are merely expository and thus have no place in a modern code. Much of

this expository material (derived from early French commentators) was added in 1825, apparently in an effort to explain to a relatively untutored bench and bar some of the mysteries of French civil law theory as expressed in the somewhat laconic Code Napoleon. Modern civil law assigns the task of exposition to the *motifs* of the Code or to subsequent doctrinal writing, and there is no place for such material in the code itself.

In determining which of the remaining substantive texts of the Code shall be kept intact, obviously policy considerations will be involved, and, of course, it would not be appropriate for me to say now, even if time permitted, what my proposed solution of any considerable number of concrete problems as a matter of policy would be. However, I would urge now that in the selection of substantive concepts to be included in the Code, very close attention should be given to many concepts which have been developed on the continent since the drafting of the Code Napoleon and which represent, in my opinion, both desirable solutions and practical, efficient methods of achieving those solutions. For example, I cannot imagine a blind retention of our existing concept of lesion without first thoroughly exploring the development that concept has had on the continent—a development from which we have been precluded by the rigidity of our own Code's concept of lesion. In other words, before we retain any single concept of our present Code unchanged, we should be sure that, following a comparative survey of all analogous concepts in other, more modern Civil Codes, no more desirable solution, or no more effective way of reaching the same solution, can be found.

In this connection, the question will, of course, arise of the extent, if any, to which modern common law concepts should be employed in the Revised Code. In my opinion, they should by all means be examined with great care, particularly those chosen for inclusion in modern Uniform Acts like the Commercial Code, which is now in the drafting stage. Without wishing to prejudge any such concepts dogmatically, however, I am very dubious about the prospect of making any real gains from such sources. In most fields, the Code Napoleon itself was ahead of the present common law, and even where the common law concept is quite admirable and acceptable in its own context, rarely is it advantageous to uproot it and to try to place it in a civil law context, where it is likely to produce inconsistencies and contradictions.

A more difficult decision lies ahead in determining to what extent the Revised Code should embrace common law concepts

which either the Code of 1870 or the jurisprudence may be said to have accepted already. Actually the Code has accepted very few. The example usually given is the common law concept of "consideration," since the Louisiana Code repeatedly uses the term, frequently in referring to the enforceability *vel non* of promises. The fact is, however, that the term is never used in the common law sense, but was intended to be (and in some articles is stated to be) synonymous with civil law "cause," so that any Louisiana decisions accepting technical common law consideration as a standard for the enforceability of promises are based upon a spurious interpretation of the Code. A clarification is certainly needed, and in my opinion, clarification in the form of the complete suppression of the "consideration" concept. In other instances, the acceptance of common law concepts has been accomplished in the jurisprudence without any pretext of following code authority. Sometimes this has been done upon the theory that the Code is silent on the point, or, just as frequently, by simply ignoring what the Code does have to say. For example, the rights of third purchasers of movable property have been determined quite often in this state by applications of the common law "bona fide purchase" doctrine. Admittedly, the Code's treatment of this problem is very inadequate, but it is certainly not silent on the subject, at least not to a court trained in civil law interpretation by analogy. In any event, the introduction of the concept of a "bona fide purchase," the application of which is based on a distinction between "legal" title and "equitable" title, in a civil law jurisdiction, which has never had such a distinction, is perfectly absurd. This is the type of common law concept which must be utterly destroyed in any revision of the Code. Still another set of instances in which common law concepts have been employed have arisen in fields where Louisiana courts have simply failed to understand the purposes and advantages of the Civil Code's approach to the problem. For example, in the field of tort, the marvelous simplicity of Articles 2315 and following of the Code has been smothered and obliterated by repeated unnecessary judicial excursions into particularized common law doctrines such as "last clear chance," "*res ipsa loquitur*" and "attractive nuisance." The whole theory of the Civil Code articles on delictual responsibility rests upon the notion that this field requires a minimum of predictability in advance and a maximum of individualization of decision, and thus that only broad standards need be provided in the Code. Yet, to read the jurisprudence, one would often think

the courts of this state were bound by the Torts Restatement rather than by the Code, so thoroughly have they become insulated from the Code's original theory by a mass of case law based on common law sources. In some instances, this has led to the acceptance of concepts in direct contravention of the Code articles, as in the acceptance of contributory negligence. In my opinion, the Code revision should seize the opportunity to restore Louisiana to the civil law in this field as well, and once again it would be necessary to do a thorough housecleaning of unnecessarily imported common law concepts.

The next reference I wish to make to matters of substance in the Revised Code is related to the last point. I have said that the jurisprudence which finds its basis in non-civil law sources should be suppressed. What about the jurisprudence which purports to be based solely on the Code, as much of it does, for example, in community property and family law? To what extent shall this portion of the jurisprudence be drawn upon in selecting substantive concepts for the Revised Code? A tremendous temptation will be felt to "restate" a great deal of this material, and thus turn the Revised Code into a glorified digest, in which the existing Code articles will become merely a framework upon which to hang the jurisprudence. If this approach should be taken, in my opinion, it would be far better not to undertake the revision project at all. A careful, minute study of the jurisprudence must be made, of course, but rather for the purpose of revealing defects, omissions and inconsistencies of various sorts in the Code, than for the purpose of discovering precise, concrete rules for the decision of every conceivable fact situation which has arisen in the state. That is, the jurisprudence is a splendid record of the law in action: what texts of the Code have proved obscure and inadequate, what problems are not provided for in the Code, which texts have given too great judicial discretion and which too little, and so forth. As Livingston put it, the jurisprudence is a continuing report to the legislature of the success or failure of various portions of the Code. Any greater reliance than this upon the jurisprudence in any Code revision would, in my opinion, be unwarranted.

No reference to the problem of selecting substantive concepts for the new Code would be complete without pointing out the obvious fact that today there are modern, scientific bases for legislation, either unknown or ignored even two or three decades ago. Surely the point in the so-called "integration" of law and science has been reached where we can at least consider seriously the

recommendations of sociologists in determining our family law concepts, or the suggestions of business economists in striving for the most desirable solutions of troublesome problems such as the ranking of privileges. The prospective revision of the Code must exhaust the possibilities of assistance from both the physical and social sciences in formulating, if necessary, entirely new substantive concepts for inclusion in the Code.

(4) What should be the form of the Revised Code? It seems clear that on the basis of the experience of other modern Civil Codes the old arrangement of the Code Napoleon has fallen into disfavor, and it is unlikely that even the current revision of the French Code will retain it. Once the desirability of a rearrangement should be agreed upon, the way would be open for a significant advance.

Generalization is the soul of civilian codification. The success of such codification depends in large measure, then, upon the extent to which useful generalizations can be devised and the extent to which they can be employed together in appropriate combinations. The ultimate in such civilian technique is to provide a master set of generalizations called a "General Part," which shall apply throughout the whole Code. This approach was used in the Louisiana Criminal Code of 1942, with the consequence that general provisions concerning criminal intent, criminal negligence, incapacities of various sorts to commit crimes, defenses and justifications applicable to all crimes, the law of attempts to commit crimes, and so forth, were all set forth at the outset in a "General Part." This method has been used with great effectiveness in civil codes as well, as illustrated by the German and other modern civil codes. It seems clear that these experiences in other jurisdictions are full of significance for us, and any intelligent revision of our Code will not fail to take account of them. The German Civil Code has demonstrated that it is possible to create a concept of the "legal transaction" in general, including contracts, donations, wills, adoptions, *et cetera*, and then to state generally for all "legal transactions" the legal consequences of lack of capacity, lack of requisite form, illegality, vices of consent, and so forth. The extent to which we shall wish to follow this example should be a major inquiry in all of our thinking about Code revision.

Even in the "Special Part," as distinguished from the "General Part" to which I have just referred, however, the problem of the extent of generalization of expression as a matter of form will be

ever present. In this regard, however, the problem will be easier, for it will be a matter of keeping what we have, rather than trying to improve the form of our law by original action which may be unfamiliar to many. The key to determining the extent of generalization desirable in expressing particular Code articles seems to lie in attempting to designate those fields of law which demand a maximum of predictability and then in attempting to provide the relatively narrow, precise rules for those fields. On the other hand, where individualization of decision seems appropriate, the solution would appear to be to permit a maximum of judicial discretion by providing only a broad legal standard rather than a narrow legal rule. This has been the civilian method of Code formulation ever since the Code Napoleon, and, happily, therefore, this is already part of our heritage. Our Code is relatively detailed and particularized in its statement of rules concerning inheritance, property, and prescription, for example, and properly so. But concerning the highly individualized problem of substantial performance of contracts we find only the broadly stated Articles 2046 and 2047 on the implied resolatory condition, and concerning tort liability we find only the broad generalization in Articles 2315-2324. It seems very clear to me that we must preserve this approach in any revision, even though we must beat down attempts to provide in the Code an exact result for every case involving partial performance of contracts and even though in the field of torts we must go beyond this and remove the gloss of jurisprudence which has smothered Article 2315.

(5) In addition to these matters of form and substance, there are a host of problems which are too numerous for detailed discussion at this time. Our present Code is either completely lacking or sadly deficient in provisions concerning its theory of law and legal method. It is possible to eke these out from a few articles scattered throughout the Code, and from the brief "preliminary provisions" in Articles 1 through 21. But these are so obscurely stated in language enigmatical to all save legal scholars that it has been easy to ignore them, and the acceptance of common law theories and method has been accelerated by this deficiency in statement of the Code's theoretical basis. The prospective Code revision should supply the necessary theoretical texts. We must thrash out the problems of the respective roles of courts and legislatures in creating law, of *stare decisis*, of the handling of the "unprovided for" case, of interpretation by analogy and otherwise, of the validity of the pre-existing jurisprudence as a source of law, and many similar problems. When we have done

so, appropriate texts must appear in the Code. We must provide a complete and carefully prepared set of "*motifs*," or draftsmen's notes, as an aid to interpretation. We must encourage additional doctrinal writing on the subject of the Code, so that this necessary source of reference in the civil law system will not be lacking as it has been for so much of our present Code's history. And, no matter how successful a Code we may think we have produced at the conclusion of our labors, we must provide for its constant recodification.

(6) The last suggestion I have to make is perhaps the most important, because it is intensely "practical." I have already said that a Code revision such as I contemplate is a very long-term project and that there are certain measures which this Institute should be taking, both before the project actually begins and also during its progress. My last point is this: If we believe that a Code revision in the civilian manner is desirable, a collateral undertaking by this Institute in the form of an informational and educational campaign will be essential. We shall need the ideas, advice, assistance, suggestions, and support of the bench and bar of the state, and in turn we must provide the means for reaching the members of the bench and bar on the local level to explain what we are doing and why we are doing it, and to convince them that this is not merely some local, provincial project. It is one of the great advantages of this Institute that it makes such a campaign possible. Under the auspices of this body civil law scholars and experts can be brought to Louisiana lecture platforms, local bar association discussion groups can be arranged, published materials can be circulated, and bench and bar response can be stimulated. I surely believe that such steps will be essential to any successful revision of the Code.

Let me point out that if we take the course of action I have been describing we shall produce at once an efficient document of Louisiana private law and also a significant contribution to the legal progress of the world. And nothing less will do. The law men of the nation and of the whole legal world expect nothing less when Louisiana undertakes a project of this kind. It is a truism to say that Louisiana is peculiarly situated geographically, historically, culturally and legally. It is not so commonly understood that this fact gives us not only the opportunity, but the responsibility as well, to accomplish things which cannot be achieved elsewhere. We need not shrink from the task. Things already have been done here which could not have been accom-

plished elsewhere. It is no accident that we are sitting at this moment in an assembly of an Institute of this kind, with its record of achievement. Where else in the nation does its counterpart exist? Nor is it an accident that the Louisiana Criminal Code of 1942 was adopted in this jurisdiction, rather than in some other. These are but preliminary manifestations that, while we and our legal tradition have known dark days, we are now ready to assume our proper role and realize our destiny. Let me conclude with a plea that we shall continue to keep our sights on the highest possible level.