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Invitation au voyage

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INVITATION AU VOYAGE

Invitation au voyage: is there better title to our Volume 8, Number 2? Our journey starts in Louisiana, to take us to Switzerland and Turkey. In *One into Three, Three into One*, Esin Öricü creates a magic triangulation between the Louisiana, Swiss, and Turkish civil codes, translation making the first spread to new horizons, and one of three linguistic versions of the second supporting the creation of the third and generating a new civil law system in Turkey. Translated into French and Spanish, the Civil Code of Louisiana could regain its historical influence in Latin America and be more accessible in other parts of the world. There is no migration of legal ideas without translation, and translation is in itself a linguistic and cultural voyage. This was the 38th John H. Tucker, jr. Lecture in Civil Law on March 17, 2015.

We then leave Glasgow-based Professor Esin Öricü in Istanbul to meet Professor Kjell Å Modéer in Lund, wherefrom he invites us to explore uncharted legal links between Sweden and Louisiana. At an annual meeting of the American Society for Legal History in Austin, Louis de la Vergne introduced himself to Professor Modéer as a descendant of Gustavus Schmidt, who was a famous attorney in 19th century New Orleans. Gustavus's brother Carl Schmidt was a prominent judge in Sweden, the Schmidt brothers' home country. The two brothers founded law reviews in Sweden and Louisiana, and established a rich comparative law conversation between both jurisdictions. Loads of books and legal ideas crisscrossed the Atlantic, including Gustavus Schmidt's *Civil Law of Spain and Mexico*, published in 1851, which was well received by the King of Sweden. Navigating private correspondence, novels, and poetry, the reader will discover a rich and unexpected transatlantic intercultural communication between Sweden and Louisiana. The journey ends in the basement of the Lund law library where the author rediscovers one of the six copies of *The Civil Law of Spain and Mexico* once sent to Sweden by

Gustavus Schmidt, a lost treasure now available in reprint (Hein 2008).

The Australia-based Italian comparatist Luca Siliquini-Cinelli has us embark on a worldwide trip, showing that a global destination means nowhere. He shows how the traditional jurist, the *homo juridicus*, loses his way on the soft-networked channels of the new liberal global order, as a consequence of a shift from the individual's active will to the sterile behavioral schemes prompted by the universalization of liberalism and economic analysis of social interactions. Inviting Susan Sontag and Josef Esser's accounts against and for the interpretative task, he urges us to rediscover the anthropological and ontological function of the jurist to be based on the re-affirmation of the will as constitutive of human uniqueness. This philosophical reflection focuses on the centrality of interpretation, which happens to be the cornerstone of the civil law tradition: all roads lead to Rome!

In Rome we are escorted by an enthusiastic Louisiana student, who fell in love with the civil law at first sight in his first year of law school. *Secundum Civilis* is a second-to-none guide where Derek Warden connects the Eternal City to Washington via Prussia, the Habsburg Empire and revolutionary France, to depict the United States Constitution as an Enlightenment Code. This could not be done without a *voyage initiatique*, taking us from Rome to the seminal civil codes, visiting Justinian in Constantinople and Napoléon in the *Ville Lumière*. This *grand tour* ends up as a *tour de force*, making sense of the Ninth Amendment as an invitation to interpret the whole Constitution as a code so that its spirit may transcend its letter.

Civil Law of the World then transports us to South Africa, where François du Toit discusses trusts and the patrimonial consequences of divorce in a mixed jurisdiction, navigating the reception of trust in a legal system that does not differentiate law and equity. The discussion is technical and moves the reader from

port to port or case to case, and is very informative for all civil law jurisdictions having received the trust technique.

Back to Louisiana, the reader is offered the full French translation of Book II of the Louisiana Civil Code, which can be read side by side in English and in French. Book II features the law of property (Things and the Different Modifications of Ownership), entirely revised under the leadership of Professor Yiannopoulos of Tulane University. This will no doubt interest English-speaking and French-speaking civilians around the globe. From Montreal, Lyon-educated Yaëll Emerich reviews *Louisiana Property Law—The Civil Code, Cases and Commentary* (John A. Lovett, Markus G. Puder & Evelyn L. Wilson eds., Carolina Academic Press 2014), which serves as a guide for navigating Book II of the Louisiana Civil Code.

Last but not least, another traveler from Quebec reviews the *Dictionary of the Civil Code* (Alain Levasseur & Marie-Eugénie Laporte Legeais eds., LexisNexis 2014), which is no less than the translation of the *Vocabulaire juridique* of Gérard Cornu. The French jurilinguist Jean-Claude Gémar shows how this gigantic project, conducted by French and Louisiana teams, is faithful to the spirit of its author and to the style of the civil law, offering guidance to navigate the civil law in English not only in Louisiana, but everywhere in the world.

For, to pastiche Baudelaire,

*Là, tout n'est qu'ordre et beauté,
Luxe, calme et civilité.*

Olivier Moréteau