

NEW ORLEANS NOSTALGIA

Remembering New Orleans History, Culture and Traditions

By Ned Hémard

French Foreign Lesion

Somewhere near the campus of Tulane University, a high stakes game was taking place. The time was the late sixties, and the participants were playing their own New Orleans version of Monopoly. Under Crescent City rules, players did not "Go To Jail" but to "Central Lockup"; "NOPSIS" and the "Sewerage and Water Board" replaced those other utilities; and instead of the railroads one landed on the "Freret Jet" or perhaps the "St. Charles Streetcar".

The usual rules applied, but with the proviso that everything had to be in keeping with the Louisiana Civil Code. As the young capitalists vied for more and more real estate, eventually one player would come to that point where his properties were all mortgaged and he was just about to go bankrupt. At that moment, the chivalrous loser decided to sell all of his mortgaged properties to the underdog for one dollar of Monopoly money. That would be a way to make things more even against that other player who was trouncing everyone else.

But wait. The trouncer announced to the trouncees: "Lesion beyond moiety!"

"What? Lesion beyond moiety? What was this foreign sounding French phrase? What did this all mean?"

The winning player reminded the rest of the competitors that "lesion beyond moiety" was a civil law term which stated that such a sale of immovable property (in France, real estate is called *immobilier*) could be rescinded when the price was less than one half the fair market value. The mortgaged *Le Boardwalk* could not be sold that cheap.

Lesion means injury (although one sees very few personal lesion attorneys), and moiety means a half (or one of two equal parts). Going beyond that balance is where the law could kick in. The word moiety comes into the English language via the French *moitié*, from the late Latin *medietat*, *medietas*, from the Latin *medius* (meaning middle). Median comes from the same Latin root as *medius*, but in New Orleans the end result was "neutral ground".

So Louisiana law provided an interesting dynamic to an already exciting and enormously popular board game, but there is something further to this story that is also enormous.

The original term for "lesion beyond moiety" and one still in use in some other countries is "*laesio enormis*". These concepts go back to the ideas of Aristotle and Roman law. Under Roman law unequal exchanges were thought of as fundamentally unjust. A doctrine developed from the Code of Justinian that provided a remedy for the injustice of selling land for less than half its "just price". *Laesio enormis* (or "my lesion is bigger than yours") was just the legal solution for lesion envy.

The "just price" theory of ethics in economics had its roots in ancient Greek philosophy, and St. Thomas Aquinas advanced these ideas into areas concerning pricing. Raising prices in response to high demand was considered a type of theft. As time went on, free markets and Adam Smith's "invisible hand" created a world where a game like Monopoly could one day be created and enjoyed.

Sometimes an "invisible hand" guides certain individuals into politics. Such was the case with Warren J. "Puggy" Moity of Lafayette. Although his name was spelled slightly different from "moiety", his antics were nowhere near anything straight up the middle.

His forté was that of political mudslinger, and this colorful candidate ran against Edwin Edwards in the first Democratic Party primary of the gubernatorial election of 1971-1972. On November 6, 1971, Puggy got 8,965 votes (or .76% of the total) but not before really going to town on attacking Edwin Edwards.

He constantly harangued against Edwards and called him gay. Edwards, knowing just how to diffuse the situation, strolled up to Moity at a political forum and planted a big kiss on his cheek: a very gentle but effective lesion upon Moity.

P. S. An astute legal observer pointed out that, in Article 2589 of the Code, only the seller could claim lesion (not the monopolistic trouncer mentioned above). While true, that gambit in gamesmanship still worked all those many years ago.

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