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The Russell Long Chair and CCLS Newsletter

September 2018 – No. 44



Professor Emeritus Attila Harmathy to Deliver the 41st Tucker Lecture

Thursday, November 8, 2018 at 12:40 p.m.
Louisiana State University, Law Center
Robinson Courtroom, 201
Reception to follow in the Student Lounge

THE SPEAKER

Legal studies at Faculty of Law, Eötvös University (Budapest, 1955-1959); Faculté internationale de droit comparé (Strasbourg, 1964-1967).

Professor (1983-2007), Dean of the Faculty (1990-1993), Director of Post-Graduate Studies (1993-2003) and Professor Emeritus (2007-) at Eötvös University, Budapest.

Vice-President of the Hungarian Academy of Sciences (1995-1998), Justice of the Hungarian Constitutional Court (1998-2007).

Visiting Professor at University of California (1988), Université d'Aix-Marseille (1993, 1996), Université Panthéon-Assas, Paris II (2002), University of Iowa (2003), and Louisiana State University (2007).

Research at Clare College, University of Cambridge and Max-Planck-Institut (Hamburg). Participation in joint research organized by the European University Institute in Florence. Organized and cooperated in research work between British and Hungarian university professors (1993-2004). Participated in several codification works.

Member and Vice President (1998-2010) of the International Academy of Comparative Law; Member of the governing council of UNIDROIT, Rome (2003-2013); Member of the Société de Législation Comparée, the International Academy of Commercial and Consumer Law, Academia Europaea; Member of the Court of Arbitration of the International Chamber of Commerce, Paris (2010-2014).

THE LECTURE

This is an attempt to understand the development of law, more particularly the civil law, in a country under constant changes, addressing history, sociology, economics, political science, languages, literature, arts, and, most importantly, civil law itself.

The country's history starts from the foundation of the Hungarian state in the 11th century, in the middle of Europe, trying to be independent between strong Western kingdoms and the Byzantine Empire, and creating legal rules based on Christian values. This aim was pursued under the domination of different empires: Tatar, Turk, Austrian, Russian, and German.

Political history helps understand the slow economic and social development, the special importance of public (constitutional) law, the importance of cultural development. Over the centuries, the development of civil law was connected with legal development in other countries of Europe, yet without a formal "reception" of Roman law. Attempts were made to codify civil law on basis of the classical civil codes but for different (mainly political) reasons without success. Consequently, although special important laws were enacted, Hungary had no written Constitution until 1949 and no Civil Code until 1959. Hungarian civil law was to a great extent judge-made law, with published decisions of the Supreme Court (the Curia) since the early 19th century, having binding force under conditions specified by Acts of Parliament.

After World War II, a politically controlled and centrally directed planned economic system prevailed. Nevertheless, the Civil Code of 1959 reflected the previous Hungarian civil law. As a result of a slow political *détente*, the importance of comparative law kept growing and civil law could develop, to contribute to the profound changes in the political framework leading to a new political system in 1990. Since that time, the Hungarian civil law developed within the framework of European harmonization and Hungary became a member of the European Union in 2004. The Civil Code of 2013 was drafted in this context.

Announcing the Journal of Civil Law Studies, Volume 11

The Journal of Civil Law Studies starts its second decade of existence, with the forthcoming publication of volume 11, number 1. This first issue for 2018 will feature four articles:

1. The Organization of American States' Model Law on Simplified Corporations, by **Francisco Reyes**
2. Early 20th Century Perceptions of Civil Law-Common Law Difference: F.L. Joannini's Spanish-English Civil Code Translations in Context, by **Seth S. Brostoff**
3. Canada's Legal Traditions: Sources of Unification, Diversification or Inspiration?, by **Rosalie Jukier**
4. The Impact of Harmonized European Private Law and the Acquis Communautaire on Spanish Law, by **Luz Martinez Velencoso**

Civil Law in the World will feature reports on Central America, by **Claudia María Castro Valle**, and Germany, by **Saskia Lettmaier**. The book by **Dan Stigall**, *The Santillana Codes*, will be reviewed by **Agustín Parise**.

Website Updates

The [CCLS webpage](#) got a facelift this summer, with updates to the Publication Page and the addition of a Translation Program page.

The [Louisiana Civil Code Online webpage](#) was also updated. Both English and French texts stand as revised and amended through the 2017 legislative sessions. The site went through an overall cleanup, fixing numbers of typos and visual glitches. The CCLS team is grateful to anyone pointing to the existence of remain-

ing problems and thanks Sam J. Levy, Internet Applications Developer, who built the [Digest Online](#) and Louisiana Civil Code Online applications.

LSU Law Welcomes the LL.M. Class of 2019

The LSU Law Center welcomes the class of 2019: Sofia Bentrari (Aix-Marseille, France), Gabriel Colombani (Aix-Marseille, France), Sandrine Coutaud (Nantes, France), Giovanna De Assis Barreira Silva (Uruaçu, Brazil), Henri Haguët (Le Mans, France), Florencia Ibanez (Argentina and Louisiana), Noémie Le Colleter (Grenoble, France), Nancy Maurice (Martinique, France), and Sheena Thompson (Honduras and Louisiana).

LL.M. in Comparative Law students are trained rigorously in the same common law and federal law subjects that are taught at other leading American law schools. The curriculum also reflects the Law Center's role as a champion of the civil law. Students interested in pursuing advanced study of the civil law may elect to take courses that offer an extensive comparison of the law under the two legal systems.

The LL.M. in Comparative Law requires two semesters in residence (August to May) and a minimum of 26 credit hours of study. Our students are generally required to take two courses: Introduction to United States Law (2 credits) and Legal Research & Writing (2 credits).

For the rest of the credits, students have great flexibility to tailor their course work to match their individual interests and have the freedom to explore a wide variety of courses to suit their professional plans. LSU Law offers a full range of law courses, seminars, and skills development classes.

For more information on the LL.M. [visit our webpage](#) and contact llmadmissions@lsu.edu.



Photo: The LL.M. class of 2019 at the Louisiana Supreme Court in New Orleans

Juris Diversitas 6th General Conference in South Africa

In partnership with
Faculty of Law, North-West University, Potchefstroom, South Africa

<http://jurisdiversitas.blogspot.com/> and <https://www.facebook.com/JurisDiversitas/>

LAW, ROOTS & SPACE



The Theme:

A couple of lawyers' old friends: 'Sources' and 'Jurisdictions'. In their parlance, these notions are often associated to modern, 'positive' law.

The idea of 'legal formants' has been introduced to complete the picture, flexibilising it, making it more accurate, nuanced, realistic; an idea associated to comparative, socio-legal, anthropologic studies.

With 'Roots' and 'space' geographers, historians, political scientists get involved. These are certainly less frequent notions in legal circles: we may still wish to make friends with them, to enrich our perception of legal phenomena.

'Roots' is often associated to history of law and related discourses – if legal formants may complete a picture, legal roots do complete the movie, so to speak.

'Space': an open notion, perhaps a non-notion in modern legal discourse, generic enough to include every spatial dimension of legal phenomena: dissemination of movie theatres and other forms of diffusion of the various show-biz products could be the appropriate metaphor here, including space law and virtual property.

A legal discourse that goes beyond the checkboards, or the series of juxtaposed swimming pools – Tetris-style – containing water from their respective individual sources, produced by modern, Westphalian conceptions of the law. It goes, instead, to normative forces producing their effects without a precise geographic boundary: like radio stations, magnetic or gravitational fields. Or like intricate sets of rivers, lakes, canals, ponds, infiltrated wetlands, oceans, weather, all contributing to a locally diversified but still unitary eco-system and bio-sphere of water, landscape, vegetation, fauna.

A discourse on normative forces and the fuzziness of their historic and geographic reach.

Submissions:

Panel proposals and interdisciplinary presentations are strongly encouraged, as is the participation of doctoral students and scholars from outside of the discipline of law. While parallel sessions featuring three presentations of twenty-minute each will be the pattern, we welcome creative arrangements.

Panel Proposals of circa 1000 words and a short biography (in *English* or in *French*) should be submitted **electronically** by **October 31, 2018**. You will be informed of the outcome by the end of November 2018. Click here <https://goo.gl/forms/JnRqHQOHFnTuBz5w2> to submit panel proposal.

Individual Proposals of circa 500 words and a short biography (in *English* or in *French*) should be submitted **electronically** by **November 30, 2018**. You will be informed of the outcome by the end of December 2018. Click here <https://goo.gl/forms/Wutow8SR4CqTDDhh2> to submit individual proposal.

For more detail, visit the [Juris Diversitas Events Page](#)