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Precis Elementaire De Droit Aerien. By Max Litvine

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BOOK REVIEW


Mr. Litvine, the secretary of the Conseil d'Administration of the Belgian national airline known as SABENA, joins the growing list of aviation lawyers usefully engaged in presenting statements of the international and national law of aviation as seen from the standpoint of some one nation. Shawcross & Beaumont have depicted the English approach; Goedhuis and Kamminga have written for The Netherlands; Lemoine's great French work has been followed by two excellent shorter works by Juglart and by Chauveau. Meyer has given a German pre-view. Now we have the Belgian view. With each new volume, the skill, clarity and accurate condensation has notably improved.

It may be difficult to improve on Mr. Litvine's work, which brings the Belgian account down to October, 1952. In 250 pages he encompasses the aspects dealt with by Lemoine in three times as many; but this is accomplished by copious and generous references to more extended discussions of points by other writers. So we have here, in pocket-size, a vade mecum to the international aspects and to their application in Belgium. It is a masterly compression.

Belgium, we learn, has accepted the Warsaw Convention as to air carriage of passengers and goods, not only internationally but as domestic law—in which it has been followed by Germany, The Netherlands, the four Scandinavian States, Switzerland, Italy, as well as by Brazil, and most recently by Britain. Also Belgium has enacted the Rome Convention of 1933 as to damage by aircraft on the surface; and it apparently cannot be said that the Belgian domestic application has proved the burden so ardently feared by many critics. Thus Belgium is an outstanding leader in equating its internal aviation law with the three great multilateral conventions, Warsaw, Rome and Chicago. But it has not yet accepted the Geneva 1948 Convention on Rights in Aircraft and Mortgages.

As to the United States, Mr. Litvine remarks that our jurisprudence in accident matters is très variable; and indeed it is. The reader might be somewhat enlightened by saying that our tort cases are usually decided by juries; and that our tort law, and especially our wrongful death law is split up into forty-eight independent State sectors, as well as the District of Columbia, territorial and "possession" sectors, alongside which a Federal aspect is creeping back despite the doctrine of Erie v. Tompkins. But most incomprehensible to our foreign friends is our devoted attachment to the view of public policy which forbids a carrier and his passenger to agree in advance on any standards of liability, leaving it to the widows and widowers to discover, after the disastrous event, where perchance their legal rights may arise and what they may amount to. This is indeed the breeder of that mass of accident litigation which distinguishes the United States from all the other nations in these days.

In so large a field, a few slips seem bound to occur. The bibliography overlooks Ambrosini's Corso, in Spanish, published in Buenos Aires; the joint work of Riese and Pittard on Swiss Law; Rhyne's book on Airports and the Law; Wilberforce's penetrating article on the Geneva Rights in Aircraft Convention in the Journal of Comparative Law; Guldman's work