

Guest editors' note

Mixed jurisdictions and the membership in this younger legal family continue to be an enigma. What is a mixed jurisdiction? Is the definition limited to substantive mixtures of Common Law and Civil Law or does it go beyond this dichotomy? How does the presence of a codification influence the Civil Law's co-existence with or infiltration by the Common Law? What role do procedure and the courts play in mixity dynamics?

At the sunset of the twentieth century, mixed jurisdictions as laboratories of comparative law became the object of academic attention primarily dedicated to South Africa and Scotland. European law unification initiatives then started to consider the experiences from mixed jurisdictions for harmonization purposes. In the new millennium, a push for an institutional framework for mixed jurisdiction advocacy came from Louisiana.

Due to the competition of jurisdictions and the pull of the Common Law in the current global marketplace, national legislators in traditionally civilian jurisdictions have even resorted to borrowing institutions and practices from the Common Law.

Globalization, decolonialization and crypto neocolonialization are adding new dimensions to mixity and pluriformity. In their ensemble, these trends reveal the need for scholarly research to investigate why, how and when mixed jurisdictions came into existence, what challenges they have had to face, which methods have been chosen to enable mixed legal operations, and what appeal and limits law mixtures may have.

In light of the high number of manuscripts received, *Pravovedenie* has decided to dedicate two issues of the special edition to the important topic of mixed jurisdictions. The first issue features the following contributions:

Markus G. Puder (The Honorable Herbert W. Christenberry Distinguished Professor of Law and Faculty Director for LL. M. Programs, Loyola University (New Orleans), Louisiana, United States of America) discusses the verticality dimension of mixity. He illustrates how American federal law, whether constitutional, statutory or judge-made, has interacted with the allocation of property rights under Louisiana state law.

Maurizio Lupoi (Professor Emeritus, University of Genoa, Italy) challenges the notions of "mixed jurisdiction" and "transplants" of legal institutions. Harnessing variations of the trust under different international, national and infra-national models, the author calls on "non-common law" legal systems to come to terms with the trust in a milieu unhindered by conceptual constraints.

Alexandre Chitov (Assoc. Professor, School of Law, Chiang Mai University, Thailand) discusses the systems of criminal law in Thailand and China through the prism of the traditional Scottish criminal law model and legal philosophy. The author concludes that, since both Scottish and Eastern moral philosophers understood justice as an ethical category,

the traditional Scottish model of criminal law provides a platform for West-East encounters and mutual understanding.

Polina V. Kornilina (Consultant, LLC Technologies of Confidence, Legal Services) studies the doctrine of error and its operations in the law of obligations of codified mixed jurisdictions (the State of Louisiana and the Province of Québec). The author's study is designed to provide insights for purposes of developing and improving the domestic doctrine of error.

Daria Petrova (Junior Researcher, Civil Law Department, Faculty of Law, Saint Petersburg State University, Saint Petersburg, Russian Federation) discusses legal solutions offered and experiences made in the State Louisiana and the Province of Quebec with regard to "change of position" and "frustration of purpose." The author adds to the mix a country not traditionally labeled as a mixed jurisdiction — Argentina with its Civil and Commercial Code.

In this special edition of *Pravovedenie*, we give the floor to voices of mixity that are not typically heard in the comparative law discourse. We believe that legal solutions to real problems found in mixed spaces may be particularly useful for jurisdictions endeavoring to reform their laws.

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