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Louisiana State University Press, Baton Rouge,  
Louisiana 1969. Pp. 313. \$10.00.

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ESSAYS ON THE CIVIL LAW OF OBLIGATIONS. Edited by Joseph Dainow. Louisiana State University Press, Baton Rouge, Louisiana 1969. Pp. 313. \$10.00.

By *P. Michael Hebert\**

Practitioners, judges, students and legal scientists should be aware of this collection of otherwise unpublished articles on the civil law of obligations with emphasis on the law of contracts. Published under the auspices of the Louisiana State University Bailey Lecture Series and the Institute of Civil Law Studies,<sup>1</sup> the volume is divided into two parts.

Part One contains four lectures delivered in 1968 at the Louisiana State University Law School by the following distinguished lecturers:

Max Rheinstein, Problems and Challenges of Contemporary Civil Law of Obligations.

Allan Farnsworth, The Development of the Civil Law of Obligations in New States: Senegal, Madagascar, and Ethiopia.

Paul-A. Crépeau, Civil Responsibility: A Contribution Toward a Rediscovery of Contractual Liability.

Raymond Landry, The Revocatory Action in the Quebec Civil Code: General Principles.

The plan of the volume is set out in the Preface as follows:

In each of the four sessions, the program was organized on the basis of a Bailey Lecture delivered by a highly reputed scholar from outside of Louisiana (two from the United States and two from Canada), followed by a panel of three Louisianians, who were either judges, lawyers, or law teachers. Their comments and talks were directed to the subject of the principal lecture in each case, with the special purpose of relating some of their remarks to Louisiana Law. Preceding each of the principal lectures in this volume, there is a description of that session's program and its participants. To increase the scope of the original publication plans, several panel members also contributed separate articles on a topic within the general field of the civil law of obligations. Thus, the present volume contains the four Bailey Lectures; the revised and documented comments of the panel discussants; and the additional articles.

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The additional articles in Part Two treat particular areas of current interest primarily in the field of contractual obligations, as follows:

Jean-Louis Baudouin, Theory of Imprevison and Judicial Intervention to Change a Contract.

John T. Hood, Jr., Subrogation.

T. Haller Jackson, Specific Performance in Louisiana, Past and Future.

Saúl Litvinoff, "Error" in the Civil Law.

Harry R. Sachse, Unconscionable Contracts.

Leon Sarpy, Enforcement of Obligations through Injunctive Relief.

A.N. Yiannopoulos, Real Obligations.

Although addressed primarily to legal scholars concerned with law revision on a comparative basis, the lectures delivered by Professors Rheinstein, Farnsworth, Crépeau, and Landry are worthy of attention from persons whose inquiry is of a more limited scope. They are of special interest to those who are involved in the current revision of the Louisiana Civil Code by the Louisiana State Law Institute.<sup>2</sup> In this context it can be observed that all four lectures evidence a belief that many of the nineteenth century rules found in the Louisiana Civil Code of 1870 as well as civil codes of other jurisdictions, are antiquated if not obstructive and that modern society requires an updating of certain codified rules.

The lectures, however, are not addressed solely to law reform problems of Louisiana. Professor Crépeau for example, in his lecture on civil responsibility, highlights the very real conflict between delictual and contractual theories of responsibility not only under Louisiana law but also under the laws of France and Quebec. That this distinction is of practical significance is noted not only in his remarks but also in the remarks of Ferdinand F. Stone and T. Haller Jackson in their comments on the lecture. Of more immediate interests to the Louisiana practitioner are the comments on the revocatory action in Louisiana law by Albert Tate, Jr., and the comments by Saúl Litvinoff on the action in declaration of simulation in Louisiana law.

Of special interest in Part Two are the articles by Professor Bau-

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1. The Bailey Lecture Series was established from gifts made by Mrs. Fairfax Foster Sutter as a memorial to her late husband, James J. Bailey. The Institute of Civil Law Studies is sponsored by the Louisiana State University Law School under the directorship of Joseph Dainow and has as its purpose the promotion of the study of civil law, with emphasis on the Louisiana civil law.

2. An official law reform agency of the state of Louisiana. See La. Acts 1938, No. 166; La. Acts 1948, No. 335.

douin and Mr. Sachse, dealing with the problems of judicial revision of private contracts and the doctrine of unconscionability, respectively. In this day of shortages in almost all commodities, rapid price rises of goods, and growing consumer activism, the remarks in these two articles are especially relevant.

Judge Hood's article on subrogation and Professor Litvinoff's article on "error" in the civil law give detailed treatments of the respective areas and should be examined carefully by Louisiana lawyers. In addition, T. Haller Jackson's article on specific performance supplements an earlier article of his on the same subject,<sup>3</sup> and the treatment of injunctive relief for breach of contract by Leon Sarpy should be read in conjunction with it.

As the title of the volume indicates, *Essays on the Civil Law of Obligations* as a completed work is a compilation of loosely related topics and the reader should not expect it to read in any other fashion. Its merit is in the caliber of the contributors and the quality of their individual pieces which contribute to the legal doctrine on civil code reform in general and the Louisiana law of obligations in particular.<sup>4</sup>

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3. See Jackson, *Specific Performance of Contracts in Louisiana*, 24 TUL. L. REV. 401 (1950).

4. See also Mintz, *Book Review*, 45 TUL. L. REV. 450-457 (1971).