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Book Review: Les Législations de Droit International Privé - Statutory Private International Law, edited by T. M. C. Asser

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Les Législations de Droit International Privé — Statutory Private International Law: Edited by T. M. C. ASSER INSTITUUT AND UNIVERSITETSFORLAGET. Boston: Box 142, Boston, Mass. 02113. 1971. Pp. xv, 333. (\$20.00 U.S.)

Canadian law reformers, comparatists and lawyers advising clients engaged in international trade will welcome the publication of this book as it will enable them readily to ascertain the statutory private international law rules in force in most European countries and in Israel.¹

The value of the book is enhanced by the fact that it covers the Soviet Union and several other socialist countries and that the wealth of information it contains appears in the French or English language. Anyone who is familiar with the difficulty of translating foreign legal terms will admire the skill with which Soviet, Greek, Portuguese and other statutes have been translated into the two languages used in the book. A bilingual index facilitates research.

In order to avoid the obvious criticism that in some countries the statutory provisions dealing with private international law do not represent the whole of this branch of the law, thus possibly misleading the reader, each chapter is preceded by a general intro-

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¹ Countries having similar or nearly similar rules are grouped together: Netherlands, Belgium, France—West Germany, Austria, Switzerland—Italy, Greece, Spain, Portugal—Denmark, Norway—Great Britain, Israel—Czechoslovakia, East Germany, Poland and the Soviet Union.

duction where a *vue d'ensemble* of private international law rules is given. In this way one is made aware of the exact place which statutory law occupies in the legal system surveyed. For instance, statutory law plays a minor role in the Netherlands, Belgium and France. On the other hand, in Portugal, the Civil Code of 1966 is the principal and almost exclusive source of choice of law rules. This is also true in almost all Eastern European countries where there is a strong tendency towards codification although judge-made private international law is not entirely eliminated. In Scandinavian countries the bulk of private international law rules is to be found in international conventions.²

An excellent general introduction prepared by Professor D. Kokkini-Latridou succeeds in bringing together all the systems surveyed in the book. It also includes a brief historical analysis of the development of private international law in Europe. This should prove to be of great interest to the comparatist as the author indicates what are the major characteristics of the European systems. The conclusion to which one comes after reading the statutes printed in the book is that, even among groups that share a common legal tradition, there is still in existence a great diversity of rules. This clearly underlines the great role which the Hague Conference on Private International Law has to play to bring about their unification.

A very valuable feature of the book is that it includes some recent national draft private international law codes. It is, however, interesting to note that in France, for instance, there is a certain reluctance on the part of the legislator to adopt the draft for fear that codification would make it more difficult to unify private international law rules on a world wide basis. At the present time the most modern statutory provisions in force in France are those that are to be found in the conventions prepared by the Hague Conference on Private International Law. This is why in Quebec, the Office of Revision of the Civil Code has considered and incorporated in its draft articles dealing with private international law many of the rules adopted by the Hague Conference.³

In each country surveyed the statutes are grouped under the traditional headings: conflicts of laws, jurisdiction and foreign judgments.

In view of the successful manner in which the Institute has

² Note that the countries of Eastern Europe are bound in their mutual relations by about fifty international treaties that contain some private international law rules.

³ Recently England has adopted several of the Hague Conventions. See for instance Wills Act, 1960, c. 44; Recognition of Divorces and Legal Separations Act, 1971, c. 53.

accomplished its limited objective,⁴ it is obvious that every law library and every person interested in private international law should have a copy of this book. Furthermore, the Institute should be encouraged to expand its research programme in order, eventually, to cover every country of the world⁵ including the way in which these statutory provisions have been interpreted and applied by the courts as it has done in the case of the conventions prepared by the Hague Conference on Private International Law now in force in many countries.⁶ It is also hoped that the Institute will keep the present book up to date by the publication of annual supplements. In this connection, publication in a loose-leaf form would have been preferable.

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