


Party Autonomy in Private International Law

Alex Mills, University College London, has written a book on party autonomy  in private international law which has just been published by Cambridge University Press. The author has kindly provided us with the following summary:

This book provides an unprecedented analysis and appraisal of party autonomy in private international law – the power of private parties to enter into agreements as to the forum in which their disputes will be resolved or the law which governs their legal relationships. Such agreements have become an increasingly important part of cross-border legal relations, but many aspects of party autonomy remain controversial and contested. This book includes a detailed exploration of the historical origins of party autonomy as well as its various theoretical justifications. It also provides an in-depth comparative study of the rules governing party autonomy in the European Union, the United States, common law systems, and in international codifications, with particular consideration of some other important jurisdictions including China and Brazil. It examines party autonomy in both choice of forum and choice of law, including arbitration agreements and choice of non-state law. It also examines the effectiveness of party choice of forum and law not only for contractual disputes, but also for a variety of non-contractual legal relations.

The book focuses its analysis around five questions of consistency in party autonomy – consistency between party autonomy in choice of forum and choice of law, consistency in the treatment of party autonomy in contractual and non-contractual relations, consistency between the choice of state and non-state forums or law, consistency between party autonomy in theory and practice, and consistency between different legal systems in relation to the effects of (and limits on) exercises of party autonomy. This analysis demonstrates that while an apparent consensus around the core principle of party autonomy has emerged, its coherence as a doctrine is open to question as there remains significant variation in practice across its various facets and between legal systems.

More information is available [here](#).