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But even a reader who does not know both English and French can draw substantial benefit from this rich collection of material and obtain valuable insights into various legal orders' institutions and thinking in the areas of law dealt with by the several Draft Conventions.

**MARITIME LAW**


*Reviewed by A. A. Fatouros*

The two books under review are a most welcome addition to the limited but growing corpus of translations of recent maritime codes. The Polish Maritime Code of 1961, the country's first autochthonous maritime code, has already been twice translated into English. While this is the first expert rendering in English or French of the 1968 Soviet Maritime Code, its predecessor, the Code of 1929, has been translated into both languages. In a legal branch as inherently transnational as maritime law such translations are of great usefulness to practitioner and scholar alike. It is noteworthy therefore that, under the leadership of Professor René Rodière, a concerted effort to translate and publish foreign maritime codes in French has been undertaken by the Paris Institute of Comparative Law. No comparable

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series exists in England or the United States; for translations of foreign maritime codes into English we must rely on the efforts of individual scholars or on official and semi-official publications of foreign states.

Lacking linguistic competence in either Russian or Polish I gladly forgo the nit-picking check of the accuracy of translated terms which would otherwise be de rigueur. That the translators must have faced difficulties in rendering the Russian and Polish terms into English and French is obvious, not only because they all say so, but also because certain intriguing differences exist between the various translations. Presumably, no jurist will read translated legislative texts without keeping in mind the possibility of differences in the exact meaning of particular terms.

Both codes are published with helpful introductions by the general editor, in the one case, and the translators, in the other. Professor Rodière's comments on the Polish Maritime Code provide a comprehensive overview of its basic approach and outline. He stresses the presence of a practitioner's touch in the drafting, manifested by awareness of and general conformity with commercial practices as well as by a certain reluctance to engage in radical theoretical "clarifications" or departures from established learning. A striking illustration is the Code's article 95 which distinguishes two kinds of contract of carriage of cargo, the contract by charter-party (umowa czarterowa) and the "booking contract" (umowa bukingowa). The latter, an innovation in formalized maritime law, appears to correspond to the "booking note" or "booking memo" of the commercial practice of freight forwarders. Messrs. Butler and Quigley offer a more thorough introduction, perhaps less elegant but more informative, richly documented with extensive footnotes. It covers succinctly the Code's legal, economic, and administrative background, outlines its provisions, and discusses a few points in more detail. The authors' protestations to the contrary notwithstanding, these 34 pages are an invaluable introduction to Soviet maritime law.

The two codes are, naturally, fairly similar in their coverage. Contrary to expectation, however, the similarity should not be attributed to their common socialist origin—in reality this is hardly apparent and may be found by and large either in the codes' periphery (e.g., the articles in the USSR Code specifying the competence of particular Ministries) or in their background: In both countries merchant shipping is a state function—the "ship's operators" and "ship-owners," "ship's agents" and "marine insurers" the codes mention are all independent state agencies. Otherwise, the two codes show no particular resemblance in structure or in the sequence of treatment of topics. The USSR code appears more comprehensive, covering some administrative questions and such matters as seaports, labor

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relations (crew), and claims procedures which are largely left out of the Polish code, to be dealt with in separate laws. The latter code, again exhibiting concern with commercial practice, treats in considerable detail the services of ship's agents and brokers (art. 191-203).

The similarities between the two codes which do exist, not only in coverage but also in the substantive regulation of various topics, must be attributed to their essential conformity with international shipping practice and with the legal concepts, principles and rules in force in most maritime countries. Both codes reproduce, with no significant changes, the provisions of several international conventions to which the two countries are parties. Like most continental European maritime codes, the codes under review contain conflict of laws provisions. It is particularly interesting that both stress the parties' freedom to choose the law applicable to their contractual relations. The exceptions and qualifications they impose (public order, formalities and authorization, clauses further limiting shipowner's liability, etc.) are neither unusual nor particularly broad.

The peculiarly transnational character of the shipping industry thus appears to triumph over ideological and politicoeconomic differences. The resulting body of largely common national and international maritime law seems to serve equally well socialist and capitalist systems.

LABOR LAW


Reviewed by Werner Pfennigstorf*

This book is quite unlikely to be read by many Americans, not only because it is written in French, but also because it is about legal problems that are virtually nonexistent in the United States, namely, the compensation under European workmen's compensation rules of accidents occurring outside the employer's premises while the employee is on his way to or from work. However, there are two strong reasons why Americans should nevertheless concern themselves with such ideas. One is an international convention calling for worldwide


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