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GUIDE TO FOREIGN LEGAL MATERIALS - FRENCH. GERMAN. SWISS, by Charles Szladits, published for the Parker School of Foreign and Comparative Law, Columbia University in the City of New York by Oceana Publications Inc., 1959. Pp. 599. \$11.00.

Kate Wallach

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Book Review

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The recent publication of the Louisiana State Law Institute's English translation of Planiol's *Treatise on the Civil Law* indicates that Louisiana lawyers are aware of the need for guides to the understanding of foreign legal systems. The American Bar Association is actively supporting a program of cooperation with lawyers from other countries. American lawyers in increasing numbers are participating in international congresses and meetings in various countries. American law schools are adding and extending courses in international and comparative law. Private foundations are supporting research projects of a similar nature. Does this expansion of the legal horizon only concern lawyers who live in ivory towers, law professors, and researchers, still regarded by some members of the bar as second class legal citizens, or are practicing attorneys forced to look beyond the law of their own community or state in order to keep up with the demands of their clients?

American citizens have expanded their business connections to all corners of the globe; servicemen have contracted marriages with foreign spouses; American parents have adopted foreign-born children; sons of Louisiana parents are sailing the Seven Seas. All sorts of legal problems involving foreign law are coming up in an attorney's office and are then channelled to the courts.

Lack of knowledge of foreign languages prevents many a lawyer from coping with these problems himself. There was a time when the Louisiana lawyer could read a French book as easily as an English one. Few Louisiana lawyers have this facility today. If we want to keep our heritage alive, we have to provide English guides. The Parker School of Foreign and Comparative Law, under the direction of Willis L. M. Reese, has sponsored a number of publications designed to familiarize the common-law lawyer with foreign legal systems. Dr. Szladits is

the author of one of these studies, *Bibliography on Foreign and Comparative Law* (1955), in which he has listed all materials on foreign law written in English.

The *Guide to Foreign Legal Materials* here reviewed is a work of a different nature. Although the author modestly states its purpose as "a guide for the common-law lawyer to the use of foreign legal materials: laws, reports and books" (preface p. XI), he has preceded the bibliographical sections "with a brief description of the sources, their character and their position in their respective legal systems," including also a summary of court organization. His book may be characterized as an outline of legal anatomy. Lawyers using a medical anatomy book in preparation for an injury case may not become medical experts themselves. A lawyer studying Dr. Szladits' guide will not become an expert civilian lawyer, but he will at least understand the basic structure of the three legal systems treated.

Dr. Szladits holds degrees from the universities of Budapest and London. He is presently on the faculty of the Parker School. As a European, he is a believer in classification and thoroughly familiar with all its ramifications. He feels that the main problems confronting a lawyer trained in Anglo-American law when faced with the solution of a foreign law problem are "the relative importance or authority of the various source materials in different legal systems, the way in which cases are to be approached, and the arrangement of the legal system and characterisation of its legal institutions." (p. 509)

He arranges his material in two parts: one, the Sources of the Law, divided into five chapters: Legislation, Custom, Case Law, Legal Science, and General Principles of Law and Equity; two, Repositories of the Law, also divided into five chapters: Bibliographies, Legislative Materials and Commentaries, Case Law, Encyclopedias and Legal Dictionaries, and Doctrinal Writings. For each country there is a list of legal abbreviations. In conclusion, the author discusses the relative position of source materials; the approach to cases, and the arrangement of the legal system, including a summary on works dealing with comparative law. Two indexes — authors and titles combined, and subjects — complete the guide.

A certain amount of repetition occurs in Chapters One and Two and in the Conclusion, which is probably inevitable. All

through the book comparisons with Anglo-American materials are drawn, which are helpful. References to historical sources and texts are relegated to footnotes. The subject coverage is wide and includes civil and commercial law, civil procedure under which will be found commercial arbitration, private international law, criminal law and procedure, constitutional, public and administrative law, legal history, jurisprudence, ecclesiastical law, and form books. Extensive citation methods are given for each type of publication; periodicals are listed with their corresponding subjects. Some sample pages of court reports and laws are reprinted. In the French section the importance of doctoral theses is stressed, in the German and Swiss ones that of *Festschriften*. While the law of the German Democratic Republic (Eastern Zone) is only outlined, the Swiss Cantonal laws are treated rather fully. An extensive discussion of Article 1 of the Swiss Civil Code and of code interpretation by the courts is noteworthy. While the French section is based primarily on René David's *French Bibliographical Digest* (1952), new publications have been included, e.g., Marty and Raynaud and Carbonnier, *Droit Civil* which will be of special interest to Louisiana lawyers. The use by practitioners of the *Juris-Classeurs* loose-leaf publications is stressed.

A short list of law book publishers and booksellers precedes the List of Abbreviations at the end of each state section. Here the difference between ordering from the French publisher directly and the book dealer is pointed out, whereas in Germany and Switzerland purchases should be made through a bookseller.

The Conclusion contains valuable observations on the use of commentaries (annotations to statutes and codes) which the French lawyer hardly uses, while the German researcher starts his search in them. The differences in research methods employed by the scholar and the practitioner are treated. Advice on how to read civil law decisions is given, as are examples on the differences in the arrangement of French, German, and Swiss law in the various branches of the law. The problem of classification or terminology which faces anyone who uses foreign indexes is discussed. *Quaere*: whether this is not a universal problem in any language and in any legal system, even for the initiated. Perhaps the Conclusion might have been more helpful as an introduction and that is the place which this reviewer would have chosen for it.

Only extensive use of the indexes can tell whether a common-law lawyer can find what he is looking for with ease. The reviewer would question the need for the extensive breakdowns under each of the Swiss Cantons; some of the subject headings could have been consolidated and the listing under each could have been avoided. Some terms seem rather unfamiliar and it is doubtful that they will be of assistance in research (House shares for Apartments-cooperative, Motivation of judgments for Ratio decidendi, Sense of justice) to name a few. Apparently Dr. Szladits has based his subject entries on the English terms used in his text rather than on the original language from which he translated them. While he includes cross references from the original term to the translation in many cases, in a number of instances cross-referencing has been omitted and a dictionary which could be used to supply the translation would not necessarily give the same term used by Dr. Szladits. Also, it is quite likely that the searcher starts out with a foreign term which he cannot find under any of the subjects chosen by the author. It is believed that indexes of this kind could be substantially improved by adherence to established American subject headings, e.g., those used in the *Index to Legal Periodicals*, with which the American lawyer is familiar.¹ The book is primarily intended for this group of legal researchers. Perhaps an explanation might have been included on the different meanings of cases, decisions, judicial decisions, precedents, reports, enactments, statutes, laws and on interpretation of statutes, which present problems of exact translation as well as an interchange of use in the English and American terminology.

These are all very minor matters which should not detract from the real value of this work. While there may be several similar, but not as extensive treatments of the French law, as pointed out by Dr. Szladits, there are no modern ones for Germany and none at all in English for Switzerland. The author has given us an introduction to three civil law systems; he explains their legal sources and he very ably selects and discusses the basic research materials, a most arduous task, since much has been published since the last war. He strikes a happy medium between the practitioner's and the scholar's needs, giving to both

1. Hire purches for conditional sales, Judicial practice for Administration of Justice, Jury courts for Juries, Servitudes for Easements, Strict liability for Liability without fault, Cinematographic law for Motion pictures, Private international law for Conflict of laws, Unlawful competition for Unfair competition.

the foundation and the leads for more extensive study. His presentation is scholarly, precise; the text is easy to read and to understand. The legal profession, including the law librarians, are immensely helped with his newest endeavor and it is hoped that additional guides will be forthcoming. He deserves our warm thanks for a usually rather thankless task, since few realize how much work goes into the preparation of a book on books. The purchase of his book is highly recommended to all law librarians and unqualifiedly to the judges and attorneys of Louisiana and to the members of the legal profession in other states according to their interest in civil law.

*Kate Wallach**

*Law Librarian, Louisiana State University.

