

# Out now: Issue 4 of RabelsZ 82 (2018)

The new issue of “Rabels Zeitschrift für ausländisches und internationales Privatrecht – The Rabels Journal of Comparative and International Private Law” (RabelsZ) is now available. It contains the following articles (summaries provided for non-English language) :

*Mathias Reimann*, European Advantages in Global Lawyering, pp. 885-921

*Jürgen Basedow*, The Hague Conference and the Future of Private International Law – A Jubilee Speech, pp. 922-943

*Nadjma Yassari*, Staatszerfall und Internationales Privatrecht (Failing States and Private International Law), pp. 944-971

*Conflict-of-law rules generally refer to the law of a foreign state. If, however, such state is in a condition of disarray and potential dissolution, tricky questions arise. Which normative orders are meant by the term “law”? Is a failing state still a state? This article shows that for the sake of regulating private relations, the focus must be placed on the factually operative norms, regardless of whether the non-state entity from which those norms have emanated is recognized under public international law. This hypothesis is tested in relation to the example of Syria. Ravaged by a fierce civil war since 2011, Syria has seen the emergence of new power entities competing not only over territory but also over legal authority.*

*Whereas the standard connecting factors of private international law (i.e. normative factors such as nationality, or geographic locating factors such as habitual residence) operate in their usual manner in a failing state with only minor adaptation, more serious problems arise with regard to the detection and interpretation of the factually operative law and its application in a concrete case. Where the relevant norms cannot be found or where a meaningful interpretation and application of those norms cannot be supported, a solution – it is argued – must be sought on the level of private international law rather than on the level of substantive law. In particular, the application of lex fori should be considered only where all other options have been exhausted.*

*Tamás Szabados*, The New Hungarian Private International Law Act: New Rules,  
New Questions, pp. 972-1003