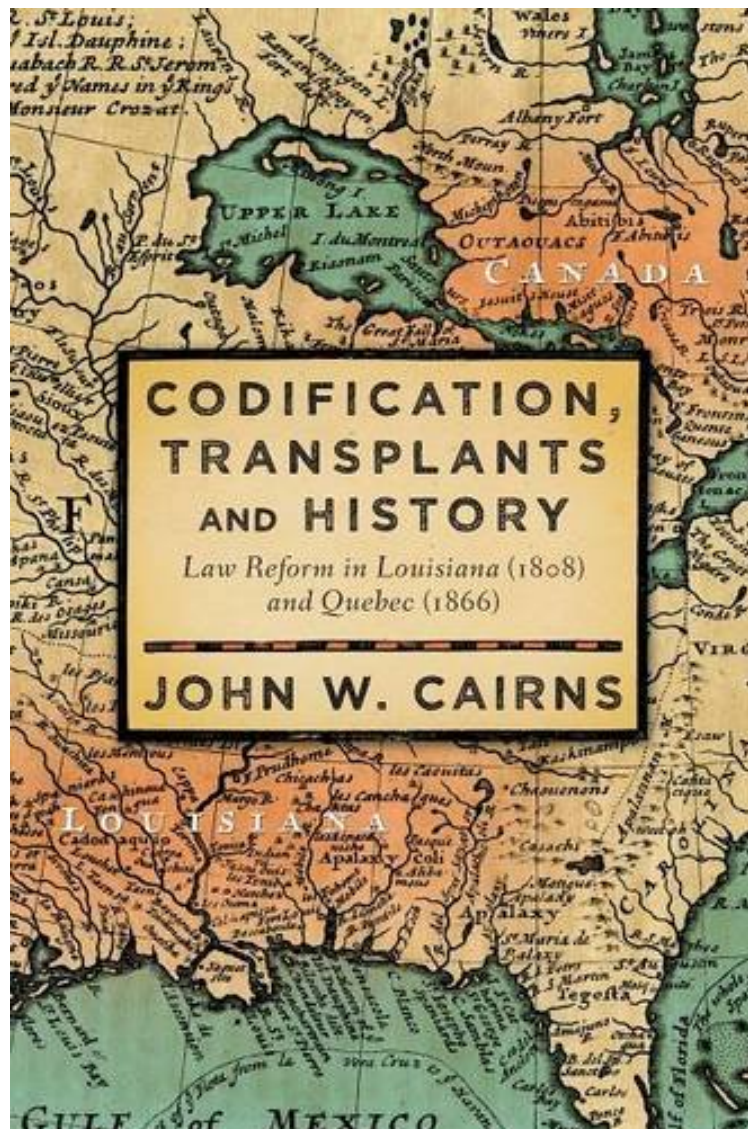


[Download free ebook] Codification, Transplants and History: Law Reform in Louisiana (1808) and Quebec (1866)

Codification, Transplants and History: Law Reform in Louisiana (1808) and Quebec (1866)

John W. Cairns

DOC | *audiobook | ebooks | Download PDF | ePub



 Download

 Read Online

#4451339 in Books 2015-05-29 Original language: English PDF # 1 10.00 x 1.31 x 7.011, 2.77 #File Name: 1616195096606 pages | File size: 77.Mb

John W. Cairns : Codification, Transplants and History: Law Reform in Louisiana (1808) and Quebec (1866) before purchasing it in order to gauge whether or not it would be worth my time, and all praised Codification, Transplants and History: Law Reform in Louisiana (1808) and Quebec (1866):

When Louisiana enacted its Digest of the Civil Laws in 1808 and Quebec its Civil Code of Lower Canada in 1866, both jurisdictions were in a period of transition economic, social and political. In both, the laws had originally been transplanted from European nations whose societies were in many ways different from theirs. This book offers the first systematic and detailed exploration of the two new codes in light of social and legal change. Cairns examines the rich, complex, and varying legal cultures French, Spanish, Civilian and Anglo-American on which the two sets of redactors drew in drafting their codes. He places this examination in the context surrounding each codification, and the legal history of both societies. Cairns offers a detailed analysis of family law and employment in the two codes, showing how their respective redactors selected from a defined range of sources and materials to construct their codes. He shows that they acted relatively freely, attempting to inscribe into law rules reflecting what they understood to be the needs of their society from an essentially intuitive and elite perspective. While not propounding a universal theory of legal development, Cairns nonetheless shows the types of factors likely to influence legal change more generally. xlv, 559 pp. Published by Talbot Publishing, an imprint of the Lawbook Exchange, Ltd.

The addition of Dr. Cairns comparative work *Codification, Transplants and History* greatly enriches the scholarship of Louisiana legal history and can serve as a fruitful starting point for newcomers. His excellent introduction is required reading for anyone interested in Louisiana legal history. --GEORGIA CHADWICK, Director, Law Library of Louisiana

John Cairns *Codification, Transplants and History* may be the most important book about the origins of the Louisiana Civil Code ever published. Originally written in the late 1970s as his Ph.D. thesis for the University of Edinburgh under the tutelage of Alan Watson, Cairns study provides a detailed analysis of the methods and sources used by the first codifiers of Louisiana and Quebec Civil Law and the legal, political and social context in which they worked. In particular, Cairns analysis of the drafting of the 1808 Digest of the Territory of Orleans resolves, to a greater extent than any work published to date, the famous debate between Robert Pascal and Rodolfo Batiza over the sources, purposes and meaning of Louisiana s first attempt at codification. Moreover, with its insightful, newly drafted historiographic introduction, Cairns book explains why resolution of that debate cannot be marginalized as an obsession of scholars enthralled by Louisiana exceptionalism but rather remains central to any complete understanding of Louisiana legal history. Cairns comparative account of codification in Louisiana and Quebec will also be the starting point of all other comparative studies of these two important North American mixed jurisdictions for years to come. --JOHN A. LOVETT, De Van D. Daggett, Jr. Distinguished Professor, Loyola University New Orleans College of Law

Completed in the era of fountain pen, typewriters and snail-mail, this book is a major contribution to legal history and to legal theory. Cairns argues that a variety of factors explained innovation or stasis, such as legal or conservative ideologies, political considerations and socio-economic changes. Therefore, he considers lawmakers to be essentially social actors, instead of skilled technicians. --MICHEL MORIN, Faculty of Law, University of Montreal

About the Author JOHN W. CAIRNS is a graduate of the University of Edinburgh, where he now occupies the Chair of Civil Law. He has taught at the Queen s University Belfast (1980 1984) and served as a Visiting Professor at Southern Methodist University, Dallas, and the University of Miami, Florida. He was elected a Fellow of the Royal Society of Edinburgh in 2007. His research has focused on the history of Scots law (particularly legal literature, legal education and the legal profession in the eighteenth century), slavery and the law (particularly in the eighteenth century) and the legal history of Louisiana and Quebec.