

EDITORIAL COMMENT

The year 2021 has been one of turmoil, transition, and uncertainty for so many of us. Beyond the list of ground-breaking cases, legal and information professionals have faced a difficult year managing the coronavirus pandemic and its longstanding consequences on the law, economy, and culture. There have been highs and lows. But 2022 is not quite the same as 2021. Some concerts and public events are being postponed, but others are being held. Many schools, colleges, and universities are reverting to in-person teaching, while some retain the distance or hybrid protocols of last year and the year before. And yet, I am still an optimist. While many frustrations continue, some things are clearly better than they were one year ago. I think that is something most people can agree upon. Amid the strife and alarm of January 6, there was still hope at the outset of 2021. In the first quarter of 2022, there has been a bit more than hope: there is light at the end of the tunnel. Thank you for that, readers.

Thank you for your patience and perseverance. Thank you for your belief in the rule of law. Thank you for your support of International Association of Law Libraries (IALL) and its mission. And thank you for helping me see the silver lining of the pandemic. Because while it's been rough going for so many of us (by now, everyone knows *someone* impacted by COVID-19) it has also brought communities closer, revealed inequities, created new heroes, and given us things to rally behind, or even to come together to deplore, like the war in Ukraine.

Even amid the pandemic upheavals in 2021, IALL was still able to deliver its marvelous, virtual conference in Toulouse, France: "[The Triptych : National, European and International Law, the French way](#)". It was a fantastic experience with top-notch content. This issue contains the proceedings from that conference. While it is common to have three or four lectures make up the annual proceedings issue, this year, we have *eight*. The extensive speaker contributions can be attributed in large part to the hard work of the local planning committee in Toulouse, led by **Michel Fraysse**. Michel is one of the IALL board members who will be leaving the board at the conclusion of the IALL conference this October in Stanford University. Many thanks to Michel for his work on the board and for the truly amazing conference that he and his local team put together in Toulouse. In fact, there are so many articles from the Toulouse conference, that we have made this one of the *International Journal of Legal Information's* (IJLI) rare double issues. Perhaps you have already noticed the heftier weight of this issue. In addition to the eight articles from the conference, there is a larger than usual section of book reviews, edited by **Caroline Osborne**, and a much more inspiring collection of conferences, symposia, and other meetings in the International Calendar, edited by **Amy Flick**.

The feature articles in this issue are all excellent. The first is by **Alexandre Bernier**. Bernier addresses the subject of legal translations, along with the use of legal sources transcribed in a language that differs from one's first language. He also touches on the use of sources which are pre-translated. His is one of two articles that are situated within the subject of legal translations and the challenges that flow from trying to research and understand complex legal topics which have been translated from their original texts into a completely different language.

The second article is by **Xavier Bioy**. The author has created a dense, but rich overview of the concept of censorship in distinctly French legal contexts. He defines censorship and artistic freedom. He also outlines criminal law enforcement when artistic expressions are in tension with societal goals, often expressed as "protecting young people." Bioy goes on to discuss what he calls administrative censorship, particularly in the contexts of live performances and the cinema. This is a fascinating piece and fills an important gap in the literature.

Aurore Gaillet is author of the third article. Professor Gaillet's article is divided into two parts. In the first part, Gaillet provides a demonstration of the importance of comparative law and legal culture by describing the "great principles of French public law". The author then explores some of these major principles through a comparison between the French and German conceptions of law, justice, the State, and democracy.

Florent Garnier authored the fourth article. The author provides us with a very succinct introduction to French Law. As the title suggests, it is an historical overview spanning the twelfth through the twentieth centuries, and the Garnier traces this history through an examination of key historical documents. It is an elegant summary: scholarly and informed, yet accessible.

The fifth article in this issue is by **Laura M. Hartwell**. Her linguistic study contributes to the scholarly discussion on the Library of Congress Subject Heading *illegal aliens*. Hartwell's research reveals that phrase is absent in a body of US Supreme Court oral arguments. She also evaluates results from automatic translation tools related to keywords as well as a corpus extract. The author's study confirms the ideological bias inherent in the *illegal aliens* subject heading compared to several other expressions that legal scholars may use to describe the situations implied under the more neutral umbrella term *noncitizen*. The automatic translation results for the terms *alien* and *illegal alien* also support the notion that the term *illegal alien* is confined to a U.S. historical context which hinders its international comprehension as a subject heading. Hartwell's research is focused, and her reasoning is compelling. This is an important piece and I predict it is likely to be cited often in the future.

Jérôme Julien wrote the sixth article in this issue of the IJLI and his focus is on French private law. Julien has a difficult task to accomplish with this brief overview piece. He notes that private law is "usually defined as all the rules of law which govern relationships between private individuals." Therefore, it is opposite to public law and different from mixed law, such as criminal law, which has aspects of both private and public law. The author notes that understanding private relationships between individuals depends on the country where they are observed and that country's history. Julien notes that French individualism is embodied by the Declaration of the Rights of Man and the Citizen of 1789 and is doubtless at the heart of private law and is illustrated by the central place which is reserved for the law of private property. Thus, private law governs all relationships between individuals in every aspect of life: their private lives, business relations, and their working relationships.

Julien finds it particularly difficult to summarize French private law because its form changes so frequently. He sketches what he considers to be its foundations: both a legacy and a movement. Those major categories in turn form the basic structure of this fascinating article.

The seventh piece was written by **Hiam Mouannes**. Mouannes describes the purpose of her article as a demonstration of the "simplicity and clarity of the principle of secularism in the light of France's painful journey towards a universalist conception of human rights". She finds that secularism is the only way to protect each one from "community and/or social identity-based withdrawal, radical religious entryism, the overpowering influence of religion on thought and behavior, racial hatred and feeding all kinds of racial, and essentialist ideologies. The author states that the principal of secularism in France must be positioned at the intersection of freedom, citizenship, and the Republic. According to the author, these three interdependent pillars allow individuals and the nation to flourish, move forward, build, and develop. If one of them breaks down, the whole edifice is destabilized and with it, freedoms, including the freedom of worship. This is a carefully written and thought-provoking piece.

Nicolas Séébold is the eighth and final author in this issue. He undertakes the difficult task of examining the relationship between the French state and French private law. This is something of a companion piece to the article written by Professor Gaillet, described above. According to Séébold, the concept of the State is impossible to avoid in France because the country built itself on (or around) this idea. Although the State was initially ignored by the Revolution (which referred to the idea of the sovereign nation), the Revolution marked the beginning of the French administrative state which continues to evolve. However, the administration as a kind of remedy for the instability resulting from 1789 was a legal tool which changed with succeeding regimes. Thus, an intellectual object was necessary to support it and to guarantee its continuity and stability. This is where the interest in the *State* lies, if only in an etymological sense.

Séébold finds that the State was initially a political instrument, but it became increasingly important to jurists at the beginning of the twentieth century. They used the concept in such a way that gave it a fundamental role in the legal and political organization of France. It was a difficult exercise, and therefore separate from the standard definition of "State" as the sum of its population, territory, and organized political power. In fact, its conception is still subject to controversy and interpretation. Oddly, studies of the State in France have become somewhat rare, with French jurists 'abandoning' studies of the State. Séébold suggests that this fading attention to the subject may signal a gradual loss of interest in it altogether. He states that this article first requires an understanding of how legal scholarship has adopted the concept of the State, and second, he describes a study of the development of the theory of the State by French jurists (II).

Each of the articles in this issue of the IJLI are terrific. I hope you enjoy reading and thinking about them as much as I did.

Looking ahead, the next issue of the IJLI (Winter 2022) will have a guest editor. Julienne Grant has agreed to step in and take the reins. Julie is an amazing librarian and an accomplished editor. I am sure she will bring our readers truly excellent content in the next issue. I look forward to reading her issue later this year!

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