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Sections on Notes and Documents complete the Yearbook. Illustrative titles in the Notes are "Immigrant Ships before the Palestine Courts" and "Post-War Legislation against Racial Hatred." The Documents section is devoted to United Nations materials, namely, the Resolution on the Future Government of Palestine, the Declaration of Human Rights, and the Genocide Convention.

A few of the papers in the Yearbook leave the impression of being thorough, but strained, briefs for particular points of view that in some cases may have become outdated, as it were, by the emergence of the State of Israel. Perhaps the opinion voiced by the editors that those international law questions affecting the Jewish people are of a sui generis character might be re-examined. These are minor points. On the whole, the initial volume of the Jewish Yearbook contains valuable materials for the student of international law and relations on the international background and aspects of the creation of the State of Israel.

DAVID R. DEENEE

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The successive editions of Judge Goodrich's Handbook have remained wedded to a single basic point of view. The territorial-vested rights analysis of conflict of laws problems is common to the first edition of Judge Goodrich's Handbook, Professor Beale's treatise, and the American Law Institute's Restatement. In spite of the searching criticisms given the theory underlying these works, the second edition of the Handbook published in 1938 showed no substantial change in point of view. The author held fast to his basic position. Now, save for a few verbal changes, the new, third edition has again built on the framework of vested rights conceptions.

Changes in phraseology throughout the new edition indicate that Judge Goodrich wishes to throw off the incubus of Bealism. Those passages in the second edition which were most explicit in revealing Judge Goodrich's fundamental orientation have been rewritten and much of the terminology discarded. For example we are no longer told:

\[\text{... it is a principle of civilized law that rights once vested under the law continue until destroyed or cut off by law, and that such rights are recognized and enforced in one state though they have come into being in another, unless such enforcement, is for good reason, thought contrary to the public policy of the jurisdiction where enforcement is sought.}\]

But rather:

\[\text{... it is a principle of civilized law that a court will not resolve a dispute before it which involves foreign elements as if it were deciding a case all of the facts of which occurred in its own state. It will, instead, look to the law of the other state or states involved, and consonant with other considerations that may be of concern, seek a result conforming to that law.}\]


2P. 14.
In the second edition the reason given for a system of conflicts rules was:

The rights acquired in Pennsylvania should not be changed by the fact that for one reason or another enforcement of them by legal action is presented somewhere else than at the place where the operative facts were located. Nor should the defendant's obligations, as thus fixed, be changed, either by being increased or diminished by this fact.3

Now the reason is said to be:

The outcome of litigation involving the former should not be changed by the fact that for one reason or another legal action is instituted somewhere else than at the place where the operative facts were located.4

In several places the second edition spoke of "foreign acquired rights"5 or a "right acquired under the law of another state."6 The third edition has changed the phrases to read "claim founded on foreign operative facts"7 or "claim [arising] from operative facts in another state."8 Yet "jurisdiction" is still defined as "the power of a state, through its courts, to create rights which, under principles of the common law of Conflict of Laws will be recognized as valid in other states."9 The "place of the wrong" must supply us with the law to be applied in the case of a tort because the rule is "sound upon principle."10 It is incorrect for an English court to allow civil recovery for a libel published in Brazil when under Brazilian law the defendant would have been only subject to a criminal sanction: "The plaintiff, in such a case, has acquired no claim which should be enforced by action in the second state."11 In treating the sharply disputed choice of law rules governing contracts the author tells us that the place of contracting rule is "theoretically sound" because "As in torts, the parties engage in certain conduct in place [sic] where there are laws which determine the consequences of that conduct."12 The place of performance rule involves a "theoretical difficulty." If the acts constituting offer and acceptance occur in Michigan and Ohio is the place of performance, Ohio law will be used to determine the effect of acts in Michigan. "That the law of Ohio cannot thus extend into Michigan's territory is fundamental."13 Certain foreign statutes of limitations will be applied in the forum if they "destroy the right itself." In such cases the "law which has created the right has taken it away."14 The most troublesome questions of conflicts are analyzed in the same way as in earlier editions of the Handbook. The new mode of expression adopted in the present edition does not reflect a new treatment of the subject matter. Judge Goodrich's line has been

3 Goodrich, op. cit. supra, note 1, at 6–8.  
4 P. 7.  
5 Goodrich, op. cit. supra, note 1, at 20.  
6 Id. at 16.  
7 P. 21.  
8 P. 29. Changes of the sort indicated have been made throughout the present work.  
9 P. 167.  
10 P. 261.  
11 P. 262.  
12 P. 322.  
13 P. 324.  
14 P. 242.
slightly bent but by no means broken. The new words merely make it more difficult for a student to be aware of the author's premises.

Given the basic similarity to older editions, this version does of course contain some changes other than the obvious one of adding recent citations. Some of the less controversial matters may be listed. The footnotes are no longer "keyed" to Lorenzen's casebook, and a Table of Restatement Citations has been added at the back of the book. The only significant new sections appear in the first chapter, where three additions have been made. The section on Reason for Conflict of Laws Rules is created by merely separating the earlier section entitled Present Day Importance into two parts. Conflict of Laws Theories is actually a two-paragraph digest of an article by Professor Cheatham. A section on Characterizations appears for the first time and here Judge Goodrich sets down the generally used tripartite division of the problem and concludes that in general the law of the forum is to be used to characterize. The characterization problem does not seem to be touched on again throughout the rest of the volume.

Decisions of the Supreme Court made it necessary to rewrite considerable portions of the material on Taxation, Jurisdiction of Courts and Foreign Judgments. A rather extended discussion of the law to be applied in the federal courts—the *Erie v. Tompkins* problem—is now found in the introductory chapter. New material has required few textual changes in the chapters on Domicil, Marriage, Matrimonial Property, Legitimation, Property, Inheritance, and Administration of Estates.

A section entitled Supreme Court Supervision of State Conflict of Laws Decisions which made its appearance in the second edition is retained in the present volume without important change. In it the point is made that some federal supervision of state choice of law rules is possible under the Due Process Clause. But no case later than 1934 is cited or discussed on this due process point although some of the cases cited should be re-examined in the light of the 1943 case, *Hoopersten Canning Co. v. Cullen*. Furthermore the reader receives no hint of the considerable present-day reluctance on the part of the Supreme Court to review any state law (other than a civil liberties matter) on the ground of the Fourteenth Amendment. Surely this general development is relevant in considering whether any significant federal control of state conflicts rules is likely to occur on constitutional grounds.

Since 1948 a question has arisen whether the Supreme Court may control a state court in the conflicts area on federal statutory grounds. The *Handbook*, however, does not mention this most recently created problem. While the Constitution requires full faith and credit to be given the public acts, records and judicial proceedings of a sister state, until 1948 the statute implementing the constitutional provision spoke only of records and judicial proceedings and the effect to be given them, *i.e.*, such effect as they have in the state from which they were taken. Congress had never undertaken to determine the faith and credit to which a statute was entitled. At times

16 Except in Section 81, p. 228, where it is said that the law of the forum determines whether a question is one of substance or procedure.
17 318 U.S. 313, 63 Sup.Ct. 602, 87 L.Ed. 777 (1943).
the Court has seemed to base the different treatment given judgments and state statutes in full faith and credit cases on this absence of a congressional direction as to the mandatory extra-state effect of a statute. Mr. Justice Douglas adverted to the distinction in the first Williams case. 18 States may disregard the statutes of sister states more freely than judgments: "This Court, to be sure, has recognized that in case of statutes, 'the extra-state effect of which Congress has not prescribed,' some 'accommodation of the conflicting interests of the two states' is necessary." 19

With the 1948 revision of the Judicial Code public "Acts" were put on a parity with "records and judicial proceedings" in the statute. 20 The change could be the focal point for a very considerable increase in Supreme Court interference with state conflicts rules. Of course no one knows what the change will mean, but some indication of the new problem should be made in a book which raises the general question, even though the book is a hornbook. It cannot be assumed that the Code revision appeared too late for reference to it in the third edition. Citation to the revision is made in other connections. 21

When a new edition has made few changes and earlier versions of the work have been so widely reviewed, perhaps there is no need for a new reaction to what is already so well known. However, the temptation is too great.

Judge Goodrich's Handbook is designed principally for students, most of whom are meeting the conflict of laws for the first time. Is this book then satisfactory for the purposes of those for whom it is principally intended? Not in the opinion of this reviewer. A study of the book (without a great deal more) will not give a student sufficient insight into the principal clashes of theory in the subject. He will find seemingly easy, systematic answers to the most puzzling questions. 22 On the other hand, he will look in vain for trustworthy guides to advance the solution of complex issues. In studying the Handbook a student would gain only the slightest acquaintance with the contributions which comparative law can make to the conflict of

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19 Id. at 295.
20 The relevant section of the Code now reads: "Such acts, records, and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken." 28 U.S.C. § 1738 (1940). The Reviser's Notes merely state: At the beginning of the last paragraph, words "Such Acts" were substituted for "And the said." This follows the language of Article IV, Section 1 of the Constitution.
21 E. g., p. 609 n.22, which reads in part: "The provisions of the new Title 28 of the United States Code, effective in 1948, on full faith and credit modified details of the earlier provisions.

" . . . The Constitution requires full faith and credit to be given to the public acts, as well as to the records and judicial proceedings of other states. Although Congress has not prescribed the effect to be given statutes in other states, as it did in the case of records and judgments, this has not prevented the Supreme Court from requiring their recognition; with regard to statutes, the Court has apparently considered the clause self-executing."

22 The very interesting California case, In re Lund's Estate, 26 Cal.2d 472, 150 P. 2d 643 (1945), for example, is dismissed with the statement that it is "difficult to explain." P. 436 n.8.
laws. A reader still finds that "domicil" may be defined in one general way and a person may be domiciled in only one place. Walter Wheeler Cook's warnings in regard to the domicil concept are in no way reflected in the work. Most of the examples used by the author to justify a given choice of law rule are fact situations which occur within the boundaries of a single state. The conflicts problems involved in such circumstances are few and not of the most difficult sort.

If a libel is published in a magazine edited in New York, printed in both Pennsylvania and Illinois and distributed throughout the 48 states and most of the countries of the civilized world, what law should be applied to determine the obligations of the parties? For the solution of this enormously complicated problem the only tool which this book places at a student's command is "the law of the place of the tort governs the tort." Where is the place of the tort? The place of the last act necessary for tort liability. Duller knives to cut through thick brush could hardly be imagined.

The analytical divisions of the book themselves make it difficult to perceive problems which have much in common. A student who finds the chapter on Jurisdiction of the Courts separated from the chapter on Foreign Judgments by about 400 pages and who finds the subject of *forum non conveniens* treated in the Introduction and the rule on local actions discussed in the chapter on Torts can be pardoned for not understanding that in all these matters there is a principal underlying question: where should judicial determinations be made?

Other reviewers have excused shortcomings such as these on the ground that the hornbook formula does not permit the exploration of problems but demands only a statement of "the rules as they stand." This may well be true. So much the worse for the hornbook formula. Within the framework of that formula Judge Goodrich's work is exceedingly well-written and admirably organized. The clarity and the skill of summarizing judicial authority, virtues so often praised by prior reviewers, are still here. Yet in the stage of growth in which conflict of laws finds itself, reading the *Handbook* cannot be the best use of a student's time. It is an organized statement of a subject not yet suitable to organization of the sort which the *Handbook* attempts. On second thought the book is more; it is a sectarian statement. To recommend its extensive use to students would be similar to recommending the Lutheran Catechism as the principal text in a course on comparative religion.

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The method used until comparatively recently by most law schools in teaching first year law students has been to plunge the new student headlong into the simultaneous study of a number of the regular first year