

MARRIAGE IN COMPARATIVE CONFLICT OF LAWS: SUBSTANTIVE CONDITIONS

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*Professor of International Law,
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PREFACE

This book was originally intended as a second volume of "Marriage and Divorce in Comparative Conflict of Laws" (Leyden 1974) and is in fact a continuation of that work. Its scope is, however, limited to the substantive conditions of marriage (the form of marriage, as well as the general aspects of the subject, being treated in the 1974 volume). The original plan, as stated in the earlier work, was for the problems of divorce and legal separation also to be dealt with in the second book. On further consideration, however, this was found to be impractical. In the first place, to do so would have defeated any attempt to keep the size of the book within reasonable limits. Secondly, the ground has meanwhile been covered by my contribution to the International Encyclopedia of Comparative Law (Volume III, Chapter 16: "Marriage and Divorce", 1979), which I did not want to duplicate. In view of this change in the original project, it was thought appropriate to publish the present work as a separate monograph under its own title, rather than as a volume forming part of a larger work.

The research undertaken for this book was essentially completed by the end of 1978. It has generally not been possible to take account of material which was not available at that time. This applies, *inter alia*, to the new Austrian statute on the conflict of laws, which was enacted on 15 June 1978 and took effect on 1 January 1979, and to the Swiss draft statute on the matter, which was published in 1978.

During the time of gestation of the book I have continuously received financial support from Institutet för rättsvetenskaplig forskning (The Institute for Legal Research), Stockholm. Expenses incurred in the course of my work have been covered by grants from the Faculty of Law in Lund and from Emil Heijnes Stiftelse för rättsvetenskaplig forskning (Emil Heijne's Foundation for Legal Research), Stockholm. I am greatly indebted to these institutions for their support.

In collecting the material for the book I have drawn on the

resources of and received very useful help from several research institutes and libraries in and outside my home country. I wish to express my sincere gratitude particularly to the University Library in Lund, the Max-Planck-Institut für ausländisches und internationales Privatrecht in Hamburg, the Institute of Advanced Legal Studies in London and the Bodleian Law Library in Oxford.

Mrs. Lea Hatzidaki-Dahlström, Lund, has assisted me in drawing up the tables of statutes etc. preceding the text of the book. Mrs. Ylva Bolding and Mr. Mats Lidgard have helped me to produce a readable manuscript. Dr. Neville March Hunnings, London, has gone through the manuscript and given me much valuable advice on matters of style and linguistic accuracy. I wish to thank them all cordially for their cooperation.

Lund, November 1980

Lennart Pålsson

TABLE OF STATUTES

Note. This table covers statutes, decrees, orders etc. cited in the book. For the United States it also includes the Restatements of the Conflict of Laws, which do not have the force of law.

The titles of the enactments are given in the original language, normally followed by an English translation within parentheses, wherever the original version has been used by the author. In other cases the title is given in English translation only.

References to official or semi-official law reports containing the text of the statutes etc. as originally adopted have only been made in some instances where the statute remains essentially unaltered by subsequent legislation and where it is not easily available in current national editions of codes etc. In most cases it has been thought preferable to refer to private collections (such as *Makarov's Quellen des Internationalen Privatrechts*), law reviews or books containing the current texts, whether in the original language or in English, French or German translation. In addition, a general reference should be made to the work of *Bergmann(-Ferid)*, where most of the statutory texts cited in this book, including some texts for which no particular source is given in the table, are reproduced, usually in German translation.

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