Comments on the Conflict of Laws - Introduction

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Comments on the Conflict of Laws

Student Symposium
By Way of Introduction

During the autumn quarter of 1949, I had the honor and pleasure of being a visiting professor at the Louisiana State University Law School. The three months I could spend there will be cherished in my memory.

When, shortly after the beginning of the course on Conflict of Laws, I announced to the students that they were expected to write at least two term papers, the apprehensions with which they had expected the visiting stranger seemed to be justified. I hope
that in the course of the association, which turned out to be so pleasant for me, the students too came to realize that the visiting professor was, after all, human and, perhaps, as understanding of their problems as their own properly beloved professors. But in these early days of our acquaintance they were, understandably, not too well pleased with the prospect of having to spend long hours of valuable time on term papers. The quality of most of the papers turned in gives me reason to believe that the students may have come to see that the time spent on these papers was not wasted. But, to combine such term papers with law review work was just too much. So, the law review students hit upon an idea: could the visiting professor perhaps be persuaded to accept law review work in lieu of the term papers? The plan seemed at least worthwhile trying. Representatives of the law review somewhat hesitatingly approached the visitor with the proposal of a students' symposium on conflict of laws with the idea that the law review students' contributions be accepted as term papers. Sensing possibilities of a real contribution to legal learning and development, the visiting professor assented to the proposal. The articles following constitute the result and it must be left to the readers of the Louisiana Law Review to judge whether the visiting professor is right in his satisfaction at having consented to the students' project.

Of course, readers will realize that the articles are the work not of specialist scholars of long standing and experience but of law students. The assignment of the various themes was meant primarily to be a device of pedagogy. Obviously, this aspect would not have justified the publication of the articles. Yet, the students' work has been not only conscientious but also productive. Thus, readers of the Louisiana Law Review will find in the following articles reliable information on the state of Louisiana jurisprudence on a number of important and intricate problems of the conflict of laws. The presentation of the Louisiana jurisprudence takes place within a framework of discussion based upon nationwide surveys of authorities and in a spirit of responsible criticism and creative investigation. This investigation is carried on in a method which may appear unorthodox to many a reader. There is nothing said about enforcement of vested rights, jurisdiction to create rights, extraterritorial effect of laws, or similar seemingly clear but empty concepts. Instead the student authors' discussions are moving on a plane of realistic discovery, appreciation and adjustment of conflicting interests of private parties harboring certain expectations, or of states anxious to enforce certain governmental policies. For the inculcation of this