

# Book Review

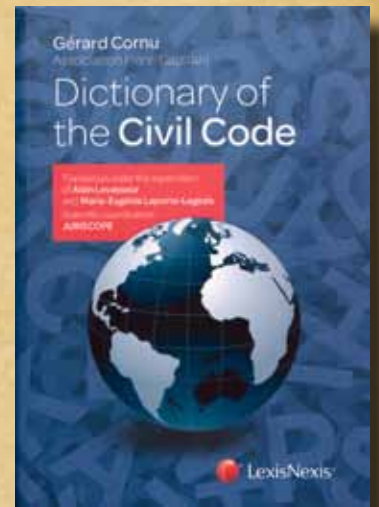
## *Dictionary of the Civil Code*

Translation under the supervision of Alain A. Levasseur and Marie-Eugénie Laporte-Legeais

Reviewed by Benjamin West Janke

The year 2014 was a busy one for legal lexicographers. Bryan Garner's extensive undertaking of adding 7,500 new entries to his fourth unabridged edition of *Black's Law Dictionary* (10th ed.) illustrates that the work of defining the law is never complete. But there is another impressive work of legal scholarship that should be particularly appealing to the Louisiana lawyer: the *Dictionary of the Civil Code*.

At its root, the *Dictionary of the Civil Code* is an English translation of more than 1,600 civil law concepts in the French *Vocabulaire juridique*, first published in 1936 under the direction of Henri Capitant and later revised extensively under the supervision of Gérard Cornu, dean of the University of Poitiers Law School. The *Vocabulaire juridique* was translated into the *Dictionary of the Civil Code* under the supervision of Alain A. Levasseur, leading the Louisiana team, and Marie-Eugénie Laporte-Legeais, leading the Poitiers-Juriscopie team at the University of Poitiers. A close study of the Dictionary reveals that it is so much more than a translation: it is an essential tool for exploring the civil law of France through a Louisiana lens.



While the enormity of this translation project is self-evident, the difficulty is underscored by Cornu's preface of the *Vocabulaire*: "Monolingual and monolithic, this work draws only from the French language and expresses only the French juridical system." In other words, "keep out" if you are not the intended audience.

The lexicographer's pursuit of precision is often at odds with the limits of literal translation. This tension is clear in the way courts interpreted Louisiana's 1808 Digest of Civil Laws and the 1825 Civil Code, both of which were originally drafted in French and translated into English. Even though there was no legislative provision for the resolution of conflicts between the French and English texts of the 1825 Code, the prevailing view among courts was that the original French text was controlling.<sup>1</sup> As Louisiana's adherence to French authority eroded, and the influence of the common law in Louisiana reached its peak, E.D. Saunders sought to rekindle the French connection as he wrote in his Preface to the 1909 edition of the Louisiana Civil Code: "There is probably no legal literature in the world so rich and instructive as that of modern France."<sup>2</sup> A hundred years later, in spite of the "monolingual" and "monolithic" nature of the *Vocabulaire*, translators Levasseur and J. Randall Trahan acknowledge and adopt in their approach to translation the more encouraging and inviting words of Cornu, who wrote that "language of the law is a public, social language, a civic language" and that "the language of the law is, to a major extent, a legacy of tradition."<sup>3</sup>

Instead of lamenting the shortcomings of literal translations, the translators include fundamental and essential meanings of the entries, together with reference to the subject matter and related concepts, and citation to French and Louisiana authorities. This is where the work of the translators truly shines, and where the reader can embark upon a deeper study more suitable for the Louisiana legal scholar. A citation to *peremption*, for example, invites the reader to compare the concepts of *forclusion*, *déchéance*, *prescription extinctive*, and *caducité*. Turn a few pages back and the entry for *Paulien* (for a Paulian action) gives reference to Louisiana Civil Code article 2036 (on revocatory actions), and the Roman praetor Paulus for whose namesake it

was adopted.

Purists will especially appreciate the inclusion of translations to avoid. For the lawyer who maligns the square peg/round hole organization of Louisiana legal concepts in the West Key Number System (*see, e.g.,* predial servitudes under "easements"), despite can be found in the direction to avoid the term "joint and several" under *solidarité*, or "merger" under *confusion*.

Should the Louisiana lawyer shelve *Black's* in preference to this bespoke dictionary for the civilian? Not exactly. The *Dictionary of the Civil Code* will not help the bemused law student to understand what it means to say that "[t]he propinquity of consanguinity is established by the number of generations,"<sup>4</sup> but *Black's* will. In fairness to West Publishing, the influence and contributions of Louisiana jurists who have served on its panel of academic contributors are evident. But, the audience for "the most widely cited lawbook in the world"<sup>5</sup> is not the same as that of the *Vocabulaire juridique* or of the *Dictionary of the Civil Code*. For the Louisiana lawyer, the *Dictionary of the Civil Code* is a helpful companion to *Black's*.

The *Dictionary of the Civil Code* should be regarded for what it is and not confused with what it is not. It is not, strictly speaking, a primary source of Louisiana law. Likewise, it is not a compendium of every civilian concept found in the Louisiana jurisprudence. To consider it as such neglects the multiple sources from which Louisiana law is drawn and the evolution of certain concepts that are indigenous to Louisiana. It is, however, a window to understanding civil law terminology in a format that invites the reader to learn more about the foundations from which much of Louisiana law was built. The translators' reasons for including references to the Louisiana Civil Code in the otherwise "monolithic" *Vocabulaire* "are meant to stress that the French juridical system, at least insofar as the 'civil law' part of it is concerned, is not the only juridical system to be expressed in the *Vocabulaire* and, further, that the French language is not the only language in which the concepts/notions addressed in the *Vocabulaire* may be expressed."<sup>6</sup>

Given the continued efforts to translate the French civil law into English over the past several decades — from the Louisiana State Law Institute's *Civil Law Transla-*

*tion* series, to Planiol's Civil Law Treatise and to the *Dictionary of the Civil Code* — one might be misled into thinking that the origin of any civilian expression is exclusively French. To the contrary, other ambitious endeavors such as the Louisiana Civil Code Translation Project by the Center of Civil Law Studies at Louisiana State University Paul M. Hebert Law Center demonstrate that the civil law originates — and evolves — in multiple languages. As the translators proudly observe: "After all, we are, and have long been, English-speaking civilians!"<sup>7</sup>

Readers will find that the *Dictionary of the Civil Code* is much more than a translation of a dictionary. While it will surely find its way into the footnotes of countless briefs where a lawyer "just needs a definition," the enlightened jurist will use it as a springboard for further exploration of the civil law.

## FOOTNOTES

1. A.N. Yiannopoulos, *The Civil Codes of Louisiana*, in the La. Civ.C. LVII (2015).
2. E.D. Saunders, *The Law of Louisiana*, in La. Civ.C. xxxv-xxxvi (1909).
3. Alain A. Levasseur and J. Randall Trahan, *Our Approach to Translation*, in *Dictionary of the Civil Code* XIII (2014).
4. La. Civ.C. art. 900.
5. Bryan A. Garner, "The Tortuous Tale Behind the 10th Edition of the Most Widely Cited Lawbook in the World," *ABA Journal* (May 2014).
6. Alain A. Levasseur and J. Randall Trahan, *Our Approach to Translation*, in *Dictionary of the Civil Code* XIII (2014).
7. Alain A. Levasseur and J. Randall Trahan, *Our Approach to Translation*, in *Dictionary of the Civil Code* XIII (2014).

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