Second Issue of Journal of Private International Law for 2026 in honour of Professor David McClean

The second issue of the *Journal of Private International Law* for 2026 was published yesterday. It is a special issue in honour of Professor David McClean.

It contains the following editorial, articles, and also selected bibliography of Professor David McClean:

Paul Beaumont (FRSE) , Jonathan Harris (KC (Hon.)) , Verónica Ruiz Abou-Nigm & Hans van Loon, “Editorial”

Lawrence Collins, “Evidence in civil litigation: the role of comity and principles of international law”

This contribution draws together, and where appropriate comments upon, the different contexts in which the concept of comity and the principles of public international law have played a part in cross-border issues relating to the production of evidence.

Alex Mills, “Managing the risk of conflict between private international law treaties”

Private international law is a field replete with numerous treaties, reflecting the continuing influence of an internationalist perspective on its purposes and methods. It is characteristic of this field that there are repeated treaties on the same, related or neighbouring topics, both because older treaties have been updated with new techniques, and because a sectoral approach is generally

adopted to deal with particular problems or subject areas. Given the traditional concerns of private international law with reducing the risk of conflicting (national) regulation, this practice, somewhat ironically, gives rise to a risk of conflict between private international law treaties. The treaties, in response, include a variety of clauses which are intended to address this risk in one of two main ways – first, through rules of interpretation or scope which are designed to avoid a conflict arising, and second, through resolving a conflict in favour of one of the treaties. This article provides a taxonomy of these treaty interaction clauses, and an evaluation of the difficulties and complexities – but also insights and innovations – which arise from their design and practical application.

Jonathan Harris, "*Law's future(s)* revisited: private international law at the turn of the millennium and now"

At the turn of the millennium, Professor David McClean and I co-authored an essay in a book, Laws Future(s), considering and making predictions as to the evolution of private international law in England and Wales. This article revisits some of those predictions.

Verónica Ruiz Abou-Nigm, "*Morris on the Conflict of Laws* and the intergenerational cultivation of private international law knowledge"

This contribution offers two interconnected reflections on the role of the legal textbook-treatise in transmitting private international law knowledge across generations, taking Morris on the Conflict of Laws as its focus. First, it situates the textbook-treatise and its accessibility function in private international law – a field persistently perceived as impenetrable – within a democratising tradition of rendering complex legal knowledge accessible, traceable in the common law from Bacon and Blackstone to the present day. Secondly, drawing upon Robert K Merton's insider–outsider dialectic in the sociology of knowledge, the paper explores how the intergenerational and intercultural construction of the textbook-treatise's voice, incorporating diverse epistemological perspectives, may deepen the pluralistic character of the work and cultivate private international law knowledge for a wider readership.

Ardavan Arzandeh, “Re-reading “Jurisdiction and Judicial Discretion” ”

In cross-border private disputes which were initiated before the English courts between the late 1920s and the early 1970s, defendants seldom succeeded in obtaining stays of proceedings. During that period, which was long before the formal adoption of the forum non conveniens doctrine, English courts routinely prioritised the plaintiffs’ interest in litigating their claims in England over the defendants’ wish for the disputes to be heard elsewhere. David McClean’s “Jurisdiction and Judicial Discretion”, published in 1969, was among the first academic contributions to challenge this restrictive approach and to argue for a more even-handed treatment of the parties’ competing interests in staying-of-proceedings applications. The present discussion revisits the article, demonstrating that it was both remarkably perceptive in its assessment of the deficiencies in this area in that era, and prescient in offering ways to respond to those shortcomings. As an exemplar of rigorous and innovative scholarship, and for being among the first to argue for the modernisation of the English courts’ approach to staying of proceedings, “Jurisdiction and Judicial Discretion” deserves continued recognition.

Hans Van Loon, “David McClean – a view from THE HAGUE”

For more than thirty years, Professor David McClean participated in nearly thirty meetings of the Hague Conference on Private International Law (HCCH), primarily as an observer representing the Commonwealth Secretariat and its Member States. During treaty negotiations, he successfully encouraged the HCCH to consider the specific needs of developing Commonwealth States, usefully clarified common law positions on certain issues, and at times even acted as the “conscience of the common law”. He drafted highly useful “accession kits” – educational guides designed to facilitate the accession of Commonwealth (developing) countries to various Hague Conventions. He was fully immersed in, and made an outstanding contribution to, the negotiations on the 2007 Hague Convention on Maintenance Obligations. Thanks to his diplomatic skills and scholarly authority, he was held in very high esteem at the Hague Conference on Private International Law, which owes him immense gratitude for his exceptional

commitment to its mission and contribution to its work.

Jayne Holliday, “Private international law of family law and the power of a persuasive covering paper”

This short article is an updated version of the presentation at the Symposium to celebrate David McClean’s dedication to private international law, held at the University of Sheffield in September 2024. The remit for the presentation was to assess David’s involvement in the development of the HCCH 1980 Child Abduction Convention and the HCCH 1996 Child Protection Convention. The article begins by evidencing David’s clear commitment to global private international law flowing from the Hague Conference on Private International Law, before explaining David’s connection to these HCCH private international law of family law Conventions; and then acknowledging how our discipline can benefit from David’s approach to scholarship going forward.

Abubakri Yekini, “The future of foreign judgment enforcement in the Commonwealth”

This article examines the limits of existing intra-Commonwealth frameworks for the recognition and enforcement of foreign judgments and assesses the significance of the Commonwealth Model Law adopted in 2017. While the Model Law was an important effort to update outdated enforcement regimes and set out common standards across diverse legal systems, it has had limited impact in practice due to the absence of effective implementation at the national level. The article argues that reliance on judicial development is not a realistic substitute for legislative reform and risks producing uncertainty and fragmentation. It, therefore, advances a pragmatic reform agenda that treats the Model Law as a useful starting point rather than a final solution. The article highlights the overlap between the Model Law and the 2019 Hague Judgments Convention and argues that meaningful reform is more likely to come from Commonwealth states engaging more fully with the Hague framework, including through coordinated accession to the Judgments Convention. It concludes that leadership by the Commonwealth Secretariat and key common law actors can help translate that engagement into greater certainty, predictability, and the effective circulation of

judgments within and beyond the Commonwealth.

Paul R. Beaumont, “David McClean’s role in the negotiation of the Hague Maintenance (Child Support) Convention 2007 at the diplomatic session”

The following is not a typical article in the Journal of Private International Law. It is a comprehensive record of Professor David McClean FBA’s public contribution to the negotiation of the Hague Maintenance Convention 2007 as a representative of the Commonwealth Secretariat at the Diplomatic Session. It demonstrates his major achievement in the Hague Maintenance Convention 2007 of ensuring the Commonwealth Scheme for making maintenance orders effective between Commonwealth countries was respected within the Convention and thereby made more effective. It documents and analyses all his oral contributions (interventions) at the Diplomatic Session that concluded the Hague Maintenance Convention in 2007. This record clearly demonstrates his skill as a negotiator and the high regard he is held in at the Hague Conference on Private International Law.

Kisch Beevers, “Professor David McClean – a personal view from the School of Law at Sheffield”

This paper is an adapted version of the speech I gave at the symposium for Professor David McClean that took place at the University of Sheffield in September 2024, organised by my former colleague at Sheffield, Professor Veronica Ruiz Abou-Nigm. Until 2009 I was a Senior Lecturer in Law at the University of Sheffield. As an undergraduate student I studied the Conflict of Laws with Prof David McClean, and then went on to do a research masters under his supervision. David was not only my professor and supervisor but was someone who guided me through my move into research, teaching and administration, opening doors and being forever supportive. This brief contribution is a tribute to his commitment and dedication.

J. D. (David) McClean, “Selected bibliography of Professor J D (David) McClean

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