

## Book Review

---

THE CONFLICT OF LAWS: A COMPARATIVE STUDY. By Ernest Rabel. Michigan Legal Studies. The University of Michigan Press. 1945. Two Volumes. \$16.00.

The great need of this ailing world is international justice,—one which transcends national frontiers, which protects private, no less than public, rights. In the field of Conflict of Laws, internationalization is imperatively needed in order to ensure uniformity in the administration of justice.

This branch of legal science is in a most deplorable state. Weighed down by the shackles of narrow provincialism, its rules subordinated to the municipal law of each State, Conflict of Laws is in a condition verging on the chaotic. Internationalization alone can reclaim it. To be sure, many Conflict rules are, by universal acceptance, already internationalized.

Professor Rabel's "THE CONFLICT OF LAWS: A COMPARATIVE STUDY," is a notable contribution towards this end. It represents a new approach to the study of this branch of law, a comparative analytical method. More than a mere parallel statement of the divergent rules obtaining in different States, as many comparative studies are, this work is a masterly critical analysis of the whole field of conflicting theories and jurisprudence, rich in suggestions of reforms provocative of discussions, which of course is what the book intended to suggest, and replete with proffered solutions for bridging the gaps separating the practices of States.

The great obstacles to the suggested reforms are indeed numerous and formidable. Blind adherence to archaic legal postulates based on convenience, and unswerving allegiance to the doctrine of nationality and territorialism, cannot be taken lightly and dismissed with a wave of the hands. But to read this work of Professor Rabel is to be convinced that the barriers are not insuperable.

In Vol. I Professor Rabel makes an interesting review of the literature and sources of the Conflict of Laws, describes its structure

and development, and then delves into the intricacies of the family law where one less gifted than he is apt to lose his way in a labyrinth of conflicting rules and decisions. In Vol. II he surveys the broad field of business organizations, analyzes civil wrongs or Torts, and then takes up with a masterly grasp of the subject the complicated law of contracts. In most cases of irreconcilable conflicting rules, he finds the root cause in the opposing principles of nationality and domicile, and offers as a solution for the attainment of uniformity, the acceptance of the renvoi doctrine in its properly circumscribed sense and not in its exaggerated version of *circulus inextricabilis*.

This set is indispensable to internationalists and scholars interested in reforms, and most useful to practitioners handling cases involving the application of the laws of one State in the territory of another.

GAUDENCIO GARCIA \*

---

*\*Professorial Lecturer of International Law, College of Law, University of the Philippines*