

# Journal of Civil Law Studies

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Volume 14  
Number 1 2021-2022

Article 2

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12-16-2022

## Avant-Propos

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### Repository Citation

*Avant-Propos*, 14 J. Civ. L. Stud. (2022)

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## AVANT-PROPOS

Volume 14 of the Journal of Civil Law Studies is published one year behind schedule, proving the fragility and the resilience of the operation. Fragility, as it was hit by a series of events, such as the COVID pandemic that paralyzed many human ventures all over the world. Fragility, because human causes impacted the personal life of its major actors, such as the Editor-in-Chief's unexpected long-time leave and the Managing-Editors moving to other places. Resilience, because editing continued thanks to devoted LL.M. graduates who answered the call and joined the Center of Civil Law Studies as Research Associates. Resilience, because the team did not give up and the venture is too successful to fail. Volume 14 of 2021 comes out as Volume 14 of 2021-2022. After Volume 15 of 2022-2023, the Journal will try to come back to two annual issues matching the calendar year.

The Journal mourns the loss of the two Honorary Members of its Advisory Board. Jacques Vanderlinden passed away on January 22, 2021. He started his academic career with a major study of codification, to then clarify the concepts of custom and sources of the law. He was a great support, contributing four articles<sup>1</sup> and a book review<sup>2</sup> to the Journal. His scholarship and teaching embraced several continents, namely, Africa, Europe, and America, connecting legal history, comparative law, and legal anthropology. Rodolfo Sacco died on March 21, 2022. A long-time professor at the University of Turin, he authored major civil law and comparative law treatises, renewed the theory of sources of the law, and changed Italy into a powerful comparative law incubator. No comparative law professor had as many followers, including the author of this note.

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1. See Jacques Vanderlinden, *Analyzing Property in Different Societies*, 1 J. CIV. L. STUD. 61 (2008); Jacques Vanderlinden, *Aux origines de la culture juridique française en Amérique du Nord*, 2 J. CIV. L. STUD. 1 (2009); Jacques Vanderlinden, *Is the Pre-20th Century American Legal System a Common Law System? An Exercise in Legal Taxonomy*, 4 J. CIV. L. STUD. 1 (2011); Jacques Vanderlinden, *French Jurisdictional Complexity on the Fringe—Acadia 1667-1710*, 12 J. CIV. L. STUD. 33 (2019).

2. See Jacques Vanderlinden, *Geoffrey Samuel, An Introduction to Comparative Law Theory and Method*, 8 J. CIV. L. STUD. 355 (2015).

Sacco and Vanderlinden—who were friends, within and beyond academic life—will remain a fertile source of inspiration. Their last day and year on this earth is a salute to the Journal, each combining 21 and 22. Each of them visited Louisiana State University. They were mentors and friends of the Editor-in-Chief who used to have them speak as a duet in Lyon each April, before migrating to Louisiana. While my assistant used to code the event “Sacco and Vanzetti,” I named it the *printemps des comparatistes* and participants remember these sessions as an invigorating Rite of Spring. Sacco and Vanderlinden both spoke in Baton Rouge in spring 2008, when the *Journées Capitant* celebrated the Bicentennial of the Louisiana Digest of 1808.<sup>3</sup> This bouquet final must receive an echo when the Center of Civil Law Studies and Journal of Civil Law Studies will celebrate the Bicentennial of the Civil Code of Louisiana in 2025.

Two more Members of the Advisory Board passed away during this period. Attila Harmathy, a longtime professor at the Eötvös University of Budapest who also served as a Justice of the Hungarian Constitutional Court (1998-2007), was one of the finest civil law and comparative law professors in Europe. His name comes first when listing great jurists from Eastern Europe. He was the kindest of men, a friend and mentor to many. He visited and taught at LSU in the spring of 2007, and visited again in November 2018 to deliver the 41<sup>st</sup> Tucker Lecture.<sup>4</sup>

Harvard Law School graduate Paul R. Baier embraced the civil law tradition when he started his long teaching career at LSU. A scholar and a playwright,<sup>5</sup> he brought the *dramatis personae* to life in the classroom, bringing objects, sound and image. A constitutional law scholar, he was a great supporter of the LSU civil law program. His reflection on the constitution as code reversing the

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3. Olivier Moréteau and Agustín Parise, *The Bicentennial of the Louisiana Civil Code (1808-2008)*, 2 J. CIV. L. STUD. 195 (2009).

4. Attila Harmathy, *Changes in the Legal System: A Comparative Essay Based on the Hungarian Experience*, 12 J. CIV. L. STUD. 217 (2019).

5. Paul R. Baier, "Father Chief Justice": *E. D. White and the Constitution, A Play*, 58 LA. L. REV. 423 (1998), PAUL R. BAIER, "FATHER CHIEF JUSTICE": E. D. WHITE AND THE CONSTITUTION (La. Bar Found. 2011).

more traditional perspective of code as constitution<sup>6</sup> was saluted by Justice Nicholas Kasirer, an invitation to pursue the combination of both ideas in the years to come.<sup>7</sup>

In the meantime, may this volume honor the memory of these great scholars, with a plurality of voices and a wealth of material. By its content and authorship, Volume 14 embraces over twelve jurisdictions including Argentina, Azerbaijan, Canada, Chile, France, Germany, Italy, Jersey, Louisiana, New Zealand, North Korea, Poland, Québec, and South Africa. Articles visit contract law and penalty rules, supreme court dissents in a civil law jurisdiction, civil liability of corporate officers, and legal education in micro jurisdictions. While the full translation into Spanish of Book 2 of the Louisiana Civil Code is published in bilingual format, the Civil Law Translations series opens to a rarely visited jurisdiction, publishing the Civil Code of North Korea in bilingual format, with an introduction by the translator. Civil Law in the World visits Azerbaijan, Chile, and South Africa. Professor Palmer's research on the Lost Translators of the Digest of 1808 is reviewed, as well as a linguistic analysis of the doctrine of consideration, often compared to cause. A rediscovered Letter by Colonel Tucker reviews the sources of the early civil codes of Louisiana. Three student-written case notes conclude the volume, discussing recent decisions by Louisiana courts.

Patience has its rewards and readers, authors, contributors, and editors deserve our thanks. Everyone should consider the present Volume as a token of gratitude and appreciation for the hard work and for the interest the Journal of Civil Law Studies has sparked since its foundation fifteen years ago, in Louisiana and beyond.

*Olivier Moréteau*

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6. Paul R. Baier, *The Constitution as Code: Teaching Justinian's Corpus, Scalia's Constitution, and François Génys, Louisiana and Beyond—Par la constitution, mais au-delà de la constitution*, 9 J. CIV. L. STUD. 1 (2016). See also Paul R. Baier and Georgia D. Chadwick, *Judicial Review in Louisiana: A Bicentennial Exegesis*, 5 J. CIV. L. STUD. 7 (2012).

7. Nicholas Kasirer, *Postscript to The Constitution as Code by Paul R. Baier*, 9 J. CIV. L. STUD. 23 (2016).

