

Deciphering a Civil Code

Deciphering a Civil Code

Sources of Law and Methods of Interpretation

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Foreword

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Foreword

As Professor Levasseur explains in *Deciphering a Civil Code*, a civil code is more than just a systematic collection of private law rules, standards and precepts that precisely commands the resolution of legal issues foreseen by the codifiers. It is also a living, breathing organism of succinctly integrated civil law principles capable of addressing novel future questions that the codifiers themselves could not have anticipated. To properly interpret and apply a civil code requires understanding how its three sources of doctrine, jurisprudence, and legislation have combined in its codification; and how the expositors of the three—the courts, the scholars, and the legislators—must continue to cooperate for the code’s successful implementation.

Professor Levasseur’s purpose in this concise and pithy work is to dispel some misunderstandings of what a civil code is and how it may be used in the work of lawyers, judges and legislators. He describes the evolutionary development of the French Civil Code of 1804 and the Louisiana Civil Codes of 1808 and 1825 from their roots in Roman and Canonical law through the pre-revolutionary laws of France. Along the way, we are given insights into the thinking of many who birthed and shaped the civil law tradition that ultimately resulted in the codifications, such as Gaius, Justinian, Bartolus, Domat, Pothier, Portalis, and Napoléon, as well as the immensely important post-codification scholar Géný. Included, also, are tips on how the civil code is designed to govern not as “a pure act of power” but as “an act of wisdom, justice and reason,” as Portalis put it, and “that in drafting a civil code, a few precise provisions on each subject would suffice and that the great art is to simplify everything while foreseeing everything.” There is a significant passage as to how the language of a civil code is best derived from that of ordinary citizens but elevated to general principles in an elegantly economical style. To provide men-

tal discipline in applying the code, Professor Levasseur describes and illustrates methods of reasoning developed in the use of the codes. Finally, as an overall exegesis, he brings to bear all of the foregoing in a line-by-line analysis and critique of three Louisiana Supreme Court decisions applying the Louisiana Civil Code.

At once concise and exhaustive, this book creates a rare resource for anyone hoping to sharpen her or his skills in the art of interpreting, applying or revising a civil code.

James L. Dennis
Circuit Judge, United States Court of Appeals for the Fifth Circuit

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This book has been planned, shaped and “carved” out of many years of teaching civil code courses and, in particular, a course on Legal Traditions, a unique offering of the Louisiana State University Law Center. I am therefore indebted to the many generations of students who have inspired me and helped me (some “unwillingly and reluctantly”!) to put this book together.

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