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BOOK REVIEW

1972 COMPILED EDITION OF THE CIVIL CODES OF LOUISIANA. Edited by Joseph Dainow. Volumes 16-17 of West's Louisiana Statutes Annotated, West Publishing Co., St. Paul, Minnesota, 1973.

Annotated statutes are not the usual stuff of which book reviews are made. Professor Dainow's *1972 Compiled Edition of the Civil Codes of Louisiana* is, however, a pleasant exception to this rule.

The *1940 Compiled Edition* was the first task of the Louisiana State Law Institute, and under the direction of Professor Dainow, offered the whole legislative history of the then valid text of the Louisiana Civil Code. Thus the researcher had access in a single work to the then current text with amendments since 1870, if any; the text as it appeared in the Revised Civil Code of 1870; and both the English and French texts of the Codes of 1825 and 1808. In addition, the corresponding text of the Code Napoleon was provided where appropriate. This made possible new textual interpretations without consulting a large number of relatively inaccessible books.

Although the work fulfilled the legislative mandate, its practical usefulness was paradoxically limited by the same legislature when it ordered the *Compiled Edition* to be published as volume 3 of the Louisiana Legal Archives. To quote from the foreword to the 1972 edition: "the original volumes were bulky and unwieldy, and were not generally available through ordinary commercial channels, with the result that the work has not been used as extensively as had been contemplated."

This shortcoming is corrected by the 1972 work. The edition, co-sponsored by the Louisiana State Law Institute and the Institute of Civil Law Studies at Louisiana State University, is not only beautifully produced in two volumes of a size current for this kind of legal reference, but has also been made part of West's Louisiana Statutes Annotated. In this form the *1972 Compiled Edition* will be easily available to all segments of the legal profession in Louisiana.

While this improved accessibility is itself a major contribution to the development of Louisiana's civil law system, the new *Compiled Edition* contains a new feature which makes it an invaluable research tool. In order to facilitate research in the French Law corresponding to the Louisiana Civil Law, the Louisiana State Law Institute launched the translation of several major French doctrinal works. These translations included Planiol's *Civil Law Treatise*; the Aubry and Rau works on Property, Prescription, Obligations, Successions

and Donations; and Geny's *Method of Interpretation and Sources of Private Positive Law*. These translations along with original comparative treatises—Yiannopoulos' *Civil Law of Property and Personal Servitudes*, Litvinoff's *Obligations, Book One*—and collections of essays—Dainow's *Essays on the Civil Law of Obligations* and Yiannopoulos' *Civil Law in the Modern World*—have tremendously enriched the doctrinal sources in Louisiana from which an even more precise and resourceful application of the civil law may be made. To this fact the decisions of the Louisiana supreme court in the course of the last decade bear unmistakable testimony. In the *1972 Compiled Edition*, Professor Dainow has designed a means which will insure the fruitful utilization of these new materials. In a series of tables which comprise 125 multi-column pages of small print (the reference is to compactness, not to legibility) all of the new doctrinal sources are referenced to specific articles of the Civil Code and cross-referenced among themselves.

The form of publication assures that, with a delay of three decades, the *Compiled Edition* will fulfill the original intent of making easily available to both the practitioner and the students of Louisiana civil law the formal sources of interpretation and application. But, beyond that, the new *Compiled Edition* implements the wish of the original Editorial Committee to strengthen the authentic spirit of Louisiana civil law by providing almost push-button access to the available doctrinal sources.

The *1972 Compiled Edition* has, as the source of history of Louisiana's civil law, one shortcoming. It was noted in the Editor's Explanatory Notes in 1940 that the legislative authorization of the compilation "does not include Spanish source material within the scope of this work. In excluding Spanish references the Committee does not mean to deny their influence in the Civil Code; and it is hoped that some day this phase of Louisiana's legal history will be developed more fully."

This time has not yet come, for the 1972 edition is in this sense identical with the 1940 edition. Hopefully, the full reference to Spanish sources where they have influenced the text and the practice (Appendix 2 of the reviewed edition lists over 30 judicial decisions over a period of almost 150 years where "old Spanish laws" were interpreted) will be the new feature of the next edition of the *Compiled Edition*.

Despite this, it is correct to say, as the Foreword to the 1972 edition does, that "it will be a calculated risk to do any research in Louisiana civil law without reference to this 1972 *Compiled Edition*

. . . .” One may add that such an omission will also be a poorly calculated use of research time.

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