Editor-in-Chief
Olivier Moréteau
Louisiana State University Paul M. Hebert Law Center, USA

Executive Editor
Agustín Parise
Faculty of Law, Maastricht University, The Netherlands

Managing Editor
Jennifer Lane
Louisiana State University Paul M. Hebert Law Center, USA

Special Editors
Gaëlle Forget
Credit Suisse, Wroclaw, Poland
Jason Maison-Marcheux
Louisiana State University Paul M. Hebert Law Center, USA

Book-Review Editor
Susan Gualtier
Louisiana State University Paul M. Hebert Law Center, USA

Honorary Members of the Advisory Board
Robert A. Pascal
Louisiana State University Paul M. Hebert Law Center, USA
Rodolfo Sacco
Faculty of Law, University of Turin, Italy

Advisory Board
Stathis Banakas
Norwich Law School, University of East Anglia, United Kingdom
Paul R. Baier
Louisiana State University Paul M. Hebert Law Center, USA
Andrea Beauchamp Carroll
Louisiana State University Paul M. Hebert Law Center, USA
Seán P. Donlan
University of Limerick, Ireland
Muriel Fabre-Magnan
Faculty of Law, University Panthéon-Sorbonne, Paris 1, France
Frédérique Ferrand
Faculty of Law, University Jean Moulin, Lyon 3, France
Silvia Ferreri
Faculty of Law, University of Turin, Italy
James R. Gordley
Tulane University Law School, USA
Michele Graziaidei
Faculty of Law, University of Turin, Italy
David W. Gruning
College of Law, Loyola University New Orleans, USA
Attila Harmathy
Faculty of Law, Eötvös Loránd University, Budapest, Hungary
Nicholas Kasirer  
Justice, Court of Appeal of Quebec, Canada

Pnina Lahav  
Boston University School of Law, USA

Alain A. Levasseur  
Louisiana State University Paul M. Hebert Law Center, USA

Melissa T. Lonegrass  
Louisiana State University Paul M. Hebert Law Center, USA

Hector MacQueen  
University of Edinburg School of Law, United Kingdom

Ulrich Magnus  
Faculty of Law, University of Hamburg, Germany

Blandine Mallet-Bricout  
Faculty of Law, University Jean Moulin, Lyon 3, France

Juana Marco Molina  
Faculty of Law, University of Barcelona, Spain

Michael McAuley  
Trusts Counsel, Trott & Duncan, Hamilton, Bermuda

Barbara Pozzo  
Faculty of Law, University of Insubria, Como, Italy

Christa Rautenbach  
Faculty of Law, North-West University, South Africa

Francisco Reyes Villamizar  
Faculty of Law, University of the Andes, Colombia

Lionel Smith  
McGill University Faculty of Law, Canada

Jan M. Smits  
Faculty of Law, Maastricht University, The Netherlands

Fernando Toller  
Faculty of Law, Austral University, Argentina

John Randall Trahan  
Louisiana State University Paul M. Hebert Law Center, USA

Jacques P. Vanderlinden  
Faculty of Law, Free University of Brussels, Belgium  
Faculty of Law, University of Moncton, Canada

Stefan Vogenauer  
Faculty of Law, University of Oxford, United Kingdom

Michael L. Wells  
University of Georgia School of Law, USA

Pierre Widmer  
Swiss Institute of Comparative Law, Lausanne-Dorigny, Switzerland

Special Advising Editor  
Alexandru-Daniel On  
Faculty of Law, Maastricht University, The Netherlands

Senior Graduate Editors  
Diego Anguizola  
Tarkan Orhon  
Shane Büchler  
Sara Vono

Junior Graduate Editors  
Tiffany Bush  
Kacie Gray  
Leona E. Scoular
JOURNAL OF CIVIL LAW STUDIES (ISSN 1944-3749)

Published by the Center of Civil Law Studies, Paul M. Hebert Law Center, Louisiana State
University.

© September 2015, Center of Civil Law Studies

The JCLS welcomes submissions for Articles, Notes, Comments, Essays, Book Reviews, and
General Information. Unless otherwise agreed, contributions should have been neither published nor
submitted for publication elsewhere. All contributions will be subject to a critical review by the
Editors, and will be subjected to peer-review.

Editorial communication and books for review should be addressed to the editor-in-chief, and sent to
our editorial offices.

Editorial offices:
    Paul M. Hebert Law Center
    Center of Civil Law Studies
    W326 Law Center
    Baton Rouge, LA 70803-1000

jcls@law.lsu.edu
www.law.lsu.edu/jcls
**ARTICLES**

Golden Jubilee of the Center of Civil Law Studies: Celebrating the Development of Legal Science in Louisiana  
*Agustín Parise* 1

Drawing the Line of the Scope of the Duty of Care in American Negligence and French Fault-Based Tort Liability  
*Karel Roynette* 31

**CONFERENCE PAPERS**

Les unions (il)légalement reconnues: approches internationales

Introduction  
*The Editors* 75

Les unions en France : l’embarras du choix ?  
*Dominique Garreau* 77

Il matrimonio per tutti ? Le droit et la société italiens face aux unions entre personnes de même sexe  
*Enrica Bracchi & Carolina Simoncini* 107

L’évolution historique du mariage en Espagne : de la Seconde République au Franquisme  
*Ana Conde* 127

Les unions entre gens de même sexe ou de sexe différent en droit chinois : perspective historique  
*Yuan Fang* 141

Mariage et union de personnes de même sexe aux États-Unis : une affaire compliquée par le fédéralisme  
*Olivier Moréteau* 163

**NOTE**

The Role of Objective Good Faith in Current Contract Law: For a General Duty of *Inter Partes* Cooperation and Solidarity  
*Lucas Abreu Barroso & Laio Portes Stiel* 187
CIVIL LAW TRANSLATIONS

Louisiana Civil Code - *Code civil de Louisiane*
Book III, Title 6

*Center of Civil Law Studies*  209

ESSAY

An Analysis in Empathy: Why Compassion Need Not Be Exiled from the Province of Judging Same-Gender Marriage Cases

*Kacie Gray*  243

CIVIL LAW IN LOUISIANA

*Costanza and Brewer v. Caldwell*

*Tiffany Bush*  263

*Haruff v. King*

*Leona Scoular*  273

CIVIL LAW IN THE WORLD

*Chile*
Recent Evolution of the Civil Law in Chile: The Rise of Doctrine

*Carlos Felipe Amunátegui Perelló*  283

*Poland*
Developments in Personal Injury Law in Poland: Shaping the Compensatory Function of Tort Law

*Ewa Bagińska*  309

BOOK REVIEWS

An Introduction to Comparative Law Theory and Method

*Jacques Vanderlinden*  355

The Scope and Structure of Civil Codes

*Jimena Andino Dorato*  367