German Translations of Classical Texts in Private International Law



The history of private international law is in large part a history of scholars. Many of them wrote in Latin, however, and have not been translated to German – perhaps because German scholars of earlier generations were more fluent in Latin than we are today. Some 25-30 years ago, Christian v. Bar and Peter Dopffel published two volumes of translations of texts by German authors between 1500 and 1700. That meant earlier and non-German authors remained inaccessible – including classics like Bartolus and Huber, who had long been translated to English (some in several versions)

Now that gap has been filled by Kristin Boosfeld, a professor at Freiburg and author of a pathbreaking monograph on theories of statutes, and Konstantin Liebrand, a postdoc at the University of Münster. They have, as editor and translator respectively, published a book with the seminal texts by Bartolus and Baldus, Dumoulin and d'Agrentré, Paul and Johannes Voet, and Huber, in Latin original (in one case Dutch) and German translation.

It is good to recall how important such translations can be. Huber's text revolutionized private international law in the United States in part when an

attorney created an English translation as attachment for his brief, and the judge had published that translation as an appendix to his opinion, helping Huber's reputation and thus providing the foundation of US thought on conflict of laws, with territoriality and comity and all. Who knows what would have happened in Germany if Boosfeld and Liebrand's translation had come out 200 years earlier? It may be too late to re-revolutionized private international law on the basis of the sources. But it is fantastic to have these carefully crafted translations now, including a long linguistic introduction on the translations and, for each author, a short biographical and bibliographical introduction. And it is even more fantastic that they are available in open access.