

*Reform and Development of Private International Law: Essays in Honour of Sir Peter North* EDITED BY JAMES FAWCETT [Oxford: Oxford University Press, 2002. xxxiii + 354 pp. Hardcover: £65]

This is a collection of 14 essays written in honour of Sir Peter North, in recognition of his career as a scholar and law reformer, with particular focus on his efforts in the reform and development of private international law, where he has made his most significant public impact. Sir Peter is well-known as the co-author (with Professor James Fawcett, the editor of this book of essays) of *Cheshire and North: Private International Law* (13<sup>th</sup> ed., 1999), one of the two leading works on the conflict of laws in England and the Commonwealth (the other, of course, is Lawrence Collins *et al.* (eds.), *Dicey and Morris: The Conflict of Laws* (13<sup>th</sup> ed., 2000)). He has had an illustrious career as an academic, Law Commissioner, Vice-Chancellor of the University of Oxford, among others, a career which has not yet ended. Among his other contributions to the law, an important collection of essays on the conflict of laws has been published in *Essays in Private International Law* (1993), and he has given two general courses at the Hague Academy of International Law (“The Development of Rules of Private International Law in the Field of Family Law” (1980) *Hague Recueil* 5 and “Reform, But Not Revolution” (1990-I) *Hague Recueil* 9). He is no stranger to the National University of Singapore, having been an external examiner at the University. He has clearly won the respect of scholars from England and beyond, as the tributes paid by the various contributors of this collection of essays demonstrate.

The general theme of the essays is captured in the title of the book. The essays themselves can be broadly organised into three groups.

The first group deals with efforts at the harmonisation of private international law at the international level. Here the focus is on the somewhat tumultuous history of the attempt of the Hague Conference on Private International Law to garner agreement and support for the draft Convention on Jurisdiction and the Recognition of Judgments in Civil and Commercial Matters. A detailed comparison between the draft Convention and the Brussels I Regulation is made in the contribution of the late Honourable Peter Nygh, one of the key movers in the Hague Conference for this project. Professor McClean narrates the history of the project and considers its implications for the future development of the law in other common law countries. Professor Brand outlines the reasons for a more modest attempt by the Hague Conference to look to an international agreement on the jurisdiction and the recognition of foreign judgment in civil and commercial matters in respect of choice of court agreements. These essays should prove interesting reading for readers who have been following the developments at the Hague, and/or who are interested in a case study of the dynamics of law reform at an international level. Looking beyond the narrow ambit of the Hague Conference, Professor Siehr's essay on the inter-relationship between international agreements and the private international law of nations, and the ways in which national reforms can promote or hinder international reforms, repays close study.

The second group of essays deals with the relationship between Europeanisation and private international law. Professor Beaumont details the history behind the conversion of the Brussels Convention to the Brussels I Regulation. This is no doubt important from the perspective of the study of European law, but the reader outside Europe would probably find more interesting Professor D'Oliveira's study of the effect of European politics on the process of reform of private international law in Europe. Professor Fletcher's essay on the relationship between the European Commission's Insolvency on the English private international law is also primarily of European concern, but the issues dealt with are of general significance and will be of interest to a wider audience.

The third group deals specifically with the conflict of laws at the national level. Sir Lawrence Collins argues that the concept of international comity has been maligned by writers, and provides a robust defence of the wider use of the concept in the conflict of laws. Professor Hartley casts light on the arcane area of choice of law in matrimonial property. As the theme of the book is law reform, three essays address (directly or indirectly) the important question of the balance between judicial and legislative reform. Professor Blom considers the question from the perspective of Canadian law, where there has been much judicial activism in the fields of jurisdiction, recognition and enforcement of foreign judgments, and choice of law in torts. Professor Morse considers the same question, but through the case study of the English reform of torts choice of law in the Private International Law (Miscellaneous Provisions) Act 1995. Professor Lando traces the development of the idea of party autonomy in the conflict of laws through the writing of jurists, in an essay that is likely to endear itself to readers familiar with an era where the development of the conflict of laws took place principally in courts of law though with close reference to academic writings, now surpassed by one of rapid legislative action.

Two remaining essays cut across the classification above, though they are none the worse for it. Cross-border litigation involving intellectual property rights is becoming more important. Developing a point in J.J. Fawcett and P. Torremans, *Intellectual Property and Private International Law* (1998), Professor Fawcett considers the problem of jurisdiction, specifically the relationship between actions alleging infringement, and claims involving invalidity, of intellectual property rights, from the point of view of the Brussels I Regulation as well as the proposed (and now abandoned) Hague Convention. However, the issues raised and the discussion of various possible approaches are of relevance to any national system of conflict of laws. Professor Harris' treatment of the relationship between the Hague Trusts Convention and the English conflict of laws (dealt with comprehensively in his book *The Hague Trusts Convention: The Private International Law of Trusts* (2002)) provides a succinct roadmap of the borderlands of the Convention, and should be read by anyone interested in the choice of law relating to trusts.

This book contains much that is appealing, but because of its diverse and highly specialised contents, different parts of it will appeal to different readers. It is likely to be of general interest to conflict of laws scholars (of whom there is not a very large number). Certain chapters on substantive law will be of particular interest to judges, legal practitioners, law reformers, and law students. Other chapters should be read closely by those engaged in the exercise of law reform, especially law reform that impinges upon potential international harmonisation efforts. It is a book that every university law library should have.

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