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protection against the consequences of wage loss. That Mr. Smith has started us in the right direction there can be no doubt.

*Daniel R. Mandelker**

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Here are reproduced eighteen lectures delivered in December, 1954, on the occasion of the sesquicentennial celebration of the Code Napoleon organized and sponsored by the New York University Institute of Comparative Law. The subjects of the lectures were chosen with the hope their development would increase the common-law world's understanding of the French experience under the Code and clarify the lessons which English-speaking countries might learn from it. With few exceptions the contributions provide a wealth of background and observations which are bound to interest both the students of the substance of the private law and those concerned with the techniques of its elaboration and interpretation.

The lectures may be placed under four general classifications. Five of the first six are concerned with the Code Napoleon's spirit, purpose, and position among the formal sources of law, and the reasons for its ready imitation in other countries: the Code's philosophical background (E. J. Friedrich), its grand outlines (André Tunc), its relation to national unity, both as manifestation and as effective agent (René Cossin), the relative importance of the Code and the case law on the same subject matter (Angelo P. Sereni), and the reasons for the acceptance or imitation of the French Code in other countries (Jean Limpens). The seventh through tenth deal with the original concepts and subsequent transformations of the four fundamental institutions of the Code: contract (Arthur Von Mehren), the family (Max Rheinstein), property (Claude Léwy), and torts, here discussed in terms of the development of the law of unfair competition, a subject without separate identity when the Code was written (Walter J. Derenberg). The eleventh through fifteenth treat of the suitability of codification for various kinds of legal systems or subject matters: the codifica-

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tion of the law of a socialist state, Yugoslavia (Nikola Stjepanovic), codifying public law (Bernard Schwartz), codification in Anglo-American law (Roscoe Pound), codification in Israel, a new state with multiple-source substantive legal background and a generally pervading common law orientation in the bench and bar (Benjamin Akzin), and the codification of international law (Jack B. Tate). The sixteenth, seventeenth, and eighteenth lectures, finally, consider the experience of jurisdictions with both civil and common law influences and the rapprochement of the two systems: the civil and common law in Louisiana (John H. Tucker, jr.) and in Quebec (Thibaudeau Rinfret), and the reconciliation of the two systems (Arthur T. Vanderbilt).

Of the above lectures the reviewer has found that of Professor Akzin especially noteworthy for Louisianians. Though Louisiana is on the verge of recodification rather than initial codification, as is Israel, the multi-source law of Israel and its spiritually common law oriented bench and bar provide for a situation not too unlike our own, and Professor Akzin exposes it with uncommon insight and clarity. Of more general interest should be the first part of the lecture by Professor André Tunc on the French concept of codification, in which his intimate acquaintance with both French and common law has been utilized to epitomize the advantages of French-type codification for the administration of justice. Professor Sereni's lecture of necessity covers much that has been said before, but here again the bi-legal background of the author has enabled him to present the subject in excellent perspective for the Anglo-American reader. Taken together, these lectures of Professors Tunc and Sereni provide a short but highly penetrating exposition of the function of a French-type Code in the legal order; and none has succeeded better than Professor Akzin in indicating the difficulties which the Anglo-American legal mind invariably has in connection with it.

In the last analysis, there is little in the volume which is truly original, and some of the lectures have appeared elsewhere in more or less the same form. Yet this is more statement of fact than criticism, for the lecturers most certainly were selected because of their known interests and previously expressed ideas. These were occasional lectures, not pretended original contributions. From the whole the reader can get a fair introduction to

the problems which were made the keynotes of the celebration, and it is convenient to have such lectures assembled in one volume.¹

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ASPECTS PHILOSOPHIQUES DU DROIT INTERNATIONAL PRIVÉ, by Henri Batiffol. Librairie Dalloz, Paris, 1956. Pp. 346.

At the end of the last century, a French legal writer said: "The legislation of a country is an element of its power; we have had evidence to prove this. It should not work against us."¹ An ordered and coherent legislation is, indeed, a great source of rational strength and prestige for a nation. In his thought-provoking book Dean Batiffol makes the point that legal philosophy today — as far as Private International Law is concerned — has departed from the ultra-nationalism that dominated it during the nineteenth century and emphasizes, instead, that a legal system must be a means to the service of a better legal understanding in the juridical world. No claim is made that one legal system is superior to another; it is recognized rather that a "community of nature" binds and tends to unite both men and legal systems.

In less than four hundred pages, Professor Batiffol, already the author of the leading French book on Conflict of Laws, discusses the philosophical aspects of Private International Law.² Although in his title, he gives the impression that he is to be concerned with "philosophical aspects" only, he plunges deeper into the very heart of the subject than the complete treatise of Werner Goldschmidt,³ a book which is primarily concerned with the method of Private International Law and the rules of conflicts adopted by the Latin-American countries.

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1. Mention should be made of the excellent selected bibliography of English-language items by Julius J. Marke, Law Librarian and Associate Professor of Law, New York University. It collects the items under three headings: 1. The Code — Its Background, Technique, and Expansion; 2. The Code and Contemporary Problems (which corresponds to the reviewer's second and third groups of lectures), and 3. Codification and the Common-Law World.

1. GLASSON, *LA CODIFICATION EN EUROPE AU XIX IEME SIÈCLE*, quoted by Larnaude, *Le Code Civil et la nécessité de sa révision* in 2 *LE CODE CIVIL, LIVRE DU CENTENAIRE* 931 (1904).

2. BATIFFOL, *TRAITÉ ÉLÉMENTAIRE DE DROIT INTERNATIONAL PRIVÉ* (2d ed. 1955).

3. *SISTEMA Y FILOSOFIA DEL DERECHO INTERNACIONAL PRIVADO* (2d ed. 1952-1954).