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BOOK REVIEW

Twentieth Century Comparative and Conflicts Law: Legal Essays in Honor of Hessel E. Yntema, edited by Kurt H. Nadelmann, Arthur T. von Mehren and John N. Hazard. Leiden: A. W. Sijthoff, 1961. Pp. xv, 547. Fl. 46.90; \$12.50.

This is a collection of thirty-eight essays in the fields of comparative law and conflict of laws contributed by eminent scholars from fifteen different countries in honor of Professor Hessel E. Yntema on his seventieth birthday. Professor Yntema, now Emeritus Professor at the University of Michigan Law School, Vice-President of the International Academy of Comparative Law, and Editor-in-Chief of the *American Journal of Comparative Law*, is well known to the legal profession in this country and abroad for his leadership and penetrating studies in several fields of law, including conflicts and comparative law.

The essays are divided into four groups dealing, respectively, with general problems of comparative law, specific institutions of foreign law, conflict of laws, and general legal subjects. The volume also includes a biographical note on Professor Yntema and an impressive list of his publications. Most of the papers are written in English, five are written in French, and two each in German and Spanish. The subject matter, scope, and depth of the essays is so varied that detailed discussion or even listing of their contents is impractical. For the purposes of this review it suffices to state that the section devoted to comparative law opens with an article by Dean Pound focusing attention on comparative legal studies as an instrument for the realization of a universal legal order. Other papers in the same section deal with such interesting questions as classification of legal systems, the discovery of a common core among all legal systems, and difficulties arising from multilingual legislation. The section devoted to conflict of laws includes articles dealing with domicile, jurisdiction, renvoi, characterization, trademarks, and anti-trust legislation. The closing section contains papers on habeas corpus in Latin America, legal aspects of Indian democracy, the Polish experience with proportional representation, politics behind the convention on "European" elections, and Dr. Vera Bolgar's stimulating essay on the "Magic of Freedom."

Several essays in this collection are of particular interest to the legal profession in Louisiana. Essays focusing attention on the value and function of comparative law, and on its usefulness in connection with law reform endeavors, are convincing that the planned revision of the Louisiana Civil Code ought to be preceded by extensive and exhaustive comparative law research. In that regard, the contribution of Professor Dainow of the Louisiana State University titled "*Civil Code Revision in the Netherlands: Some New Developments in Obligations and Property*," deserves specific mention. It is the last of a series of articles which offer a perspective in re-codification in the light of the recent Dutch experience. The present article discusses the power of judges to mitigate damages, the effect of good faith in connection with the modification or extinguishment of obligations, the use of movables as security without dispossession of the debtor, and fiduciary administration (trusts). The article of Professor T. B. Smith of the University of Edinburgh, Scotland, on the law of occupier's liability is a warning against the uncritical adoption of foreign legal institutions. The author deplores the impact of English doctrine on the Scot's civil law of occupiers' liability and marks the "return of the tide" with the enactment of the Occupiers' Liability (Scotland) Act, 1960, designed to restore the law of Scotland to its former state. Professor Limpens' discussion of "*La capacité juridique de la femme mariée et le régime matrimonial en droit belge*" offers an opportunity for comparison with Louisiana jurisprudence and legislation in the same area. Professor Rotondi's paper on "*The Movable Character of Shares and Interests in Companies in the Romanesque Codes*" throws much light on the origin and meaning of Article 474 of the Louisiana Civil Code. Finally, it is interesting to note in Professor Zweigert's article "*Zur Lehre von den Rechtskreisen*" the observation that the legal system of Louisiana ought to be classified within the common law orbit and that the so-called "mixed legal systems" (Louisiana, Quebec, South Africa) may well foreshadow the future development of today's common law and civil law systems.

The editors of this volume ought to be congratulated on their initiative as well as the successful assembly and coordination of the various essays.

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