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The Russell Long Chair and CCLS Newsletter

September 2013 – No. 26

Journal of Civil Law Studies, Volume 6, Number 1

The Journal of Civil Law Studies is proud to announce the publication of Vol. 6 #1 of the JCLS. The issue in its entirety and each individual article are available at <http://digitalcommons.law.lsu.edu/jcls/>.

The Journal of Civil Law Studies has moved to Digital Commons, the leading hosted institutional repository software for universities, colleges, law schools, and research centers. The old website of the Journal will automatically redirect users to our new home on Digital Commons. Links to the old site will remain operational for articles published in volumes 1 to 5, but downloads from the old website will not be computed in ongoing statistics. Authors and users are encouraged to update existing references and bookmarks.

The new issue of the journal is divided into four sections: Articles, Essays, Civil Law in Louisiana and Civil Law in the World.

- The **Articles section** features a critical analysis of *textualism*, as it is exposed by Antonin Scalia and Brian A. Garner in their book "Reading Law: the Interpretation of Legal Texts" (See **James R. Maxeiner, Scalia & Garner's Reading Law: A Civil Law for the Age of Statutes?**); a masterful general presentation of the Cypriot Legal System as a mixed legal system (**Nikitas E. Hatzimihail, Cyprus as a Mixed Legal System**); a comparative study on the value of embryonic life under U.S. and Argentine law, which focuses on the connection between semantics and the law in this very controversial contemporary issue (**María del Pilar Zambrano & Estela B. Sacristán, Semantics and Legal Interpretation: A Comparative Study of the Value of Embryonic Life under Argentine and U.S. Constitutional Law**); and a comparative and economic analysis of ownership transfer and systems of legal publicity when the object of the transaction is an immovable (**Luz M. Martínez Velencoso, Transfer of Immovable and Systems of Publicity in the Western World: An Economical Approach**).
- The **Essays section** is dedicated to essays written by law students. **Jared Bianchi**, J.D., University of Vermont, has made an interesting connection between the civilian tradition of Louisiana, with its conception of *ius commune* and *ius cogens*, and the arguments advanced in the Slaughter

House Cases, and the subsequent development of substantive due process in Supreme Court cases. **Justin Ward**, J.D/D.C.L., Louisiana State University, has compared the use of gross negligence in connection to immunity statutes and punitive damages in Louisiana and American common law, and is making an argument for a broader use of punitive damages in Louisiana law, based on the gap filling potential of such a remedy.

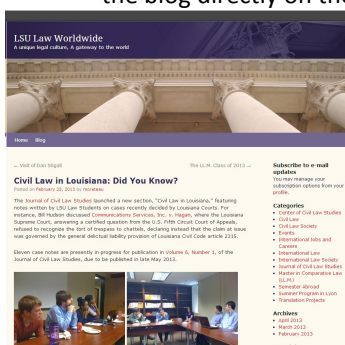
- **Civil Law in Louisiana**, a feature introduced in Vol. 5, gives LSU Law students the unique opportunity to write and have published a case note, analyzing current interesting cases and jurisprudential trends. The case notes analyze diverse issues like: confusion and mineral rights (Brian Flanagan), consent (William Gaskins), the doctrine of *contra non valentem* (Leigh Hill), child support (Aster Lee), supplemental partition of community property (Claire Murray), interim spousal support (Taheera Sabreen Randolph), donations (Morgan Romero), subleases and assignments of mineral rights (Marion Peter Roy, III), and the connection between civil possession and the vice of discontinuity (Ross Tuminello).
- A new feature introduced in this issue of the JCLS is **Civil Law in the World**. This is a section that will, from now on, contain articles or reports by JCLS Foreign Correspondents, analyzing recent developments in civil law countries around the world. In this issue, **Alexandra Popovici** is analyzing the **nature of Partnership**, as it has developed in the law of **Québec**, while introducing the reader into the unique characteristics of the Québécoise theory of patrimony. **Asya Ostroukh** is giving a splendid presentation on the evolution of the civil law and the **succession of civil codes in Russia** in order to prove the civilian core of the Russian tradition. Last, but not least, **Juana Marco Molina** analyzes the **developments in Spanish private law over the period 2010-2012**, Spanish law having changed significantly in some areas during this period, on the one part, as a reaction to the Economic Crisis, and on another, in order to align Spanish law with European Union law. This report was translated from Spanish by Yovanna Vargas, with assistance from Laura Castaing, Jennifer Lane and Alexandru-Daniel On.

The LSU Law Worldwide Blog & CCLS on Facebook

The new blog *LSU Law Worldwide* keeps you informed of all international activity at the LSU Paul M. Hebert Law Center, with a particular focus on CCLS activity. All posts are automatically redirected to the CCLS Facebook page.

Our readers have two ways of following us:

- Regular visits to <http://sites.law.lsu.edu/worldwide/blog/>; you may subscribe to e-mail updates, to receive an e-mail every time the blog is updated (once or twice per week);
- Facebook users may search for “Center of Civil Law Studies” or access our Facebook page at <http://www.facebook.com/ccls.lsu> and “like” us, and will receive notification of any new post on the blog directly on their Facebook News Feed.



Journal of Civil Law Studies, CALL FOR PAPERS

The [JCLS](#) welcomes submissions of articles and notes related to civil law topics in Louisiana and worldwide. Unsolicited book reviews and review articles are also welcome.

The following are regarded as topics of particular interest:

- Civil law institutions in the world (with an emphasis on comparative perspectives)
- Law revision in Louisiana and other civil law jurisdictions, with a special focus on the revision of the law of obligations, sales, property, and land registration
- Community of gains in Louisiana and in other US jurisdictions
- French, Spanish, and other influences on the development of the Louisiana civil law
- Comparative legal history
- Slavery and civil law taxonomy (particularly regarding the Louisiana Digest of 1808 and the Louisiana Civil Code of 1825)

The JCLS is intended to promote a multidisciplinary and pluralistic approach, with a focus on the following themes:

- The evolution of the law in mixed jurisdictions, mainly Louisiana
- The evolution of the civil law in English speaking environments: linguistic challenges, translation, legal transplants, cross-fertilization, contamination, diffusion
- The impact of globalization on the evolution of the civil law and the common law
- The impact of the civil law and the common law outside the western world and their interrelation with other legal traditions
- Bridging the divide between civil law and common law in the Americas and in Europe
- The combination of the civil law and common law traditions in the harmonization and unification processes, including linguistic and taxonomic challenges.

Civil Law Workshop Series

This falls marks the return of Civil Law Workshops with a series on the Louisiana Civil Law.

QUO VADIS CODEX CIVILIS LOUISIANENSIS? CURRENT PROBLEMS, POSSIBLE SOLUTIONS

Where is the Louisiana Civil Code heading? This Civil Law Workshop Series aims at visiting the Louisiana Civil Code in the perspective of its future evolution. Participants will be invited to reflect on the Civil Code revision and interpretation, not so much in the perspective of what has been done in the past, but in view of what needs to be done to keep the Code evolving in the best interest of the Louisiana social community.

Papers will primarily focus on the substance of the Code, and will help identify recently revised or older parts of the Code that need legislative or judicial attention. Problems will be identified and solutions will be proposed. Papers can also visit the structure of the Code, the style and the language of it, with a forward looking perspective.

The Workshop will meet monthly, at dates to be announced, from 4:00 p.m. to 5:30 p.m. Beverages will be served. Speakers are invited to keep their remarks within a 30-45 minutes range, to allow ample time for discussion.

The Workshop papers will be published in Volume 7, Number 2 of the Journal of Civil Law Studies (Winter 2014).