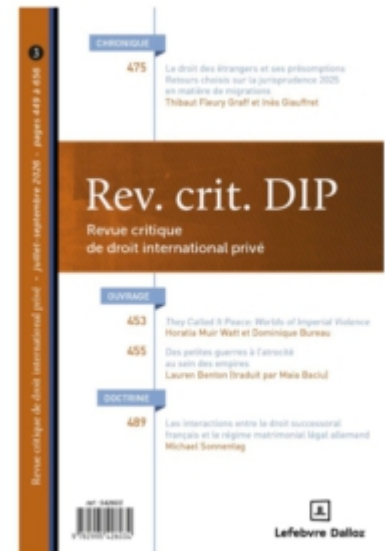


Revue critique de droit international privé - Issue 2026/3

Written by Hadrien Pauchard (assistant researcher and doctoral student at Sciences Po Law School)



The third issue of the *Revue Critique de droit international privé* of 2026 was just released and is already accessible online. It contains three articles, eight case notes, as well as four book reviews. In line with the *Revue Critique*'s recent policy, the doctrinal part will soon be made available in English on the editor's website (for registered users and institutions).

The volume opens with a presentation of Prof. Lauren Benton (Barton M. Biggs Professor of History and Professor of Law at Yale) last book *They Called It Peace: Worlds of Imperial Violence*, and a French translation of its Chapter 1: *From Small Wars to Atrocity in Empires* by Ms. Maia Baciú. The book offers a thought-provoking historical perspective on the colonial genealogy of private international law, the jurisprudence of jurisdiction, and, more broadly, over the role of law in a world marked by the contemporary resurgence of empires. Now partly available to the French-speaking audience, this important research encourages transnational and transdisciplinary dialogue on the geopolitical aspects of private international law.

Keeping with the tradition of French scholarship, the issue then features a yearly case-law panorama of *The Law of Foreign Nationals and Its Presumptions: Selected Reflections on the 2025 Case Law on Migration* (Le droit des étrangers

et ses présomptions. Retours choisis sur la jurisprudence 2025 en matière de migrations) authored by Prof. Thibaut Fleury Graff (Université Paris Panthéon-Assas) and Dr. Inès Giauffret (Université Paris-Saclay, UVSQ). While the characterization of an individual as a 'national' or a 'foreigner' entails important legal consequences, the constraints of daily administrative practices often collide with the complex proof of a foreign status, giving rise to a multitude of rules and interpretations regarding the validity of certain documents, the consequences of their absence, and the indicators that allow for a presumption of foreign status. The article takes a critical look at the judicial construction of such presumptions, their conditions for implementation and rebuttal, as well as their limitations.

In the last article, Prof. Michael Sonnentag (Potsdam University) scrutinizes *The Interactions between French Inheritance Law and the German Statutory Matrimonial Property Regime* (Les interactions entre le droit successoral français et le régime matrimonial légal allemand). The abstract reads as follows:

This article addresses the difficulties arising from the interaction between French inheritance law and the German statutory matrimonial property regime. The primary cause of these problems lies in the succession-based interpretation of the rule in Article 1371, paragraph 1, of the German Civil Code (BGB), as adopted by the Court of Justice of the European Union (CJEU). According to this provision, the surviving spouse's inheritance share is automatically increased by one-quarter. If this automatic increase is classified as a matter of succession law, which is not the solution adopted by the author, the rule in Article 1371, paragraph 1, of the BGB cannot be applied. In such cases, no alternative solution is provided by German law. To address this gap, the author develops a new approach and proposes applying this rule despite its classification as an issue of succession law in order to protect the rights of the surviving spouse.

The full table of contents is available [here](#).

Previous issues of the *Revue Critique* (from 2010 to 2025) are available on Cairn.