

COMPARATIVE LAW

INTRODUCTORY

THE two articles which immediately follow represent, so far as is known, the first published results of an idea which had its inception in the fall of 1957. At that time, in connection with President Eisenhower's "People-to-People Program," a subcommittee of the Committee on Foreign Exchanges of Law Teachers and Students of the Association of American Law Schools made several recommendations for the implementation of a plan which would have the dual purpose of serving the legal profession and furthering the understanding of the peoples of the world. With regard to international student relations, it was proposed that law students of the United States and those of other nations prepare reciprocal notes reflecting the law in their respective countries on relatively narrow legal points. As part of the plan it was suggested that the notes be published together in an American legal journal as well as in the foreign country involved, if feasible. The primary objectives of the program are to exhibit the comparative aspects of the law under various legal systems, to help stimulate professional and student interest in such matters, and, of course, to provide students with still another vehicle for legal expression.

As a consequence Dean Elvin R. Latty, of this University, who is a co-chairman of the Association's subcommittee, contacted two of his law professor friends overseas, Dean Mario Rotondi of the University of Pavia, Milan, Italy, and Dr. Hans W. Baade of the University of Kiel, Kiel, Germany. With the cooperation of these three gentlemen, a law student at each of the respective foreign universities and two students of the Duke Law School prepared the articles which follow. Hypothetical fact situations were employed in an effort to insure the similarity of the discussions and to keep them on a realistic plane. Current plans envisage the publication of these articles in Germany and Italy in the near future.

The editors express their sincere appreciation to Dr. Baade, who provided the German and English translations of the notes on implied warranties in sales, and to Dean Latty, who prepared the English translation of the Italian note on minority stockholder rights.