

Louisiana Law Review

Volume 63 | Number 4

Louisiana Bicentenary: A Fusion of Legal Cultures,

1803-2003

Summer 2003

Convergence of Political Systems

Don Luis Martinez-Calcerrada y Gómez

Repository Citation

Don Luis Martinez-Calcerrada y Gómez, *Convergence of Political Systems*, 63 La. L. Rev. (2003)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol63/iss4/5>

This Article is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact kayla.reed@law.lsu.edu.

Convergence of Political Systems*

Excmo. Sr. Don Luis Martinez-Calcerrada y Gómez

INTRODUCTION: THE HISTORIC AND SOCIAL PRESENCE OF SPAIN IN LOUISIANA

The infamous Treaty of Paris signed by Spain and France on February 10, 1763 transferred from the French to the king of Spain the land which lays to the right of the Mississippi river, next to Orleans island. Today this land is known as the State of Louisiana. The Spanish dominated Louisiana for several decades until Napoleon Bonaparte and the French took it back after signing the secret treaty of San Ildefonso on October 1, of 1800 and in March of 1801. Soon after this, in 1803, France sold this land to the United States for a ridiculous sum of money.

For nearly fifty years, Louisiana was under Spanish domain. During this time the colony and the structural base were formed. It was a time of organization and population growth, making this territory, especially New Orleans, the most important city in North America. Spanish governors were known for their straight and good intentions, as for their efficient politics to the point that the French population who lived in the area were opposed to the re-transfer of Louisiana's domain to Napoleon's France. During French domination in the years before 1765, the French had little influence on the formation of Louisiana's political structure. The French intervention constituted an unsuccessful attempt at exploration and establishment of their political structure.

With the help of the Spanish, Louisiana contributed to the United States' independence from England by forcing the British out of the south end of the Mississippi River, thus preventing a strategic plan that could have been catastrophic for the Americans.

Louisiana is the result of a combination of different cultures including Anglo-Saxon, Native Indian, Black, French, and Spanish. The latter two were the most influential, thus creating the original "Creole."

From this unique bond of cultures arises a new culture, distinguishing itself by its unique food (jambalaya, Gumbo), beverages (Gin Fizz, Cock-tail), parties (Mardi Gras), and music (Jazz and Blues).

Copyright 2004, by LOUISIANA LAW REVIEW.

* This is an abstract from *La Convergencia de los Sistemas Juridicos*. The authenticity of this article was ascertained only by the author.

CONVERGENCE OF JURIDICAL SYSTEMS

By definition, a system is a conglomerate of rules or principles about a certain topic, which are related and organized. It refers to a juridical system that consists of a group of perceptible rules that integrate positive law which, in turn, constitute the regulating system of personal and social conduct of a specific society that identifies itself with the State.

In the international community, each participating state has its own juridical system, order, and positive law that is unique and separate. In that sense, each juridical system will regulate different subjects in a generic way. The system is divided into two distinct branches: the private law, which is relative to the relations among persons, and the public law, which regulates the State's relationship with persons.

Convergence is the action, result, or effect of various things that have the same purpose of finality. In this sense, convergence can be thought of as separate sovereigns uniting and forming an international forum which would be superior to that of an individual sovereign's internal juridical system. Convergence can be based on two different grounds:

1. Horizontal: This term responds to the diversity of sovereigns, and the necessity of commercial and communication exchange.
2. Vertical: This term responds to the necessity of convergence, to be able to establish international communities with rules that are above the individual sovereign rules (ONU, UNESCO, and EU, for example).

New circumstances moved by modern day necessity tend to an inevitable closeness of the different juridical systems. This circumstances may be:

1. Commercial and Cultural Exchange. Progress throughout time has made different cities close to one another. There is an important public need for commercial transit, to the point where the import and export of goods are of undisputed intensity.
2. Tourism and Migration. Citizens of different communities are no longer isolated from one another due to the increase in inter and intra-city traveling. Traveling either for pleasure or necessity, meaning those people who are in search of "better" life conditions, explain the great deal of migration of people from undeveloped areas to more developed areas.

3. Technology. Technology has become an instrument that eliminates boundaries and long distances, making the world a smaller place everyday. Instruments like the internet, cellular phones, television, and even highways and air transportation have facilitated closeness between distant places.
4. Common Conflicts. "*La unión hace la fuerza*" (union makes strength) has become the answer to situations that distort the international community's harmony. This is a very powerful tool for fostering international comity and solidarity when negative situations arise in the international world.

The social and cultural differences in values among the various sovereigns around the world make it hard to maintain order and peace in the international community, especially when relations among foreign sovereigns become more and more necessary. This is a clear and manifest situation provides evidence for the necessity of international rules that regulate disputes arising between citizens of different places in the world or between foreign sovereigns. Thus, convergence becomes more important by the day, making globalization the principal propulsion for world convergence.

Globalization can be defined as an economic phenomena which uses the world that we know as the principal scenery for economic and commercial activity. Technological advances that eliminate the world boundaries and convert the world into a unique, giant market known as global town.

Because of this historical phenomena, the creation of jurisdictional and political structures becomes more and more necessary to protect the relationships established by citizens all over the world. This increased public need for international rules implies a change in the traditional structure of political decision making.

The only thing that remains certain is that world convergence becomes more of an inescapable reality in the international community everyday.

