4 — **Private international law** is that part of the law which comes into play when the issue before the court affects some fact, event or transaction that is not closely connected with a foreign system of law as to necessitate recourse to that system. It has, accordingly been described as meaning "the rules voluntarily chosen by a given State for the decision of cases which have a foreign complexion." The legal systems of the world consist of a variety of territorial systems, each dealing with the same phenomena of life - birth, marriage, death, divorce, bankruptcy, contracts, wills, and so on — but in most cases dealing with them differently. The moment that a case is seen to be affected by a foreign element, the court must look beyond its own internal law, lest the relevant rule of the internal system to which the case belongs should happen to be in conflict with that of the forum. The forms in which this foreign element may appear are numerous. One of the parties may be foreign by nationality or domicile; a trader may be adjudicated bankrupt in Iraq having numerous creditors abroad; the action may concern property situated abroad or a disposition made abroad of property situated in Iraq; if the action is on a bill of exchange, the foreign element may consist in the fact that the drawing or acceptance or indorsement was made abroad; a contract may have been made in one country to be performed in another; two persons may resort to the courts of a foreign country where the means of contracting or dissolving a marriage are more convenient than in the country of their nationality or domicile.

Private international law comes, therefore, into operation whenever the court is seised of a suit that contains a foreign element. This branch of the law owes its existence to the fact that there are in the world a number of separate municipal systems of law - a number of separate legal units - that differ greatly from

other in the rules by which they regulate the various legal
tions arising in daily life. The occasions are frequent when
courts in the country must take account of some rule of law
obtains in another. A sovereign is supreme within his own
tory, and, according to the universal maxim of jurispru-
ce, he has exclusive jurisdiction over everybody and everything
hin that territory and over every transaction that is there effect-
He can, if he chooses, refuse to consider any law but his own.
adoption, however, of this policy of indifference, though com-
enough in other ages, is impracticable in the modern civiliz-
world, and nations have long found that they cannot, by shel-
g behind the principle of territorial sovereignty, afford to dis-
rd foreign rules of law merely because they happen to be at
ance with their own territorial or internal system of law.

It clearly appears from what has been said that in cases
lving foreign elements, the national court needs to answer two
tions. These are :-

Has the national court jurisdiction to decide the case, or is it
essed by a foreign court ? This process is called 'choice of
diction', and it is the first problem that demands solution from
ourt. The rules which assist the court in deciding the question
risdiction are designated 'choice of jurisdiction rules'.

Having decided that jurisdiction exists, the national court,
asks: Does the internal law of the forum (**lex fori**), or the
nal rules of some foreign law (**lex causae**), govern the case ?
process is termed 'choice of law'. It enables the national court
the aid of certain national rules of law, as 'choice of law rules',
ake the choice between the various rules of the different legal
ms connected with the case by foreign elements, which will
ately, in being chosen and applied, dispose of the case before
ourt. It is to be noted that inherent in the process of choice
w are problems of 'classification' and 'renvoi'. Classification
elebrated doctrine of private international law. It means, in
wide terms, the determination of the nature of the case, which
cessary for the selection of the appropriate dispositive choice
w rule. Renvoi, another well-established doctrine, means the

application of the choice of law rule of the foreign legal system t
which the national court is referred by its own choice of law rule
and the determination of the case in accordance with the system
of law to which the foreign choice of law rule refers.

Topics in which choice of law arises extend over all legal questions. It may arise in connection with personal law matters -- such as marriage, divorce, nullity, legitimacy, legitimation, adoption, testate and intestate succession, and matrimonial property, in all of which the quesion whether the criteria of personal law is nationality or domicile assumes a great importance; disposition of movable property; obligations — contracts, torts, and quasi - contracts-; corporations; bankruptcy.

Finally, the doctrine of public policy underlies the whole field of this study, and, hence, no jurisdiction is upheld, nor any foreign law or judgement is recognised and followed, if such will contravene a rule of public policy of the forum.