



THE COMMON LAW JURISPRUDENCE OF THE CONFLICT OF LAWS

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On Jurisprudence And The Conflict Of Laws

Frederic Harrison



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analysis Roxana Banu questions these premises By reviewing a broad range of scholarship from six jurisdictions the United
States France Germany the United Kingdom Italy and the Netherlands she shows that far from injecting an impetus for social
justice the alignment between private and public international law introduced much of private international law s formalism
and neutrality She also uncovers various nineteenth century private law theories that portrayed a social relationally
constituted image of the transnational agent thus contesting both individualistic and state centric premises for regulating
cross border inter personal relations Overall this study argues that the inherited shortcomings of contemporary private
international law stem more from the incorporation of nineteenth century theories of sovereignty and state rights than from
theoretical premises of private law In turn by reconsidering the relational premises of the nineteenth century private law
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